

स्वाध्याय

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UTTAR PRADESH RAJARSHI TANDON OPEN UNIVERSITY
(Established vide U.P. Govt. Act No. 10, of 1999)



Indira Gandhi National Open University



UP Rajarshi Tandon Open University

CHFE-04
ELECTIVE ON FAMILY
EDUCATION

First Block : MARRIAGE, PARTNERSHIP AND PARENTHOOD

Second Block : FAMILY WELFARE

Third Block : SPECIAL ISSUES IN MARRIED LIFE

Shantipuram (Sector-F), Phaphamau, Allahabad - 211013



Block

1

MARRIAGE, PARTNERSHIP AND PARENTHOOD

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INTRODUCTION TO BLOCK 1

Block 1 of the Elective Course on Family Education is on 'Marriage, Partnership and Parenthood'. In all there are four units in the block. Unit 1 deals with 'Meaning of marriage and choosing life partner'. In this unit we have dealt with certain very important concepts. Besides describing what is 'marriage', care is also taken to describe the functions and purposes of marriage, historical development of marriage, family and type of family patterns as well as the concept of choosing a partner. Unit 2 is on 'Forms of marriage'. In this unit the concept and views on marriage have been explained. Apart from this we have also discussed the various forms of marriage and in particular, forms of marriage among the Hindus. Unit 3 deals with 'Society, culture, religion and family values'. Apart from explaining changing patterns in family life, emphasis is also given to aspects of value formation in family as well as family values and influence of socio-cultural and religious dimension in the formation of values. Unit 4 is on 'Marital life and role expectations'. Important issues like role expectations in marital life, role conflicts and role changes in different phases of marriage have been described in this unit.

Taken together, all the four units are unique in their own way and provide you adequate information on crucial issues involved in marital life.

UNIT 1 MEANING OF MARRIAGE AND FAMILY: CHOOSING A LIFE PARTNER

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1.0 AIMS AND OBJECTIVES

This unit is the first lesson of the Elective Course on Family Education. The purpose of the unit is to develop a deeper understanding of marriage and family. This unit intends to develop in you as a learner, the following specific objectives so that you are able to :

- a) define marriage and family
- b) compare the different types of relationship in family life
- c) explain the functions and purposes of marriage
- d) identify the criteria for selecting a partner
- e) develop interest in acquiring more knowledge about marriage and family, and
- f) apply this knowledge in your own life situations.

1.1 INTRODUCTION

The family forms an essential part of human evolution, for without it human existence itself would have been impossible. The human infant may be perhaps the most helpless creature at the time of birth. It needs a long period of protection by and association with parents. This itself points to the need and main purpose of a family.

The basic course has already explained the need and importance of Family Life Education. This unit explains what marriage is and the

purpose and functions of marriage and family. A deeper understanding of the commitment involved in family life would help one to think more seriously about marriage and family.

This unit has tried to highlight the points to be remembered in choosing a life partner. Who is to select the partner and how to select are some usual questions that young people ask. The answers to these questions are discussed on the basis of social expectations and the social and psychological factors involved in the choice.

I.2 WHAT IS MARRIAGE ?

Marriage is a common term that we come across in our daily life. Have you ever thought of it seriously ? What is the meaning of marriage ? Is it a mere relationship between a man and a woman to live together and have children ? Is it a man-made institution ? When did such an institution come into existence ? It will be really interesting to ponder over the answers to the above questions - much more so about the meaning, scope, purpose and history of marriage.

The term 'marriage' has different meanings and connotations for different people. To some, marriage is a relationship between a man and a woman for the propagation of the human species. Some people take it as a license for sex. Yet another group consider marriage as a means for companionship. Marriage comprises all these views and much more. It is a very complex institution which can not be defined in a sentence or two. Many sociologists and philosophers have given differing views about the meaning and scope of marriage.

Marriage is not an integral part of human nature, but it is a man-made custom or institution which was present even from prehistoric times. It is not a natural relationship but a conscious commitment between a man and a woman. With the advancement of civilisation marriage became a social function with religious and legal sanction.

As stated earlier, marriage has different meanings and connotations. Let us look at some of them;

Marriage as a Relationship

Marriage is one of the deepest and most fulfilling of human relationships. It has existed in varying forms throughout the history of man, responding to the fundamental needs and social aspirations of each generation.

Marriage as an Institution

Websters' Dictionary defines marriage as the institution whereby men and women are joined in a special kind of social and legal dependency for the purpose of founding and maintaining a family.

Marriage as a Contract

Marriage is described as a freely made contract or agreement between a man and a woman. To many sociologists marriage is more than a

simple contract or agreement. It is an unconditional commitment based on faith and mutual respect and understanding.

In western marriages the partners pledge themselves "for better, for worse, for richer, for poorer, in sickness and in health until death do us part". Such a commitment is there in most marriages of all cultures, even though a pledge is not taken publicly. This shows the nature and seriousness of the commitment, which makes the marriage a happy experience. It implies the willingness to endure severe hardships to make the marriage work.

Marriage as a Union

Marriage is a union between a man and a woman - body, mind and soul, emotions and will. The essence of this union is love. Marriage is considered to be a primary relationship, because it is a personal relationship between the partners. Lin Yutang gives a beautiful explanation of marriage. He says "woman is water and man is clay and the clay holds the water and gives it substance in which water moves and lives and has its full being".

The Biological Aspect of Marriage

The animal mates, but man marries. Looking from the biological point of view, we can say that mating is a biological matter, while marriage is a social affair. The sex instinct is one of the basic instincts for reproduction. In the case of man, however, from the beginning of society, this instinct has been subjected to distinct regulations and control. Marriage may be defined as the regulation and control of biological reproduction.

In the animal kingdom there are no definite rules for mating because they have no society and social norms. But in human society there are so many social controls, religious limitations and even laws for a marriage. For human beings, the sex relations are allowed within certain permitted limits. Marriage is a holy, sanctifying, life-long, comprehensive, loving union of a man and a woman, leading to the procreation of children.

The Social Aspect of Marriage

We have seen that there are certain biological aspects of human marriage, while there are more social aspects in it. These social aspects are most important in human society. The basic factor in marriage is love. True love between the man and the woman in marriage is a complete giving of one to another. There should be a union of the souls and minds. The couples should have similar tastes in food, recreation, reading etc. There should be a union of emotions and wills. All these imply, a complete, exclusive and life long giving of ones' self to the other.

The Psychological Aspect of Marriage

Marriage is an integral part of human existence. In marriage man's basic longing for communion and completeness finds its natural culmination.

Human beings find their fulfilment as men and women by becoming one flesh. Marriage is the means by which two persons seeking a more perfect life give themselves totally to each other.

In a marriage the male and female compliment each other. It fills the physical and psychological void which exists in human being, if they are alone. Marriage makes possible the satisfaction of the strong and natural tendency of male and female to be together in the union for which nature has designed them.

The Legal Aspect of Marriage

The union between man and woman must be legitimate. So marriage should get legal, social and civil acceptance. The legally married couple needs a licence. There must usually be an official and a witness. The marriage can be legally contracted only by those who are able to perform the basic act of marriage. The legal minimum age for marriage in India is 18 for girls and 21 for boys.

On the whole, we can say that marriage has various contexts. It has a legal definition, a social definition and it is intepreted by religious groups as a sacred union or contract and as a sacrament.

Check Your Progress I

(1) What is the meaning of marriage ?

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1.3 THE FUNCTIONS AND PURPOSES OF MARRIAGE

Have you ever thought of the question why a person should get married? The first answer that comes to your mind may be for the propagation of the human species. Let us try to find the answer.

Marriage for Union and Procreation

What is the purpose of marriage ? If it is only for procreation, marriage is not a must. Of course, one of the important purposes of marriage is union and procreation. The union in marriage is a medium of physical, psychological and spiritual communication of love and commitment of self.

Marriage for Sex

The natural end of sexual relationship is conception of children. Hence the procreation of children is an essential purpose of marriage. An equally important purpose is the union itself, the mutual love, pleasure and happiness of the husband and wife. Marriage fosters mutual love

and attachment. It provides for the legitimate expression of sexual satisfaction.

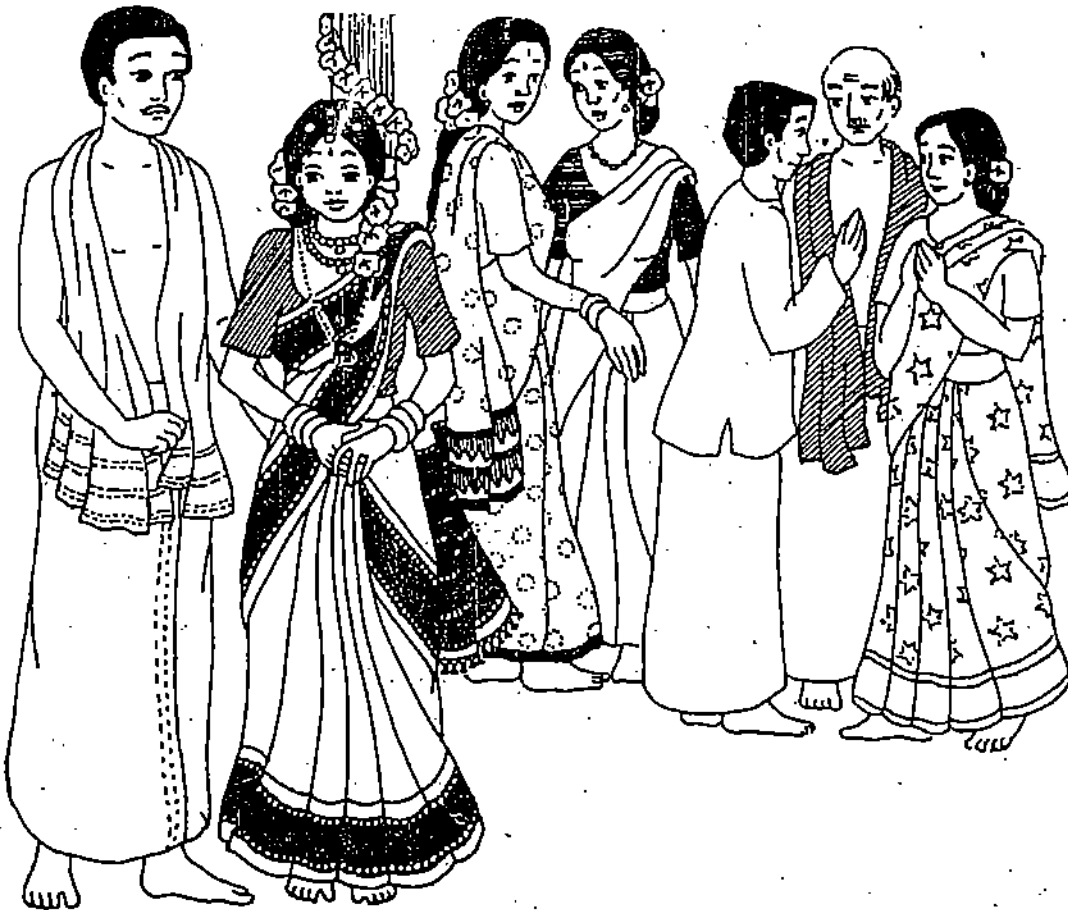
Marriage for Companionship and Friendship

The most important need of the human being is the intimacy in living with and making a commitment to another human being. What is friendship? According to Jennet Kid, "Friendship is having a privileged position in someone else's life and giving them a privileged position in our own. It is sharing ourselves with those we like".

Friendship is the cornerstone of marriage which lasts even when the sexual desire is over. It remains even after the children are grown up and settled. It only deepens with years. This is what is meant by companionship or friendship. It enriches man and woman by increasing unselfishness and by deepening his/her capacity for love, and sacrifice. Hence marriage is love, it is sex, it is family, but ultimately and essentially it is companionship or friendship.

Marriage for Socialisation

Marriage is a means through which the socialisation and growth of a person reach its fulfilment. It provides numerous opportunities to bring about security, co-operation and love. Another purpose of marriage is to



create a family to provide the natural environment in which a person can realize himself/herself and reach out to others in an attitude of dedication and service. It gives society a firm base, and children a stable environment to grow.

Marriage for Matured Relationship

Still another purpose of marriage is attainment of maturity through the establishment of relationships in marriage. Rearing and educating the children also is a purpose of marriage. The parent - child relationship is an intimate relationship.

Some Practical Purposes or Utilitarian Aspects of Marriage

1. It ensures security to women who have to undergo long periods of pregnancy.
2. It provides security to the offspring.
3. It ensures the health of the population as a whole.
4. It is the door to family life which gives stability to society.
5. It makes society more cohesive through relationships.
6. It simplifies blood relationships.

Check Your Progress II

1. What are the main functions of marriage ?

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1.4 THE HISTORICAL DEVELOPMENT OF MARRIAGE

It is interesting to study the historical development of marriage. When did it commence ? How did it attain its present structure and status ? It is not easy to get the facts about marriage in the pre-historic era. We have to depend upon the studies of anthropologists and other folklore and traditions.

Even though the religious books mention marriage, we cannot conclude that marriage came into existence with the beginning of human life on earth. In the pre-historic ages people lived like animals and there were no social norms and rules to guide them. But gradually due to his superiority over the animals, man began to formulate some social patterns of behaviour.

In the early stages of human life sexual life, and procreation was a natural process. The earth was not owned by anybody. Nobody bothered to own the land. But gradually man began to cultivate the land and he began to realise the productivity of the soil. This knowledge

helped him to own the land. This also led to many disputes and fights for the ownership of land. Finally, they came to some type of control or laws about the ownership of land.

The desire of man to own the land, which is productive, led him to the idea of owning anything that is productive. Knowing that the woman can procreate children, men tried to own more and more women and thereby get more and more children. This also ended in conflicts and fights. Gradually restrictions and regulations came in procuring women. This finally ended in the social institution of marriage with all its laws and regulations and customs.

Check Your Progress, III

- 1) Describe the historical development of marriage.

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1.5 THE FAMILY

Just like marriage, family is also a very familiar term. We all come from families. We see families around us. Family is an integral part of our life. Can we answer these questions: What is a family? What is the need for a family? Who constitutes the family? Is it a mere union of parents and children? What is the relationship between the members in a family? Is the family a human invention or a natural evolution? Is it found among animals also? What are the forms of the family in different ages and different cultures?

The Need for a Family

The family was a necessary precondition for human evolution, for without it human existence would not have been possible. The human infant is born helpless. It has a potential for physical and mental development. But it requires years to achieve its maturity. In the case of animals, their young ones are able to take care of themselves shortly after birth. But for human beings, the long period of pregnancy and the prolonged helplessness in infancy and childhood, needs a long association of parents and offsprings. This has resulted in the formation of a family.

The Evolution of the Family

The family as a group of parents and offsprings existed even before the appearance of man upon this planet. Family is seen among birds and higher mammals. The chimpanzee is a highly-social creature which lives in family groups. The family life of apes and human beings can be compared. There is a selection of a mate, interaction between a male and a female, levels of control among father, mother and children and care of a child is primarily by mother.

There is a great deal of difference between the family life of apes, mammals and birds and that of man. In the former case, the nature of family life throughout the world is the same in any given species. But in the case of man, family behaviour varies greatly from place to place. In the animal family, the behaviour of the members is motivated by instinct, whereas in the human family it is motivated by culture. The animal family is largely biological in nature, while the human family in its structure and function is shaped by culture.

According to many sociologists, man in his evolution might have developed one or another family form as determined by situational and historical factors. In short we can say that geographic environment, economic conditions and culture rather than biological factors were the determinants of human family patterns. In man, the family is not only a biological group, it is first and foremost a social institution.

The Definition of Family

We have seen that the structure and function of the family varies from place to place. So it is difficult to give a definition of the term 'family'. The definition of the 'family' must include that which is common to the great variety of human groups to which the term 'family' has been applied. There are certain characteristics that are common to the human family in all times and in all places that differentiate the family from other social groups. According to Ernest W. Burgess and Harvey J. Lock, these characteristics are :

1. The family is composed of persons united by the ties of marriage, blood or adoption. The bond between husband and wife is that of marriage, and the relationship between parents and children is generally that of blood and sometimes that of adoption.
2. The members of the family typically live together under one roof and constitute a single household. Sometimes, as in the past, the household is large consisting of three or four or even five generations. Today the household is small, consisting of the husband and wife with or without one or two children.
3. The family is a unity of interacting and intercommunicating persons. They will be acting the roles of husband and wife, father and mother, son and daughter, brother and sister. These roles are defined by the community.
4. The family maintains a common culture derived mainly from the general culture. Usually this culture is the outcome of the merging of the two cultures of the husband and wife.

On the basis of the above characteristics the family may be defined "as a group of persons united by the ties of marriage, blood or adoption, constituting a single household; interacting and communicating with each other in their respective social roles as husband and wife, mother and father, son and daughter, brother and sister and creating and maintaining a common culture".

A family is a community of people living together in an environment which is a centre of healing, a place where one can live, where one can

admit one's frustrations, stupidities and anger to people who do not have to retaliate. It is in the school of everyday family life, with all masks dropped and hypocrisies exposed, that man, woman and child acquire the potential to know what it is to be truly human, and fully human. People have tried alternative arrangements for a family. But none of them are as efficient as a family. Children thrive best when they have a father and mother to love and protect them in a home. The parents also need the life long commitment in which love is proved.

The Indian Family

The family system all over the world are changing today and family relations are becoming weaker and weaker day by day. The influence of the family over the children is weakening due to the great social, political and economic changes. In the midst of these changes, India still has a time tested heritage of a stable family structure. It is still the basic unit of our society and the medium of cultural transmission. The family still holds its solidarity and plays an important role in the formation of values in our society.

In spite of the solidarity in the Indian families, a salient social transformation is taking place in the Indian families also. With the empowerment of women and the women getting more and more educated, the traditional family patterns are gradually disappearing. Modernisation has its roots in westernisation and it has questioned the traditional family values and structures. Parental influence is also weakening day by day. The religious and moral values present in the family are giving way to secular and pragmatic values.

Check Your Progress IV

- 1) Do you think that there is a need for a family in the growth and development of a person ?

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1.6 TYPE OF FAMILY PATTERNS

The three chief historical stages in the evolution of the family are :

- (i) the large patriarchal family characteristic of ancient society;
- (ii) the small patriarchal family which had its origin in the medieval period; and
- (iii) the modern democratic or nuclear family which is the product of the industrial revolution and the economic and social changes that followed.

The large patriarchal family was prevalent in China, India and Japan. Here, the senior male member was the head of the family. He lived

with his children and grand children which came up to four or five generations. The patriarch, the head of the family, had supreme authority over all other members of the family. This type of family was a result of the agricultural and pastoral mode of existence.

The small patriarchal family was the second stage in the evolution of the family structure. It consisted of husband and wife and children and one or two grandparents and one or two unmarried brothers and sisters of the husband and wife. This type of family was mostly seen in urban areas where the members used to work in industries. Here also the senior male member had the supreme authority over the whole family.

The democratic or nuclear family consists of only the husband and wife and their children. This type of family system is more prevalent in modern society. Here the husband and wife share more responsibility and are more free. They can take their own decisions. Children can also join in the decision making consistent with the advancement in age.

In India we find three types of family structures which are almost identical with the historical family patterns. They are :-

- (1) The large joint family;
- (2) The nuclear family; and
- (3) The stem or extended family

The large joint family is almost like the large patriarchal family where three or four generations of parents and offsprings live together. This is mostly seen in rural areas. These families are mostly agricultural families.

Advantages of the Joint Family

The joint family assures shelter for the aged and sick, social security for the unemployed and support for the young couple. Children grow up in an atmosphere of security and affection. The newly married couple get training in family life and child care. The sons get the training from their fathers, uncles and grandfathers. The daughters get it from their mothers, aunts and grandmothers.

In a joint family, the wisdom and experience of the elders are shared. The joint family has its own codes of behaviour and its own values which are transmitted from one generation to the other generation. On the whole, we can say that the joint family provides an umbrella of support which covers financial loss, social security and even provides informal counselling.

Disadvantages of the Joint Family

In the joint family the supreme authority is vested in the senior male member. So the whole life of the family goes according to his efficiency and attitudes. The junior members may not take up any responsibility and initiative. There is no freedom for the individuals, especially women. The head of the family may not be able to adjust to the social changes that are taking place outside the family. There will be a perpetuation of old customs and values.

