

The Extended Yayati Complex and the Sanction of Marital Rape: Cultural Obedience and Legal Oversights in Contemporary India

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ABSTRACT

In religious narratives, regardless of time and place, the one who willingly submits to the will of the father, society and tradition, is marked as a hero. This phenomenon is aptly condensed in what is known as the Yayati Complex. Complete obedience to father or father figures eventually offshoots into subjugation to the elder male patriarchs of a family by the younger members and especially females. The father and eventually the husband, representing the norm, is to be followed unwaveringly, with his mistakes forgiven. This paper aims at tracing down the archetypal root cause that prevents even the courts of modern India to rule out Exception -2 in section 375 IPC, now known as BNS (Bharatiya Nyaya Sanhita), Section 63, wherein sexual acts by a man with his own wife are not rape. Neither the law nor the society by large is ready to count it as an offence. Rather, the heinous act is deliberately neglected and not even registered. In such cases, the woman has to go through an unfathomable amount of trauma (both physical and mental), and finds herself lost in the periphery of obedience and subjugation to the collective will of the society and by large, a nation.

Keywords: Yayati Complex, Marital Rape, Exception-2 (Section 375 IPC), Section 63 BNS, Patriarchy.

Introduction

According to the American Psychological Association a group or system of connected ideas or impulses that share a consistent emotional tone and have a significant, albeit typically unconscious, impact on a person's attitudes and behavior is referred to as a "complex." There are numerous complexes indexed in the study of Psychology, one that is particularly discussed here, and is mentioned in the title, and will be thrown light upon precisely in the Indian context, is the Yayati complex. It is an acronym that trails back to the epic Mahabharata, where a king named Yayati, when cursed, lost his youth and virility and could only regain it if one of his sons sacrificed his youth to him.

According to the narrative, Devayani fled to her father, the asura-priest Shukracharya, after discovering that her husband, Yayati, had secretly wed her maid, Sarmishtha, and that the maid had given birth to two sons. Shukracharya cursed Yayati to become elderly and impotent. Shukracharya changed it after realizing the consequences of his curse, saying that if one of his sons voluntarily took on the curse, Yayati would restore his youth and strength. Puru, the youngest son, consented so his father might live a happy life. Puru regained his youth and earned the gratitude of his father years later when, after indulging his senses in every way, Yayati realized the ephemeral nature of material things and decided it was time to let go and grow old.(1)

Yayati's treatment of her daughter Madhavi was even worse. Madhavi was predicted to give birth to four bright kings. One day, a seer named Galava came to Yayati and demanded eight hundred white horses with one black ear, which he longed to give to Vishwamitra, his guru. Yayati did not have

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these steeds. Not wanting to turn the sage away empty-handed, he offered his daughter, Madhavi. "Offer her to four men who want to be the father of a king and ask them for two hundred such horses in exchange", said Yayati. Consequently, Galava presented Madhavi to the rulers of the earth. Three sovereigns accepted the offer: they fathered sons on Madhavi, enabling Galava to obtain 600 horses in return. Finally, he went to his teacher and said, "Here are 600 of the 800 horses that you wanted. You can beget a son on this maiden, Madhavi, daughter of Yayati, and that will be equal to the remaining two hundred horses." Vishwamitra accepted the horses and the maiden and fathered a son with her. Thus, Galava's due was repaid.

After giving birth to four sons, Madhavi returned to her father, who offered to arrange her marriage. However, she was resolute in her decision to become an ascetic. Once Yayati handed over the throne to Puru, he renounced worldly life and ascended to Swarga. He enjoyed the delights of paradise briefly before being cast out by the gods. When he sought an explanation, the gods informed him, "You, Yayati, have exhausted all your merits." Yayati then found himself on earth, in a forest where his daughter Madhavi was engaged in penance. Being compassionate, she felt sympathy for her father and approached her four sons, now esteemed kings, asking them to share a quarter of their merits with their grandfather. Initially, they refused, questioning, "How can you ask us to give our merits to the man who treated you like a commodity, passing you from king to king so that he could benefit from the trade?"

