
**THE CONSTITUTIONALITY OF RESTITUTION OF CONJUGAL RIGHTS:
REVISITING PERSONAL LIBERTIES**

By- Sradha Shree Patro¹ & P. Nikhila Lakshmi²

ABSTRACT

This research undertakes a critical investigation into the constitutional standing of Restitution of Conjugal Rights (RCR), a contentious legal mechanism within Indian family law. RCR empowers courts to issue directives compelling estranged spouses to resume marital cohabitation, thus intervening directly in profoundly personal decisions regarding living arrangements and relationships. The study concentrates on the inherent and significant clash between this state-sanctioned remedy and the essential constitutional guarantees enshrined primarily under Article 21. This includes examining the impact on rights to personal liberty, decisional autonomy, informational and spatial privacy, and overall human dignity. Originating from historical contexts vastly different from contemporary society, RCR's compatibility with modern constitutional principles is sharply debated. The paper analyses the remedy's foundational justifications alongside compelling contemporary critiques that frame RCR as an anachronistic and unwarranted state intrusion into the intimate sphere of marriage. It explores arguments challenging RCR's underlying premise, which arguably treats marriage more as a set of enforceable obligations than a voluntary union based on mutual consent and respect. Particular attention is given to concerns regarding RCR's disproportionate impact, especially on women's autonomy and their freedom to make independent life choices. Through an analysis of key judicial precedents and the evolving jurisprudence surrounding fundamental rights, this paper argues forcefully for an urgent re-

¹Student, Birla Global University.

² Student, Birla Global University

evaluation of RCR's continued existence within India's legal framework, assessing its alignment with prioritized values of individual freedom, privacy, and gender equality.

KEY WORDS – Restitution of conjugal rights, marital cohabitation, personal liberty, spatial privacy, fundamental rights, individual freedom.

INTRODUCTION

Marriage, often conceived as a cornerstone of social order and personal fulfilment, occupies a unique space at the intersection of private choice and public regulation. While fundamentally a personal relationship built on companionship, intimacy, and mutual consent, its legal dimensions subject it to state oversight, particularly concerning its formation, dissolution, and the obligations arising within it. However, the extent to which the state can intervene in the intimate aspects of marital life, especially when one party seeks to withdraw from cohabitation, raises profound questions about individual autonomy and fundamental rights. This research paper delves into one such contentious area: the legal remedy of Restitution of Conjugal Rights (RCR). Situated within Indian family law statutes, RCR provides a mechanism through which a spouse who alleges desertion without reasonable cause can petition the court to compel the other spouse to resume cohabitation. This seemingly straightforward remedy, however, stands in stark tension with the evolving understanding of personal liberty in contemporary India.

Restitution of Conjugal Rights finds its statutory basis primarily in Section 9 of the HMA³, 1955, Section 22 of the SMA⁴, 1954, and analogous provisions in other personal laws. Its origins trace back to English ecclesiastical law, imported into India during the colonial era, reflecting societal norms where marriage was viewed largely as an indissoluble union with enforceable duties, often subordinating individual desires to the perceived sanctity of the institution. The core premise of

³ HINDU MARRIAGE ACT, 1955

⁴ SPECIAL MARRIAGE ACT, 1954

RCR is the legal recognition of a right to the consortium of one's spouse, treating desertion as a violation of a marital obligation that the state has the authority to rectify through a court decree. The failure to comply with such a decree, while not typically leading to forceful physical reunion today, carries significant legal consequences, potentially forming grounds for divorce or judicial separation and impacting financial settlements.

The central problematic this paper addresses is the fundamental conflict between the state compelling marital cohabitation via RCR and the constitutional guarantees protecting individual freedom. Article 21⁵ of the Constitution of India, the bedrock of personal liberty, guarantees the right to life and personal liberty, which the Supreme Court has interpreted expansively over decades. This interpretation now unequivocally includes the right to privacy, dignity, decisional autonomy, and bodily integrity.