Nuclear Family

In a nuclear family, the husband and wife live with their children. This is mostly seen in urban areas. Both the husband and wife may be earning members in such families.

Advantages

The husband and wife have the full freedom to act according to their own ideas. There is more financial security and individual freedom. This type of families can easily adapt to social changes. There is more responsibility and initiative for all the members.

Disadvantages

There is nobody to help and guide the members, especially when some conflict arises. The practical wisdom and emotional security offered by the joint family is lacking in a nuclear family. There is nobody to look after the children. Children miss the protection and affection of grand parents. It is a tension for the working mother to leave the children either with the servants or in a day care centre.

The Stem or Extended Family

This is mid-way between the joint family and the nuclear family. The husband, wife and children live with one of their grand parents.

Advantages

This type of family has all the advantages of the joint family and the nuclear family, provided the grandparents do not dominate. Children will be looked after well. Grandparents also may not feel the loneliness and will be happy with their children and grandchildren. Parents can give all the security and guidance to their son and daughter, who are newly married.

Disadvantages

If the parents who live with their son/daughter are too dominating, the young couple may lose their freedom and individuality. There are chances of problems with in-laws. For growth in marriage, it is desirable that the couple live on their own.

Each system of family has its own advantages and disadvantages. But if the members are cooperative and have concern for each other, the disadvantages can be reduced to the minimum. The newly married couple who start their family life should have the freedom and initiative of a nuclear family and the emotional security and practical wisdom of a joint family. They should have the feeling of the 'home' where one has full relaxation and recreation and can live without masks.

Functions of the Family

The family is the basic unit of society. Today's family faces lot of problems due to the social changes. In spite of the problems in the family, it continues to exist because it meets the needs of children, adults

and society at large. The family:

- 1) Provides for the reproduction of the race;
- 2) Passes on the cultural heritage of the group;
- 3) Provides physical security, protection and the material opportunities for living and growth;
- 4) Meets the deep emotional needs of both children and adults and provides for their social, emotional, intellectual and spiritual development;
- 5) Develops in its members socially desirable character traits and acceptable moral standards;
- 6) Develops an orderly system of living among its members with provision for eating, sleeping, school, work, etc., and
- 7) Develops sound relationships among members of the family and between them and their neighbours.

The family thus meets the basic physiological and psychological needs of its members.

The Social Role of the Family

Apart from the above functions, the family has a social rôle also. The family, being the basic unit of society, has a vital and organic link with society. It is from the family that the citizens come and it is within the family that they find the first school of social virtues. The family is the bridge between the child and society. In the family, the child learns mutual respect, concern for others, generous service, deep solidarity, personal responsibility etc. These are the basic steps of social life. The family is thus the most effective means of humanising and personalizing society. The family is the custodian and transmitter of values.

Society should also respect and foster the family. The family is the very first cell in the social structure and the very first social union, which is indispensable. The so called developed countries have now realized the fact that their broken families are heading towards a great social disaster so they are exhorting the parents to strengthen the family ties. "Marriage and family are a union for which there is no substitute. Nothing can take their place. You can even say : as the families are, so will mankind be".

Check Your Progress V

- 1) Briefly explain the functions of the family.

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1.7 CHOOSING A PARTNER

Now that you have learned so much about marriage and family, you will be in a position to answer the question "How will you choose your partner for life"? Marriage is a life-long commitment and relationship and hence the selection of a partner is very important. The choice of an ideal partner is one of the basic requirements for a successful marriage.

Suppose you are going for a journey. You would like to have a companion who is agreeable to you in all respects. So what about your companion, who is to travel with you through your whole life, till death? Marriage is one of the three great events in life along with birth and death. Birth just happens and death is beyond our control. Marriage is however something definite. We can decide whom to marry and when to marry.

There is a common saying among the Arabs "If you want to select a horse, select from among hundred horses. If it is a friend it should be one among thousand. But if it is a wife, it should be from thousands". This implies the importance of choosing a partner in marriage. It should not be a casual or careless selection. It should be a long thought out process.

Very few people are inclined to analyse the factors that are to be looked into in selecting a partner. There is a common belief that marriages are made in heaven or it is fate, luck or providence. But this issue of choice of spouse is not something to be completely left to fate or luck. A scientific approach is necessary in the selection. There are certain determinants for mate selection.

The patterns of arrangement for the selection of the mate differ from culture to culture. In certain cultures marriage is primarily a social and economic arrangement between two families. Here the choice of the mate is still the responsibility of the parents. Parents select the bride or bridegroom for their children. The young couple have little choice in this matter. They may not have the opportunity to become acquainted before the wedding. This type of marriage is known as arranged marriage.

Arranged marriages are now giving way to selection by the young people themselves. Both procedures have their advantages and disadvantages. Mate selection, when arranged by parents, stressed social and economic considerations. They minimized or even ignored the sentiments of love and interpersonal relations of the young people. The youngsters make the choice on the basis of compatibility and personal attraction. They may not conform to parental standards like caste, religion, economic security etc.

The best pattern is to let the young people find out their own mates with the guidance and consent of the parents. This pattern is known as guided choice. Anyway, parents should guide their children without showing too much worry or haste. Allow the young people to decide on their partners as far as they can. But in every case, their elders should be the controlling factor. At the same time, parents should not

give the impression that they have a readymade decision in their minds. Youngsters on their part should rely on their parents, recognising their experience and their sincere desire for the good of their children.

As said earlier, marriage is a life-long relationship and commitment. There are certain qualities or social expectations that are commonly appreciated in a partner. There should be compatibility between the partners in maturity, health, behaviour patterns or character, caste and religion, economic status, education and intelligence, attitudes and values or the basic orientation to life etc. Let us consider them one by one:

Maturity

Under 'maturity' comes physical maturity, emotional maturity and social and intellectual maturity. Maturity is a term which comprises many things. When we say that the partner should have the maturity for a married life, it means the ability to take up the full responsibility of a family.

Age is one important factor that comes under physical maturity. According to the Indian Marriage Act, the minimum age for marriage for woman is 18 and for man is 21. But from practical experience it is seen that the ideal age for woman is 21 to 24 and that for man is 25 to 30. By that time they will be physically mature and emotionally stable. If the man or woman lacks physical maturity he/she may find it difficult to make marital adjustments and to take up the responsibility as husband and wife and as parents.

What should be the age difference between the partners? Who should be older? The social expectation is that the man should be older and there should not be much difference of age between the partners. But for so many practical reasons, it may not be possible to strictly adhere to this. Still, it is always good to stick on to these expectations to avoid further complications later on. One of the reasons for marital breakdown is the great or wide disparity of age between husband and wife.

Emotional Maturity

It consists in the ability to control one's emotions and passions. Emotional maturity helps to develop self-restraint and the attitude of self-sacrifice. These are the essential requisites for a happy married life. Emotional maturity can be tested only at the times of crisis. In critical situation, a mature person makes the best use of the situation. He will adapt his course of action, overcome obstacles and accept the inevitable with grace and calmness. To an immature person, any frustration may bring about temper tantrums.

An emotionally matured person is able to avoid frequent bad moods and has the ability to establish and maintain personal relationships. He is able to endure normal discomforts and disappointments and to overcome suspicion and jealousy. In short, he has the ability to give and receive - that is the ability to love.

Empathy is another characteristic of an emotionally matured person. It is the ability to perceive the feelings of others. It involves the willingness to recognize the needs of others and to assume the responsibility of

meeting them. Getting married means taking up a responsibility for a life time. The partners have to meet each other's needs, bring up children, support the family financially and look after the members of the family. Life long commitment is one feature of the responsibility of marriage. It is related to the stability that comes with maturity.

A clear sign of emotional maturity is the ability to reflect before speaking and the readiness to talk things over with others. This is highly essential in husband/wife relationship.

An emotionally mature person has, first of all, insight and foresight in his thinking. He can evaluate himself as well as the world around him in a realistic manner. He can also face the facts of life realistically and anticipate the results of his action. He develops a sense of independence. He is able to make his own judgements and decisions.

The maturity which marriage requires is not the achievement of one day. Emotional maturity can be achieved only by the satisfaction of the various needs of the child at each stage of development. Proper disciplining of emotions is necessary during the childhood for attaining emotional maturity, which results in self-confidence, self-control and affectional maturity.

What is affectional maturity? It may be an unfamiliar term for you. It is the capacity to relate with people of different groups. The infant is at first interested in himself/herself or his/her mother. This interest is then shifted to playmates of his own sex during school age and to the opposite sex during adolescence. When the person comes to maturity, the affectional maturity is towards his partner. One who is ready for marriage should have this affectional maturity so as to develop a good husband wife relationship. This is a basic requirement for marital harmony.

Social Maturity

Social maturity is evident when one can relate oneself to others in a selfless and responsible way. One should not think only in terms of immediate wish fulfilments or satisfaction of personal desires. The main signs of social maturity are respect for others, honesty, frankness courage and the ability to provide whatever a family needs.

An emotionally mature person need not necessarily be socially mature if he has not experienced a social life. Social maturity comes from the fulfilment of one's quota of premarital living. Every boy and girl should have an experience of social life before marriage. Usually after completing this education, youngsters are employed and they have a 'free' time to assume the responsibilities of life and mingle with people. During this time they may come across persons of other sex, whom they may choose as their partners in life. This is a time of fantasy. Anyway, this free time before marriage is essential for acquiring social maturity.

After exploring for a partner, they finally settle down, ready for marriage. One characteristic of social maturity is one's willingness to disregard unknown potential marriage partners in their fantasy. They will be ready to commit themselves to build up a relationship with a particular person.

It is also important to be independent for a while. Having just become free from parents, it is too early to take on the bonds of matrimony. Spare time can be used as one sees fit. Jobs can be changed. Travels can be made according to the availability of money and time. Nobody else's wishes have to be consulted, nor moods catered to.

Girls may feel challenged to prove themselves, their parents and the opposite sex, prove that they are capable of supporting themselves and managing their own destinies. Since they were more closely supervised than boys during childhood and adolescence, they have yet to achieve a full sense of personal identity. Usually many girls in India, especially in the rural areas, do not get this free time for socialisation and acquiring social maturity. This is because they are married immediately after their schooling or graduation. Most of them are not permitted to work outside their homes. This is a real drawback as far as marriage is concerned.

Intellectual Maturity

Intellectual maturity lies in the ability to understand persons, events, situations and problems. It is the capacity to formulate one's ideas, opinions and judgements without depending on others.

For developing intellectual maturity one must have a certain level of education according to his/her social status. One must be able to give a meaning and purpose to his/her life, if he/she is intellectually mature.

As we grow up, we gradually learn to understand ourselves better and to evaluate ourselves. We come to know of our own strengths and weaknesses, our abilities and disabilities. We gain insight into our feelings, thinking and behaviour. We also develop foresight. We learn to face realistically the facts of life and to anticipate the results of our action. We learn to foresee the possible consequences of our behaviour. We no longer permit our desires to dominate completely our thinking or action.

Mature thinking and feeling express themselves in mature action and behaviour. We show control and flexibility in our behaviour. We are neither rigid nor compulsive but adapt our actions to the situation. We can accept authority and discipline as well as responsibility and power. We learn to co-operate with other people and make the necessary adjustments and adaptations in life.

An individual should show these signs of intellectual maturity before he/she plans to marry. It is essential for the promotion of desirable personality development and adjustments in marriage. Self realization is essential to understand the behaviour of others. "Know thyself" is an important principle in mental health. For good marital adjustments, knowledge of self is an essential factor.

Only an intellectually matured person can know the limitations of others. A person who aims at an unattainable goal meets with frustrations. Intellectual maturity is essential for having high 'frustration tolerance'. The married partners need high frustration tolerance to face problem situations wisely and to make wise decisions.

Now, we have seen how important is maturation in selecting a mate.

Only a person having all the above types of maturation will be a good partner in married life. Often it is not easy to evaluate correctly, the maturity of a person. This is because each one tries to present himself/herself in the best light, hiding the negative aspects of his/her personality. Therefore in mate selection, it is necessary to go beyond the external appearance and behaviour. You will have to closely observe the behaviour of the person in different situations and circumstances. How a person acts in a crisis or a critical situation will show his/her real self and maturity.

Health and Physical Structure

A happy married life is very closely related to the health of the partners. So this is an important factor to be looked into in selecting a mate. The parents should be healthy to have children of good health. In some western countries, the partners have to produce a medical certificate before marriage. This is ideal, especially to eliminate people with hereditary diseases.

It is advisable not to have marriage relations between persons having a close blood relationship. The children born from such couples may have hereditary diseases of both the families. It is also necessary to look out for the RH factor of the blood. If the husband and wife have different RH groups i.e. positive and negative, it may affect the children. So care should be taken to see that the partners have compatible blood groups.

HIV testing also should be done before marriage wherever scope for doubt exists to avoid future problems and breakdowns. The presence of a health defect in a person may not prevent one from marrying, but it is necessary that both know about it and are ready to face its consequences together.

Physical structure is another factor in the selection of a mate. There should not be much disparity in physical structure (height, weight etc.) colour and general appearance. However, physical attraction or physical structure is given too much importance by some people. The social expectation in the Indian context about this is that the husband should have a bigger structure than the wife. Regarding general beauty, the usual practice is that woman's beauty is more looked into than a man's. In a man "manliness" is the usual criteria that is looked for.

Physical appearance and beauty are very relative terms and vary according to cultures. This is not a very important factor in selecting a mate. Anyway, beauty should not be the main criteria for selection. There is a Chinese proverb "Marrying a woman only on the basis of her beauty is like buying a building merely by looking at the outside painting". Young people give too much importance to this criteria which is not wise.

Behaviour Patterns or Character and Conduct

If you want to enrol for any course, you need a character or conduct certificate. In order to enter into a profession also, very often you need a conduct certificate, but to get married do you produce any conduct certificate? Unfortunately many persons do not give enough importance

to this aspect, which is one of the most important criteria for mate selection. Even if your partner has all the other physical qualities, economic and social status and education, if his character is not satisfactory, married life will be a real hell. At the same time even if there is disparity in age, caste, religion, education etc., and the partner has good character the marriage will still work.

Character in married life means good will, sense of humour, the ability to love, honesty, responsibility, concern for others, give and take attitude, cheerfulness, discipline, faith in God, fidelity, openness, values in life etc. The couple had a long life before them, to spend together. Much of their happiness will depend upon their ability to share, to agree and to work together. All this presupposes in them, the presence of strong similarities in the basic concepts of life. There is no doubt that a certain amount of differences can be useful to enrich the partners. But ultimately the person who shows more similarities should be considered as the best mate.

According to psychology, a person's character is formed during his/her early years of life. So his/her family is mainly responsible for character formation. As in the case of maturity, it is very difficult to assess the character of a person with whom we do not have an intimate personal relationship. In choosing a partner this is not always possible. His/her family relationships and the life of the family can be taken as one of the important sources for assessing the character. Persons brought up in unhappy, insecure, and broken families may have many personality disorders and peculiar behaviour patterns.

Some parents consider marriage as a solution for the behaviour problems of their children, especially sons. A drunkard or a drug addict or a criminal may marry a poor girl having low socio-economic status. The poor girl is supposed to 'change the prodigal son'. Usually this ends up with a marital breakdown and lot of misery for the girl. The innocent girl becomes a scapegoat.

Caste and Religion

When the selection of the bride or bridegroom is made by parents, they insist on caste and religion. But when the selection comes to youngsters, we come across many inter-caste and inter-religious marriages. Many of them are successful. These types of marriages are good for social and national integration - and harmony among different castes and religions. But there are many practical problems of adjustments in such marriages. In India marriages are between two families. The families may not accept such marriages and interfere with each one's customs and life style.

When two persons from two different castes or religions marry, they must be willing to accept and respect each other's faith and values. Usually the problem comes with the birth of a child. Both the parents will consciously or unconsciously try to practise his/her own customs and values which result in a conflict for the children. If both parents are strictly secular, such problems can be eliminated to some extent.

It is safer to choose a mate from the same caste, religion and culture.

Even in the developed countries, where mate selection is done mostly by couples, preferences are for mates from the same race, religion and culture.

Social and Economic Status

The partners should have, as far as possible, the same economic and social status. The family should have a stable income to pull on. Today dowry has become a great social problem in India. Men are demanding huge amounts of money from the wife's home. Many bride burnings are due to the problem of dowry. Of course, the girl should have an equal share of her father's wealth. Usually this share is handed over to the boy at the time of marriage. In many cases, the wife has no say about the dowry money, and it is considered as the property of the husband and his family. In many marriages, dowry is the main criteria for selecting the wife. This is very unfortunate,

The partners should have the financial stability to establish and run a family. But the whole financial assistance should not be expected from the wife's family. As far as possible, the wife also should have an independent income. Marrying a person who is very much above or below the economic and social status may cause many adjustment problems for both the partners. In many love marriages, economic disparity may not be looked into which may result in marital problems later on. It is very difficult for love to flourish in a 'poor' circumstance.

Education and Intelligence

There should not be much disparity in these factors. In Indian villages, most women are still illiterate. Men do not consider literacy as a prerequisite for marriage. This is a very sad state of affairs. Women should be educated to be intelligent wives and efficient home managers. An educated mother is the best insurance for the education of her children. As in the case of physical structure, men in India prefer partners with equal or a little lower level of education. If the wife is more educated, the husband may develop an inferiority complex.

Regarding intelligence, both the partners should be intelligent enough to manage a home. Intellectual companionship between the partners is a very important factor which is not given adequate emphasis in Indian marriages.

It is not advisable to marry persons who are mentally retarded. The intelligence of the parents will be inherited by children to a very large extent. So intelligence is an important factor in mate selection.

Attitudes and Values — Basic Orientation to Life

Areas where strong similarity is required are attitudes and values and the basic orientation to life. These include goals, values, religious convictions and general ideas about justice, honesty, truth etc. A simple tolerance of other's beliefs or conceptions is not enough to establish a life long partnership.

The partners should fully agree in the idea itself of marriage, its meaning and purpose. It is very important for them to have the same concept

about fidelity, reciprocal roles in the family, sex, children and in-laws. It is good to have a spontaneous agreement in fields such as entertainment, participation in cultural, social and political activity, religious practice and community life.

Temperamental compatibility of the mates prevents problems in marriage. Temperament means the physiological activity level and response patterns of the individual. The behaviour controlling glands of one individual may be different from that of another individual. Such biological differences help to explain many of the conflicts in marriage. For example, why one spouse is always active and the other inactive. To avoid all these problems, temperamental compatibility should be given due importance in mate selection.

Compatibility of needs is another factor which should be looked into in the choice of the mate. There is evidence that persons seek a mate who will compliment their strengths and deficiencies. Persons with complimentary needs tend to marry. Many boys and girls are attracted to each other because each satisfies the other's need. The need so satisfied may be the need for love, affection, sympathy, understanding etc.

Now we have seen some of the important qualities that are to be looked for in a mate. The selection of a partner is not an easy process. It is an ongoing process which requires time and experience. It is better for the partners to have an opportunity to become well acquainted with each other. This is called courtship. It provides the two persons the opportunity to test each other's feelings ideas and orientations to life. This may help them to decide whether a life together will be possible. It also provides them occasions to reveal to each other the different sides of their temperaments.

In spite of the above advantages of courtship, it is generally not followed or accepted in Indian marriages. But it is a must in western countries. Anyway, it is good to have some acquaintance with the partner before marriage.

One may not get a partner who can satisfy all the above criteria of mate selection. Some compromises have to be made in some aspects. But when once the selection is made, one should accept his/her partner totally. 'Accept in toto' is a key word in marital success. Many persons try to change their partners according to their expectations. But this is a useless task, because it is not easy to change the behaviour of an adult. So the only way is to accept your partner with his/her merits and demerits and adjust accordingly.

There is no 'I' or 'You' in a marriage relationship, but only the 'We'. The Husband and Wife should become one and at the same time keep their own identities and individualities. The new Mathematics of marriage is 1+1 should be a 'big one'. It should never be a -2- or a -11- where the partners proceed in two parallel lines which never meet.

Check Your Progress VI

- 1) What are the main criteria in selecting a partner ?

