FAMILY DISPUTES: CAUSES, CONSEQUENCES AND SOCIAL WORK REMEDIES

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Abstract: *The causative factors for familial disputes brings out that rapid modernization of the society coupled with an unrestricted and blind following of western culture are responsible, to a great extent, for family disorganization. A return to the native cultural fold, strengthening of joint family system, strict prohibition of dowry, universalization of women's education, ensuring equal rights and social status for women may go a long way in giving new strength to the institution of family. 'We' are feeling among different family members should be inculcated and strengthened. Instead of rights, duties should be given prominence in order to develop a 'family feeling' and also to promote the notion of 'unity of objectives' among the family members. A change in the power structure of the family is also required. Both male and female partners should have equal say in familial matters. Empowerment of female is also required in order to ensure for them a life of self-esteem, self- dependency and security in the family environment. The paper attempts to examine the causes and consequences of family disputes and provides social work remedies.*

INTRODUCTION

Marriage, which is a stepping stone for the establishment of family, has been regarded in Indian culture a 'Sanskar' and not a contract. Hence marriage is conducted between two families and not between two persons. It has been very well expressed in the marital folklores of all the Vernaculars. In traditional Indian ethos and practices, family, not an individual, has been regarded as the primary unit of society. Here an individual enjoys all the rights essential for his/her individual growth. All the same, he/she is equally oriented towards duties. Through fulfillment of one's duties toward all the members of the family one achieves for him their love, devotion,

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loyalty, respect and security. People living together ,while being close knit emotionally and having a strong feeling of interdependence and co-operation, find adequate recognition of society as members of a family. The institution of 'Family' in Indian philosophy found such an unlimited expansion that the concepts of '*Vasudhaiva Kutumbakem*; '*Sarve Bhavantu Sukhinah*', and '*Atmavat Sarvabhooteshu*' were well accepted by one and all. Even today we yearn for such philosophical values, which regard marriage the meeting of two souls rather two bodies.

However, today this sacred institution is in deep crisis. 'We' feeling prevalent in Indian families has eroded to a great extent and a strong sense of selfishness is creeping in. Apathy towards the aged and infirm, children being not provided parental love, intolerant and unfaithful couples, tensions, bickerings, beatings, and even murders have become common features of modern Indian family life. Moreover, with the growing urbanisation and modernization the very existence of this institution is universally in question. Westernisation of Indian society has shattered the strong joint family system prevalent in this subcontinent. It has brought with it the concepts of 'individualism' and 'competition' in all spheres of life, which have eroded the concepts of 'Community' and 'Co-operation'. The former has naturally culminated into the prevalence of nuclear families defined by husband- wife constellation with or without children replacing the erstwhile joint families.

Even in these nuclear families, the soaring graph of discords and disputes gives us sufficient clues about the problem of family disorganisation growing into a menace. These family disputes are resulting into alarming growth in the incidence of domestic violence. NFHS-III (GoI, 2007) carried out TISS, Mumbai during 2005-06 in 29 states/U.Ts., reveals that over 37 percent currently married women were victims of physical or sexual abuse by their husbands. Every day, news about this cancerous social disease affecting the very existence of this essential basic institution is visible on the print, electronic as well as social media.

Families are basically formed with the twin objectives: (I) to bring progeny in order to continue the race, and (ii) to fulfil emotional

and physical needs. It implies most delicate and difficult adjustment of emotional and physical relationship including of male and female, of pregnancy, of kins and, in fact, the whole community" (Malinowski, 1973:945). However, in recent times this basic institution of society has undergone tremendous changes. "Increasingly family is not being based upon compulsion or formal agreement, but upon binding affections and loyalties growing out of intimate associations and companionship. When the emotional, physical and economic needs of the members of the family are not met satisfactorily, marriage turns out to be intolerable"(Ushadevi, 1998:2). Many a times, delicate relationship breaks down, leading to family disorgnisation. William J. Goode considered family to be both "fragile and tough; fragile because it is constantly breaking down and tough because manifestly it has not disappeared" (Merton and Nisbet, 1971: 467).

Families in great numbers are often seen as not in their 'natural' or normal state. At times, it depicts martial separation of an informal nature, temporary or semi permanent in its time sequal as in the case of desertion, effectively breaking the social continuity of the family, while maintaining its legal order. Matrial separations are also seen in the more formal way through court proceedings depicting permanent estrangement or in most cases a determination to terminate a disharmonious relationship. Both these manifestations of marital instability and broken homes are found in the present day society. But there are many couples who, for various reasons, do not make their unhappiness public. They are the cases of 'hidden family conflict' charactrised by occurance of chronic marital discord within the four walls of their dwellings.