This research gains particular urgency in the third decade of the 21st century. Societal perceptions of marriage are evolving, moving away from rigid institutional models towards partnerships based on equality, respect, and individual well-being. Furthermore, landmark judgments have cemented privacy, encompassing physical, informational, and decisional aspects, as an intrinsic fundamental right. This evolving jurisprudence necessitates a critical re-examination of laws like RCR that seem predicated on out-dated assumptions about marital roles and the state's power to intrude upon intensely personal choices. The debate is not merely academic, it directly impacts individuals caught in disintegrating marital relationships and intersects crucially with discourses on gender justice, given the arguments that RCR disproportionately affects women, potentially trapping them in unwanted or even abusive situations.

While the constitutionality of RCR has been debated before, leading to conflicting High Court judgments in the past, the significant developments in the understanding of Article 21 warrant a

⁵ INDIA CONSTITUTION, ARTICLE 21- RIGHT TO LIFE AND PERSONAL LIBERTY

fresh, comprehensive revisiting. This paper seeks to contribute to this ongoing debate by synthesizing historical context, constitutional principles, contemporary judicial interpretations of personal liberty, and gender perspectives. It will trace the origins and rationale of RCR, critically analyse its provisions against the expanded scope of Article 21, examine relevant case law with a focus on implications, evaluate the gender dimensions of the remedy, and ultimately argue for a definitive reassessment of RCR's constitutional validity in modern India.

RESEACH PROBLEM

Despite its statutory basis, the provision for Restitution of Conjugal Rights (RCR) is fundamentally problematic as it legally sanctions judicial intervention into the most intimate aspects of personal life, potentially forcing unwilling association and cohabitation between spouses. This research addresses the problem of RCR's questionable constitutionality by examining whether compelling an individual to reside with their spouse, irrespective of their personal will or consent, constitutes a violation of the rights to liberty, privacy, and dignity, thereby requiring a critical re-evaluation of its validity under the current constitutional framework.

RESEARCH OBJECTIVE

This research aims to critically reassess the constitutionality of Restitution of Conjugal Rights (RCR) under the Indian Constitution, focusing on its conflict with personal liberties. The specific objectives is to trace the historical and jurisprudential evolution of RCR in India, examining the rationale behind its conception and previous judicial validation and to analyse the scope and contemporary understanding of fundamental personal liberties, particularly the rights to privacy, autonomy, dignity, and freedom of choice under Article 21, as interpreted in recent landmark Supreme Court judgments. To critically evaluate the inherent tension between the coercive nature of the RCR remedy and these expanded fundamental rights, assessing arguments for and against its validity and to determine whether the state's interest in preserving the marital institution through RCR constitutes a reasonable and justifiable restriction on personal liberties in the present constitutional context.

RESEARCH METHEDODOLOGY

This research employs a primarily doctrinal and analytical methodology to investigate the constitutionality of Restitution of Conjugal Rights (RCR) within the Indian legal system. The study focuses on examining legal texts, including relevant statutes like the Hindu Marriage Act, 1955, and the Special Marriage Act, 1954, alongside critical judicial precedents. It undertakes a historical analysis, tracing the origins of RCR from its roots in English ecclesiastical law to its incorporation into Indian personal laws, contextualizing its development. A significant component involves analysing the evolution of case law, contrasting divergent High Court opinions and scrutinizing the Supreme Court's reasoning. The research critically evaluates RCR against the expanded understanding of fundamental rights guaranteed under the Constitution of India, particularly Article 21 concerning personal liberty, privacy, autonomy, and dignity. Special emphasis is placed on the implications of landmark judgments. This integrates a critical perspective, assessing the inherent tension between the coercive nature of RCR and contemporary constitutional principles. It also incorporates a gender analysis, considering arguments about RCR's disproportionate impact on women. The overall approach involves synthesizing historical context, legal provisions, judicial interpretations, and constitutional rights jurisprudence to argue for a reassessment of RCR's validity.

