

PUBLIC OPINION ON MARITAL RAPE: AN ANALYSIS

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ABSTRACT

Marital Rape is one of the serious issue, in which the affecting party will be the spouse. Marital Rape is not only the form of partner rape but also domestic violence and sexual abuse. The objective of the study is to know about the status of marital Rape under Indian culture and also deals about bringing proper provisions and penalisation of marital Rape. This research paper will discuss in detail about the reason for occurrence of marital rape and will find some methods to eradicate marital rape within family. The survey which was conducted among different aged people also stated that the marital rape may be occurred for various reasons but it is a criminal offence so it is very necessary to punish the accused for committing marital rape. The result reviewed that there is need for bringing provisions on issues related to Marital Rape. .

Keywords: Marital Rape, Domestic violence, Fundamental Rights, Criminalisation, Penalisation and Legislation.

INTRODUCTION

Marital Rape is nothing but the Rape, the slight difference is that the affected party and affecting party will be husband and wife. In Marital Rape, sexual relation takes place by the force of any one of those parties. Marital Rape is not only the form of partner rape but also domestic violence and sexual abuse (Rashed Ahmed and Nusrat Jahan Shaba, 2016). It is one of the serious issues that is said to be experienced by 10% married women in historical periods (Martin, Elaine, Taft Casey and Resick Patricia, 2007)

The reasons that were observed earlier for the occurrence of marital rape are that upon marriage giving irrevocable consent by the wife to have sexual relation with her husband; that considering wife as chattel and men had a property interest in their wives. The Doctrine of Marital unity - merging wife's identity with her husband during marriage (Lisa Benjamin and Cathleen LeGrand, 2012); the violent behaviour of the husband in the past (Jennifer Langhinrichsen Rohhing and Candice Monson, 1998); Non criminalisation of Marital Rape; absence of positive mentality between couples that both the husband and wife should have no sex until it is agreed by both of them (Atul Ratna, 2017) and having less importance to Marital Rape than stranger or acquaintance rape are the reasons recorded for marital rape.

Women's Fundamental human rights have been violated due to marital rape, it also breaches her Right to Life, Freedom from torture, Liberty and Security of person, Equal protection under law, Equality within the family (Melanie Randall and Vasanthi Venkatesh, 2015) and also affects her health by showing following symptoms such as somatisation, obsessive-compulsive disorders, interpersonal sensitivity, depression, anxiety, hostility, phobic anxiety, paranoid ideation and psychoticism (Shields. Nancey, Hanneke and Christine, 1992). The objective of the study is to know about the status of marital Rape under Indian culture and also deals about bringing proper provisions and penalisation of marital Rape.

MATERIALS AND METHODS

The study used both the primary and secondary data to analyse marital rape in India. Primary data are collected by survey method using a well structured questionnaire from 200 randomly selected adult respondents. Secondary data are collected by referring research articles, books and also various judgements. The targeted area in questionnaire are marriage in relation to Indian culture, public view about marital rape, criminalisation or legalisation of marital rape, reason for occurrence of marital rape, penalisation and punishment for marital rape and also other possibilities to remove marital Rape .

RESULTS

A cross sectional analysis was attempted in the study depending gender of the respondents .In this study, out of 200 respondents,19% of the respondents were at the age of 48 and above, 23% were between the age of 38 and 48, 27% were between the age of 28 and 38, 37% were between the age of 18 and 28. Thus, the respondents are moreover of the different age group. Majority of the respondents (53%) were male and the rest were female (47%). About 17% of the respondents were from nuclear and traditional family, 8% of the respondents were from

joint and traditional family, 58% of the respondents were from nuclear and modern family and 17% of the respondents were from joint and modern family. The gender and age determination was important in this study in order to find out whether the marital rape is consider as an offence or not.