1.8 LET US SUM UP

In this unit, you have learnt about marriage and family and the criteria for choosing a partner. Marriage is a life-long conscious commitment between a man and a woman. It is a contract, a union and an institution. Marriage has many biological, social, psychological and legal aspects also. The main functions and purposes of marriage are, union and procreation, companionship and sex and socialisation of the individual.

Family is one of the oldest social institutions. The human being is the most helpless creature at birth. It needs a long association with parents for its growth and development. This resulted in the evolution of the family. A family has certain distinct characteristics. It is a group of persons united by the ties of marriage blood or adoption. They live together under one roof. The family members interact with each other in different roles as father, mother husband, wife, children etc. It has a common culture also.

In India the family system is still stable and has solidarity. There are three types of families in India, the Joint Family, the Nuclear Family and the Extended Family. Each type has its own advantages and disadvantages.

The family has many functions. It meets the needs of children, adults and society. It provides for the reproduction of the race, physical security, protection etc. The family meets the physical, emotional, psychological, social and spiritual needs of all the members. It is the basic unit of our society.

The selection of a partner in marriage is very important, because it is a life long commitment. The choice can be made by parents, by self or jointly by both. There are certain social expectations that are commonly appreciated in a partner. There should be compatibility between the partners in all aspects of life. Some of these aspects are maturity; physical, emotional, social and intellectual; character, caste and religion; economic status, education, attitudes and values and orientation to life.

1.9 KEY WORDS

Compatibility: Capable of co-existing - husband and wife should be able to adjust with each other in all areas of life.

Courtship: The time before marriage, when a boy and girl try to win the affection of each other. In western countries there usually a period of courtship between the couples before marriage. During this period they can know each other very intimately.

1.10 MODEL ANSWERS

Check Your Progress I

- 1) What is the meaning of Marriage?

The term marriage has different meanings for different people. Marriage is a relationship. It is one of the deepest and most fulfilling of human relationships. For some people marriage is an institution. Marriage is described as a freely made contract between man and woman. It has a biological aspect, a social aspect, a psychological aspect and a legal aspect as well.

Check Your Progress II

- 1) What are the main functions of marriage?

Marriage has many purposes and functions. One of the most important purpose of marriage is union and procreation. Marriage is also for sex and companionship. It also helps for the socialisation of the individual. Marriage creates a family to provide the natural environment in which a person can have full growth and development.

Check Your Progress III

- 1) Explain the historical development of marriage.

The religious books say that marriage was established along with the creation of man. But we cannot say that marriage came into existence with the beginning of human life. The desire of man to own the land, which is productive, led him to the idea of owning anything that is productive. Gradually men tried to own more and more women and get more children. This ended in conflicts. This procuring of women became gradually regulated, and finally ended in the social institution of marriage.

Check Your Progress IV

- 1) Do you think there is a need for a family in the growth and development of a person?

The human infant is born helpless. It requires years, to achieve physical and mental maturity. So the child needs a long association with parents. Hence the human being needs a family for its growth and development.

Check Your Progress V

- 1) Briefly explain the functions of the family.

Family has many functions in society like reproduction of the race, passing the cultural heritage and providing physical security and protection. Family contributes to the emotional, social and spiritual development of its members. Apart from this family has a social function also.

Check Your Progress . VI

- 1) What are the main criteria in selecting a partner?

There should be compatibility between the partners in maturity: physical, emotional, social and intellectual; health, behaviour patterns, caste, religion, economic status, education and intelligence, attitude and values or the basic orientation to life. The partners should have the same concept about the purpose and functions of their marriage and family.

1.11 FURTHER READINGS

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UNIT 2 FORMS OF MARRIAGE

Contents

- 2.0 Aims and Objectives
- 2.1 Introduction
- 2.2 Concept of Marriage
- 2.3 Views on Marriage
- 2.4 Forms of Marriage
- 2.5 Forms of Marriage Among Hindus
- 2.6 Let Us Sum Up
- 2.7 Key Words
- 2.8 Model Answers
- 2.9 Further Readings

2.0 AIMS AND OBJECTIVES

The purpose of this unit is to provide you with an understanding about the concept of marriage, marriage as a social institution, and different forms of marriage.

After reading this unit, you should be able to

- describe the concept of marriage;
- explain the various views on marriage; and
- list the different forms of marriage.

2.1 INTRODUCTION

In the previous unit you have learned about the meaning of marriage and the considerations to bear in mind in choosing a life partner. The conceptual aspects of marriage and forms of marriage are discussed in this unit.

The popular concept of marriage is that it is a union between a man and a woman. Another concept about marriage is that it is a social sanction in the union and it is accomplished by different rituals and ceremonies. Yet another view about marriage is that it is a system of roles involving primary relationships. The Hindu concept about marriage is that it is a sanskar or dharma. Before studying the traditional and modern systems of Hindu marriage, it is important to know the sociological significance of marriage.

Marriage is one of the deepest and most complex human relationships. It is the cornerstone of a society. It involves social sanction, generally in the form of a civil or religious ceremony, authorising two persons of opposite sexes to engage in sexual union. Dr. Radhakrishnan (former President of India) observes "marriage as not a mere convention, but an implicit condition of human society. It is an institution devised for the

expression and development of love. Its purpose is not only the generation and nurturing of children but also the enrichment of the personality of the husband and wife through the fulfillment of their need for a permanent comradeship, in which each may supplement the life of the other and both may achieve completeness".

2.2 CONCEPT OF MARRIAGE

Every individual has to play a number of roles in his or her life. Of the various roles one plays, two roles have a very great significance in life. One is the economic role and the other is the marital or family role. The former is prominent in life because one devotes quite a good part of one's career in performing it. Consider one starts earning one's livelihood at the age of 20 to 24 years and continues to do so, up to the age of 58 to 62 years. That is, the economic career is spread over to about four decades and that every day one devotes 8 to 10 hours to job/work. Thus one can well assume the period which one's economic role consumes in one's life.

The marital role also involves about 40 to 50 years of one's life. But, of these, two roles, the marital role is more important than the economic role, because when the latter involves secondary relations, the former involves personal or primary relations.

In order to understand this, more clearly, we have to see the difference between primary and secondary relations.

Primary relations are essentially unlimited, particularistic, emotionally involved, altruistic and spontaneous. But, secondary relations are typically limited, standardised, unemotional, utilitarian and contractual. Again, primary relationship in marriage is different from primary relationship in other primary groups like friendship, neighbourhood, village etc. It is in the sense that primary relationship in marriage is based on sexual relationship and this sexual relationship brings further intimacy and permanence in the relationship between a man and a woman. Primary relation in marriage has two important functions: one of need gratification and other of social control. It gratifies biological (sex satisfaction), psychological (affection and belongingness) and economic needs (food, clothing and shelter) of the individuals and also acts as a primary source of morality and ethics. When one finds one's partner performing certain tasks for him/her, he/she considers it his/her moral obligation to care for the other or to listen to the other. One is, thus, no longer free to be immoral and irresponsible.

Another sociological way of conceptualising family is how marriage involves performing new and varied roles such as husband, wife, father, mother, son, daughter, brother, sister and so on. Whether the persons involved are capable of performing those new roles or not, and how the inadequacy of performing these roles lead to family disorganisation. What is important in marriage is how the role enactment of one partner corresponds to the role expectations of the other.

According to Koos, a Sociologist, marriage is a dividing line between the family of orientation and family of procreation in terms of the nature

of roles one perform in the two families. The roles in the family of orientation vary in infancy, childhood and adolescence and carry no responsibilities and obligations. But the roles one performs in the family of procreation after marriage as a husband/wife, a father/mother, a wage-earner, a grand-father/grand-mother, a retired person etc. have different expectations and obligations.

Thus marriage is a miniature social system which must be kept in equilibrium if it is not to fall apart. Equilibrium requires adjustments, which in turn require give and take or some sacrifice on the part of both husband and wife. To maintain equilibrium requires certain tasks to be performed by someone, for example, of cooking, cleaning, wage earning, child-care and so on. Who performs which role is immaterial (though society has certain expectations from both husband and wife). What is significant is that somebody should perform these roles for the stability of marriage.

2.3 VIEWS ON MARRIAGE

Various views have been expressed on this institution by anthropologists, sociologists and religions.

Marriage is an institution in which men and women are admitted to family life, to live in the intimate personal relationship, primarily for the purpose of begetting and rearing children.

From the social point of view, marriage is an institution that serves to ensure propagation and socialisation of children of a particular society. From the individual point of view, it provides assistance in bearing and raising of children and controls for the receipt and extension of affection.

Another view is that marriage is a socially legitimate sexual union, begun with a public announcement and undertaken with some idea of permanence. It is assumed with a more or less explicit marriage contract, which spells out reciprocal rights and obligations between spouses, and their future children.

Indian Views on Marriage

The above views represent western thinking about marriage. Now we are going to look at how Indian experts talk about marriage.

Marriage was and is considered a ceremonial gift of the bride by her father, or other appropriate relative to the bride-groom in order that both may together fulfill their duties which are necessary for human existence. The duties are "Dharma, Artha and Kama". Dharma is religious duty, that is to do good and attain Moksha or salvation. Artha is the economic aspect of life and Kama is the physical or sexual duties to the partner and to produce children to perpetuate race. Marriage is not for sense of enjoyment, but to perpetuate the race. This is the Indian conception of marriage. It is a social duty towards the family and community.

Indian religions say that marriage is a religious sacrament which is considered primarily a complex of obligations, religious and moral, on the one hand, and social and economic on the other hand.

The Hindu concept on marriage is that, it is a *sanskara* (tradition) and a religious sacrament, not a contract. It is a holy union of the two souls and not simply of two bodies. It is an indissoluble bond which could be broken only by death.

On the other hand Islam says that marriage is an institution ordained for the protection of the society and in order that human beings may guard themselves from foulness and unchastity. Marriage is not a sacrament but a civil contract, the objectives of which are the promotion of normal family life and the legalisation of children.

Among the Christians marriage has been viewed as "a voluntary union for life of one man and one woman to the exclusion of others". This type of marriage is monogamous.

Summarising the above views, you might have learnt that marriage is a union of two persons of different sexes to lifelong reciprocal possession of their sexual qualities, which aims at the individual's biological, emotional, social and spiritual fulfillment and development and which cannot be achieved in isolation.

Hindu Marriage and Sacrament

The Hindu view of marriage is that it is for fulfilling dharma and the need for pleasure (Kama). It is considered as a sacrament. There are several reasons for considering the Hindu marriage a sacrament.

1. Dharma (fulfillment of religious duties) is the most important aim of marriage .
2. Performance of religious ceremonies including certain rites like kanyadan, panigrahana, saptapadi etc., which are based on certain sacred formulae.
3. The rites are performed before Agni (the most sacred god) by reciting mantras (passages) from Vedas (the most sacred scriptures by a Brahmin (the most sacred person on earth).
4. The union is considered indissoluble and irrevocable and husband and wife are bound to each other not only until death, but even after death.
5. Though a man can perform several sacraments during the course of his life, a woman can perform only one sacrament of marriage in her life, hence it has greatest importance for her.
6. Emphasis is on chastity of a woman and the faithfulness of a man.
7. Marriage is considered a "social duty" towards the family and community and there are no ideas of individual interest and aspiration.

Check Your Progress I

1. What is the Indian view of marriage?

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2. What are the reasons to consider a Hindu marriage a sacrament?

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2.4 FORMS OF MARRIAGE

Till now you have read about the concept, meaning and different views on marriage. Now you are going to learn about different forms of marriage. There have been different opinions regarding the original form of marriage. Some theorists say that primitive man lived in a state of group marriage. The group marriage in which men in a group or tribe had indiscriminate access to all women of the group and children born out of these union were considered children of the general community.

There are some other social scientists who believed that monogamy was its original form.

Whatever may have been the original form of marriage, at present the most prevalent form is monogamy. But polygamy, polyandry and levirate forms are also found.

Monogamy

Monogamy is the only legal form of marriage found in most societies. A man marries one woman, raises children within the wedlock and performs all rites with his mate.

Polygamy

Polygamy is marriage of one male with more than one female, or what may be called the "plurality of wives". A polygamous marriage may be unrestricted or restricted or conditional. In early Hindu society conditional polygamous marriage was practised. According to the *Dharmashastra*, a man could marry again after ten years of his first marriage, if his wife is barren, or he could marry after thirteen or fourteen years if he had only daughters from his wife and wanted a son.

Manu said that, a man can marry another woman after eight years of his first marriage, if his wife is barren, after ten years if children produced by his wife do not remain alive; after eleven years if his wife produces only daughters; and immediately after the first marriage if his wife is quarrelsome, rebellious, or harsh. The Mahabharata says that a man who marries twice without any rational cause commits a sin for which there is no penance.

Today polygamy has been legally prohibited. Besides the legal restrictions, people do not practice polygamy because (1) Maintaining higher living standards is not possible with more than one wife in the house. (2) Plurality of wives increase tension in the family and (3) Women having become economically independent refuse to accept men's dominance over them.

Polyandry

Polyandry is a marriage in which one woman marries more than one man. This is found among the Thodas of the Malabar coast, and Kotas of the Nilgiris in South India. There are two types of polyandry which are prevalent in India. They are fraternal and non-fraternal. In the fraternal, the husbands are all brothers or possibly from cousins from the father's side. In the non-fraternal, they are not related, as among the Nairs of Kerala. In the 19th century the Nairs among the Hindus in Kerala practised polyandry. But Westermarck, a sociologist referring to these marriages, has said that polyandrous marriage unions of Nairs can hardly be called marriages because the male partners never lived with the woman and that the duties of fatherhood entirely were ignored. In 1896, the Malabar Marriage Act was passed which stabilized marriage norms among Nairs.

In the ancient literature the only example of Draupadi's marriage with five Pandavas in Mahabharata period was justified by Yudhishtira on the basis that similar marriages were performed by some of his ancestors and described it as "mother's command". Obeying the mother's command was a son's dharma. In the Mahabharata, referring to polyandry, it is said, "to have many wives is no dharma on the part of men, but to violate the duty owed to the first husband would be a great adharma in the case of a woman".

Levirate

Levirate is a form of marriage under which a woman is taken as the wife of the late husband's younger brother or even during the life time of the elder brother and the younger brother exercises sexual rights over the wife of the elder brother. This form prevails among the Ahirs of Haryana, some Jats and Gujars and some other castes of U.P.

2.5 FORMS OF MARRIAGE AMONG HINDUS

In the Mahabharata four distinct forms of marriages are mentioned. They are Brahma, Gandharva, Asura and Rakshasa.

Gautama and Asvalayana, two of the ancient law-giver of the Hindus, refer to eight different forms of marriage. They are Brahma, Daiva, Arsha, Prajapatya, Asura, Gandharva, Rakshasa and Paisacha. Among them, four were considered proper and desirable (dharmya) which had the approval of the father/family. The other four were regarded as undesirable (adharmya) which did not have the approval of the father. The proper marriages recognised by the 'Smritis' were Brahma, Daiva, Arsha and Prajapatya while the four undesirable marriages were Asura, Gandharva, Rakshasa and Paisacha.

Brahma was the form of marriage in which a fully dressed girl - with proper decorations and ornaments - was given to a man of the same class by performance of the ceremony mentioned in the holy texts. The bridegroom used to be a learned person of pure character and selected/ approved by the bride's father.

Daiva form of marriage was one in which the father of the girl gave her to a sacrificial priest as a part of his fee for officiating at the ceremony. The bride was properly dressed decorated with jewellery which formed part of his fees.

In the **Arsha** form of marriage, instead of the dowry, the marriage was based on a system of barter in which the father of the bride was given a pair of cattle or two by the young man in exchange for his daughter.

The **Prajapatya** form of marriage is one in which the bridegroom is duly worshipped and married to the bride with due honours and blessings with these words, "go both of you and fulfill the duties of a householder".

In the **Asura** form of marriage, bride-price is given by the bridegroom to the bride's father. This is sort of an economic contract. There is no limit of the amount given.

The **Gandharva** form of marriage was the union of a willing girl with a man in solitude when both of them were in love. In this form of marriage, neither the consent of the parents nor the rites or dowry was essential. Only the will of the marrying parties was given importance. This marriage is believed to spring from desire and had sex satisfaction as its chief purpose.

The **Rakshasa** form of marriage was marriage by capture in which the girl was forcibly abducted by the man. If she cried for help and if her kinsmen came to her rescue, they were killed.

The **Paisacha** form of marriage was marriage by seduction, stealing or fraud, where the girl was sexually violated while she was asleep, intoxicated or unconscious or when incapable of protecting herself.

Of these eight forms of marriage Brahma is considered to be the best marriage, where a girl is given to a boy of merit in the same caste or in a caste of equal status.

In the Mahabharata age, the two most prevalent forms of marriage were Brahma and Gandharva. Gandharva marriage was declared to be proper for a Kshatriya. Many of the heroes of Mahabharata contracted this form of marriage; for instance, Arjun married Ulupi and Chitrangada, and Dushyanta married Shakuntala.

Swayamvara: A variant of the Rakshasa form marriage was considered to be the norm for princely houses; for instance, Arjun won Draupadi and Nala won Damayanti.

Marriage within the caste was the prevalent order of things during the period of the Smritis and the Puranas. Marriage was rigidly regulated by the caste system and caste laws.

As a matter of fact, a man of higher caste could marry a woman of lower caste which is called **anuloma** marriage. But a woman of high caste marrying a man of lower caste which is called **pratiloma** marriage was not allowed.

Another custom relating to marriage was the law of consanguinity — close relationship by blood over generations. There are sapinda, gotra

and pravara degrees of relationship. They are intended to prevent marriage among certain kins and gotras.

The present custom of Hindus is that marriage within the same gotra is to be avoided.

Endogamy

Endogamy is a social custom that requires a person to select a spouse from within certain groups. These endogamous groups specifically refer to varna, caste and sub-caste. Thus, a boy from a particular caste marries a girl from the same caste. Caste endogamy was functional in early society because (1) it made marital adjustments easier, (2) it preserved the occupational secrets of the caste, (3) it maintained the solidarity of the caste and (4) it checked the decrease in the membership or strength of the castes. The most typical endogamous rules are enforced by tribe, race, religion and social class.

Hindu couples planning to marry are obligated to belong to the same caste and sub-caste. Sub-caste refers to a further subdivision of castes into endogamous categories which, for all practical purposes, are themselves independent castes.

The negative effects of caste endogamy are that it creates (1) inter-caste tensions which adversely affect the political unity of the country (2) the problem of marital adjustment, because the field of selection remains limited and (3) problems of child marriage and dowry continue.

Exogamy

The term 'exogamy' is essentially covered by the incest taboo which is prohibited universally. Similarly, universally banned is the marriage of brother and sister. An interesting exception to the latter prohibition occurred in the royal families of ancient Egypt, Hawaii and the Incas of Peru. The explanation for this is the determination to maintain intact a royal line of descent in societies which had not developed a system of inter marriages with foreign royalty.

Close blood relationship is typically, however, a bar on marriage for all people in all times and places. Frequently first cousins may not marry. Alliance or affinity, as well as blood relationship, has been included within exogamous rules. Among some people, marriage between persons belonging to the same village or other territorial group is banned, or at least discouraged.

Exogamy is a social custom which forbids selection of a spouse from certain groups. There are two types of exogamy practiced by Hindus. They are Gotra exogamy and Sapinda exogamy. They are intended to prevent marriage among certain kins and gotras.

Gotra exogamy

Gotra is a group whose members are believed to have descended from a common mythical ancestor. Initially there were only eight Gotras, but gradually their number increased to thousands. The

gotra exogamy prohibits marriage between members of the same gotra.

Sapinda exogamy

Sapinda means one who carries the particles of the same body. Sapinda relationships arise from being connected by having particles of the same ancestor. Marriage between such persons is prohibited. Since there is no limit to persons related by blood, some limit is prescribed for avoiding persons for marriage related to each other within certain generations on the father's and the mother's side. In practice and according to law, five generations from father's side and three generations from mother's side are avoided. However, breach of sapinda exogamy was never penalised, though breach of gotra exogamy was considered a heinous practice.