THE INTIMATE SPHERE AND CONSTITUTIONAL BOUNDARIES

The institution of marriage, while deeply personal, operates within the framework of law. Legal systems globally have, historically, intervened in marital relationships, often with the stated aim of preservation. In India, one such intervention is the remedy of Restitution of Conjugal Rights (RCR), codified in personal laws like Section 9 of the Hindu Marriage Act, 1955 (HMA), Section 22 of the Special Marriage Act, 1954 (SMA), and Section 32 of the Indian Divorce Act, 1869. RCR allows a spouse who feels deserted "without reasonable excuse" to petition the court to compel the other spouse to resume cohabitation. However, this remedy, rooted in ecclesiastical laws viewing marriage as an inseparable union and wives as chattel, stands in stark contrast to the

modern constitutional ethos of individual liberty, autonomy, privacy, and dignity. This section argues affirmatively, contending that RCR, despite past judicial validation, is fundamentally incompatible with the evolved understanding of fundamental rights under the Constitution of India, particularly Article 21.

HISTORICAL MOORINGS AND LEGISLATIVE FRAMEWORK: AN ANACHRONISTIC LEGACY

The concept of RCR is not indigenous to Indian jurisprudence but an import from English Ecclesiastical Law. It emerged in an era where marriage was primarily viewed as a sacrament and later a property arrangement, where wives had limited individual rights and were often considered subordinate to their husbands. The remedy was designed to enforce the consortium – the bundle of rights and obligations arising from marriage, including cohabitation and mutual society. Its inclusion in Indian personal laws during the colonial and post-colonial periods reflected a continuation of this traditionalist view, prioritizing the societal institution of marriage over individual autonomy.

• Section 9⁶, Section 22⁷ and Section 32⁸ says that "When either the husband or the wife has, without reasonable excuse, withdrawn from the society of the other, the aggrieved party may apply, by petition to the district court, for restitution of conjugal rights and the court, on being satisfied of the truth of the statements made in such petition and that there is no legal ground why the application should not be granted, may decree restitution of conjugal rights accordingly." The key elements are: (i) withdrawal from the society of the other spouse, (ii) absence of a "**reasonable excuse**" for such withdrawal, and (iii) absence of any legal ground barring the relief. The explanation clarifies that the burden of proving a "**reasonable excuse**" lies on the person who has

⁶ Hindu Marriage Act, 1955

⁷ Special Marriage Act, 1954

⁸ Indian Divorce Act, 1869

withdrawn. This framework inherently places the onus on the individual seeking separation to justify their decision to the court, rather than recognizing their inherent right to choose with whom they associate and live. The rationale traditionally underpinning these sections was the preservation of marriage as a social good and the prevention of desertion, which could lead to hardship, particularly for women, in older socio-economic contexts. However, this protective rationale is now questionable, especially given RCR's potential for misuse as a coercive tool.

EARLY JUDICIAL ENCOUNTERS: DIVERGENCE AND SUPREME COURT VALIDATION

The constitutional validity of RCR first faced significant judicial challenge in the High Courts, leading to conflicting opinions.

• ***T. Sareetha v. T. Venkata Subbaiah***⁹: In a landmark and progressive judgment, Justice P.A. Choudary of the Andhra Pradesh High Court struck down Section 9 of the HMA as unconstitutional. He argued that RCR was a "**savage and barbarous remedy**" violating the fundamental right to privacy and human dignity under Article 21. The judgment emphasized bodily autonomy, stating that compelling sexual cohabitation was a gross violation. It viewed the state's intervention into the intensely personal decision of marital cohabitation as an unacceptable breach of privacy. Justice Choudary saw the remedy as treating individuals as mere instruments, denying their agency and reducing marriage to animal-level functions.