SURVEY OF LITERATURE

Srinivas (1942), Kapadia (1959) and Altekar (1962) studied family and marriage and emphasized on the status of women in the family and society. These studies found marriage to be sacrament in the Hindu Society. Hence, marriage unhappiness continues to prevail in many families. Consequently, when the Hindu Marriage Act 1955 was promulgated, many couples came forward to end their unhappy

relationship under the provisions of this Act. Authors like Ross (1961), Kapur (1973), Fonseca (1980), and Shah (1982) explored the changes that have occurred after this Act in the structure of family, women's status, martial attitudes, perceptions, age and objectives of marriage and its dissolution. They have found considerable changes in all these spheres. Joint families have mostly been replaced by nuclear families where traditional relationship between spouses, their attitude towards and expectation from each other have considerably changed. Now men and women, apart from their physical and biological needs, want to satisfy their psychological and emotional requirements from each other. The pattern of mate selection has also changed. Now, the youngsters do not rely on their parents; they either make a choice for themselves or expect their parents to take their consent. Mehta (1975) studied fifty western educated Hindu divorcees and found that women found a new horizon and will to assert their rights when they were educated and employed. The study explored that belief in the indissolubility of marriage was no longer a deterrent to dissolve an incompatible marriage. Pothen (1986), in his study, found that while majority of her 200 divorced male respondents wanted to live in joint families, majority of an equal number of her female respondents preferred to live as nuclear entities. In this finding can be identified the key reason behind the growing number of family disputes, which in many cases results in the breakdown of families.

A Study by Krishnakumari (1987) which covered 333 unmarried, widowed, separated and divorced women,found that friends of the majority of these women were a greater source of support and help for them as compared to family members or relatives. Non-working women received better treatment from their family members than those who were in employment. Pratima Kumari (1988) in her study of 260 graduate and post graduate women explored that majority of her respondents intended to resort to divorce in order to find an end to a life of torture or maladjustment or ill treatment from their in-laws. They also approved the idea of remarriage after divorce. These findings reflect the new mindset of people, especially women about marriage, family and divorce. If one has favorable attitude towards divorce, one is more likely to resort to, in case the situation so warrants.

THE GROWING INCIDENCE

During the recent decades, there has been a tremendous increase in the number of divorce cases filed as 'marital difficulties seem to be more evident now than before' (Ushadevi, 1988:16). To understand the extent of familial disputes and discord, secondary data was collected from the Family counseling Centre run by Saraswati Shishu Niketan Prabandh Samiti, Udaipur. This centre was started in 1988-89 by the Samiti at Udaipur. It is approved by the Central Social Welfare Board (CSWB) and receives regular grants from the Board. The centre is affiliated to the local Family Court. If functions as a body for family counseling as per the provisions made under chapter II, Article 5 of the Family Court Act, 1984. It covers all the five districts of Udaipur Division, namely, Chittorgarh, Banswara, Dungarpur, Rajsamand, and Udaipur. The data collected from the FCC reveals that during 1989-94, 277 cases were registered at the centre, while during the next five years, i.e. 1994-1999, the number of cases swelled to 381. Thus, an increase of around 27.3 percent was registered over the cases registered during the first five years. This figure further swelled to 488(an increase of 22 percent) during 1999-2004. During 2004-09, it further increased to 627 (an increase of around 23 percent). It indicates that during the second decade (1999-2009) of its existence, the centre registered 1115 cases as against 658 cases of family disputes registered in the first decade (1989-99).Thus, an increase of 41 percent in the family discords over the previous decade speaks very well about the rapidly growing menace of domestic violence resulting into filing of divorce cases in the family courts.

CAUSES AND CONSEQUENCES OF FAMILY DISPUTES: AN ANALYSIS

In normal course, family would be expected to be composed of husband and wife living together with or without children. However, many families do not appear to be in their 'natural or normal' state. Usually, those couples whose lives are torn by family tensions maintain their formal and legal solidarity for reasons of religious faith, prestige, family pressures, children, etc. But when the rift in the family becomes unbearable and the martial bond is

irretrievably broken, there is the desire to escape the burden and responsibility of marriage ties (Elliot and Merril, 1961: 383). Such a psychological state, many a times leads to martial separation of an informal nature, temporary or semi-permanent or in the case of desertion effectively breaking while maintaining it legal order. There are many couples who either due to lack of psychic energy to disrupt marriage, lack of money or legal knowledge, restrained by religious taboos inhibited by fear of public opinion or possible repercussions upon their personal, social and professional status do not make their unhappiness public. These are the cases of 'hidden family conflict.'

