

# PREVALANCE OF MARITAL RAPE: A CASE STUDY OF VILLAGE MOHAN KE HITHAR IN DISTRICT FEROZPUR

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**Abstract:-** *This is a micro study of marital rape in village. In this paper it is attempted to understand the phenomenon of marital rape. Drug addiction, illiteracy and poverty (not majorly) are the causes behind the marital rape. In India marriage is considered sacred institution so women have no right to say no to their husbands. Even the women are not conscious of the concept of Marital Rape.*

## Introduction :-

It is a myth that marital rape is not as serious as other form of sexual violence. Rape is a rape whether it is covered with envelop of marriage or not? In one of the cases Bodhisatwas Gautam U. Subara Charabarty (1996) ISCC490 the Supreme Court of India said that rape is a crime not only against women but against the entire society. Former chief justice of India Mr. V.R. Krishana Myer said that, “women continue to suffer from womb to tomb”.

Generally Marital Rape in India is not considered crime. Why this is so? This is so because marriage is considered sacred institution in India. In this sacred institution position of ‘Pati- Parmeshwar’ (husband) is highly respectable, authoritarian and bourgeois type. This can be seen from the following statement given by the general secretary of RSS women’s wing (Seetha Annadanam)) in the Indian express of 11 November 2016 “there is nothing called marital rape. Marriage is a sacred bond. Coexistence should lead to bliss. If we are able to understand the concept of this bliss, then everything runs smooth” Being ‘Pati -Parmeshwar’, he has rights over not only his wife’s body but on his thoughts also. On the other hand its wife duty to obey her husband. This type of non-egalitarian and patriarchal structure of relations limits the mobility of women’s marital relations as well as social relation also. In this type of rigid structure of husband wife relations, women remain unconsciousness or remain unaware of her self respect and human rights.

According to US Legal.com “Marital rape means any unwanted sexual acts by a spouse or Ex-spouse that is committed without the other persons consent. Such illegal sexual activities are done using force, threat of force, intimidation or when a person is unable to consent. The sexual acts include intercourse, anal or oral sex, forced sexual behaviors with other individual, and other sexual activities that are considered by the victim as degrading, humiliating, painful and unwanted. It is also known as Spouse Rape.”

Marital rape is crime in 18 American states, 3 Australian states, New Zealand, Canada, Israel, France, Sweden, Denmark, Norway, Soviet Union, Poland, Czechoslovakia, but not in India. According to Thomson Reuters foundation 2018 survey India is the most dangerous country for sexual violence against women.

### Studies done on Marital Rape:-

It was during 1975, that first survey on marital rape was done by Joan Seites. Questionnaires were sent to 40 rape crisis center. 16 centers completed questionnaire, with response rate of 40%. Out of 3709 reported calls regarding rape 12 calls dealt with marital rape (.3%).

Pauline Bart, a feminist sociologist in 1070 questionnaires filled out by victims of rape, .4% were raped by their husbands.

Diana E.H. Russel conducted study on 930 women from San Francisco. Out of 930 women 644 women were married and divorced 6 women accepted that they have been raped by their husbands.

In sample of 323 women from metropolitan Boston area by David Finkelhor and Kersti Yllo concluded that there were 3 % women victims of marital rape

In case of India- India unlike other developed nations has yet to criminalize marital rape. In National Family Health Survey Indian men were asked specified question to assess their gender equalitarian attitudes. They were asked if women refuse to have sex with her husband, when he wants her to have he have the right to display the following different behavior:

- 1 we force and have sex
- 2 get angry
- 3 refuse to give her money

On all India level 9 out of every 100 men agree to the fact that husband has right to use force and have sex with his wife, even if she does not want to.

In Andhra Pradesh 28% men, 25.6% in Telangana, 19.3% in Mizoram. 17.1 % in Tripura, 14.8% in J&K, 12.1 % in Tamilnadu, 4.3 % in Kerala.