• ***Harvinder Kaur v. Harmander Singh Choudhry***¹⁰: The Delhi High Court took a diametrically opposite view. Justice Avadh Behari Rohatgi upheld the constitutionality of Section 9, strongly disagreeing with the Sareetha judgment. The court opined that introducing constitutional law into the domestic sphere was like introducing a "bull in a china shop." It argued that Section 9 aimed

⁹ T. Sareetha v. T. Venkata Subbaiah, 1983 SCC Online AP 90

¹⁰ Harvinder Kaur v. Harmander Singh Choudhry, 1983 MANU DE 0234

at preserving marriage, acting as a conciliatory measure, and did not necessarily mandate sexual intercourse but rather cohabitation and consortium. It downplayed the privacy concerns, suggesting that seeking RCR was preferable to the immediate breakdown of marriage through divorce. The court viewed Sareetha's focus on sexual autonomy as overly narrow and ignored the broader aspects of marital consortium.

• ***Saroj Rani v. Sudarshan Kumar Chadha***¹¹: The Supreme Court resolved the conflict between the High Courts by upholding the constitutional validity of Section 9 of the HMA, siding with the Delhi High Court's reasoning in Harvinder Kaur. The Apex Court held that RCR aims at inducing the spouses to live together and maintain the marital relationship and it is not solely about enforcing sexual intercourse. This remedy serves a social purpose by preventing the breakdown of marriage, which the Court considered a cornerstone of society and also viewed that Section 9 is not a violation of Article 21 (right to life and personal liberty) or Article 14 (equality) but as an attempt at reconciliation. The Court seemed to believe that the remedy was essentially benign, providing a cooling-off period or a basis for seeking divorce on grounds of non-compliance after one year (under Section 13(1A)). The Court minimized the coercive element, suggesting that the decree merely directs the spouses to resume cohabitation, without directly enforcing specific marital duties against their will through physical force. This judgment, delivered in 1984, reflected the prevailing judicial understanding of Article 21 and the perceived importance of preserving the marital institution at that time. It did not deeply engage with the concepts of decisional autonomy or bodily integrity within the framework of privacy, which were less developed in Indian jurisprudence then. This judgment remains the binding precedent upholding RCR, but its foundations appear increasingly shaky when viewed through the lens of subsequent constitutional developments.

¹¹ *Saroj Rani v. Sudarshan Kumar Chadha*, (1984) 4 SCC 90

THE EXPANDING UNIVERSE OF PERSONAL LIBERTY: PRIVACY, AUTONOMY, AND DIGNITY POST-SAROJ RANI

Since *Saroj Rani*, the interpretation of Article 21¹² has undergone a profound transformation. The Supreme Court has progressively infused "life" with dignity and "personal liberty" with autonomy and privacy. Even before the definitive privacy judgment, cases like *Maneka Gandhi v. Union of India*¹³ established that "procedure established by law" under Article 21 must be fair, just, and reasonable, not arbitrary, fanciful, or oppressive. This opened the door for substantive review of laws infringing personal liberty. The minority view in *Kharak Singh v. State of U.P.*¹⁴ and the judgment in *Gobind v. State of M.P.*¹⁵ had already recognized a nascent right to privacy concerning personal intimacies of the home and family.

In *K.S. Puttaswamy v. Union of India*¹⁶ case the nine-judge bench decision fundamentally reshaped the landscape. It unanimously declared the Right to Privacy an intrinsic part of the Right to Life and Personal Liberty under Article 21 and as inherent across the fundamental rights guaranteed in Part III of the Constitution. Key aspects relevant to RCR include

Privacy as Autonomy: The Court recognized privacy includes decisional autonomy – the ability to make personal decisions about intimate aspects of one's life without undue state interference. This covers decisions regarding marriage, procreation, family life, and sexual orientation.

Bodily Integrity: Privacy safeguards the integrity of the physical body and the right to refuse unwanted physical intrusion or contact.