These martial discords, many times resulting into desertion or divorce, may be considered in any one of the fundamental aspects : (i) a lack of adjustment to the changing social order, accruing more from a shift in emphasis in roles, values, ideologies in the present transitional setting and the impact of urbanisation and industrialization; and (ii) a general break up of 'family complex' as indicating the lack of adjustment between husband and wife in response relations for whatever implicit reasons, as made individual fulfillment of which the individual is becoming increasingly conscious.

The grounds asserted in a divorce suit are legally most effective and morally least accusatory (Goode, 1956: 114). These grounds mostly include cruelty, adultery, desertion, impotence, barrenness, mental or physical illness and mutual consent. However, one has to go beyond the formality of legal process to discover the real 'operative' factors of family disharmony and disorganization. These grounds "appear as the 'externalia', which for reasons of appropriateness or expediency were chosen to cloak a ruptured relationship" (Mowrer, 1939: 58).

Ushadevi (1998) in her study of divorced women opined that 'whatever be the reasons given in court, there were a large number of factors that prompted the couple to go in for divorce. She listed these factors as, physical assaults by their husbands, alcoholism, inability of the husbands to provide sufficient monetary support, dowry, suspicious nature of spouses, sexual disharmony, role maladjustments, etc.

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Fonseca (1966: 65) studied the causes of marital disharmony on two levels simultaneously, i.e., on court cases as well as on institutional cases. While major grounds for petitions in the court were found to include, impotency, adultery, desertion and cruelty, etc.; in the institutional cases, ill treatment by husband, interference and ill- treatment by in laws and family members, infidelity, financial difficulties, personal defects, vices, incompatibility, sexual difficulties, health and living conditions, etc. were mentioned the causes for marital discord. In her study, ill- treatment by husbands (28.6%) and by in laws and family members (26.2%) emerged as two outstanding causes of marital discord followed by infidelity (12.3%); financial difficulties (10.4%); personal defects (5.4%) and vices (4.4%), etc.

In fact, marital adjustment is a complex issue. It is never static; it is dynamic, varied and many-sided. For better conjugal relations, the spouses have to adjust to each other's sensory, motor and intellectual capacities. On the personality level, they must adjust together to their total environment, including the social status and economy of the household, children, provision and preparation of food, parents, in-laws friends, recreation and work, etc. Also, the spouses must develop a good understanding of each other's personality traits and the respective role expectations from each other.

Today, family relations and martial adjustments are affected by multiple factors operating inside as well as outside the family environment. The inflow of western culture in Indian society has given rise to consumerism and materialism. Now, there is more emphasis on economic development than on healthy and balanced human growth. New social legislation, women's education, reduction in women's economic dependency, high ambitions, widening generation gaps, growing selfishness, downward motion in ethical and social values, more emphasis on individual rights than on duties, growing menace of dowry, westernization , urbanisation, impact of media and films, vast differences of opinion, ideas, behavior patterns, values, interests, background and thought process between the spouses, conflicts of personal interests between

the spouses, conflicts of personal interests among the family members, etc; are such factors as may contribute to dissatisfaction, maladjustment and discords in marital ties. These tensions may turn to be contributing factors behind the soaring graph of psychological and physical assault between the spouses.

The bulk of martial discords and frustrations are produced by very specific conflicts of interests, which cannot be attributed to definite weaknesses of either person. Many a times, the partners' behavior and the personal and social roles played by them cause disputes. And sometimes, some wish of the partner is denied by the other, which produces trouble.

Any marital union involves a set of role expectations from the spouse, especially the female in her new 'home'. "Whatever the system of further elaboration of the family organization, marriage in such a society means a change of household for the women, the creation of new relationships for both the husband and wife, the relationship of the affines and their own peculiar relationships" (Ghurye, 1962:304). Any variation in the expected and perceived roles of the spouses in their newly found relationships and status may inflame never ending family discords.

In an Indian household, expectations form the newlywed daughter- in- law in terms of behavior, duty, sentiments are always quite high. "There are several instances, which unhappily provided data to show that she, too, is not always congenial, and refuses to live in the new household. The new daughter- in-law refuses to be accommodating; is stubborn; is disrespectful to her husband's parents and family members; is quarrelsome and resents the authority and dominance of the elders over her, specially the mother in-law. In either case, the embarrassed and puzzled husband is very often a silent spectator and is over-whelmed by two forces pulling in opposite directions, namely, his household and his people and her family and his in-laws. Therefore, many a times, the bone of contention between husband and wife is that the wife urges the husband to stay away from his parents and relatives" (Fonseca, 1966:81). If the husband does not adhere to her such demands, a perpetual and ever-increasing tension is obvious. Quite often, it

results in frequent quarrels, wife beatings, separations and desertions in the long run.