Cousin Marriage

There are four types of cousins (1) chachera (father's brother's son/daughter) (2) mamera (mother's brother's son/daughter) (3) phuphera (father's sister's son/daughter) and (4) mausera (mother's sister's son/daughter). Of these, chachera and mausera cousins (where the two sibling parents of the child belong to the same sex) are called parallel cousins and mamera and phuphera cousins (where the two sibling parents of the child are of opposite sex) are called cross cousins.

Of these two forms of cousins, cross cousin marriage was practised in ancient Hindu society. Even now cross-cousin marriages are practiced among Hindus and Muslims.

The main arguments for and against cousin marriages are biological, social, psychological and cultural. The arguments against cousin marriages are: (1) it will lead to biological degeneration of family because parental defects will be transmitted to their children, (2) it will create secret relations between primary relations in the family and thereby lead to immorality; and (3) it will be against our religious norms. Arguments in favour of cousin marriages are: (1) one's property will remain in one's own family; (2) it will create stronger bonds of love between brother and sister; and (3) with the breakdown of joint family, cousins no longer live together in the same house.

Hypergamy and Hypogamy

As a matter of fact, a man of higher caste could marry a woman of lower caste which is called anuloma marriage (hypergamy). But a woman of high caste marrying a man of lower caste which is called pratiloma (hypogamy) marriage was not allowed.

Inter-caste Marriage

It is a marriage between man and woman belong to different castes. Inter-caste marriage in India is generally understood to mean not only marriage between sub castes of a major caste group (as between Brahmin sub-castes), but also marriage between two major castes (as between Brahmins and Vaishyas or any other castes).

Inter caste marriages which are increasingly common in India, especially in urban and industrial areas, are not between high and low caste people but between the members of various sub-castes within a large caste group (as between Brahmin sub-caste). At present, many of the modern minded and liberal people in India believe that inter-caste marriages should be accepted (legally such marriages are permitted) by the people / society. Also they believe that inter-caste marriages would help break down the traditional caste system. It will also help wipe out caste distinctions and untouchability.

Formerly marriage outside one's caste was not to be even thought of. Today many men and women are prepared to break through the bonds of caste if mutual love or attraction demand it.

However studies conducted on inter-caste marriages show three features.

1. When a person outside the caste is wealthy and had a social prestige, there has been a general approval.
2. Persons with higher education and who are older marry outside the caste.
3. Even today, the large number of marriages are within the caste and these are marriages arranged by parents. The only significant change is with respect to the restriction against sub - castes which has now been practically eliminated at least in the urban areas among the educated persons.

Arranged marriages are the marriages arranged by the parents of the bride and the bridegroom, considering all the norms and customs of the society and religion.

Inter-religious marriage

Inter-religious marriage in India is basically understood to mean marriage between persons belonging to different religions.

Check Your Progress II

1. Explain different forms of marriage.

.....

2. Discuss the different forms of Hindu marriage.

.....

2.6 LET US SUM UP

In this unit, you have learnt about the concepts of marriage, sociological views on marriage, the Hindu concept of marriage, the forms of marriage and the Hindu forms of marriage along with their advantages and disadvantages. The discussion included the Indian views on marriage, as well as the Hindu marriage as sacrament. While discussing the forms

of marriage we also learned about monogamy, polygamy, polyandry, levirate, endogamy, exogamy, gotra exogamy, sapinda exogamy, cousin marriage, hypergamy and hypogamy as well as inter-caste and inter-religious marriages.

2.7 KEY WORDS

1. **Dharma:** Fulfilment of religious duties.
2. **Monogamy:** A man marries one woman. No other sexual partners in between.
3. **Polygamy:** Marriages of one man with more than one woman.
4. **Polyandry:** Marriage of one woman with more than one man.

2.8 MODEL ANSWERS

Check Your Progress I

- 1) What is the Indian view on marriage?

The Indian view on marriage is that it is considered as a ceremonial gift of the bride by her father or other appropriate relative to the bride-groom in order that both may together fulfill their duties which are necessary for human existence. The duties are Dharma, Artha and Kama. Dharma is a religious duty, that is, do good and attain Moksha or salvation. Artha is the economic aspect of life and Kama is the physical or sexual urges of the partner and to produce children to perpetuate race. Marriage is a social duty towards the family and community, not for sense of enjoyment, but to perpetuate race. This is the Indian view on marriage.

- 2) What are the reason to consider a Hindu marriage a sacrament?

There are several reasons for considering the Hindu marriage a sacrament:

1. Dharma (fulfilment of religious duties) is the most important aim of marriage.
2. Performance of the religious ceremony including certain rites like Kanyadan, Panigrahana, Saptapadi etc.
3. The rites are performed before Agni (the most sacred God) by reciting mantras (passages) from the Vedas (the most sacred scriptures) by a Brahmin (the most sacred person on earth).
4. The union is considered indissoluble and irrevocable and husband and wife are bound to each other not only until death, but even after death.

Check Your Progress II

- 1) Explain different forms of marriage.

- a) Monogamy is the only legal form of marriage. A man marries a single woman, raises children with in the wedlock, performs all rites with his mate.
- b) Polygamy is which a man marries more than one woman.

- c) **Polygandry** is in which one woman marries more than one man.
- d) **Levirate** is a form of marriage under which a woman is taken as the wife of the late husband's younger brother or even during the life time of the elder brother, the younger brother exercises sexual rights over the wife of the elder brother.
- 2) Discuss the different forms of Hindu marriage.

The Hindu forms of marriage are Brahma, Daiva, Arsha, Prajapatya, Asura, Gandharva, Rakshasa and Paisacha.

Brahma form of marriage is, in which a fully dressed girl – with proper decorations and ornaments- is given to a man of the same class by performance of the ceremony mentioned in the holy texts.

Daiva form of marriage, is in which the father of the girl gives her to sacrificial priest as a part of his fee for officiating at the ceremony.

Arsha form of marriage, instead of dowry, the marriage is based on a system of barter in which the father of the bride is given a pair of cattle or two by the young man in exchange of his daughter.

Prajapatya form of marriage is one in which the bridegroom is duly worshipped and married to the bride with due honours and blessings with these words, " go both of you and fulfill the duties of a householder."

In **Asura** form of marriage, bride-price is given by the bridegroom to the bride's father. This is sort of an economic contract.

The **Gandharva** form of marriage is the union of a willing girl with a man in solitude when both of them are in love.

The **Rakshasa** form of marriage is a marriage by capture in which, the girl is forcibly abducted by the man.

The **Paisacha** form of marriage is marriage by seduction, stealing or fraud, where the girl is sexually violated while she is asleep, intoxicated or unconscious or when incapable of protecting herself.

Of these eight forms of marriage, the first four are considered proper or Dharmya and the last four are considered Adharmya.

2.9 FURTHER READINGS

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UNIT 3 SOCIETY, CULTURE, RELIGION AND FAMILY VALUES

Contents

- 3.0 Aims and Objectives
- 3.1 Introduction
- 3.2 Family Life : Changing Patterns
- 3.3 Aspects of Value Formation in Family
- 3.4 Family Values and Influence of Socio-Cultural and Religious Dimensions
- 3.5 Family as the Agent of a New Society
- 3.6 Let Us Sum Up
- 3.7 Key Words
- 3.8 Model Answers
- 3.9 Further Readings

3.0 AIMS AND OBJECTIVES

At the end of this unit you should be able to:

- understand that family is the core of the society and describe the importance of value formation in children,
- discuss the changing patterns of value system in human life and the factors influencing them,
- explain the nature and influence of the social, religious and cultural variables and reassess their characteristic functions on values in family life, and
- be able to suggest ways of renewing and protecting human values in families.

3.1 INTRODUCTION

In the preceding chapters we have examined in detail the meaning of marriage, choosing a life partner, and the various forms of marriage. Human beings as social entities are part of the global family of the world and the particular culture and social strata in which one lives is inseparably related to every individual through his/her family, neighbourhood, education and social surroundings. Though religion, culture and society are independent subjects in themselves, they influence one another and have a serious impact on human values and family life.

Family life education is based on values and relationships. Many people yet have to become aware of the changes that have already overtaken the patterns of family life and how to handle them. Some take for granted that all families of all time have a permanent basis, untouched by the

growing forces of contemporary problems and social changes. This is not true, as families have been exposed to the changing patterns of culture in an age of globalization. In fact family is a word that triggers emotions in most people.

3.2 FAMILY LIFE: CHANGING PATTERNS

Definition of Family

A family is a community of persons related to one another, living together in an environment of understanding and acceptance. A family is a place where one can freely express one's feelings, emotions and needs without being threatened or ashamed of them. Family is a place where one can feel security, wholeness and a sense of being wanted.

Family can also be defined as "Those related persons who live together within a household, usually with common eating habits or one kitchen." It is experienced and proved that children grow best in an atmosphere of security and affection and that material attributes can never be substituted for true love.

Types of Family

Developments in society in the recent years have focussed their attention on man's self-fulfillment through individualism, materialism and consumeristic values isolating man from his need to belong to one another as persons. Authentic fulfillment and happiness is experienced not in the acquisition of the external, material wealth and possessions, isolated from one's relation to the rest of humanity, but in his intimate and significant experiences of other people starting with the family. In fact every human being is bound together in a family and in the earliest experiences of interacting with the father, mother and other significant people, one learns to find meaning and identity for the rest of one's life.

The traditional pattern of family living in India was that of a joint family, in which members were bound together by ties of common ancestry and common property. Now in India we find three types of family structures.

- The large Joint Family.
- The Nuclear Family.
- The Extended family

A joint family is that which has a greater generation depth than the nuclear family, in which members are related to one another by property, income, mutual rights and obligations.

The care and maintenance of dependents is a moral obligation. Members of the family are closely knit together and share the problems and joys of social living, having strong feelings of mutual obligations during crises and regard self-interest as being identical with family welfare. The joint family provides as "umbrella" of support, which covers financial loss, decease of a spouse and social security. Children brought up in a joint family are more secure, affectionate and have a well-developed personality. Joint family can be found more frequently among Hindus

than amongst any other community; in agriculturists rather than traders, clerical and professional workers. Joint families can be found in the lowest income groups too. They usually have acres of land and men grow up with the knowledge of people around, confidence and skill in family business matters. Children grow up with the experience of life cycles: birth, maturation, marriage and death. There is no difficulty of boy-girl relationship, no problem of single women, no problem of single or neglected child and marriages are arranged by parents, ideally speaking, of course.

The positive aspects of joint family system are based on the advantages of the members such as:

- Family survival
- Care in old age
- Increase in family income
- More share in the property
- To follow the pattern in the community
- To make the home happier

Nuclear Family

Nuclear family is one in which the parents and their unmarried sons and daughters live together.

Extended Family

The extended family is a later development of the joint family system with a transformed image. It mediates the nuclear family and the large joint family. In this type the nuclear family is extended with sons marrying, bringing up children and remaining within the original family of the parents.



Transitions in Family Patterns

We live in a world of fast change. We have reached a time in history when sitting at home, we are able to know what is happening around the world. We are able to move around the world in a shorter time than before. We are living with all the modern technologies that dictate easy life, pleasure, comfort and provide automatic answers for most of our problems. Many are doing their own business sitting at home. The science and technologies have progressed to such an extent that man only has to sit in homes press a button in order to send a written message across the world and receive the reply. Any information one needs on any topic can be obtained through our family computer.

Over the years, the Indian Family has gone through many transitions. The larger families of six and eight have been replaced by families of one or two independent children who learn constantly to compete with each other over toys and personal possessions from their infancy. In place of joint families where adults, children and the elderly interacted with one another in a secure atmosphere, now we have strangers and lonely individuals living in separate worlds. The elderly are conveniently put into old-age homes and children are kept waiting at the school gates or in front of family T.V. till their parents return from the offices. Children who spend long hours in closed houses or in the company of servants or other school children develop a sense of rejection, depression and isolation. All that they are able to interact with for long hours after school are toys, story books, T.V. computer games and cartoons that contribute to the formation of a mechanical, dehumanizing, individualistic, and narrow-minded attitudes in children.

Significance of Transition in Families

The joint family cannot be dismissed as outdated. Many Hindus as well as Muslim families follow that life style still. Rank and wealth are not the conditions for this system but blood relations and social value are. They are mostly found in non-urban, non-industrialized settings. It is interesting to note that even when the members of an extended family do not live in the same household, they still share a common budget and follow the same family leader. Besides, even among the members, who live separately, we see that all belong to a joint family system and believe in this value.

There are problems connected with all extended families, as the joint family is based on the relations among the adult males rather than on the conjugal bonds between spouses. There are less chances of breaking this system in arranged marriages. The spouses do not feel the allegiance toward the large units as the husbands feel and there are quarrels, competitions and dissatisfaction among women and children. In recent years majority of Indians prefer to live in nuclear families. The role of religion is to give a perspective to human life, hence, to family life and through it to society.

Check Your Progress I

- 1) Define the term "family".

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.....
.....

3.3 ASPECTS OF VALUE FORMATION IN FAMILY

Definition of Values

Values are those which direct our thinking and living and which give meaning to our existence. The values we hold dear are expressed in our actions by which our lives receive a certain amount of identity. It is the value one possesses which gives him/her an image by which others judge or measure him/her. In order to make values meaningful, they have to be practical and directive.

Classification of Values

Values can be classified into personal, social and neutral. This classification is based on the traditionally handed on customs and beliefs inherited by the person which make a society proud and protective of the culture which is inherited.

Values can be classified as material values and higher values. Material things have their own values: food, physical health, and clothes are such visible values by which one exhibits one's identity and are essential for survival in a society. Higher values are seen only by way of behaviour. Since food is a necessity for human life, working for daily food is a value, but to share what one has with other needy people is of a higher (greater) value. Even though joy is a value, all things which give joy need not be values, though there can be a desire to possess all things. Higher values are eternal values: they can be understood as human or divine.

Whenever there is a doubt, a need for the expression of values becomes apparent. Life is made up of small and big decisions. Where families are authentic in loving one another and caring for each other, obeying God and working for Him as the source and centre of the universe, progress, peace, harmony and human development will be the outcome.

Socialization and Value Formation

Social, religious, and cultural values affect family life to a great extent. In fact no family can exist independently of these factors. One of the most significant stages of one's life is socialization. Socialization is a process through which the child absorbs, assimilates and internalize socio-cultural and religious and practices from the significant persons in his/her life. e.g. parents, teachers, siblings. Thus, a child acquires attitudes and values, some of which pertain to moral standards and others

relating to people – love and hate, superior and inferior, etc. These attitudes and values exist in children in different ways, at different levels according to the atmosphere, psychological stages and physical conditions.

Socialization is seen by sociologists as a process toward cultural conditioning. For an individual infant to survive, it must be socialized. There is a structural relationship to socialization. As a result of being socialized by parents, one becomes an agent of socialization for one's children and grand children. These obligations become fixed and specified for generations. It is easy to understand that such a conditioning attached to a joint family system can be so strong in the Indian society as it has existed for over 2000 years with its culture, beliefs and socialization process give a meaningful value to family life that are inseparable from society.

Thus we see that the individuals and the families are motivated to serve the society's interests and keep up the system. In this sense the socialization process is more or less a natural process to make the individual conform to the social norms and cultural pattern of a society. There is a tendency in many individuals to deviate from this type of forced pattern, since all human beings have an innate longing for freedom and self-expression, for spontaneity and personal identity. This explains the reason for teenagers and young adults growing up with antagonism and rebelling against parents and those in authority.

Value Formation in Parent Child Interaction

The mother-child tie is emotionally intimate which facilitates the process of socialization. The span of human life is long and hence socialization continues. The pattern of dominance by father or mother gives further authority to what is learned and fixes attitudes and values in the minds of children.

Already learned experiences of children through families are made forceful and commanding by the way the society lives and interacts. At this stage, the experience of the father and mother and the strength of the parent-child relationship will determine the values of selfhood (identity, security and self image of the child), which form the core of a child's personality.

Children of pre-school age are already exposed to a competitive world. Parents, out of enthusiasm for proving their identity and getting approval for their status, pressurize their children to achieve excellence in studies, sports, music and other fields and push them beyond their capacity and speed up their performance. But gradually this creates stressful feelings and inferiority complexes in children and they become victims to physical, and verbal humiliation in school and at home.

Women's Role Affecting Family Values

We cannot satisfactorily talk about the formation of family values, bypassing the nature and role of women in both society and family. The home is the pivot of society and the woman is its centre. The home—the family—is the first institution which imparts self identity to an individual

and where he/she formulates a self image. The respect and esteem the mother is given in the family greatly determines the values with which the family looks at others in society.

"A women's position in the family is lowered if she gives birth to female children, and she is looked down upon by others. On the other hand producing sons is considered to be a great achievement" (Bhasin (ed) 1972). Such families cannot give a positive self-concept to female children who in turn look at women negatively and pass on negative values to the coming generations.

"The cultural conditioning has gone so deep into the psychology of people of India that even among the educated and so called enlightened and well-to do urban-dwelling people, the birth of son is much more desired".

Though some change is evident in cities, most of the village women still live under the subjugation of men and traditional social customs.

It is clear from what has been said that one of the important aspects of family values depends on the position that women occupy in home and in society. The women's self-image, the opportunities and congenial environment for utilizing the rights and privileges due to her has a great deal to do with the type of families and the quality of values imparted to the family members. Hence women's empowerment is necessary for the formation of new values in Indian families.

3.4 FAMILY VALUES AND INFLUENCE OF SOCIO-CULTURAL AND RELIGIOUS DIMENSIONS

Values in Family and Society

The family is made up of individuals but it is also a part of the larger social network. Thus, individuals are initiators and promoters of culture. Individuals and society are mediated by families. It is in and through families that people learn and pass on values. But all members of a society are under the constant supervision of parents in childhood, of friends in teenage, and of the public in adulthood. Family is where children are trained; the adults feel free to praise, criticize, suggest and order so that the children learn family preferences. They are taught what is right and wrong, what to tell others and not, how to behave inside and outside the home, who must be their friends etc. All these influence and communicate to the children directly and indirectly the attitudes, values and conduct which will accompany them for the rest of their life. What they learn is part of that culture and customs of the society which are valued by the adults.

Family as a social institution is the basic structure of the society. Hence the flow of values between the family and society is very lucid and they interact very closely, intrinsically and inter-dependently before the effect is apparent.

It is not wrong to say that it is through the family that the values and attitudes are absorbed by the child in his/her early age, cultural

transmission of a particular society is kept up and the major agent for all these is the woman. The significance of the family is the mediating function of family in the larger society, as it links the individual to the larger social structure. As part of the society, families like to keep their identity linked to it, hence the family values remain mostly undifferentiated from the values of the society.

Socially, man's relationship is becoming less and less with other human beings. His engagements are more with the machine and technically produced means of communication. Communication, which is the medium of relationship and social connection, is no more concerned with human relationships, but media and media-related learning and knowledge. Media also has helped to replace human interactions with group interactions.

Studies (Erich Fromm, 1973) have shown that in societies where human life and peaceful living are valued, there is little competition and there seems to be hardly any exploitation of one another. Work is done essentially in co-operation, and there is no economic rivalry. Women are respected and included in the decision making processes. We can also see that the opposite is true in societies where wealth and success are valued over human life. When money, position and power are valued, individuals grow up with aggression, violence, competition and manipulation. Families become unable to foster human values that can sustain and uphold members, as they are subjected to the negative influences of peers, employees, neighbours and organizations in the society.

According to Mahatma Gandhi, truth and love are the most admirable and cherished values of youth.

Values in Family and Culture

The culture of the Indian family is no more a single, traditional following of customs, practices and beliefs, but a plurality of practices and patterns. The elders used to be the central persons whom the youngsters looked up to, learned from and were agents of imparting the traditions and values of family, life, parent-child relationship and discipline. The uniqueness of the Indian culture is failing engulfed by the global culture.

However, the villages still hold on to the traditional values of hospitality, simplicity, submissiveness, and belief in God. They have been excluded from the modernism by deprivation of economic and technological development.

Man's uniqueness consists in developing language and preserving meaningful, creative behavior and in communicating the internal conditions and feelings through external expressions. The cultural implications of values are tied up with practices, symbols, religious rituals and the customs of a society. Also, traditions and languages of the different regions or nationalities are expressions of values of the ethnic group to which one belongs. Though India is known for its unique culture, the different religions and regions have specific cultures. Culture

expresses itself in one's life-style, food habits, dress and symbolic expressions. Indian culture can be unique in comparison to the West, but each culture has its own richness and inherent in it are specific messages, interpretations and expressions of values the people of that society hold dear. The diversity of perception, experienced and expressed through different and creative ways become integrated in the life of individuals through learning, understanding and accepting in the given cultural contexts. The family is the place where the atmosphere of unity, integration, harmony and respect of different beliefs and expressions become a necessarily unified consciousness.