Madhavi responded, "Because he is my father and you are my sons. Nothing will change what he did. And because I realize the futility of rage and know the power of forgiveness." Persuaded by their mother, the four sons complied with her request and transferred a portion of their merits to their grandfather.

Yayati, once again the bearer of merit, thanked his daughter and returned to the paradise of the gods.(2)

Interestingly, the Yayati complex is the reversal of the Oedipus complex put forth by none other than Freud himself. Freud was pretty much intrigued by the myth of Oedipus. Oedipus was abandoned at birth by his father because of a prophecy that foretold he would kill him. Unaware of his parents' identities, Oedipus was raised without this knowledge. Many years later, he encountered his father on a bridge. Both being proud warriors, neither would yield to the other, leading to a fierce battle in which Oedipus, as fate had decreed, killed his father. Unknowingly, he then arrived at his father's kingdom, where he saved the land from the Sphinx, a monstrous creature. Grateful for his heroism, the people of the kingdom welcomed him and urged him to marry their widowed queen, who was actually his mother. Oedipus agreed, unaware of their true relationship. When the truth eventually came to light, after his mother had borne him children, he blinded himself in despair.

Freud interpreted this story as reflecting a universal, unspoken desire in sons to challenge their fathers and win over maternal love. He believed the Oedipus complex was the cornerstone of (Judaic) monotheism, representing a guilty reaction to the murder of the founding patriarch (Moses) and the enjoyment of what was rightfully his (the Promised Land). Greek mythology is replete with tales where a son is responsible for the demise of his father or a paternal figure, such as Chronos castrating Uranus, Zeus killing Chronos, Perseus slaying his grandfather Acrisius, Aegeus committing suicide under the false belief that his son Theseus was dead, and Jason's wife, Medea, murdering his stepfather Pelias. However, such stories are absent from Hindu scriptures. Tales in Hindu scriptures suggest a reverse-Oedipal, or Yayati, complex. In this case the father destroys the son or the progeny in order to have his way.(3) The Yayati complex hence, can be safely placed in a cultural phenomenon, rather than universal.

King Yayati is not an exception in our mythology. We have Devarata, a descendent of Puru, who gives up his rightful throne to ensure that his ageing father Shantanu could marry a youthful Satyawati, who agreed to marry him only if the son borne by her be the king and could not be challenged at all by Devrata or his descendents. To ensure Satyawati and to please his father, he took a severe vow of celibacy, earning him the name, Bhishma, 'he who took a terrible vow'. The legend of Ramayana too is weaved around the son Rama giving up the throne, to keep the promise of his father intact so that his brother Bharat (from queen Kaikeyi) be coronated as the king of Ayodhya, and he be living in an exile for fourteen years away from the kingdom, in the jungles.

How can one forget to bring in the esemplastic discourse stated in *Manusmriti*. The text in *Manusmriti*, on one hand designates women as highly revered beings, "यत्र नार्यस्तु पूज्यन्ते रमन्ते तत्र देवताः।

यत्रैतास्तु न पूज्यन्ते सर्वास्तत्राफलाः क्रियाः ॥ “मनुस्मृति ३/५६ ॥, meaning: Where women are worshiped, there lives the Gods. Wherever they are not worshiped, all actions result in failure. (4)

And on the other hand it states, “विशीलः कामवृत्तो वा गुणैर्वा परिवर्जितः ।

उपचार्यः स्त्रिया साध्व्या सततं देववत् पतिः ॥” १५२ ॥, meaning: Be he ill-mannered or of licentious habits or destitute of good qualities,—the husband should always be attended upon like a god by the true wife.—(152). (5)

The ambiguity here eventually leads to ‘negative bias’, which means; it is the “bad things” that grab our attention, stick to our memories, and, in many cases, influence and hamper the decisions we make.