Relationship with the in-laws also poses serious threats to familial harmony in most marriages. Marital partner and other family members may each have different aspirations and evaluations of the roles, which they play and expect from others. As patterns of respect for parents may conflict with the feelings of affection and obligation towards them, these may place the partner, whose parents are in the home, in a difficult situation. In such cases, conflicts in the marriage and family roles may arise between the spouses over their duty and obligations. Also, marriage involves some 'unique roles' which call for reciprocity of actions and reciprocal expectations for social roles expected in a given culture of the family or sub-cultural group. Each marital partner is motivated by his/her, own performed role concepts, his/her own role expectations from each other, mates' role expectations to himself and the degree of correspondence between the two sets of role concepts and expectations. If there will exist a wide gap in both the role sets, it may lead to role conflicts and marital discord.

Rapid social changes brought by number of factors, chief among which are rapid urbanization, industrialization and scientific advancement, have contributed adversely to the continuance of unified life in the family. "The one child family and the baby car represent the height of ambition; and though physical health may be comparatively good, many of the people, have anxiety status, often with hysterical features and reactive depression to boredom, social isolation and a false set of values" (Desai,1973). The traditional structure of society is no longer supported by men and women, who believe in traditional values. The changes in the status of women, both legal and social, have made an enormous impact on their psychology. "The old values are being eroded; women are earning and society as a whole is becoming more liberal" (Mehta, 1975: 7).

According to Thomas and Znanicki (as quoted by Coser and Rosenberg, 1969: 589), the specific phenomenon of family disorganization consists in a modification of the pre- existing

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attitudes under the influence of new values, resulting in the appearance of new or different attitudes. While the attitudes which existed under the family system were essentially 'we' attitudes, the new attitudes produced by the new values acting upon those old attitudes are essentially 'I' attitudes. While in the 'We' attitude individual did not dissociate himself from the tendencies and aspiration of his family group. In the 'I' attitude the individual's wishes are separated in his consciousness from those of the other members of his family. This conflict between the two attitudes is manifest in family discord, which would, in some cases, lead to divorce (Ushadevi, 1998: 17).

Sex is a highly influencing factor in marital life. 'Sexual relationship in marriage is a function of the entire personality, which in turn is a product of a variety of biological and cultural constituents' (Fonseca, 1966: 840). When husbands are responsible for sexual disharmony, the reasons come out as, excessive sex demands, deviations in the form of bestiality and brutality, etc. Mowrer (1978: 198) points out: "the sex impulse is never quite the same for both and no two persons perhaps have exactly the same emotional attitudes and love contacts. Sexual excesses and sexual anesthesia tends to accentuate this latent antagonism." On the other hand, when wife is responsible for sexual disharmony, willful refusal to cohabit may be a projection of her frigidity aroused by improper upbringing or lack of guidance and sex instruction before marriage or an outcome of forced marriage.

Also, ill-treatment by husband, acute shortages of accommodation, quarrels over trifles, wife's desire to stay separately from the husband's family, neglect of household duties, etc. may lead to an indifferent attitude of the spouses, which may lead to refusal to cohabit. This "coolness may develop into frigidity and lead to sex tensions and the inhibitions of sex, lead to strain" (Nimkoff, 1947: 502). The reasons that motivate the spouses (usually the wife) to deny coitus, in the words of Merrill (1959: 304), "may not be directly related to sexual frustrations… The symbolic quality of martial coitus means that its refusal is a highly meaningful act." The discussion, thus, reflects very clearly the importance of sexual attitudes and behaviors. Any willful refusal to have sex with the

partner may be responsible at times for disruption of the marital union.

According to Terman (1938: 369), such temperamental qualities "as to be touchy and grouchy; to lose their tempers easily; to fight to get their own way; to be critical of others; to be careless of others' feeling; to chafe under discipline or to rebel against orders; to show any dislike they may happen to feel; to be easily affected by praise or blame; to lack self confidence….; to be often in a state of excitement; and to alternate between happiness and sadness without apparent cause…" in one of the martial partners make for conflict, unless the other is usually patient and forbearing.