India is a land of many striking contrasts, and a great cultural complexity, social diversity and regional variation can be found among the people. And in the diversity of the Indian scene it is very difficult to make any generalized judgements concerning the values in family life. But it is the unity running through diversity which reveals the positive dimensions of social and cultural values in family life.

Older attitudes and prejudices still persist and social opinion is taking its time in changing itself.

As values are integrated with culture, religion as well as socially determined attitudes, behaviour and customs, an evaluative and critically-questioning methodology is required for the promotion of family values. As history grows, social situations change and people adopt new ways of living. Old customs and practices cannot make meaning to younger generations. Hence, the need for introducing meaningful values become a necessity. For example, the role of women was considered to be within the family, taking care of the husband and children, but now as women are working on equal terms with men, outside home the attitude toward women cannot remain the same. This perception affects family values.

Values in Family and Religion

The world is not the ultimate reality. This is the teaching of all Religions. The Bible, Gita, Koran and other scriptures affirm and acknowledge the one and only powerful and omnipotent God who is invisible to the external eyes and to the physical world in which we live.

All religions emphasizes the need for forming a mature conscience in people. Religion provides a code of norms which will guide and enable persons to have an objective understanding of God. Religion must help people to grow in a balanced, harmonious, altruistic attitude which will result in accepting all peoples as one's relations, regardless of their caste, creed, religion, or customs/language.

It is difficult to differentiate the socio-cultural and religious values as they affect family life. Religion in its purest form deals with one's faith in God and shows how he/she must live in this world. Hence religion frames 'law' or teaches one's duty to God and towards others, which we call Dharma. All religious-founders taught how to live our lives in worship to God and our duty towards our neighbour. Hence Buddha taught compassion and less desire for worldly pleasure, (contemplation). Jesus taught of Love for neighbour to the extent of giving up one's life

for the other: in service. Hinduism talks of Nishkamkarma; doing one's duty toward others and not accepting the results of the actions. However, the truth is that it is the religious beliefs of a society that set the tone for all other values in family and society.

Family Values and Attitude toward Sex

According to the study and analysis of a number of psychologists and educationists, the attitudes and values (either positive or negative) which the parents have, become the most powerful instrument in the hands of the children for later years. The self-image, as well as the ability to interact with others in children from childhood to later years are affected by the early experiences of sex-related values taught in the family.

According to a classic concept a little boy at the age of five or six chooses his mother as the first object of his sexual desires. The same thing is true about girls concerning their father. The upbringing of children with a positive, balanced, relationship with family members and outsiders at this age is essential for the growth of proper values regarding sexuality in children. The understanding of sex as part of the body for a special purpose in the plan of God for the world, has to be taught to children gradually as they mature in life.

Respect for all persons, regardless of sex difference is a higher value which very few people possess. At the same time a family that does not respect persons and considers sex as an object of pleasure and a means of power play can cause negative understanding of sex in children who may grow up to be exploiters of women in society.

Values in Family and Role of Media

As we have already seen earlier, with the breakdown of the joint family and the advent of industrialization, the family atmosphere has changed drastically. The family has become small in size, the elderly and children are left alone at home and the parents are burdened with over time jobs. The rise of materialism and consumerism has created unnecessary anxieties of isolation and loneliness in families and among families. The advertisements set the norms for values concerning food, dress and friends. The concepts of values are created in children by what they see and hear in the media. T.V, internet, computer and other technological devices have become source of entertainment for both children and adults. In place of listening to the stories of parents and grand parents while going to sleep, children seek music, serials and cartoons before going to bed. Role models for the present generation are film stars who constantly appear on televisions. Balance in the media against the values of families has gone beyond the control of parents.

On the positive side, children are becoming aware of the wider dimension of human life and interactions. Young children are growing rapidly in their intellectual curiosity and general knowledge of the world around them. Teenagers, youth and adults themselves are more becoming aware of their rights. Environmental Preservation, Animal Protection and Human Rights are becoming issues of priority for the young people of today. The demands of children and adults in families to up keep with the media-world has become an obsession affecting the

dignity and self-worth of family members.

3.5 FAMILY AS THE AGENT OF A NEW SOCIETY

Family in Process of Value Formation

The truth that family is the foundation for a stable and strong society is becoming more and more wide spread throughout the developing countries. The topic is a complicated one, as family, society, culture and religion are inseparable factors and each one has something to do with the shaping of values in the individual persons and families.

The family is a 'mini school' and it is there the children learn to relate with others. According to physiologists the child perceives and experiences its parents in the first year of life. The child's personality and attitude to a great extent are shaped by the age of four. The significant persons of the child's life in this stage are the mother, father, brothers, uncles and aunts. This is the period in which parents can play a great foundational role in families.

The future of humanity passes by way of family. Philosophers and social analyst have noted that society is a structure made up of families, and that peculiarities of a given society can be described by outliving its family relations. The earliest moral and ethical writing concentrated much on family due to its importance as the base of the society. True happiness and progress of a society depends on the positive attitudes and behavior of the members of the family. When these attitudes and relatedness extends from family to society, the society mirrors the family. When the influence is vice-versa, the family become the mirror of the society. In either situation, both family and society influence each other and one of them will always be dominant.

Family must become the Basic Unit of Change

Families as the basic and most important unit of social institution must be given special attention by any educational field that deal with society and progress. Being at the foundational level of the society, the family concerns itself with the well being and growth of persons. A happy family is where the parents and children together experience the joy of belonging, and the feeling of being cared for the deepest needs. Food, clothing and shelter are the basic needs of all human beings, but the happiness of a family depends on higher needs such as being loved, trusted, understood, forgiven, recognized for one's talents, gifts and the ability to reach out to those less fortunate. The fulfillment of family life is in bringing forth persons strong in body, mind and spirit, with emotional maturity and altruistic outlooks as citizens of the nation. Persons must be formed and educated for bringing about a social change. Hence schools have a vital role in the attitudinal change and inculcation of values in children. This has to be done in co-operation with families. Parent-Teacher Associations and Management Committees are such means through which schools and families can take co-operative responsibility for education of children in the true spirit of formation.

Personality Traits and Basic Life Orientations

1. Basic trust vs. basic mistrust;
2. Autonomy vs. shame and doubt;
3. Initiative vs. guilt;
4. Industry vs. inferiority;
5. Identity vs. role confusion;
6. Intimacy vs. isolation;
7. Generativity vs. stagnation; and
8. Ego integrity vs. despair.

Men and woman are made in the image of God so that they can think, question and differentiate good and bad, design their own destiny and reach the ultimate goal.

Parents' Focus on Value Clarification

In order to function as moral human beings in society, children need to grow in an atmosphere of clearly defined values which are practiced by adults. Children need to see/hear parents doing and talking what they believe in. Mostly, children learn from adults through imitation when they are young, and through reasoning when they grow up. They look for impartiality in behavior and preaching in practice. Hence there is a need for clarification of values in the day-to-day life of the families, initiated by parents. Children seek guidance and answers to questions in order to understand and accept values in the light of their purpose in life. Therefore, every family's first priority in training and educating children must begin with the question of personal identity.

Who am I? Where have I come from? Where am I going? This basic foundational principle of life must become a stepping stone for the positivizing socialization of children. Religious and moral values therefore become a necessity in family life. Relationships are what the family is built on. It is easy for children to pick up the values of God as the Creator-Father and the universe as His Creation — Home. A relationship with self, with God and with others will pave the way through to the child's mind. Children then will learn to relate to others as extensions of themselves and develop social consciousness. The understanding of personal, social and spiritual relationships will grow in children through their experience in the family with the interaction with one another, day in and day out.

Family Values and Positive Strokes

Psychologists have come to the conclusion that positive thinking is the secret of happiness. In order to grow up in positive thinking, one must be exposed to positive strokes. The families where every parent accept one another and encourage what they are and their contributions, health and happiness abound. From childhood on, children need to feel secure in themselves from the recognition and understanding they get from their significant people. Positive strokes can be effective in families for the proper self-image and upbringing of children.

Case studies show that the most unhappy and violent people have been those whose childhood was spent with adults who were strict, constantly nagging, criticizing, and condemning. Allowing children to grow up with clearly defined freedom, respect, love, encouragement and appreciation will result in making new generations of good citizens for the nations. The quality of change thus brought about in persons through families will prepare the groundwork for causing a gradual change in the society. Therefore the parents must concentrate on giving positive strokes to the children in order to direct them toward a new value-system, making families agents of social change.

Marriage is a point of departure in which boys and girls, brothers and sisters realize themselves as persons with responsibilities in life, form individual ties with other persons and appear mature and able to make decisions for life.

Recommendations

In order to form families with lasting value that can influence society and change it for the better, the following values must be inculcated and transmitted to children both by parents and social institutions:

1. Family life must be based on truth, faith and justice.
2. A culture of peace, brotherhood and tolerance must be taught in families.
3. Respect for life and respect for different views regardless of religions, ethnicity and regions must be fostered in families.
4. A sense of responsibility for the welfare of others: family must be recognized by society and educational systems as a primary unit of society.
5. Adults must become examples of inter-faith dialogue, critical analysts of social issues and promoters of Nation Building.
6. True patriotism must be effected in children through parents' efforts and social institutions.
7. Education at home and in an institutional set up must direct the yearning of human communion and self-realization.
8. Young people must be recognized for their energy, enthusiasm and new knowledge and the elderly must be respected for their wisdom and practical knowledge.
9. Correct judgement and common sense must be cultivated in children right from childhood.
10. Opportunities for making personal decisions and evaluating the choices made and carried out.
11. Children must be brought up with consideration for their aesthetic, moral, intellectual and emotional development.
12. Boys and girls must be brought up at home with equal participation in the household duties, equal treatment and respect.
13. A sense of compassion for the elderly and those less fortunate due to cosmic, social or economic situations, must be part of children's curriculum.

14. Sacredness of sex, beauty of growing up and happiness of family life must become experiences for children in families.
15. Lastly, there must be the conviction that every parent in this world has a privileged duty of being an agent of re-creating the society and transforming the world.

3.6 LET US SUM UP

In this unit we have examined the concepts of family values, types of family and different factors in society affecting family values. We have also looked at the concepts of culture and religion and how important and inter-connected they are in the value formation of individuals and to the network of society.

We have dedicated a great deal of time to the study of Indian society and the role of family values. Lastly, we have focused on some important points on the role of parents in the formation of values in different areas of human life. Through the family the mothers' role in forming human and divine values in children and in transforming the society is pointed out. However, concern is expressed in the need for family and society, taking a co-operative and co-responsible role in value formation. The unit ends with recommendations for parents to take initiatives in making families agents of change in the society.

Check Your Progress II

1. List any five values that must be transmitted to children by parents.

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3.7 KEY WORDS

Value: The qualities on which the worth, desirability or utility of a thing depend.

Culture: The arts and other manifestations of human intellectual achievement regarded collectively.

3.8 MODEL ANSWERS

Check Your Progress I

1. Define the term "family".

A family is a community of persons related to one another, living together in an environment of understanding and acceptance. A family is a place where one can freely express one's feelings, emotions and needs without being threatened or ashamed. Family is a place where one can feel security, wholeness and a sense of being wanted.

Family can also be defined as "Those related persons who live together within a household, usually with common eating habits or one kitchen." It is experienced and proved that children grow best in an atmosphere of security and affection and that material attributes can never be substituted for true love.

Check Your Progress II

1. List any five values that must be transmitted to children by parents.
The five values that must be transmitted to children by parents are:
 - a) Family life must be based on truth, faith and justice.
 - b) A culture of peace, brotherhood and tolerance must be taught in families.
 - c) Respect for life and respect for different views regardless of religions, ethnicity and regions must be fostered in families.
 - d) A sense of responsibility for the welfare of others: the family must be recognized by society and educational systems as primary unit of society.
 - e) Adults must become examples of inter-faith dialogue, critical analysts of social issues and promoters of Nation Building.

3.9 FURTHER READINGS

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UNIT 4 MARITAL LIFE AND ROLE EXPECTATIONS

Contents

- 4.0 Aims and Objectives
- 4.1 Introduction
- 4.2 Role Expectations in Marital Life
- 4.3 Role Conflicts
- 4.4 Role Changes in Different Phases of Marriage
- 4.5 Let Us Sum Up
- 4.6 Key Words
- 4.7 Further Readings
- 4.8 Model Answers

4.0 AIMS AND OBJECTIVES

The purpose of this unit is to explain the role expectations of man and woman in marriage. We shall also discuss the basic emotional factors involved in marital life.

After completing this unit, you should be able to

- explain the role expectations of man and woman in marriage
- describe the typical role changes that occur in marital life over the years
- identify the different ways couples adopt to manage marital conflicts
- discuss the challenges faced by dysfunctioning families, and
- guide the couple to identify the sources from where they can get help to solve marital problems.

4.1 INTRODUCTION

You have already learnt about the meaning of marriage and the values in family life in the preceding units. Some of the relevant questions are: What is your concept of marital life? What type of relationship exists between husband and wife? Marital life is believed to be the happiest, most important and beautiful period in the life of an individual. In marriage the couple promises to be faithful to each other. A happy and fruitful marital life can be built on this foundation.

The essence of marriage is the interpersonal relationship between the spouses. This relationship is an ongoing, dynamic process. It can be strengthened if the couple can adhere to role expectations in marriage.

In this unit we discuss the nature of the relationship between husband and wife. We also emphasize the role expectations in marital life and the

changes that occur in their roles over time. The effects of dysfunctioning families in marital life are also mentioned in this unit.

4.2 ROLE EXPECTATIONS IN MARITAL LIFE

Shakespeare wrote that the world is a stage upon which men and women are acting out the drama of life.

The same thing can be said of marriages. There are many cultural and social expectations about appropriate behaviour for males and females. The goals, purposes and functions in marriage can be achieved only when each family member plays his or her particular role.

a) Marital Roles

What is meant by marital roles? Marital roles are the behavioural expectations of husbands and wives in a particular society at any given time. Roles are cultural creations, rather than biological imperatives. Roles provide the facility for the smooth running of society by a division of labour for men and women.

b) Changes in Gender Roles

Are there any hard and fast rules for assigning sex type roles? Can we change the gender roles? Of course there are no definite rules to assign roles to men and women. Cultural variations and the purposes of spouses may bring about changes in marital roles. But they cannot violate nature's goals for marriage. So we can find that some marital roles are unchangeable.

c) Disparity in Role Conceptions

In the past there were clearly defined roles for man and woman. Today we are all living in a rapidly changing society. In the modern society, there are no definite patterns of behaviour or roles for men and women. There is wide disparity in role conceptions. This changing nature of gender roles creates problems for all types of couples as they settle down to live together.

d) Factors Affecting Changes in Roles

The industrial revolution, emancipation of women, urbanization, employment of women, preoccupation of men with career etc. are some factors which have left their imprint upon family roles.

Role of Man

Role patterns for each sex are based on masculinity and femininity. Men and women are born with certain basic characteristics. Each culture has its own expectations of the roles of males and females.

Unique male roles: What is the key role of man? On what basis do we assign this role to the male? In most cultures strength and courage are still considered to be the qualities of men. They are also independent, tough and can control their emotions in better ways than women. Physical strength and social dominance are more functional for the male role. So man is generally expected to be the provider and protector of

the family. He is the master of the family. According to the traditional role expectations, he is the bread winner and the head of the family. He is expected to acquire a job to support his wife and children. He has to show determination in the achievement of difficult goals.

Leadership role: The man is also entrusted with the role of leader and supervisor of all family endeavours. For the child, his/her first heroes will be his/her own parents, particularly the father who holds the position of authority in the family.

Role as a husband: As a husband he has the role of sex partner, companion, confidant, decision maker and accountant. He must train himself to be a better observer so that he can be of great help to his wife. He must notice his wife and praise her performance and ability. He should also give emotional support to her.

Role as a father: The father holds a dominant position in the family. In our culture, he is the chief authority in the home. Children need him for their all-round development. They learn many good qualities from him. Some of the qualities are sense of justice and fairplay, steadfastness, inspiration to be useful etc. Hence he should be firm without being despotic, decisive without being dictatorial and gentle but not weak.

Role of Woman

Females, in most cultures, have been conditioned to carry out the reproductive function.

Traditional roles: The woman is biologically, psychologically and emotionally prepared for motherhood. She is trained to carry out the roles of birth, nurture, protection, gratification and giving comfort to children and men. In the life of a woman, these functions are given priority over all other engagements. According to the traditional role expectations, she is oriented towards rearing capable children, helping her husband to achieve the goals of the family and being useful to the community in which she lives. But are all women satisfied with this role concept? Talented and ambitious women, in addition to these functions, want to develop their special aptitudes.

Role as a wife: As a wife, she is expected to be an affectionate companion, good sex partner, confidant and social secretary of her husband. She has to take charge of the social life of the couple. She should develop interest in her husband's work. She should be able to understand his world of activities. Moreover she should be able to give intellectual companionship to her husband.

As a home maker: It is the duty of the woman to make her house a beautiful place to live in. She has to take care of the basic needs of the family such as nutrition, clothing, recreation etc.

Role as a mother: She represents to her children the ideas and ideals of perfect womanhood working in harmony with her husband. The child's first attachment is to his/her mother. She is his/her source of nourishment, warmth and comfort.

Changing Roles of Man and Woman Today

You may be wondering whether the couples are following the traditional roles of man and woman today. What are the changes that have occurred in their roles? Why? Let us look at the changed role concepts and the reasons for these changes.

Reasons for Role Changes

Today family roles are changing largely because they have become less appropriate for the social and economic realities of the modern world. Most of the families are small in size and more women are employed. We can see changes in the styles of femininity as well as masculinity. The man is not maintaining the image of the brave, strong, tough, aggressive male of the past. The gentle, passive, submissive female is a character of yesterday. Opportunities are open for both sexes in education, work and family life. So greater flexibility is required in the role expectations of husbands and wives.

You may be interested to know what exactly are the changes in role concepts. Is there confusion in male roles. We shall discuss these changes one by one.

(1) Sharing roles

Originally the husband was the head of the home and the chief authority of family. But now the domination of the man seems to be giving way to equalitarian roles between husband and wife. More women have moved into employment outside the home. So the husband has to share the provider role with his wife. He also has to give up his position as the custodian of family wealth as the wife has come to share spending. He has to accept her equality in community affairs also. They share household chores including the care of children.

(2) Economic equality

A working wife plays an important role in decision making. When the women are employed, there is a tendency for the couple to share power equally. Wives are less dependent upon their husbands. The husbands in turn are freed from the burden of total support to their wives. Husbands provide more emotional support to working wives.

(3) Changes in the leadership role of man

The vocational demands may take the man away from home for long periods of time. In his race for achievement and success, he may forget his major duty towards his family. Naturally we can find a decline in the respect given to husbands and fathers. The leadership role of man also tends to be reduced proportionately. At times, they stay away from home to avoid responsibility in difficult situations. Then, the handling of the situation falls on the shoulders of the mother.

What happens when fathers are reluctant to take up their responsibilities? In such cases, children may develop certain behaviour problems such as anxiety, aggressiveness and antagonism.

You can find that there is a shrinking of father's role and an enlargement

of the mother's role within the family. The masculine role has been greatly modified by the new role demands of the female.

(4) Role expectations in different classes of society

Do you think that role concepts are the same among people of different social strata? There are differences. In the case of lower class males and females, the traditional definitions of masculinity and femininity persist. For them, roles are strictly segregated. But for the middle and upper classes, the spouses have sharing roles. They share responsibility in providing family finances, in bringing up children, and in giving them good education.

Even in the middle and upper classes, is this type of relationship accepted by everybody? The answer is no. It may be acceptable to an educated couple. In actual practice in India, the husbands have more say in the family.

(5) Woman's expectations of man's role

Do you feel men are becoming more effeminate in today's culture? What do women expect from men?