Therefore, the Yayayti complex is deeply rooted in our culture, through our epics, norms, and eventually in the psyche of the people. Furthermore, not only ‘mythologically’ but ‘historically’ also, traces of this complex are very much evident. To elaborate, I would like to quote Arundhati Roy, who in her book, *The Doctor and the Saint*, writes about Gandhi, “Over the years, he expanded his strange experiments to include his wife as well as other people, some of them too young to know what they were being subjected to. Towards the end of his life, as an old man in his seventies, he took to sleeping with two young girls, Manu, his seventeen-year-old grand-niece, and Abha (who were known as his ‘walking sticks’). He did this, he said, in order to gauge the degree of success or failure of his conquest over sexual desire. Leaving aside the very contentious, disturbing issues of consent and propriety, leaving aside the effect it had on the girls, the ‘experiment’ raises another distressing, almost horrifying question. For Gandhi to extrapolate from the ‘results’ of sleeping with two (or three, or four) women that he had, or had not, conquered heterosexual desire suggests that he viewed women not as individuals, but as a category. That, for him, a very small sample of a few physical specimens, including his own grand-niece, could stand in for the whole species.” She further jots, “It is true that Gandhi fired the imagination of millions of people. It’s also true that he has debilitated the political imagination of millions with his impossible standards of ‘purity’ and righteousness as a minimum qualification for political engagement:

Chastity is one of the greatest disciplines without which the mind cannot attain the requisite firmness.

A man who loses stamina becomes emasculated and cowardly...Several questions arise: How is one to carry one’s wife with one? Yet those who wish to take part in great work are bound to solve these puzzles. (*Ibid.*,97)

No questions seem to have arisen as to how one was to carry one’s husband with one. Nor any thoughts on whether satyagraha would be effective, for example, against the hoary tradition of marital rape. Gandhi did indeed make the space for women to participate in the national movement. But those women had to be virtuous; they had to, so to speak, bear ‘marks’ upon their person that would ‘sterilise the sinner’s eye’. They had to be obedient women who never challenged the traditional structures of patriarchy.” (6)

Influenced by the Yayati complex, the older generation consistently exerts control over society, which accounts for the strong grip of tradition on modernity within Indian society.

In Indian culture, it fosters hierarchies where younger members, particularly women, defer to elders and husbands. This mindset excuses flaws in authority figures, like forgiving ‘mistakes’ in family dynamics.

The Contemporary Legislation: In Regard to Marital Rape

THE CONSTITUTION OF INDIA

PREAMBLE

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a [SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity; and to promote among them all

FRATERNITY assuring the dignity of the individual and the [unity and integrity of the Nation;

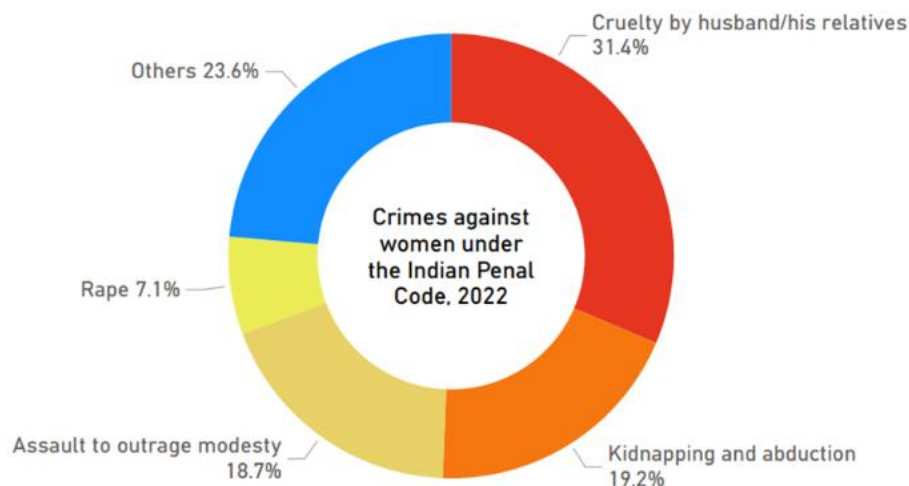
IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION. (7)