NFHS -4 for 2015-2016, 5.4% of women have experienced marital rape under this category.

### Legal Aspect of Marital Rape:-

In India's parliament treat married and unmarried women unequally on matters of rape. On October 11 2017 supreme court of India in case of Independent Thought v/s Union India, states that sexual intercourse with girl below 18 years of age is rape whether she is married or not.

Exception to section 375 says that sexual intercourse or sexual acts by a man with his own wife or the wife not being under 15 years of age is not rape. In a statement given by Maneka Gandhi at Rajya Sabha in 2015 "it is considered that the concept of marital rape as understood internationally cannot be suitably applied in Indian context due to various factors like level of education, poverty, myriad social customs and values, religious beliefs, mind set of the society to treat the marriage as a sacrament.

In article in The Tribune "Supreme Court in dilemma over marital rape-once again refuses to criminalize contentious issue", triggers debate.

In March 2019 PIL has been filed in the Supreme Court seeking direction to the government to frame guidelines for registration of FIR'S in marital rape cases and frame appropriate laws to make it a ground for divorce. Petitioner Anjua Kapur an advocate contended that clear guidelines for cases related to marital rape was needed.

The petition comes 4 years after the Supreme Court refuse to entertain daily based women MNC executive's plea to declare marital rape a criminal offence, saying it was not possible to order a change in law for one person

**Research Methodology:-** Present study was conducted in village Mohan Ke Hithar Situated in district Ferozpur of Punjab. Mohan ke Hithar is a large village having 535 households. It has population of 2753 of which 1471 are males 1279 are females as per population census 2011. Average sex ration of Mohan ke Hithar village is 868 which is lower than Punjab state average of 895. This village has lower literacy rate compared to Punjab. Literacy rate is 74.28 % compared to 75.84% of Punjab, while female literacy rate is 67.41%.

Out of 1279 females 50 married women were selected by taking snow fall sampling as well as purposive sampling. Interview schedule was selected as method of data collection.

### **Demographic socio-cultural economic profile of respondents-**

Respondents belong to 19 to 45 year age groups.

Out of 50 respondents 12 (24%) respondents belongs to economical weaker section remaining 38 (76%) respondents belong to middle class section.

Out of 50 respondents 4(8%) women are graduated 1 (2%) women is post-graduate 20(40%) women are 12<sup>th</sup> pass, 15(30%) women are 10<sup>th</sup> pass, 8 (16%) women are 5<sup>th</sup> pass, 2(4%) women are illiterate.

### **Outcomes of the study:-**

1. No. of women who do not know about concept of marital rape is 39 (78%) only 11(22%) women know about this.
2. 19 (38%) women say that they are forced to have sex with their husbands or they are obedient to their husbands regarding this matter. 31 (62%) women did not accept that they are forced to have sex with their husband.
3. 35(70%) women consider their husbands as 'Pati-Parmeshwar', 5(10%) women says that their husband neither 'Pati-Parmeshwar' neither life-partner, these 5 women are real victims of marital rape. They are beaten up by their husband. One of the respondents told about her horrific experiences of married life she was given electric shock by her husband. His husband who is drug addict forces her to have sexual relations in front of her children's. 10(20%) women consider their husband as life partner because they think that marriage institution should be egalitarian in nature.
4. 35 (70%) women agree that consensus of wife is must to have sex with husband, 15 (30%) women agree that wife consensus is not necessary for sexual relation. these 15 women consider marital rape as love of their husbands because it is their duty to fulfill their husbands sexual needs.

### **Conclusion-**

So this research concludes that one of the main reasons behind marital rape is drug addiction and poverty both these factors reinforce each other but this does not mean that women belonging to rich sections do not suffer from marital rape. Another big factor is illiteracy which creates unconsciousness among women related to marital rape. From study it can be seen that 78% women do not know about marital rape then how can they raise their voices against this.

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