Many personal defects may also be responsible for unhappy martial relationship which may lead desertion, separation and divorce. "Such defects may include suspicious husband; bad temper of wife; disturbed personalities; dominating wife; demanding husband; sadist husband; unsteady wife. Some other complementary factors to personal defects may be, inferiority complex of spouses; irresponsible behavior of any one of the couple, etc. Other personality traits in the form of jealousy, over possessiveness, incestuous behavior, immaturity and domineering nature" may also contribute to martial disharmony (Fonseca, 1966: 66).

The analysis of data collected under present study from a Family Counselling Centre in Rajasthan about the causes of marital discords(*refer Table 1*) reveals that the spouses living in separation/ deserting each other (25.1%) and seeking divorce to end an unhappy relationship (16.4%) emerged as two most important reasons for seeking an end to their conjugal relations. It was followed by such reasons as physical assault, ill- treatment and beating of wife (12.4%); problems relating to family adjustment (12%); and psychological tensions between the spouses (11.5%).The other causes of family disputes mentioned by the respondents, include, harassment of wife for dowry (5.7%); financial difficulties /unemployment (5.3%); and alcoholism/drug addiction (3.4%), etc. In some cases, family disharmony was caused by temperamental factors due to which spouses often used to threaten each other to commit suicide in order

to take revenge (1.1%); and when husband refused to accept his wife after she was raped (0.9%). In some cases (0.5%) the spouses were married in their childhood by their parents, but they failed to find adjustment with each other, while certain respondents (0.8%) had filed cases to get maintenance of their children from their separated/divorced husbands.

Table 1
Causes of Marital Disputes as Responded by those Who Filed
Divorce Cases in Family Court

Respondents' Causes for Seeking Divorce/ Family Disputes*	No. of Cases	Percentage Distribution
1. Spouses living separately/ Desertion	445	25.1
2. To end an unhappy relationship	291	16.4
3. Psychological tension	204	11.5
4. Extra marital relations of spouses	71	4.1
5. Alcoholism/Drug addiction	60	3.4
6. Husband refused to accept after the wife was raped	16	0.9
7. To remarry after the nullity of current marriage	30	1.7
8. Physical assault/ wife beating	220	12.4
9. Dowry	101	5.7
10. Financial difficulties/unemployment	94	5.3
11. Repeated threats by spouses to commit suicide	19	1.1
12. Child marriage	09	0.5
13. Seeking maintenance of children	14	0.8
14. Problems relating to family adjustment	213	12.0
15. Unspcified	05	0.3
Total N	1773	—-

*Percentage exceeds 100.0, due to multiple responses.

Source: Primary Data from FCC.

As shown in the above Table 1, economic distress, which, in 5.3 percent cases appears to be the main cause of marital discords, may be due to insufficiency or irregularly of income or unemployment of the spouses, particularly husband. As Raab and Selznick (1964: 3170) mention: "Low income families are highly vulnerable not only

to divorce, but also to other factors which effectively dissolve the family, viz., desertion, separation or death of a spouse." Extra marital relations of spouses (4.1%) are also an important reason behind family disputes. Extra- marital relations appear to be more frequent by husbands than by the wives. However, husbands often tend to be more suspicious about extra martial affairs of their wife.

The Table further shows that 3.4 percent of the cases registered at the FCC were facing marital discord due to vices, like, drinking and addiction, in most cases by husband. Dhagamwar (1989) studied 65 unhappy married Hindu women, who had filed for divorce, Judicial separation or a decree of nullity of marriage. The study revealed that in about 50 percent of the cases, the main cause of dispute was the wife beating of a drunken husband (as quoted by Ushadevi, 1998: 15).

In 5.7 percent of the total cases registered at the FCC covered under the study, major cause behind maladjustment and psychological torture of wife in the family was dowry. "Though dowry is fixed much in advance of the marriage, sometimes, the in-laws would consider the dowry brought by the bride to be insufficient, especially if other women in the husband's family had brought more money, or if his sisters were married with more dowry. This would lead to hurting remarks made often to the wife and then to open conflict" (Ushadevi, 1998:66).

Incompatibility of age, religion, background, temperament, opinions, status, education and outlook may badly affect martial adjustment. Sexual disharmony due to physical defects or frigidity, refusal of wife to cohabit and consummate, and absence of children may cause a great deal of quarrels and disputes in the family. Lack of accommodation, privacy and ever- crowded housing conditions are also responsible for disturbances in the conjugal relations.