Our preamble clearly states 'To secure to **all** its citizens' and not, 'just the male citizens', justice, liberty, equality and fraternity. Why then every now and then the women of our great nation, have to cry out loud to meet these basic ideals, ensured and entrusted by our constitution, from the very beginning of its conception. As recent as in February 2025, "a 40 year old man who allegedly indulged in brutal unnatural sex with his wife, which eventually led to her death, has been exonerated by the Chhattisgarh high court on the grounds that a man cannot be prosecuted for marital rape in India", was quoted in a daily covering the case. In his judgment justice Narendra Kumar Vyas set aside the conviction of an accused, acquitting him of all charges under sections 376 (rape) and 377 (unnatural sex) and 304 (culpable homicide) of the Indian Penal Code (IPC), and ordered his immediate release from jail. The high court verdict cited Exception 2 under Section 375 of IPC, which exempts a husband from prosecution for raping his wife, underscoring the continued legal immunity afforded to marital rape. "It is quite clear that if the wife is not below 15 years of age, then any sexual intercourse or sexual act by the husband with his wife cannot be termed as rape... As such, the absence of consent of the wife for an unnatural act loses its importance," held justice Vyas. (8)

Adding even more audacity, justice Vyas quoted, "In the present case, the appellant is a 'husband' and victim is a 'woman' and here she is a 'wife' and parts of the body which are used for carnal intercourse are also common, therefore, the offence between husband and wife cannot be made out under Section 375 of IPC." (9)

No wonder why till date in spite of numerous women centric laws and regulations, the country ranks 128 out of 177 countries in terms of women's inclusion, justice, and security, as per the Women Peace and Security Index 2023 released by Georgetown Institute for Women, Peace and Security. (10)

Not only that, despite the enactment of the Protection of Women from Domestic Violence Act (2005), the majority of crimes against women under the Indian Penal Code were of cruelty by the husband or his relatives (31.4 per cent). This was followed by kidnapping and abduction of women (19.2 per cent), assault on women with intent to outrage her modesty (18.7 per cent), and rape (7.1 per cent), NCRB records state. (11)



It is to be noted that in case of marital rape, the recent protection codified in the form of "The Domestic Violence Act, 2005" has also been a disappointment. The Act provides corresponding civil remedies to what the provision of cruelty under section 498-A IPC already gave, while keeping the issue of marital rape in abeyance and in continuing disregard. (12)

Also, an affidavit (2024), filed by the Centre said the punishment of non-consensual sexual acts in a wedlock and categorising it as rape would impact conjugal relationships and lead to "serious disturbances" in the institution of marriage. (13) Hence, marital rape cannot be criminalised in India, as of now.

If one is aware enough to read between the lines, the dominance of the 'institution of marriage' over the rights of a human being, particularly women, reflect the same old theme of subjugation to the authority, subjugation to patriarchy in the name of 'honour' and 'modesty'. It is a pity that we live in a nation which is rich in culture, progressive in economy, and regressive and biased towards the rights of nearly half of its citizens.

The Consequences

Let's examine the severe repercussions of this situation. According to the Journal of Psychosexual Health, India remains one of 36 nations worldwide that has yet to criminalize marital rape. The National Crime Records Bureau reports a rise in rape cases in India, yet many instances of marital rape remain unreported. Currently, the exemption persists, and "marital rape" is still regarded as a contentious issue.

Yllö and Torres mention that "...marital rape is regularly constituted across cultures as a locally recognized social violation—one that is understood to impede women in those particular cultural contexts from aspiring to a good human life." Regrettably, this type of violation is not isolated and often characterizes chronic abusive relationships. It is hard to fathom the unexpressed suffering caused by repeated sexual assaults that occur in secret and are condoned by society under the guise of marriage and "culture." This ultimately results in emotional and physical harm, frequently extending beyond the reach of social and healthcare support. Consequently, the rates of disclosure are understandably low. In the end, marriage represents a "socioemotional bond between individuals," which should include respect, trust, and love. Sexual acts carried out without consent tend to be emotionally dull and physically violent, which fundamentally contradicts the essence of marriage and leads to numerous harmful biopsychosocial effects. In fact, whether marital rape takes place once or is part of an established pattern of domestic violence, trauma from rape has serious long-term consequences for victims regardless of whether the assault is prosecuted or not. **(14)**