¹² No person shall be deprived of his life or personal liberty except according to procedure established by law

¹³ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248

¹⁴ *Kharak Singh v. State of U.P.*, 1962 MANU SC 0085

¹⁵ *Gobind v. State of M.P.*, (1975) 2 SCC 148

¹⁶ *K.S. Puttaswamy v. Union of India*, (2018) 1 SCC 809

Dignity: Privacy is essential for dignity, allowing individuals to control significant aspects of their lives and personal spaces.

Intimate Choices: The judgment explicitly protects the sanctity of marriage, family, and procreation decisions as falling within the zone of privacy.

Proportionality Test: Any state intrusion into privacy must satisfy the proportionality test: (i) it must be backed by law (legality); (ii) it must pursue a legitimate state aim; (iii) there must be a rational nexus between the intrusion and the aim; (iv) it must be the least intrusive measure available (necessity); and (v) there must be a balance between the extent of the intrusion and the importance of the state aim (balancing).

RCR UNDER CONTEMPORARY CONSTITUTIONAL SCRUTINY: AN UNJUSTIFIABLE INTRUSION

When the RCR provision is examined against this backdrop of expanded fundamental rights, its constitutional infirmity becomes evident. The core problem remains: RCR compels cohabitation and association against the will of a spouse, directly infringing upon fundamental rights.

Violation of Decisional Autonomy (Article 21): The most fundamental choice regarding personal relationships is *with whom* one chooses to live and associate. RCR directly negates this choice. By ordering spouses to resume cohabitation, the state, through the judiciary, substitutes its decision for the individual's intensely personal one. *Puttaswamy* explicitly protects autonomy in intimate decisions. Forcing cohabitation under the threat of legal consequences is a clear violation of this decisional autonomy. The argument that it merely 'induces' cohabitation (*Saroj Rani*) is unconvincing and it is state coercion applied to the most private sphere.

Violation of Privacy (Article 21): Privacy encompasses the right to be left alone, spatial privacy, and control over one's personal space and relationships. RCR mandates the sharing of personal space and intimate life with someone from whom the individual has chosen to withdraw. This

forced proximity inevitably breaches spatial privacy and potentially exposes the unwilling spouse to unwanted intimacy, observation, and interaction, eroding the very core of personal privacy protected by *Puttaswamy*. The home, meant to be a sanctuary, becomes a site of state-enforced association.

Violation of Dignity (Article 21): Human dignity requires recognizing individuals as ends in themselves, possessing inherent worth and agency. RCR, by prioritizing the institution of marriage over the individual's will and well-being, treats the spouse instrumentally – as a means to preserve the marriage rather than as an autonomous individual with the right to make fundamental life choices. Forcing someone to live with another against their will, potentially in an unhappy or even abusive environment and is inherently degrading and violates individual dignity. Furthermore, the potential for RCR decrees to facilitate marital rape raises grave dignity and bodily integrity concerns.

Violation of Bodily Integrity (Article 21): While *Saroj Rani* claimed RCR doesn't directly compel sexual intercourse, forced cohabitation undeniably creates conditions where sexual relations may be expected or coerced. The unwilling spouse, particularly a woman in a patriarchal context, may find it difficult to resist demands for intimacy when forced to share living quarters. *Puttaswamy* and *Joseph Shine* emphasize bodily integrity and sexual autonomy. By creating a situation of enforced physical proximity within a marital setting, RCR indirectly but significantly jeopardizes this right.