Thus, there are several causes of martial disputes. It is not necessary that only one or two factors may be responsible for martial disunion. Many intra as well as extra familial factors operate simultaneously. However, persistent psychological tensions, emotional detachment, sexual dissatisfaction, adjustmental

problems between spouses and with the other family members may lead to desertion, separation or divorce, which ultimately results into family disorganization. Hence, the consequences of family disputes are disastrous. Disorganisation of family is detrimental to the health and stability of society, as family is the primary unit of society and any disharmony in the families will, for sure, cause tension, disharmony and strife in the immediate community. It may also create tensions in the religion and associated institutions. Children and the aged are the direct sufferers of these disputes as the whole environment of the affected households gets vitiated, which adversely affect children's studies and care as well as the care of the elderly. Familial discords lead to severe violation of human rights. These disputes result in increased violence, crime and litigation, which have dire economic and social consequences. Therefore, all out efforts to minimize the occurance of family disputes need to be initiated.

THE EXISTING MARRIAGE LAW

After Independence, the Government of India enacted a social legislation is the name of Hindu code of 1956. It consisted of 4 separate Acts, i.e. Hindu Marriage Act 1955, Hindu Adoption and Maintenance Act 1955, Hindu Succession Act 1956, and Hindu Minority and Guardianship Act 1956. The Special Marriage Act, 1954 and Hindu Marriage Act of 1955 recognised the provision of divorce through courts and alternate relief in divorce proceedings (Manohar & Chitaley, 1979: 657).

The Christian Community is governed by the Indian Christian Marriage Act, 1872 and the Indian Divorce Act, 1969. Though numerous reforms have been brought about in the matrimonial legislation in the U.K, these Acts remain untouched in India though they are discriminatory in nature. Section 10 of the IDA 1969 prescribes grounds for divorce, which differ drastically for husband and wife. Moreover, the Act does not make provision for the maintenance of wife (Menezes, 1990: 38-39).

The Muslim Community is governed by the Dissolution of Muslim Marriage Act, 1939 and the Muslim Personal Law or Shariat

(Jain, 1979: 429). According to Islam, divorce is meant for the purpose of avoiding the evil consequences of an unhappy marriage. There are three ways to dissolving marriage in Islam; they are:

- ➢ *Talaq* or by husband's will;
- ➢ *Khula or Mubarat*, i.e., by mutual consent of husband and wife, and
- ➢ By a *judicial decree* at the suit of the Husband or wife (Muhmood, 1977: 71).

The 1939 Act was passed to consolidate and clarify the provisions of Muslim law relating to suits for dissolution of marriage by women married under Muslim law. When husband refuses to release wife from marriage, usually she resorts to the court of law.

It is also important to note that the provisions of Special Marriage Act 1954 can be availed by any community in India.

Family Courts Act 1984 is a comprehensive legislation which provides for setting up of Family Courts and confers on them jurisdiction of a far reaching nature in dealing with matrimonial disputes.

The Protection of Women from Domestic Violence Act, 2005 was passed to protect married women from any sort of abuse and violence perpetrated against them. It defines domestic violence as 'any act, omission or commission or conduct that harms or injures or endangers the health, safety, life, limb or well being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal or emotional abuse and economic abuse'. The provisions made in this Act in order to protect women from domestic violence, which generally takes place due to occurance and prolonged continuance of bickerings and disputes in the families, if implemented in an effective manner, may go a long way in curtailing this menace.

AMENDMENTS IN THE EXISTING LAWS

With the changing social conditions, there arose a need to amend the existing marriage divorce laws. Law Commission in its 59th

Report proposed the inclusion of divorce by mutual consent in the Hindu Marriage Act 1955 and in the Special Marriage, Act 1954. Moreover, the period of waiting for the verdict after the petition is filed for divorce by mutual consent, is reduced from one year to six months. These recommendations were made in the Marriage Laws (Amendment) Act, 1976.

A draft had been promulgated for the proposed reform in the Christian divorce laws, entitled "Christian Marriage and Matrimonial Causes Bill in 1988. The Bill gave a broader interpretation to the grounds for annulment of marriage. Though Protestants agreed with the Bill in Toto, the Catholics did not. The Bill still waits to become Law (Rego, 1990: 5).

The Muslim Women (Restoration of Rights on Divorce) Act, 1986 was made with the intention of protecting the rights of Muslim women who have been divorced or have obtained divorce from their husbands. The children staying with mother are eligible for maintenance for two years period. The husband has to pay the *mehr* or dower agreed to be paid to her at the time of marriage according to Muslim Law (Ushadei, 1987: 9).