As mentioned earlier, marital rape can result in serious physical, psychological, emotional, and social consequences for survivors, significantly diminishing their overall quality of life. Numerous studies have shown that individuals who experience marital rape are more prone to feelings of self-blame, diminished self-worth, and distorted perceptions of their bodies, along with increased negative sentiments toward men and sexual intimacy. Furthermore, these survivors tend to face mental health challenges such as depression, anxiety, post-traumatic stress disorder, psychosomatic issues, hyperarousal, and various phobias more than those who endure physical abuse but not rape. Additionally, the trauma from marital rape can foster greater distrust of others, a hesitance towards intimacy and sexual encounters, shifts in sexual identity, intensified anger, desires for revenge, and social withdrawal. Collectively, these factors create a profound and lasting effect on survivors, often resulting in ongoing victimization, increased cognitive dissonance, and significant obstacles to seeking assistance or escaping the abusive relationship. A particularly concerning characteristic of marital rape is its occurrence during moments of heightened vulnerability. Reports indicate that many incidents happen when a woman is ill or shortly after she has been discharged from the hospital. Moreover, pregnancy has been identified as a factor that elevates the risk of both physical and sexual abuse. These situations clearly highlight the deliberate exploitation of the survivor's compromised physical and emotional state, further compounding the trauma and worsening the already severe consequences of marital rape. The timing of these assaults highlights the need for greater awareness and intervention by healthcare providers and support systems, as these vulnerable moments can intensify the survivor's sense of helplessness and further grip the victim in an endless cycle of abuse. **(15)** Overall, women are lost in the periphery of obedience—trapped by norms, suffering silently.

Conclusion

As we are moving towards the end of a quarter of the 21st century, we need to ask ourselves some really tough questions. Can we afford to let our women suffer in silence or cry without being heard? Isn't it obvious to our courts and the society at large to let the women be free from unseen shackles of patriarchy? The concept of 'consent' is applicable everywhere else but marriage...? That itself is dangerous and regressive. When one thinks of the way out, it is clearly evident that not only the legislative bodies of our country, but the society as a whole needs a mass awakening. Ruling out the Exception-2 (of Section 375 IPC, now kept intact in Section 63 BNS), could be a groundbreaking step in this regard. Reforming laws (removal of Exception-2 or promotion of prenups), alone won't help though. Educating and awareness regarding the meaning and value of 'consent' is utmost important. Along with

the legal measures, we need to work upon building supportive networks for the victims of marital rape, to help them navigate through legalities and cope up with the physical or psychological trauma caused by it. Mass sensitisation on the topic is the need of the hour. Last but not the least, encouragement should be given to empowerment and not silent endurance of the pain beared by the affected womenfolk. Let me conclude with a powerful poem by William Ross Wallace, *The Hand that Rocks the Cradle is the Hand that Rules the World* (16), for this poem reflects the importance of the feminine and it firmly states that a strong and empowered woman is a necessity not only for firm familial, societal bonds but also for strong nations and a bold world thereafter. Strong women, strong nation.

*"Blessings on the hand of women!
Angels guard its strength and grace,
In the palace, cottage, hovel,
Oh, no matter where the place;
Would that never storms assailed it,
Rainbows ever gently curled;
For the hand that rocks the cradle
Is the hand that rules the world.*

*Infancy's the tender fountain,
Power may with beauty flow,
Mother's first to guide the streamlets,
From them souls unresting grow—
Grow on for the good or evil,
Sunshine streamed or evil hurled;
For the hand that rocks the cradle
Is the hand that rules the world.*

*Woman, how divine your mission
Here upon our natal sod!
Keep, oh, keep the young heart open
Always to the breath of God!
All true trophies of the ages
Are from mother-love imperaled;
For the hand that rocks the cradle
Is the hand that rules the world.*

*Blessings on the hand of women!
Fathers, sons, and daughters cry,
And the sacred song is mingled
With the worship in the sky—
Mingles where no tempest darkens,
Rainbows evermore are hurled;
For the hand that rocks the cradle
Is the hand that rules the world."*

—William Ross Wallace

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