Men are taking more interest in domestic tasks, and in the care of children. But they are still less gentle, less family oriented and less domestically oriented than women. There is no doubt that men are still trained to be more materialistic, and more success-minded than women. They have more efficiency, competence and material success.

A woman still expects many of these traits in a man. Many women still want the male to be strong, and at times they want to depend upon males. They still admire and feel safe with a strong male. The man has to exhibit some courage and strength to meet the role expectations of his wife.

(6) What do husbands expect from the wife?

The wife should become the companion of the husband. She is expected to give love and affection to him. He expects an equal sharing of responsibilities. He expects cooperation, support and recognition for his efforts.

Factors Influencing Choice of Marital Roles

Marriage roles differ from many other roles in everyday life. There are no definite general role patterns. Each couple has to work out a role pattern for themselves. There are many factors influencing the choice of marital roles. Some of them are the following:

Family

Customary roles are learnt largely from the family. It is through the attitudes, expectations and habits formed in the family that a boy or girl gets basic training in role expectations for him or her as well as for the opposite sex. In some families the parents consciously instill what they feel is the appropriate sex role behaviour in their children. Children also learn sex roles and authority patterns by imitating the behaviour of their parents.

The Peer Group

The peer group is oriented towards new attitudes and expectations for both sexes. They create new role expectations. These are usually in direct contrast to customary roles.

Culture

In our culture, men have more freedom of action. The women are expected to behave according to the norms dictated by society. Education has given her social and economic equality. But still she is restrained to traditional roles by our culture. This ties her down to housekeeping and child care in addition to outside employment.

Employment of Women

This is a role assigned by culture, not by nature. Today, women are bearing a double load of work. Employment gives economic independence to the woman and she shares the financial burden of the family. She is fatigued after a day's work. There are more emotional and physical strains for the working woman. She may neglect her duties at home and may even refuse sexual rights to her husband. In some cases the husband may feel inadequate in his role as provider. Children also suffer from lack of care and supervision. She may not be able to satisfy her role expectations.

How can she satisfy the expectations of her double role as home maker and job holder? For the success of her life, the working woman needs:

- i) good health
- ii) willingness of the husband to share household duties
- iii) adequate pay
- iv) a mother substitute if there are young children in the family and
- v) co-operation from all family members.

A couple has to face many adjustmental problems, if both of them are committed to their jobs.

Check Your Progress I

- 1) Define marital roles

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- 2) What does a husband expect from the wife?

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4.3 ROLE CONFLICTS

You have already learnt that couples should have a clear concept of their roles when they marry. This concept forms the basis of marital adjustment. The goals in marriage can be achieved when these roles are executed properly.

Do you expect that the couple can adhere to role expectations always? If not, why? When do role conflicts arise?

Role conflicts occur when there are discrepancies in role expectations and the actual behaviour of the couple. It also occurs when partners relate to each other in some new or different ways because of emotional changes.

Reasons for role conflicts

No two persons are exactly alike. There are differences in attitudes, behaviour and beliefs. Husbands and wives gather different role concepts from their families. For success in marriage, each one has to produce in his / her personality some resemblance of the partner's image of a man / woman. They have to change their values, attitudes and behaviour to fit in with the new role concepts.

In the case of the woman living along with her husband and other family members, the mother-in-law may criticise her. She may be forced to change her behaviour in order to fit in with her mother-in-law's concept of an ideal wife.

Role conflicts are brought about by the strain put upon the wife in meeting the role expectations of her husband and his family and in adapting to the demands of his work. The husband also faces problems when his wife is having an established role in her life.

Money management is another area creating role conflicts. Money management is the handling and spending of the family income. Usually conflicts arise over the issues of who should handle money and how it should be spent. You may think it is a simple question touching only the surface. But the decision has far reaching effects on family life. It affects the attitudes and relationships of the couple. Problems of domination, submission, insecurity, inferiority feelings etc. are created by the decision regarding the spending of family income. This in turn leads to conflicts between husband and wife.

The other areas bringing about conflicts in marriage are unrealistic expectations from marriage, sexual incompatibilities, the discipline of children, struggle for domination etc. However the most difficult problem is difficulty in communication. The failure in communication occurs at a deeper level of sharing feelings, expectations, intentions and personal needs.

How can we resolve role conflicts?

In marriage, spouses are involved in the lives of each other. Hence disagreement in some areas are inevitable. How couples manage conflicts is more important.

Conflict management

There are many ways in which conflicts can be managed by the couple. In the first method, compatibility can be achieved when one partner is dominant and he/she attempts to get the other person comply with his/her desires and the partner agrees and accepts the complementary role. But when the disagreement is very strong and both partners are not willing to give in, tension is intensified. They may emotionally withdraw from each other's relationships without finding out an actual solution for the problem. An uneasy peace is achieved. There may not be any quarrels, but both of them are not happy or satisfied.

How can one manage conflicts without hurting the personalities of both the spouses? The best method to solve the problem in a reasonable way is by negotiating with each other. Changes are to be made in the roles of both partners. This helps them to learn and understand more about themselves and about each other. This will deepen their relationship.

Personal factors to be remembered

In quarrels, be very careful in the use of words. Pay attention to the good things your partner does. Do not pay too much attention to his/her faults. Don't fall asleep without making up a quarrel. Control your temper. Don't compare your spouse with your parents. Learn to compromise to forget and to forgive. The partners should have flexible personalities. They should understand each other.

Avoid scathing criticism and curb the impulse to make cutting retorts. Settle a problem through mutual discussion. If things cannot be resolved mutually, you will need to seek help from a family counsellor or spiritual counsellor. Although seeking help from a counsellor is not common in India, we need to adapt ourselves to changing situations.

Check Your Progress II

- (1) Explain the personal factors to be remembered in role conflict.

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4.4 ROLE CHANGES IN DIFFERENT PHASES OF MARRIAGE

As you have gone through the changes in marital roles you may have noticed that the relationship in marriage is not a static one. It is an ongoing process. In marriage you will find a variety of separate stages. Each stage requires new adjustments and re-valuation of the old ones. The couple has to re-organize their ideas, values and goals for the smooth running of their marriage.

Early years of marriage

Marriage takes the new couple to new and unfamiliar ways of life. Every day they have to take some decisions, solve some problems and make plans for the future. The first year of marriage is one in which the husband and wife belong predominantly to each other, expenses are low,

health is usually good and needs are simple. Their unique plan of life is in the making. Each one is becoming established in the routine of his/her job.

During the first year or two of marriage the couple faces a multitude of adjustments. The following are some of the areas of adjustments in marriage which will be affecting their behaviour or role in early marital life.

Relationship between husband and wife

When you get married you say "I take you". It is not just the company, thoughts or the body of the partner that you take. You take the whole of the other person.

Accepting each other

The husband and the wife have to accept each other with all their short comings. At the same time, they should maintain their individuality, personal worth and self-respect.

Communication

The spouses should show the ability and willingness to communicate with each other. Communication is the breath of married life. It is not enough to love, to care or to respect. The lover must express affection.

Give and take

The couple should possess the ability to give and take. To give oneself to the other means to share one's most intimate feelings. They should be co-operative and should be capable of emotional interdependence.

Personality factors in relation to role expectation

You know man and woman differ in their physical structure. Do they show differences in their emotional and psychological structure too ?

As every cell of the body is different, so also every feeling, every reaction, and every attitude of man and woman have particular characteristics according to one's sex. The respective nature of man and woman determines their roles in marriage. Success in marriage can be attained when the couple respect the characteristic qualities which nature has given to each of them and when they adhere to their respective roles. Do not expect one's own characteristics in the other partner and do not try to change him/her.

Personal Habits

Most of the problems faced by the couples arise from their basic personality patterns. Each person learns particular habits and attitudes from early childhood. So regardless of their similarities, each partner, always brings to marriage enough differences in their attitudes, beliefs and habits. Differences in personal habits like cleanliness, practicality, formality and informality in housekeeping and management of home, observing social conventions etc. may bring about role conflicts in marriage. Only if both partners are willing to compromise from the

beginning of marriage, can they get along smoothly.

Sexual Relations

Why do you consider sex as an important factor for the success of marriage? It is because, sexual relationships directly and indirectly influence the adjustment in other areas of life. It is the physical foundation of marital relationships. If there is any frustration in sexual relationship it will affect the emotional, mental and social adjustment of the concerned person.

Sexual adjustment in marriage

You know that biological factors are important in determining the sexual satisfaction of the individual. Cultural factors are also equally important. What are the other factors? From where does an individual gain his sexual attitudes?

The sexual attitudes and expectations are learnt by an individual from his/her early childhood - from his/her family and his peer group. The cultural norms of the society in which he/she grows up and matures and his/her biological structure modify the acquired attitudes of the person. Knowledge of sexual anatomy and appropriate sexual activities are also necessary for good adjustment. The other factors conducive for good sexual relationship are complete emotional acceptance of each other and an understanding of each other's behaviour.

Sexual maladjustments in marriage

Unfavourable attitudes towards sex, ignorance about sex and sexuality, lack of proper sex education, unfavourable sexual experiences of early years of life, unrealistic expectations about sex in marriage and the unwillingness to be open with one's partner etc. are some of the reasons for sexual maladjustment.

Psycho sexual development influences an individual's sex life. Fixation or regression at any stage of development will adversely affect the sexual adjustment. According to Freud at one stage of development, the male and female children are attracted to the parent of the opposite sex - the boy to the image of his mother, the girl to the image of her father. For the boy this phenomenon is known as Oedipus Complex, for the girl it is Electra Complex. Normally, the boy and girl will pass through this stage and begin to identify with the parent of one's own sex. If they are fixated to this stage, in their later marital life it will cause problems in sexual relationship with the partner.

Confusion about sex and false attitudes towards sex

In Indian society sex was a taboo for several years. This conservative attitude of elders prevents the imparting of healthy facts about sex to the teenagers. So they may turn to some other source to get information. They may be knocking at the wrong doors and getting wrong and dangerous information. Inaccurate and distorted information creates unhealthy attitudes towards sex. Later on in married life it will create a number of problems.

The role of man and woman in sexual adjustment depends upon the attitudes and expectations each person brings into marriage. Both the spouses should have balanced and positive attitudes towards sex.

Relations with in-laws

Marriage joins not only the man and woman together, but their families also. Hence in-laws are the new relatives acquired through marriage. You may wonder whether the in-laws are bringing problems to every marriage.

The relationship with the in-laws may bring about problems in some marriages. The circumstances in which each person lives is different. If the son-in-law or daughter-in-law fits in with the expectations of the respective family he/she will be accepted easily. Otherwise problems may arise.

Interference of mothers

Who is more involved in in-law-problems ? And why ?

Usually it is the mother-in-law who is more involved in in-law problems. Mothers' lives are tied up with the lives of their children. They are very close to children. Some mothers are reluctant to give up their roles and try to maintain their responsibilities and expect privileges from their married children. The boy or the husband should understand this phenomenon and manage the situation accordingly.

Husband's mother interferes more often

The mother is the first woman in the life of her son. After the son's marriage some mothers cannot accept another woman loving and caring him, even though it is his wife. The wife feels the mother-in-law to be a threat to her marital happiness. Only an intelligent and understanding husband can solve this problem. He should give due importance to both of them. Don't make them rivals. The wife should not be in competition with the mother. Give mothers time to find out new interests.

Other in-laws

Sisters-in-law also create problems in the life of married couple. Brothers-in-law and fathers-in-law also share a small part in the in-law problems. Care of elderly relatives also create troubles.

Why do the parents interfere?

Parents are concerned with the growth and achievements of their children from the time of their birth. Hence, when children get married it is difficult for the parents to ignore or to be indifferent about their lives. At the same time the young couple is eager to be independent. They do not like the interference of parents.

In many cases, the parents are not economically independent. They are forced to live with their married children. This also creates problems.

Positive contribution of in-laws

The in-law relationships are not always a problem. If the young wife appreciates her husband's mother and loves her as a second mother, she will find her very helpful.

Cultural factors affecting role changes

The role expectations vary with different cultures. Culture conditions the personality of an individual. Marital roles are determined by the culture in which one grows up. The couple coming from two different cultures will behave differently in a given situation. They will be having different expectations and their goals in marriages will be different. There may be few common interests. Each brings from his/her culture quite often different values, attitudes, customs and styles of living. Cultural differences make mutual understanding and communication difficult.

What should the couple do to adjust to each other ?

The couple require more adjustment than others in a homogenous marriage. Before marriage, they should think carefully whether they are capable of making all the adjustments in such a marriage. To achieve marital satisfaction they should work with more maturity, understanding and determination than a couple marrying from similar backgrounds. If the couple can accept one another without trying to recast the mate into one's own particular mould, they may get along well.

Religion

Society may accept inter-racial marriages. But it seldom approves inter-religious marriages. The chances for success of an interfaith marriage depends upon the ability of the couple to face the situation maturely and realistically. Before marriage, they should have a clear evaluation of the difficulties they have to encounter and overcome.

Areas of conflict

One's desire to make the other person adopt his / her religion causes major marital problems. Whether the parents and friends will accept the match is another difficulty. The children from such marriages suffer many discriminations. This affects the relationship of the parents. The religion to which children shall belong, their education, choice of child training methods, the use of birth control measures etc. are some of the major areas of conflict.

Adjustments

If they are of an understanding nature and tolerant of each other's religion and have no desire to impose their own religion on the mate, they will get along well. If they have a clear idea of the many obstacles they have to encounter and if they are flexible enough to make their adjustments, their marriage may become successful.

Importance of early years

During the early years the couple have to make all the above adjustments for the success of their marriage. Each partner must learn for he/she can take the mate in different areas and which are the areas he/she must avoid.

A couple may be able to make adjustments successfully in the early years. But marital life is a continuous process. Aging and maturity bring about changes in the lives of the couple. The new and changing conditions in life makes further adjustments in the roles of husbands and wives necessary and inevitable.

Changes with the arrival of children

The next phase in marriage starts with the arrival of children in the family. It signals the beginning of a new stage in the relationship of husband and wife.



Source : Anthony, A.D : Happiness in Marriage

Life along with offspring

There are radical role changes to be made with the birth of children. Parenthood brings fulfilment and completion to marriage. It fundamentally changes the whole character of marital relationships.

Problems related to transition to parenthood

The coming of the child is eagerly anticipated, loved and cherished by the parents. But transition to parenthood brings about a number of readjustments in the lives of parents. The arrival of the child upsets the balance maintained in the family.

Parental role

Parental role brings personal, social and economic privations.

Economic problems

The father is worried about his responsibility and additional expenses. The wife may have to give up her career and take up the role of a full time housewife. This affects the income and expenditure of the family.

Personal difficulties

The wife may be embarrassed about the conditions of pregnancy and its effects on her social life and marital relations. Men also have to make role changes. When the wife is overburdened with child care and other household chores, he may have to share her duties.

Social participation

The social life and recreation of the parents are severely affected. The young couple are tied down with the care of children. When they can entrust some one else for child care, they can have joint participation in social activities. Otherwise they attend social functions separately. However, joint participation gives more satisfaction to the couple.

You have already learnt that, in the early phase of marriage, the couple had a child-centred relationship. They had very few outside interests. Their lives were built around their children.

Feelings of uselessness

Some women feel that their lives are empty and futile. When parental responsibilities diminish, they may be having a feeling of uselessness. For such women, ending of parental role is a traumatic experience. It may cause neurotic difficulties. They can try to learn new skills and become engaged in some activities. Husbands are occupied with their work. In this way, they can adjust to the changes in the family.

Adjustment with in-laws

Children may get married and the parents have to adjust to the children's spouses. Another adjustment is the care of aging parents. Caring for the elderly may help to fill the gap created when children leave home. But in many cases the care of aging parents deprives the couple of the opportunities for social participation and development of new interests.

Role as grandparents

You may be well aware that many men and women become grand parents before middle age ends. This is a new role in the life of the couple.

Formal roles

Some grandparents play a formal role following a hands-off policy as far as care and discipline of grandchildren are concerned.

Surrogate parent role

In some other cases they assume the responsibility for the care of children. Grandmothers are more active in this role.

Funseeker role

Another role is that of funseeker. Grand parents enjoy this informal playful relationship with the children.

Reservoir of family wisdom role

In another role they impart special knowledge to their grand children and teach them certain skills.

The role of grand parents gives couple more satisfaction than their earlier role of parents.

Role changes in old age

You must have observed the role changes in early adulthood and middle ages of the couple. What are the changes during old age? How does the couple adjust to these changes? You also know that the couple had a close, intimate relationship in the early phase of their marriage. Later on, it changed into a child-centered relationship. In old age, the relationship between a husband and wife again takes the form of a pair-centered relationship.

Effects of retirement

The pattern of family life undergoes further changes with the retirement of the husband. Perhaps the greatest adjustment of all occurs during this period.

The husband retires and suddenly faces the insults of old age. He feels unwanted and has no motivation to compete with other men. He feels lost and do not know what to do with his free time. He tends to be depressed and unhappy. He is irritable in his treatment of his wife. He always criticises and finds fault with the spouse. He does not want to help the wife in her household duties thinking it is woman's work.

Common interests

Retirement forces the couple to be together most of the time. They can develop a pattern of togetherness in recreational activities. The same pattern can be applied to other areas of life. With time mutual interests can be developed. When children leave home the parents are drawn towards each other more closely.

Check-Your Progress III

1. What do you understand by sexual maladjustments in marriage?

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2. Write a brief note on role changes in old age.

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4.5 LET US SUM UP

In this unit we have examined the role expectations in marital life. We have described the role of a man and a woman in marital life. We also discussed the factors influencing choice of marital roles. Another important issue covered in this unit is about role conflicts, reasons for role conflicts and conflict management.

We also described the role changes in different phases of marriage. Apart from personality factors in relation to role expectations, we also examined other factors such as relations with in-laws, cultural factors affecting role changes, religion, as well as problem related to transition to parenthood.

4.6 KEY WORDS

Marital roles : Marital roles are behavioural expectations of husbands and wives in a particular society at any given time.

Role conflicts : Role conflicts occur discrepancies in role expectations and the actual behavioural of the couple.

Surrogate Parent : A person acting the role of a parent (either mother or father).

4.7 MODEL ANSWERS

Check Your Progress I

1. Define marital roles.

Marital roles are the behavioural expectations of husbands and wives in a particular society at any given time. Roles are cultural creations, rather than biological imperatives. Roles provide the facility for the smooth running of society by a division of labour for men and women.

2. What does a husband expect from his wife?

The wife should become the companion of the husband. She is expected to give love and affection to him. He expects an equal sharing of responsibilities. He expects cooperation, support and recognition for his efforts.

Check Your Progress II

1. Explain the personal factors to be remembered in role conflict.

In quarrels, be very careful in the use of words. Pay attention to the good things your partner does. Do not pay too much attention to his/her faults. Don't fall asleep without making up a quarrel. Control your temper. Don't compare your spouse with your parents. Learn to compromise to forget and to forgive. The partners' should have flexible personalities. They should understand each other.

Avoid scathing criticism and curb the impulse to have cutting retorts. Settle a problem through mutual discussion. If things cannot be resolved mutually, you will need to seek help from a family counsellor or spiritual counsellor. Although seeking help from a counsellor is not common in India, we need to adapt ourselves to changing situations.

Check Your Progress III

1. What do you understand by sexual maladjustments in marriage?

Unfavourable attitudes towards sex, ignorance about sex and sexuality, lack of proper sex education, unfavourable sexual experiences of early years of life, unrealistic expectations about sex in marriage and the unwillingness to be open with one's partner etc. are some of the reasons for sexual maladjustment

2. Write a brief note on role changes in old age.

You must have observed the role changes in early adulthood and middle ages of the couple. What are the changes during old age? How does the couple adjust to these changes? You also know that the couple had close, intimate relationship in the beginning phase of their marriage. Later, it changed into a child-centered relationship. The relationship of the couple in old age again takes the form of pair centered relationship.

Role changes occur at various stages of one's life. In early adulthood and middle age, the role keeps changing. Similarly in old age too the role of a person takes on a different shape. For example, the older people are called upon to take the role of grandparents. Both their children and grandchildren approach older people for sharing anxieties and often seek guidance in managing crisis situations.

