

TITLE: Independent Thought v. Union of India (2017)

SITE

Education desk note ? Advocate Adesh Kumar ? <https://advadeshkumar.com/>

CITATION

(2017) 10 SCC 800 | Supreme Court of India | 2017

CASE

Independent Thought v. Union of India

FACTS

Challenge to the marital-rape exception insofar as it covered girls below 18.

LEGAL ISSUES

Exception to rape for sexual intercourse with a minor wife.

LAW / PROVISIONS

IPC rape provisions; POCSO; child-rights constitutional values.

HOLDING

Exception read down ? sexual intercourse with a wife below 18 is rape; child protection prevails over the archaic exception.

KEY TAKEAWAYS

1. Child marriage does not legalise sexual violence against minors.
2. POCSO / child-protection policy informs IPC exceptions.
3. Distinct from the adult marital-rape constitutional debate.

SIGNIFICANCE

Critical child-protection holding inside criminal family law.

PRIMARY SOURCE

<https://indiankanoon.org/doc/87705010/>

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Advocate Adesh Kumar ? Indian legal education desk

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Confirm the operative judgment on the court / official reporter.