Another legislation, Criminal Law (Second Amendment) Act, 1983 was passed to safesguard the rights of the women. It defines new offense of cruelty by husband or relatives of the husband on the women. Cruelty is defined as the willful conduct of such a nature as is likely to drive a woman to commit suicide or cause physical or mental injury to herself.

All these laws, though discriminatory in certain cases, give the legal strength that women need…. If the marriage fails, they have equal rights to divorce, property and maintenance (Dubey et al., 1980: 4).

SUGGESTED SOCIAL WORK REMEDIES

It is believed that many older traditions have failed to come up to the level of new thinking and realization about human relationships, which care for the dignity of all human beings- men, women and children. These require suitable modifications in the patterns and

styles of family living. At the same time, the old values of character, dedication and goodwill for each other, need to be revived. Nothing should be done which makes any of the family members arrogant, selfish and egoistic. Effort should be made to create an environment in the family, which is conducive to balanced growth of personality of all the family members. Constant efforts should be made to bring about harmony between the old and the new generations.

The most important factor for bringing harmony and happiness in family life is development of understanding between men and women. Unless the man-woman relationship is reconstituted and better under-standing is fostered between them, it is not possible to bring harmony in family life. Both manhood and womanhood need to be elevated to an ideal pitch by the dissemination of knowledge, which alone will lessen the social miseries arising out of wrecked families and family disharmony. The following specific measures are being suggested in this connection:

➢ Universalisation of family life education (FLE) for all the boys and girls obtaining marriageable age so as to prepare them mentally for undertaking the new roles as may be expected from them in their new status as husband or wife in their family. 'Family life education aims at promoting the quality of life through responsible decision making and improved understanding of human relationships and family roles (Sarada, 1998:61). The contents may include, the concept of family; family functions, family roles and relationships; health and nutritional needs of the family; psycho-social needs of the family; management of family resources; menstruation and changes is in the body; care of children; good parenting practices; adjustmental problems and their resolutions; and family welfare services, etc. It should be made part of the school curriculum. Distance mode of education through electronic media may also be attempted so as to develop healthy attitudes regarding marriage partner, family members, and expected roles and to generate the will to make a happy family. In the provision of all these services, role of social work professionals is quite obvious.

> ➢ A strong network of family counseling centres should be created for timely disposal of the cases of marital discord. These centres may be opened at least one in every *Gram Panchayat* to offer pre and post martial counseling to improve familial relations and martial adjustments. These centres may also arrange FLE sessions for marriageable rural boys and girls. Family counseling centres should also be opened in all the university/college campuses to counsel and guide educated youth for martial happiness. Short-term marital counseling programs should also be launched in rural areas. Provision of counseling services to different sections of society, including family counseling services is an important field of social work profession. Social work professionals, who have specialized in Family and Child Welfare, have enough knowledge, skills, aptitude and expertise to effectively execute all the programmes and initiatives, which may be required to be undertaken in this area.

> ➢ Adequate amendments in the existing law regarding marriage and family are needed in order to make them more practical and as per the present day needs. The Union Law Commission is considering a proposal to introduce "irretrievable breakdown of marriage" as a ground under the Hindu Marriage Act, 1955. Existing grounds under the various divorce laws require either mutual consent of the spouses or a fault (such as adultery, cruelty, desertion, etc.) on the part of the husband or wife. Under new amendment, either of martial partners can unilaterally go to a court seeking divorce on the simple ground that they feel that the marriage is not working. The party seeking divorce need not prove any charges against the other, except that the couple has been living separately for three years. The proposal stipulates that the court may refuse divorce to the husband if the wife objected to it on the ground that it would cause her grave financial hardship (Sadagopan, 1989: 4). It was a welcome step in order to avoid unnecessary strife, psychological tensions and delay. However, these

amendments could not be enacted by now due to reasons unknown. There is a great need for the institutions and academicians working in this field to lobby with the government and take necessary measures to get it passed. Social workers are required to play the role of an activist, following the principles and practices of the method of Social Action.

➢ Marital ties between the spouses are founded on emotional grounds. It involves a 'heart-to-heart' relationship based on mutual love, understanding, faithfulness, co-operation, tenderness and purity of soul. If the spouses fail to develop such an affair between them, an antagonism is the natural result. Conjugal relations and mutual affection and dedication are not something, which can be dictated or imposed. Therefore, in such cases where it is not possible to keep them together, the process of nullity of marriage or legal divorce should be speeded up. Divorce proceedings should be pruned up and the procedures should be simplified. Social workers should be given a more proactive role in the speedy disposal of the cases. The data collected from the FCC shows that out of the 658 cases registered during the first 10 years, only in 8.21 percent cases legal divorce was granted. Around 43 percent cases were still pending, while the rest were either closed after preliminary counseling and follow up/default (28.12%) or after reconciliation (17%). The long duration of 7-12 years, which is generally taken at present by the courts in deciding the divorce cases, destroys future life of the warring couples. The aim should be to either speedily find a reconciliation between the parties or if is not possible to free them from the unwanted unhappy relationship within one year, suitable amendments in the Family Courts Act, 1984 and other related legislations should be made in order to make it obligatory for the court to give their verdict within a time limit. If necessary, suitable changes in administration, etc., should also be made.