A question related to marital rape revealed the opinion of the respondents that 22% of the married respondents get satisfied life partner, 3% of the respondents get unsatisfied life partner, 8% of the respondents gets life partner showing gender discrimination, 19% of the respondents get life partner showing gender equality, 10% of the respondents get unsatisfied life partner showing gender discrimination and 38% of the respondents get satisfied life partner showing gender equality, hence majority of the respondents were living with satisfied life partner showing gender equality. 61% of respondents were aware of marital rape and 39% were not aware of marital rape. The respondents says that marital rape should be considered as a crime (70%) and marital rape should not be considered as a crime (30%) hence marital rape is one of the serious issues that should be considered as a crime in India. About 20% of the respondents state that they disagree with marital rape, 35% of the respondents state that they strongly disagree with marital rape, 28% the respondents state that they agree with marital rape and 17% of the respondents state that they strongly agree with marital rape, hence marital rape is found to be an unacceptable offence in the society. About 60% of the respondents feel that entire family system will get into great stress if the marital rape is punished under laws, 29% of the respondents feel that family system won't get into stress if the marital rape is punished under law and 11% of the respondents have no idea about the consequences of punishing marital rape under law. About 16% of respondents agree with the legalisation of marital rape by Indian government, 53% of respondents disagree with the legalisation of marital rape by Indian government and 31% of respondents have no idea about legalisation of marital rape by Indian government, hence majority of the respondents expect that marital rape should not be legalised by Indian government. 38% of respondents agree with the penalisation of marital rape, 40% of respondents strongly agree with the penalisation of marital rape, 20% of respondents disagree with the penalisation of marital rape and 2% of respondents strongly disagree with the penalisation of marital rape, hence marital rape should be penalised under law. 23% of the respondents consider forced marriage as the reason for occurrence of marital rape, 16% of the respondents consider family pressure as the reason for occurrence of marital rape, 9% of the respondents consider cultural norms as the reason for occurrence of marital rape and 52% of the respondents consider forced marriage, family pressure and cultural norms as the reason for occurrence of marital rape, hence all

together forced marriage, family pressure and cultural norms are the reason for occurrence of marital rape. 38% of the respondents strongly agree with penalisation of marital rape, 30% of the respondents agree with penalisation of marital rape, 20% of the respondents disagree with penalisation of marital rape and 12% of the respondents strongly disagree with penalisation of marital rape, hence marital rape should be penalisation under law. 9% of the respondents consider sex education as the possibility to remove marital rape, 13% of the respondents consider sex equality as the possibility to remove marital rape, 10% of the respondents consider penalisation of marital rape as the possibility to remove marital rape and 68% of the respondents consider sex education, sex equality and penalisation of marital rape as the possibility to remove marital rape, hence it is considered that sex education, sex equality and penalisation are the possibility to remove marital rape. About 55% of the respondents feel that Indian culture shows gender discrimination and 45% of the respondents feel that Indian culture shows gender equality, hence majority of the respondents felt that Indian culture shows gender discrimination. About 55% of the respondents suggests imprisonment as the punishment for marital rape, 25% of the respondents suggests fine as the punishment for marital rape and 20% of the respondents suggests death sentence as the punishment for marital rape, hence respondents feel imprisonment as suitable punishment for marital rape. This shows that Marital Rape is not an acceptable issue and it is considered as a criminal offence which should be punishable and beyond that sex education, sex equality can also be brought to eradicate Marital Rape.

DISCUSSION

Based on the result of the study it is revealed that people feels satisfied with their life partner but they are not ready to have forced sex by their partner. They are in a clear view that rape is rape though it is done by their partner. They are also ready to give punishment for those involving Marital Rape. Different age people have different views on considering reason for occurrence of Marital Rape. Some considered Cultural norms as reason for occurrence of Marital Rape and some other considered forced marriage as reason for occurrence of Marital Rape. It is noted that not all the people were aware of Marital Rape but more than half were aware of it. Majority of the people from different age and opposite gender considered Marital Rape as a punishable crime. People also suggest sex education, sex equality and penalisation as possibility to eradicate Marital Rape.

The survey also finally says that 38% of people feels like Indian culture gives them satisfied life partner; 61% were aware of Marital Rape; 59% disagree with it; 70%

considered it as crime and 30% agree with its legalisation ; 33% considers forced marriage as reason for it ; 64% agree with its penalisation and 35% suggests imprisonment as punishment for it ; 49% suggests sex education , sex equality and penalisation as possibility to eradicate Marital Rape.

CONCLUSION

The Survey on Marital Rape finally concludes that though Indian culture gives a satisfied life partner , Marital Rape is not an acceptable issue and it is considered as a criminal offence which should be punishable and beyond that sex education , sex equality can also be brought to eradicate Marital Rape. Finally Alternative Hypothesis is proved that there is need for bringing provisions on issues related to Marital Rape .

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