4.8 FURTHER READINGS

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Indira Gandhi
National Open University
School of Continuing Education

CHFE - 04

**Elective on Family
Education**

Block

2

FAMILY WELFARE

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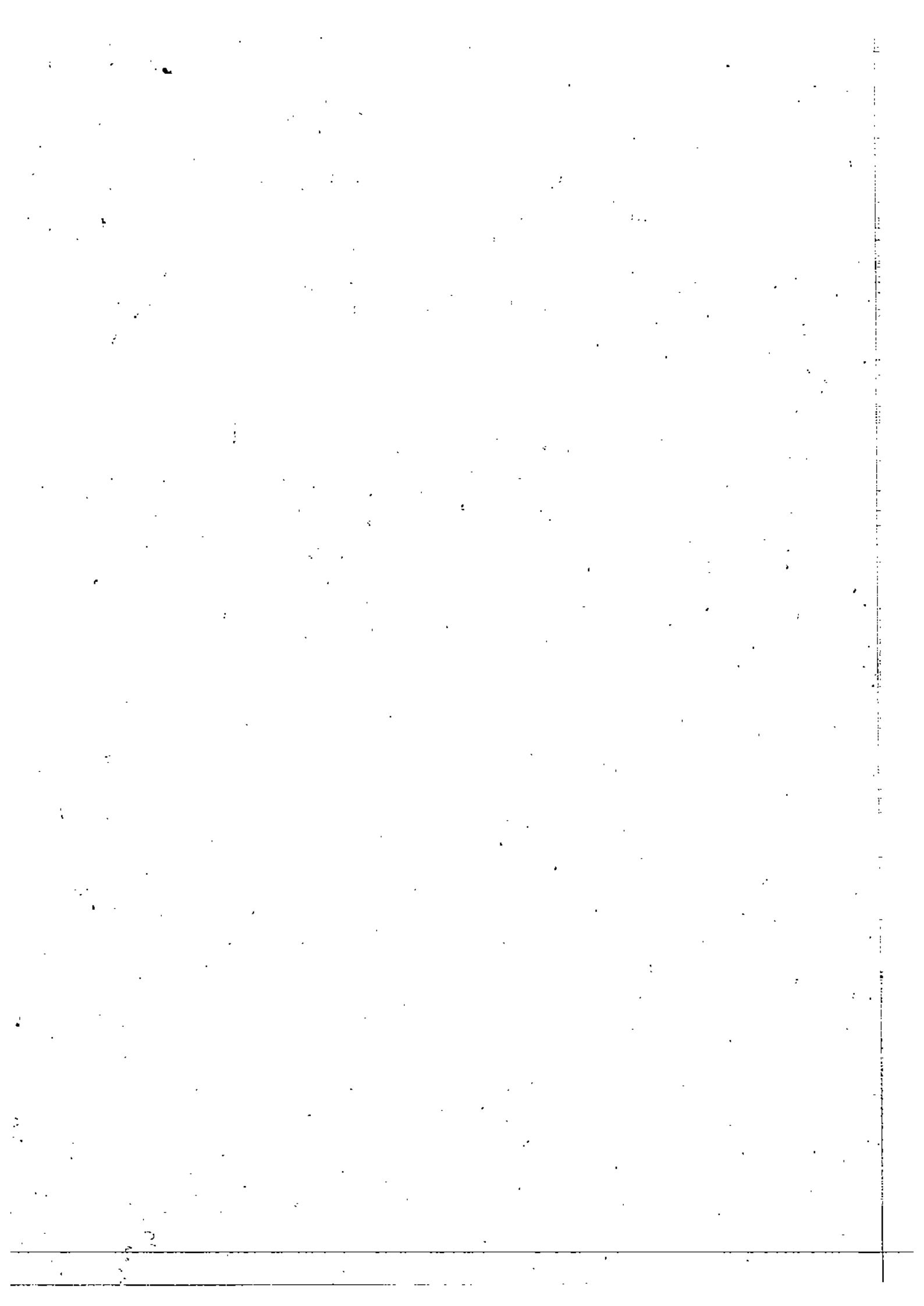
UNIT 4

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INTRODUCTION TO BLOCK 2

Welcome to Block 2 of the Elective Course on Family Education. This block is on 'Family Welfare' and comprise four interesting units. Unit 1 is on 'Indian Family in Transition'. Under this title we have tried to explain very important concepts like family structure, functions and relationships, family dynamics, social changes affecting Indian family, problems encountered in family and interventions strategies, policies and programmes related to Indian families, human rights within the family and planning for a family and responsible parenthood. Unit 2 describes the 'Family planning policies'. Apart from describing the objectives and scope of family planning, important areas like development of family planning policies and family welfare programmes through five year plans have been explained in this unit. Unit 3 deals with 'Family planning methods and spacing between live births'. In this unit issues like various family planning methods spacing between live births, religious views and spiritual guidance as well as the preference for male child have been explained. Unit 4 of this Block is on 'Medical termination of pregnancy and issues associated with it'. Keeping in view the growing incidence of abortion and the wide variation in male-female sex ratio in the country, care has been taken to include within the unit the definition of abortion, types of abortion, the methods of abortion as well as the main features of the medical termination of pregnancy act 1971.

All the units of Block 2 have been meticulously prepared to provide you necessary inputs with regard to the family planning policies and methods of family planning which are being practised in India.



UNIT 1 INDIAN FAMILY IN TRANSITION

Contents

- 1.0 Aims and Objectives
- 1.1 Introduction
- 1.2 Family Structure, Functions and Relationships.
- 1.3 Family Dynamics
- 1.4 Social Changes Affecting Indian Family
- 1.5 Problems Encountered in the Family and Intervention Programmes
- 1.6 Policies, and Programmes Related to Indian Families
- 1.7 Human Rights in the Family
- 1.8 Planning for a Family and for a Responsible Parenthood
- 1.9 Let Us Sum Up
- 1.10 Key Words
- 1.11 Model Answers
- 1.12 Further Readings

1.0 AIMS AND OBJECTIVES

The purpose of this unit is to provide you detailed understanding of the family and the need for planning for a happy and a peaceful family life. After reading this unit, you should be able to,

- Describe in detail the various aspects of the family, the changes affecting the Indian family and the available policies, programmes and laws related to family in India;
- Identify the factors responsible for disorganization of families and direct appropriate intervention programmes;
- Plan and organize family life education programmes for the various development stages of the family; and
- Demonstrate the importance of planning for a family and for parenthood.

1.1 INTRODUCTION

In the earlier Block (Block 1), you were dealing with the topic of marriage—meaning, forms, choosing a life partner for marriage and the various phases of adjustments in marital life.

In the present Block (Block 2) we deal with the Family unit: different aspects of family life, the family welfare programmes for the planning of a family and the issues associated with the Medical Termination of Pregnancy.

In the present unit (Unit 1), you are going to get a clear understanding of this basic group i.e. Family — the different aspects of family, social

changes affecting the Indian family, problems faced by the Indian family, various policies, programmes and laws related to the welfare of the family. Finally we conclude this unit by making you realise the need for planning for a family and becoming parents.

1.2 FAMILY STRUCTURE, FUNCTIONS, AND RELATIONSHIPS

The family may be defined as a group of persons united by the ties of marriage, blood or adoption or consensual unions, generally constituting a single household, interacting and communicating with each other and creating and maintaining a common culture (Burgess & Locke, 1950).

Family Functions

There are three major areas of functions which have been particularly emphasized. The functions of the family for the society, the functions of the sub-systems within a family for the family or each other, and the functions of the family for individual family members.

Thus a functional analysis of the family emphasises the relationship between the family and the larger society, the internal relationship between the sub-systems of the family, and the relationship between family and the personality of individual members. The former may be termed macro-functionalism and the latter two micro-functionalism.

Family Patterns

Family patterns are conceptualised in terms of family composition. A household is one of the dimensions of the family pattern. It is a residential and domestic unit, composed of one or more persons living under the same roof and eating food cooked in a single kitchen (Shah, 1973).

The normative family patterns in India are extended or joint family and elementary or nuclear family.

The term joint family is used more commonly in India than extended family. The joint family comprises moveable or immovable property, and all the sub-systems of the family may or may not be staying together.

The elementary or nuclear family comprises couples and their unmarried children and is generally financially independent of other families (Desai, 1956).

Family Structure

Family structure is conceptualised as the configuration of role, power and status and relationships in the family. It depends upon the family's socio-economic background, family pattern and extent of urbanisation. Family structure has implications for family unity and stability and development of individuals.

The functions that the family as an institution performs are divided among family members in the form of roles. Roles are culturally defined and are passed on to succeeding generations as correct behaviour (Nye &

Berardo, 1973). Role expectations are thus learnt from family orientation.

Norms of family relationships may comprise of norms and dyadic relationships, familism and kinship orientation.

The dyadic relationships cover the following dyads in the family:

- Filial Relation : Parent-Child relation
- Fraternal Relation : Relation among siblings
- Conjugal Relation : Relation between husband and wife
- In-law Relation : Relation between family members related through marriage and not by blood

Family Practices

Family practices depend upon the family's ethnic background, extent of urbanization, family structure, and family laws. Marriage practices cover marriage patterns, selection of marriage partner, age at marriage, age at consummation of marriage, marriage rituals, financial exchange and divorce.



Source : Handbook on AIDS Home Care, WHO (1996)

Financial exchanges at the time of marriage may generally take place in the form of bride price or dowry. Bride price is the property given by the groom or his family to the bride's father and dowry is the property given by the bride's father to the groom and his family.

Other family practices relate to lineage, residence, child bearing, child birth, adoption, guardianship and custody of children, maintenance, death and inheritance and succession.

Families are classified into patrilineal and matrilineal families according to the lineage or descent by the father or by the mother. Patrilineal families are generally patrilocal and matrilineal families are generally matrilocal by residence. Neolocal families establish a new residence after marriage (Leslie & Korman, 1984).

Role of the Family in the Socialisation of the Child

Socialization is the process by which persons learn the ways of a given society of social groups so that they can function within it.

Children are taught the ways and values of their society through contact with already socialized individuals, initially the family. The family is important because it has children first, maintains contact with them over a longer period of time than any other group, and through close emotional association is able to exert maximum influence in their lives. Both adult and other sibling members (brothers and sisters) act as role models in providing examples for children in the development of their personality, attitudes and behaviour.

1.3 FAMILY DYNAMICS

Family dynamics broadly comprise family interactions and family development as influenced by socialisation of family norms of individual members.

Family Interactions

Family interaction refers to the distinctive character of interpersonal relationships which occur between members of the family. An interpersonal relationship is a relation based on personal interaction rather than on any legal or structural basis. The main characteristics of family interactions may comprise cohesion, communication, role-performance, decision-making and adaptability. Each subsystem of the family has different interactional patterns.

Family Cohesion

Family cohesion is defined as the emotional bonding that family members have towards one another. There are four levels of cohesion, ranging from disengaged (very low) to separated (low to moderate) to connected (moderate to high) to enmeshed (very high). It is hypothesised that the central levels of cohesion (separated and connected) make for optimal family functioning. The extreme levels (disengaged and enmeshed) are generally seen as problematic.

Family Communication

Family communication is defined as all the verbal and non-verbal behaviour that occurs within the family, and between the family and its social environment.

Role Performance

The following are the different aspects of role performance:

Role enactment, role performance and role behaviour

The behaviour dimension of roles either validates the cultural expectations or emerges to create new roles.

Role commitment

Role competence is the evaluation of one's own and another's performance.

Role conflict

Inter-role conflict takes place when the norms or behaviour patterns of one role are inconsistent with those of another role of the same individual. Intra-role conflict takes place when two or more categories of people hold conflicting expectations concerning the behaviour appropriate to a single role.

Decision Making

Decision making involves recognition of need for decision, identification and weighing of acceptable alternatives, selection of an alternative and facilitating its action.

Family Adaptability

Family adaptability is defined as the ability of a family system to change its power structure, role relationships and relationship rules in response to situational and developmental stress.

The four levels of adaptability range from rigid (very low) to structured (low to moderate), to flexible (moderate to high) to chaotic (very high). It is hypothesised that the central levels of adaptability (structured and flexible) are more conducive to marital and family functioning with the extremes (rigid and chaotic) being the most problematic.

Family Development

The concept of family development gives a longitudinal view to compare family interactions in different stages of the family life span. These stages may be determined by the age and developmental needs of the adults and the children in the family.

The Family Life Cycle is a way of taking a long look at the family life.

It is based upon the recognition of the successive patterns within the continuity of family living over the years.

Evelyn Duvall (1962) depicts the family life cycle as consisting of 8 stages.

- Stage I Beginning families (Married couple without children)
- Stage II Childbearing Families (oldest child, birth to 30 months)
- Stage III Families with Preschool Children (oldest child 2 1/2 to 6 years)
- Stage IV Families with School Children (oldest child 6 to 13 years)
- Stage V Families with teenagers (Oldest child 13 to 20 years)
- Stage VI Families as Launching centres (1st child gone to last child's leaving home)
- Stage VII Families in the middle years (empty nest to retirement)
- Stage VIII Aging Families (retirement to death of one or both spouses)

Development Tasks

A family's development task is a growth responsibility that arises at a certain stage in the life of a family, successful achievement of which leads to satisfaction and success with later tasks, while failure leads to unhappiness in the family, disapproval by society, and difficulty with later developmental tasks (Duvall, 1977). Family development tasks are basic family tasks specified for a given stage to development in the family life cycle.

Family Life Developmental Programmes

Family life development programmes aim at development of knowledge, attitudes and skills towards democratic family functioning and strong family ecology.

These goals may be achieved through the following tasks:

- Attitude development in favour of family rights and responsibilities
- Skills training for enrichment of family dynamics and development at each stages of family life span for strengthening family's interactions with its social ecology.
- Information dissemination about family resources such as laws, policies and implementation systems and services.

Check Your Progress I

1. What is the role of family in the socialisation of the child?

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2. What do you mean by family life cycle and family developmental tasks?

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1.4 SOCIAL CHANGES AFFECTING INDIAN FAMILY

The family has been and continues to be one of the most important elements in the fabric of Indian society. The bond that ties the individual to his family, the range of influence and authority that the family exercises to the larger interests of the individual and the family to one another - all these make the family in India not merely an institution structure of our society, but give it a deep value. The family has indeed contributed to the stability of Indian society and culture in no small measure.

But today, the Indian family is subjected to the effects of changes that have been taking place in the economic, political, social and cultural spheres of our society. In the economic sphere, the patterns of production, distribution and consumption, have changed greatly. The process of industrialization and the consequent urbanisation and commercialization have had drastic impacts on the family. Migration to urban areas, growth of slums, change from caste oriented and hereditary occupations to new patterns of employment offered by a technological revolution, the cut-throat competition for economic survival, and many other economic changes have left their impact on the family.

Briefly speaking, these changes, in the socio-economic-political-cultural milieu of our society have led to changes in the structures, functions, roles, relationships and values of the family. In the context of the changes in the economic system, more and more members of the family are moving away from the larger family circle and living as individuals or members of a nuclear unit in urban areas. The patterns of loyalties, obligations and expectations have changed and with it the supports that were to a great extent taken away, without adequate provision of any alternative support systems. The care of the child and the aged in particular have become a problem for many due to structural changes in the family.

Changes in Traditional Functions

Many functions performed by the traditional family are being taken over by other agencies such as schools, day care centres, commercial and entertainment centres, etc. For example, an important function of cultural transmission performed by the family has been affected because the nuclear families are scattered sometimes in different parts of the world, and exposed to different cultures. The function of setting moral standards for the growing children and adolescents has been taken over to a large extent by the peer group culture, mass media or by commercial entertainment.

A major area of the family that has been affected by the social and economic changes in the society is that of the role performed or expected of the different members of the family. The traditional role allocation based on sex, age, or kinship has changed. With more and more women taking up jobs outside the home, the traditional role of the wife has changed. Similarly the role of the father, the mother, the

husband, the child and the elders in the family have all undergone various changes. The degree of role-overlap, depends on the adaptation of the particular family to the changed situations.

The changes in roles have inevitably affected the relationships, among the members of the family. The husband-wife relationship, the parent child relationship, the relationships among siblings, between the younger and other older generations, between the mother-in-law, daughter-in-law, all have been subjected to change. The concept of freedom, individuality and rights of the individual have had their impact on the relationships too. The attitudes of implicit obedience to elders, concern for others, self-denial for the sake of others in the family, unquestioning acceptance of the authority of parents and superior status of the male are being displaced by attitudes of self-centredness, assertion of individual rights, clamour for equality and right for self-determination etc.

In the realm of values, today's family is moving towards materialism, individualism and liberalism. The cherished values such as respect for age, concern for the weak, devotion to one's duty, co-operation are being replaced by competition and "getting ahead". It is not surprising that the family in India is also succumbing to the pressures of the time.

The consequences of these changes are many. Problems such as child neglect, behaviour problems in children, indiscipline among the youth, alcoholism, drug addiction, neglect of the elderly, material disharmony etc. are on the increase today and are indications that the family is not able to handle the change in a desirable manner. There is need therefore, to help the families to cope with the pressures and challenges of their life situation which are affected by the interacting forces to change in the economic, political, social and cultural spheres.

Alternative Family Patterns

One of the most striking features of contemporary societies is the presence of a range of family variations, from the most traditional, extended families with strict, gender based sex roles, to the modern dual career families based on liberal, equal sex roles and to adults cohabiting without marriage.

The term "alternative family patterns" suggests family patterns that result from personal circumstances outside one's control (death of a partner, infertility) or from socio-economic conditions (male migration, work participation of women).

In the Indian context, most family variations that are prevailing today are a result of personal or socio-economic circumstances. Experimental or chosen life styles like living without marrying, and being childless voluntarily are restricted to an extremely small group of people.

The following may be considered the most commonly observed family variations in India.

- Single parent families
- Female headed households
- Dual earner/career families
- Childless families

- Adoptive families

Contemporary Issues Facing the Family

Some of the contemporary issues facing the family are:

- Whether marriage itself can or should survive in modern society.
- Whether or not marriage benefits men more than women.
- Couples can live satisfying and fulfilling lives without having children.
- Whether motherhood is desirable for all women.
- Voluntary abortion.

1.5 PROBLEMS ENCOUNTERED IN THE FAMILY AND INTERVENTION PROGRAMMES

PROGRAMMES

The following is a list of major family problem situations which may be entry points for family intervention. The causal factors of the situations may be multiple, located in the family ecology, socialisation of authoritarian family norms, dysfunctional family interaction patterns or problems with individual members' developmental tasks. These areas are, therefore, not mutually exclusive. Some of these problem situations are:

- **Families with individuals having problems**
 - Families of the disabled
 - Families of the chronically/terminally ill
 - Families of substance abuse addicts
- **Problems with child bearing**
 - Infertility
 - Unwed motherhood
- **Marital problems**
 - Marital disharmony
 - Marital breakdown
- **Abuse and violence in families**
 - Child abuse in family
 - Family violence against women
 - Elderly abuse in family
 - Family abuse of the disabled
- **Families in conflict with other systems**
 - Families with unemployment/indebtedness
 - Families with inadequate or no land/housing
- **Families affected by dis-equilibrium in other systems**
 - Families facing political violence
 - Families facing environmental disasters
 - Uprooted/refugee/migrant families
- **Family deprivation**

- Destitute children
- Destitute adults
- Destitute aged

These family situations, in turn, may affect the family functions, interactions, and individual members. The family may become incapable of carrying out some of its functions. Family interaction patterns may change as a coping mechanism. Harm may be caused to physical and mental development and health of individual members, particularly children, women and the aged. In the extreme situation family may disintegrate and individual members may become destitute.

Family Intervention

A family practitioner's role comprises planning and implementing a combination of interventions ranging from development to remedial, using individual, group, as well as community methods to strengthen these families' coping mechanisms and then rehabilitate them. Family counselling, marital counselling, family and marital therapy, crisis intervention, encouraging self help groups, and legal aid are specific methods that may be used.

The groups needing family intervention may be children, adolescent/youth, women, couples, or the aged; but the family as a whole may be considered the unit for intervention.

Besides planning and implementing the services, the practitioner needs to monitor and evaluate them and raise public awareness about these services.

Check Your Progress II

1. What do you mean by alternative Family Patterns and what are the various patterns found in India today?

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2. What are the contemporary issues faced by the Indian family?