CONCLUSIVE REMARKS

The prevalence of inequity, discrimination and other forms of social injustice compromise the well being of common citizens and the society as a whole, as they dehumanize social conditions, increase human distress and result in the growth of social problems. Therefore, the profession of social work has always focused its attention on improving human and social conditions and alleviating human distress and social problems' (DuBois & Miley, 1999:1). Social work professionals work to address social concerns which threaten the very existence of such important societal structures as family. They work with the people as individuals, families, groups, organizations, and communities to enhance or restore their normal functioning so that they may access support systems and resources systems so as to make these systems and services more humane and responsive to their needs and aspirations. Social workers also act upon expanding relevant social structures in order to expand the availability of opportunities for the client systems in order to find solutions to their problems. In essence, social work activities enable social structures to relieve human suffering and remedy social problems (DuBois & Miley, 1999:4).

Thus, the whole social work process of helping is scientific and result oriented; and it can be efficaciously utilized for achieving success in releasing distress from the family environment and to achieve reconciliation among the warring factions in a household. Thus, this process would contribute to achieving stability of the institution of family.

Social workers try to analyze and evaluate the personal, social and economic consequences of the prevailing disputes in the family. They plan their activities at the individual, group and community levels and execute their intervention strategies in close connection with those who are directly concerned with the problem. Prior to the execution of the change process, the social workers try to:

A.   identify the problems to be tackled;

B.   understand why the problems do continue to exist; and

C.   decide on what could be the best way to bring about change.

Social work professionals launce a well planned set of activities to achieve dualistic goal: on the one hand, they seeks to enhance the competencies of the most affected people; and on the other, they work for transforming family environment, and, if need be, the structure of the family in order to enable it to relieve human sufferings and promote human happiness. The intervention plan is generally implemented in the four logically inter-connected phases:

I. Client -Worker Discourse;

II. Exploration;

III. Planning and Implementing Intervention;

IV. Evaluation; and

V. Follow up

Social Workers need to undergo a detailed discourse with the family members in order to establish a meaningful professional rapport and to form collaborative partnership with them. It sets the tone for further working together. The workers need to share the facts, events, reactions, concerns and the past experiences of the family members in order to understand the problems and challenges in their unique cultural and social context. After the setting of goals together, the tone is set for goal directed behavior, followed by the onset of change process.

The second phase explores about the prevalent situations and problems at hand. The modalities are also worked out in order to effectively execute the whole change process. In this phase, appropriate plans are also created by working closely with the client system.

In the third phase, creation and activation of appropriate machinery for executing the proposed plan of intervention, training of various role takers and, if need be, establishing linkages of the family with the appropriate agencies, authorities and persons, are some of the key steps taken at this juncture. In this phase, the social workers may also resort to, if need be, adoption of appropriate social action strategies in order to achieve the set goals.

After the action phase is over, the whole process is evaluated in order to appreciate successes/failures so as to reduce the chances of repetitive mistakes and preparing the ground for further action. The results achieved through evaluation, work as a guide for follow up action.

In this process, information, education, motivation and counseling services are provided to all the members of the family so that they are able sort out their differences and explore viable alternatives in order to achieve suitable and stable reconciliation in their familial relationships. If they are not able to do so, they are helped to peacefully dissolve their marital union in order to end an unhappy relationship.

Thus, the discussions made in this paper regarding the causes, consequences and remedies of martial disputes indicates that this sensitive issue involves human relations and the destiny of generations altogether. The causes of these disputes are multifarious. Hence, their resolution is not so simple and easy. The foregone paragraphs do indicate that the profession of social work is well equipped to take up this challenging task. However, the institutes of social work need to start the programmes for family life education in their premises. And setting up of a vast network of family counseling centres is also required. Whether established by the government or by the NGOs; these centres should have professionally trained staff, so that the menace of growing number of family disputes may effectively be check- mated. Efforts are also needed to suitably amend the existing legislation as well as the legal process, so that speedy disposal of divorce and related cases may be possible.

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