Failure to Meet the Proportionality Test: Evaluating the provision for Restitution of Conjugal Rights (RCR), found in Section 9 of the Hindu Marriage Act, against the standards set by the *Puttaswamy* judgment raises serious questions about its constitutional validity. Although RCR meets the initial requirement of having a legal basis in existing law, its justification weakens considerably when examined further. The purported objective – safeguarding the institution of marriage – while potentially valid in principle, clashes with contemporary constitutional values that place a high premium on individual freedoms. Critically, the connection between compelling

spouses to live together and the likelihood of achieving genuine reconciliation is tenuous at best. It is questionable whether forcing cohabitation logically leads to a renewed marital bond; instead, it might foster deeper animosity, hindering any real chance of rapprochement. Moreover, RCR struggles to meet the necessity criterion, as less invasive alternatives clearly exist. Options like professional counselling or facilitated mediation provide voluntary pathways for couples seeking reconciliation, making the state's use of compulsion to enforce cohabitation seem disproportionately harsh. Ultimately, the assessment hinges on balancing the state's interest in marital stability against the deep encroachments on personal liberty, including autonomy, privacy, dignity, and bodily integrity. In this balance, the severe impact on fundamental individual rights appears to far outweigh the speculative and potentially coerced benefit of preserving a potentially irreparable relationship through legal enforcement.

Potential Violation of Equality (Article 14) and Non-Discrimination (Article 15): While facially neutral, RCR disproportionately affects women. In a patriarchal society, women are often more vulnerable to coercion within the family and may face greater difficulties in resisting demands or escaping abusive situations when forced back into cohabitation. The remedy can be misused by husbands to harass wives or prevent them from leaving abusive relationships. This disparate impact raises concerns under Articles 14 and 15. The reasoning in *Joseph Shine*, which struck down adultery laws for reinforcing gender stereotypes and female subordination, resonates here. RCR similarly reflects an out-dated view of marriage where spouses (particularly wives) are expected to remain in the union regardless of personal desire or well-being.

THE UNCONSTITUTIONALITY OF RCR

Returning to the research problem – **whether compelling an individual to reside with their spouse, irrespective of their personal will or consent, constitutes a violation of the rights to liberty, privacy, and dignity** – the analysis overwhelmingly points to an affirmative answer.

The legal landscape has fundamentally shifted since *Saroj Rani v. Sudarshan Kumar Chadha*¹⁷. The robust affirmation of the Right to Privacy, encompassing decisional autonomy, bodily integrity, and dignity, in *K.S. Puttaswamy v. Union of India*¹⁸ and subsequent judgments, provides a new lens through which RCR must be viewed. Through this lens, RCR emerges as an anachronistic legal provision that cannot withstand constitutional scrutiny. It directly violates:

Decisional Autonomy: By overriding the individual's choice about cohabitation and intimate association.

Privacy: By enforcing unwanted proximity and state intrusion into the most personal sphere of life.

Dignity: By treating individuals instrumentally for the sake of preserving an institution and potentially exposing them to degrading circumstances.

Bodily Integrity: By creating conditions ripe for non-consensual intimacy through forced cohabitation.

The justification offered in *Saroj Rani* – the preservation of marriage – fails the proportionality test established in *Puttaswamy*. The state's interest, however legitimate it might seem abstractly, cannot justify the profound violation of core fundamental rights entailed by forcing unwilling individuals to live together. Less intrusive means like mediation exist, and ultimately, the constitutional commitment to individual liberty must prevail over out-dated notions of institutional sanctity enforced through state coercion.

¹⁷ *Saroj Rani v. Sudarshan Kumar Chadha*, (1984) 4 SCC 90

¹⁸ *K.S. Puttaswamy v. Union of India*, (2018) 1 SCC 809

Therefore, the remedy of Restitution of Conjugal Rights, as enshrined in Section 9 of the Hindu Marriage Act, 1955, and analogous provisions in other personal laws, is constitutionally invalid. It represents an unacceptable infringement upon the fundamental rights to personal liberty, privacy, autonomy, and dignity guaranteed under Article 21, read with Articles 14 and 19, of the Constitution of India. The problem of its questionable constitutionality is resolved by recognizing its incompatibility with modern constitutional values, necessitating its legislative repeal or judicial striking down. The continued presence of RCR on the statute books is a legal anomaly that undermines the progressive interpretation of fundamental rights in contemporary India.

LITERATURE REVIEW

An examination of relevant literature, as presented in the source document, reveals the journey of Restitution of Conjugal Rights (RCR) from its roots in English church law to its incorporation into Indian statutes, such as Section 9 of the Hindu Marriage Act. This legal measure, designed to compel spouses to resume living together, initially aligned with traditional views emphasizing marital preservation and the concept of consortium. However, its constitutional standing soon became contentious. Landmark court decisions illustrate this divergence while the Andhra Pradesh High Court in *T. Sareetha v. T. Venkata Subbaiah*¹⁹ denounced RCR as an archaic violation of Article 21's guarantees of privacy and dignity, the Delhi High Court in *Harvinder Kaur v. Harmander Singh Choudhry*²⁰ supported it as a tool for reconciliation. The Supreme Court, in *Saroj Rani v. Sudarshan Kumar Chadha*²¹, ultimately validated RCR, adopting the Delhi High Court's perspective that it served a societal function in preserving marriage without explicitly mandating sexual relations. Nevertheless, the analysis underscores a critical shift in constitutional interpretation following *Saroj Rani*. The pivotal *K.S. Puttaswamy v. Union of India*²² ruling

¹⁹ T. Sareetha v. T. Venkata Subbaiah, 1983 SCC Online AP 90

²⁰ Harvinder Kaur v. Harmander Singh Choudhry, 1983 MANU DE 0234

²¹ Saroj Rani v. Sudarshan Kumar Chadha, (1984) 4 SCC 90

²² K.S. Puttaswamy v. Union of India, (2018) 1 SCC 809

fundamentally altered the landscape by affirming privacy, including decisional autonomy and bodily integrity, as a core fundamental right under Article 21, necessitating that any state interference pass a rigorous proportionality test. Further reinforcement of individual autonomy in personal matters came from subsequent rulings like *Navtej Singh Johar* and *Joseph Shine*. This evolution in jurisprudence provides the foundation for the argument that RCR, by forcing association against personal choice, clashes with contemporary constitutional safeguards for liberty, privacy, and dignity.

CONCLUSION

Based on the research paper provided, the conclusion argues that the legal remedy of Restitution of Conjugal Rights (RCR), as codified in laws like Section 9 of the Hindu Marriage Act, 1955, is constitutionally invalid in contemporary India. The paper contends that the legal landscape has significantly changed since the *Saroj Rani* decision, which previously upheld RCR. The pivotal development is the robust affirmation of the Right to Privacy, encompassing decisional autonomy, bodily integrity, and dignity, as established in the *K.S. Puttaswamy* case and subsequent judgments.

When viewed through this modern constitutional lens, RCR emerges as an unacceptable infringement upon fundamental rights. It violates decisional autonomy by overriding an individual's choice about with whom to live. It breaches privacy by enforcing unwanted physical proximity and allowing state intrusion into the most personal sphere of life. Furthermore, RCR undermines dignity by treating individuals as mere instruments for preserving the institution of marriage and potentially subjecting them to degrading circumstances. It also jeopardizes bodily integrity by creating conditions conducive to non-consensual intimacy through forced cohabitation.

REFERENCES:

- 1) [Case Comment: T. Sareetha v. T. Venkata Subbaiah](#)" - International Journal of Legal Science and Innovation (IJLSI).
- 2) [Restitution of Conjugal Rights v. Individual Autonomy: Looking Through the Constitutional Lens in India.](#)" *International Journal of Legal Information*.
- 3) [Article 21 of the Indian Constitution : Right to Life and Personal Liberty](#)" - iPleaders, Feb 9, 2024.
- 4) *Role of Constitution in Conjugal Rights in India: Constitutional Validity and Ethicalness of Restitution of Conjugal Rights in India* by Dr. Richa Ranjan.