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1.6 POLICIES AND PROGRAMMES RELATED TO INDIAN FAMILIES

Family policy means everything that the government does to and for the family explicitly or implicitly. The Constitution of India does not make an explicit reference to the family. However, it lays down the fundamental rights of individual citizens in terms of equality, nondiscrimination and protection. Its Directive Principles of State policy state that, "The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may, a social order in which

justice, social, economic and political, shall inform all the institutions of the national life" (Article 38). Article 41 specifically lays down that, "The state shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement".

Social Policies and the Family

Reviewing the social policies of India that affect the family, one can conclude that India has explicit family policy with explicit goal for the family only in the form of the Family Welfare Programme (1977) of the Ministry of Health and Family Welfare. This programme pursues family planning as an integral part of a comprehensive policy, covering the total health care delivery system. However, the policy has the limited goal of promoting planned parenthood with a two children/ one child norm, through the independent choice of family welfare methods.

We have a National Policy for Children (1974) that aims at full physical, mental and social development of children. As far as the family is concerned, it states that, "In organising services for children, efforts would be directed to strengthen family ties so that full potentialities of growth of children are realised within the normal family, neighbourhood and community environment". In 1992, India adopted a "National Plan of Action" for children, based on the recommendations of the World Summit of Children contained in the plan of Action for Survival, Protection and Development of Children. The National Housing Policy (1988) has as its long term goal as eradication of house- lessness, improvement of the housing conditions of the inadequately housed, and provision of a minimum level of basic services and amenities to all.

The National Policy for Child Labour (1987), the National Youth Policy (1988), the National Policy on Education, (1986) and the National Health Policy (1985) aim at specific services for select groups of individuals and implications for the family are implicit. India has a forest policy which aims at protection, conservation and development of forests. Thus, we have many policies for the family and its members.

A draft of the national policy for the aging is being discussed. A National Policy for Women is as yet at the stage of recommendations of the National Perspective Plan for Women (1988). Our social security legislation is applicable only to work force in the organised sector. A large number of at risk families remain uncovered by any social security against poverty, old age, disability, illness and environmental disasters.

Family Laws in India

India has different personal laws for families belonging to different religions, and therefore, do not have any agreed upon goals about this important aspect of civic life. Hindus, Muslims, Christians, Jews and Parsis, have their own personal laws, which cover matters of personal relations and family practices such as marriage, divorce, adoption, maintenance, guardianship and custody of children, and inheritance and

succession. As these laws draw from the respective religious norms, they often perpetuate traditional patriarchal norms, and slow down the process of reforms.

Although Article 44 of the Constitution states that, "The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India", very few attempts have succeeded in enacting secular family laws that apply to family practices of all Indians. These secular family laws are, the Child Marriage Restraint Act, 1929, The Medical termination of Pregnancy Act, 1972, Special Marriage Act, 1974, Dowry Prohibition Act, 1961 and provisions made in the Criminal Procedure Code and Indian Penal Code.

Government Schemes and the Family

In the absence of an overall family policy, the government schemes that affect/benefit families and their members are divided among different ministries.

Provisions under Ministry of Welfare

The Ministry of Welfare has five bureaus for the following purposes:

Social defence, welfare of the handicapped, minorities, tribal development and scheduled castes and backward classes.

The Bureau of Social Defence controls the problems of family and social disorganisation which are manifest in the forms of delinquency, juvenile vagrancy, drug addiction, alcoholism, and other such problems of personal and social deviance, within the framework of specific laws and allied measures. This Bureau implements the following schemes:

- For the welfare of children in need of care and protection;
- For the prevention and control of juvenile special maladjustment;
- For spreading awareness about the ill effects of drug abuse and providing counselling, de-addiction, after care and rehabilitation services;
- For refugees from other South Asian countries (Relief and rehabilitation schemes);
- For grant in aid to welfare programmes of the aged; and
- A scheme for the development of street children.

Provisions under Ministry of Human Resource Development

The Ministry of Human Resource Development runs the Department of Women and Child Development which has two bureaus: Bureau of Nutrition and Child Development and Bureau of Women's Welfare and Development.

The Department runs the following schemes for children;

- Integrated Child Development Services for children;
- The Adolescent Girls Scheme;
- A Scheme of Creches/ Day Care Centres for children of poor, working and ailing women and;

- Early Childhood Education Programme;

The Department runs the following schemes for women:

- Hostels for working women in the low income group;
- The scheme for Employment cum Income Generating Production Units for Women;
- The Scheme for Training Centres for Rehabilitation of Women in Distress;
- The Scheme for Short Stay Homes for Women and Girls;
- Public education for the Prevention of Atrocities against Women; and
- The Support to Training cum Employment Programme (STEP).

The Central Social Welfare Board, which is an autonomous organisation working under the Department of Women and Child Development, offers the following schemes:

- The Scheme of Opportunities for Education for Adult Women;
- The Socio Economic Programme Provides opportunities for work and wages to needy women that include the economically backward, the destitute, the widowed, the deserted, the physically handicapped, and so on;
- The Awareness Generation Project for Rural and Poor Women Programme;
- Mahila Mandals;
- Family Counselling Centres;
- Voluntary Action Bureaus;
- Welfare Extension Projects; and
- Scheme of Balika Mandals for Adolescent Girls;

Provisions under the Ministry of Urban Development

The following Social Housing Schemes are implemented by the Ministry of Urban Development:

- Housing Scheme for economically weaker sections;
- Housing Scheme for low income groups;
- Housing Scheme for middle income groups; and
- Rural housing sites cum construction assistance scheme for landless workers;

The Ministry is also implementing the following programmes related to urban poverty alleviation:

- The Nehru Rozgar Yojana;
- The urban basic services for the poor; and
- Environmental improvement of urban slums aims at ameliorating the living conditions of urban slum dwellers;

Provisions under the Ministry of Rural Development

The Ministry of Rural Development implements various schemes.

However, with the formation of every new Ministry and Government at the centre, each of the programmes gets a new name or are put into different categories. Some of the well known programmes include:

- Integrated Rural Development Programme (IRDP);
- National Scheme for Training of Rural Youth for Self-employment (TRYSEM); and
- Development of Women and Children in Rural Areas (DWCRA);

1.7 HUMAN RIGHTS IN THE FAMILY

The goal of the International Year for the Family (IYF), 1994, is "Building the smallest democracy at the heart of the society". The plans for the IYF seek to promote the basic human rights and fundamental freedoms accorded to all individuals by the set of internationally agreed instruments, formulated under the aegis of the United Nations, whatever the status of each individual within the family, and whatever the form and condition of the family.

According to the United Nations (1987), "Human rights could be generally defined as those rights which are inherent in our nature and without which we cannot live as human beings. Human rights and fundamental freedoms allow us to fully develop and use our human qualities, our intelligence, our talents and our spiritual and other needs". Their being met is, therefore, not a matter of choice, but an imperative of basic justice.

The human rights need to be applied to the family for enriching family life. Denial of them creates conditions of exploitation, deprivation and destitution of families and their individual members. Family responsibilities are as important as family rights to ensure family happiness.

The following human rights instruments are applicable to the family:

The U.N. Declaration of Human Rights (1948);

The U.N. Convention on the Elimination of All Forms of Discrimination against Women (1979); and

The U.N. Convention of the Rights of the Child (1989).

Desai (1993) has applied these human rights instruments to family and added family responsibilities at three levels:

The individual's right to have a family;

The individual's rights and responsibilities within the family, and

The family's rights and responsibilities with reference to its environment.

These family rights and responsibilities can form the goals for family well-being that cut across the diverse forms of families.

The individual's Right to Have a Family

1. Every child has the right to be reared by his or her natural family. Parents have the primary responsibility to rear their children. This right is further elaborated below.

Parents who face problems with child care may first be provided supplementary services such as child guidance, sponsorship and day

care. Removal of the child from the family may be avoided as far as possible. If necessary, it may be considered as a temporary arrangement with other families, such as in foster family care, with the goal of sending the child back to his or her family after rehabilitating the family. When going back to the family is not possible for destitute children, these children may be legally placed with substitute families in adoption. Institutional care may be considered the last resort when all the above efforts have failed.

2. Every adult has the right to marry and found a family.
3. Every elderly has the right to be cared for by his or her children.

The Individual's Rights and Responsibilities Within the Family

There are natural humane and caring qualities in family relationships. These may be used and strengthened by promoting and protecting every individual's rights for status, worth and dignity; equality and nondiscrimination; freedom and choices in family life; social security from family members; and protection from family abuse and violence. It is the responsibility of every individual, family, community and the state to promote and protect these rights. Every individual has responsibility to enrich family interactions. These rights and responsibilities are further elaborated below.

1. Every family member is equal in dignity and worth, irrespective of age and gender. Every family member, therefore, has the right to equal allocation of family resources, and equal responsibility towards household work.
2. Both the married partners have the right to gender equality in marriage with respect to monogamy, role, power and status; parenting, guardianship and custody of children; title to matrimonial home and property; and dissolution of marriage and division of matrimonial property.
3. Every family member has the right to freedom and choice in family life.
4. Every family member has the right to care and support from other family members in crisis events such as disability, illness and in old age.
5. Every family member has the right to life and security of persons.
6. Individuals need legal protection of the state for their rights within the family.
7. It is the responsibility of every family to register birth, marriage and death of every family member.
8. It is the responsibility of every family member to promote sensitivity and responsiveness, positive communication patterns, democratic decision making and peaceful and nonviolent approaches for resolving conflicts in their family interactions.

The family's rights and responsibilities with reference to its environment. The family's environment may include nature, the community, the state and other systems with which it interacts. The family's interaction with its environment may be strengthened by promoting its rights to equality and nondiscrimination, freedom and liberty, justice, social security and peace.

1.8 PLANNING FOR A FAMILY AND FOR A RESPONSIBLE PARENTHOOD

A marriage undergoes a transformation when husband and wife suddenly become parents. The word "suddenly" is appropriate because the transition to the status of parent is quite unlike the transitions to other major statuses in life, such as marriage or an occupation. People have relatively greater preparation and experience for entering marriage or an occupation, and they also have a grace period during which they gradually assume the responsibilities of the new status.

The transition to parenthood is quite different and often dramatic. It constitutes a crisis in the life of a married couple, as it forces them to take on an important and demanding responsibility. The task of parenting allows the wife and husband much less time to devote to each other. And as the child becomes an interacting individual in the family, complex relationship patterns emerge.

Once the motivation for the good life is created, couples will be able to come to a mutual decision regarding each pregnancy so that every child in the family will be a "wanted child" and not a "product of chance". Every pregnancy will place husband and wife in a new human setting and far from experiencing pregnancy as a pathological condition. It will place them in a revived experience at the very centre of human destiny.

The decision to marry and to bring a child into the world is the couple's decision. They must responsibly prepare for parenthood so as to provide for themselves and their children in an environment in which they can grow personally and as a family.

Marriage and conjugal love are by their nature ordained towards the begetting and educating of children. Children are really the supreme gift of marriage and contribute very substantially to the welfare of their parents. Hence conjugal love requires in husband and wife an awareness of their mission of "responsible parenthood".

Aspects of Responsible Parenthood

- Responsible parenthood means the knowledge and respect of their functions.
- The deliberate and generous decision to raise a family, or by the decision, made for some motives and with due respect for the moral law, to avoid for the time being or even for an indeterminate period, a new birth.
- The responsible exercise of parenthood implies that husband and wife recognise fully their own duties towards God, towards themselves, towards the family and towards the society, in a correct hierarchy of values.

Future Trends

The future of parenthood will include a greater awareness of what the role involves, increased sharing by both spouses of the birth of their child or children, new techniques of delivery, and more emphasis on

fatherhood. There is need for preparation for parenthood classes available to potential parents as Lamaze classes (The Lamaze method emphasises active involvement of the father in the delivery process).

Check Your Progress III

1. What is the Planned Parenthood?

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1.9 LET US SUM UP

In this unit, first we introduced you to the essential characteristics of the basic group in a society, i.e. the family. Also we have dealt with the interactions taking place in the family and the developmental stages of the family which is otherwise called as the Family Life Cycle.

The Social change which had taken place in India due to westernisation and industrialisation, had affected the family in turn and the various alternative patterns of the family emerged. Alongside, there are many problems confronting the family. We have briefly mentioned the various intervention programmes, and also the various policies, laws and programmes existing for the welfare of the Indian family.

Finally, we have dealt with the Human rights within the family and the need for Family life education for the family life enrichment. The basic focus of this unit is the planning which is very important in family life and we have emphasised the concepts of Responsible/Planned Parenthood.

1.10 KEY WORDS

- Family Ecology** : Family general environment (geographical surroundings, neighbourhood etc.) and the system with which it interacts. (political, economic, education, housing, health welfare, legal etc).
- Socialisation** : An interactional process where by an individual's behaviour is modified to conform to expectations held by the members of the group to which she belongs.
- Interaction** : Mutual or reciprocal way in which individuals and groups influence each other's behaviour, where by the behaviour of an individual or group becomes a stimulus and evokes responses from others.
- Single Parent Families** : Family in which the children reside with one parent who shoulders the major responsibility for their upbringing.
- Female Headed Family** : Families where the women are heads of

families by virtue of their main earner status-widowed, divorced, abandoned, separated and single mothers; women whose husbands have migrated for employment; and women whose husbands are not economic providers due to unemployment and ill health

- Dual-career Family** : Family where both the husband and wife are simultaneously employed in full time, paid jobs outside their home.
- Adoptive Family** : Couples who are unable to bear children for various reasons, adopt a child of known or unknown background.

1.11 MODEL ANSWERS

Check Your Progress I

1. What is the role of the family in the socialisation of the child?

Individuals are socialised for different roles and skills in different settings and situations like family, school, works place etc. The principal agents in the process of socialisation are parents, teachers, siblings and extended family members and play mates. It is within the family that the child is first socialised to serve the needs of the

society. A society will not survive unless its needs are met, such as the production and distribution of commodities, protection of the young and old or sick, and the pregnant, conformity to the law and so on. Only if individuals are motivated to see these needs, will the society continue to operate. The foundation for that motivation is laid by the family.

2. What do you mean by family life cycle and family developmental tasks?

Family life cycle denotes taking a longitudinal view of the stages in which a particular family will take its shape, and pass through different stages till the stage when the participating couples leave the family by their death.

In each of these stages, all the family members have to perform certain tasks for the fulfillment of needs of the whole family.

Successful completion of these tasks at each stage leads to better performance of tasks in the next stages.

Check Your Progress II

1. What do you mean by alternative family patterns and what are the various patterns found in India today?

The term alternative family pattern means those family patterns chosen out of one's own choice, ideology, or certain socio-economic circumstances. These family patterns are different from the traditional joint or nuclear family patterns. The commonly observed alternative family pattern in India are:

- Single parent families
- Female headed households
- Dual earner/career families
- Childless families
- Adoptive families

2. What are the contemporary issues faced by the Indian family?

Current issues facing family today are:

- Whether marriage is essential
- Child free alternative
- Voluntary abortion
- Freedom to break rather than sustain the marriage

Check Your Progress III

1. What is the Planned Parenthood?

The decision to marry and to bring a child into the world is the couple's decision. They must responsibly prepare for parenthood so as to provide for themselves and their children an environment in which they can grow personally and as family. Hence planned parenthood means the responsibility the parents take regarding the functions of parenting the children.

1.12 FURTHER READINGS

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UNIT 2 FAMILY PLANNING POLICIES

Contents

- 2.0 Aims and Objectives
- 2.1 Introduction
- 2.2 Objectives and Scope of Family Planning
- 2.3 Development of Family Planning Policies through Five Year Plans
- 2.4 Family Welfare Programmes through Five Year Plans
- 2.5 Evaluation of Family Welfare Programmes
- 2.6 Let Us Sum Up
- 2.7 Key Words
- 2.8 Further Readings
- 2.9 Model Answers

1.0 AIMS AND OBJECTIVES

The purpose of this unit is to provide you an understanding of Family Planning policies of the government of India since Independence. After studying this unit, you should be able to:

- Understand the objectives and scope of family planning services
- Know the development of Family Planning policies through Five Year Plans;
- Understand the Family Welfare Programmes through Five Year Plans; and
- Make an evaluation of Family Welfare Programmes.

1.1 INTRODUCTION

You have learnt about the Indian family in transition in the previous unit. A detailed discussion of family planning policies and related concepts are intended in this unit.

In India, the concept of family planning came as a control measure for population growth. When we look at world population in just over thirty five years, 1950 to 1988, the world population doubled- growing from 2.5 billion to 5.0 billion and is likely to touch 6.5 billion mark by the year 2001 A.D. (World Development Report 1984)

Projections based on the latest data and expected declines in fertility and mortality suggest that, India may be the largest country in the world by the year 2050 with a total population of 1.59 billion compared to China's 1.55 billion. India already has more births, deaths and infant deaths than any other country.

India's family welfare programme seeks to promote, on a voluntary basis, responsible and planned parenthood with the "two-child norm" male, female or both, through 'cafeteria approach', that is an independent

choice of family planning methods best suited for the couples.

Population control and Family Welfare Planning are items on the concurrent list. The Central government bears virtually the entire cost of the programme. State government and Union Territory administrations are responsible for its implementation. The Central government is also responsible for programme planning, training of functionaries, research and evaluation.

2.2 OBJECTIVES AND SCOPE OF FAMILY PLANNING

An Expert Committee (1971) of the WHO defined family planning as "a way of thinking and living that is adopted voluntarily, upon the basis of knowledge, attitudes and responsible decision by individuals and couples, in order to promote the health and welfare of the family group and thus contribute effectively to the social development of a country".

Objectives of Family Planning

Family planning refers to practices that help individuals or couples to attain certain objectives:

- a) to avoid unwanted births
- b) to bring about wanted births
- c) to regulate the intervals between pregnancies
- d) to control the time at which births occur in relation to the ages of the parent and
- e) to determine the number of children in the family.

Now you have learnt the definition and objectives of family planning. Let us see the scope of family planning services.

Scope of Family Planning Services

It is not synonymous with birth control, but is in fact more than mere birth control. A WHO Expert Committee (1970) has stated that, family planning includes in its purview

- 1) the proper spacing and limitation of births,
- 2) advice on sterility,
- 3) education for parenthood,
- 4) sex education,
- 5) screening for pathological conditions related to reproductive system,
- 6) genetic counselling,
- 7) premarital consultation and examination,
- 8) carrying out pregnancy tests,
- 9) marriage counselling,
- 10) the preparation of couples for the arrival of their first child,
- 11) providing services for unmarried mothers,

- 12) teaching home economies and nutrition and,
- 13) providing adoption services.

These activities vary from country to country according to national objectives and policies with regard to family planning. This is the modern concept of family planning.

Rapid population growth in less developed countries is a key factor in limiting the ability of these countries to raise standards of living. Important obstacles to their socio-economic development include limited resources, food distribution problems, high rate of diseases and infant mortality, lack of proper sanitation, scarcity of investment capital and shortage of educational facilities and work opportunities. These barriers to a better quality of life is intensified by the rapid pace of their population growth.

In this context, the Planning Commission clearly recognised the need for population control right at the beginning of the planning exercise. To quote the First Five Year Plan (1951-56).

"The recent increase in the population of India and the pressure exercised on the limited resources of the country have brought to the forefront the urgency of the problem of family planning and population control. It is therefore apparent that, population control can be achieved only by the reduction of the birth-rate to the extent necessary to 'stabilise the population' at a level consistent with the requirements of national economy. This can be secured only by the realisation of the need for family limitation on a wider scale by the people."

2.3 DEVELOPMENT OF FAMILY PLANNING POLICIES THROUGH FIVE YEAR PLANS

A social policy signifies consensual social purpose, and aims at progressive and structural changes. It pays appropriate attention to economic, cultural, political and social factors as also to short-term and long-term perspectives.

A population policy can be nothing less than a social policy at large. A population programme must work itself in the whole fabric of social life and must influence and be influenced by all other measures of social change. When a policy is translated into programmes and activities, it causes social development, with due involvement of integrating a diverse range of sectoral programmes and activities.

National Population Policy (1976)

This policy was announced by the Government on

16th April 1976. The main features are :

1. Raising the age of marriage: Minimum age of girls should be raised to 18 years and of boys to 21 years. (This was subsequently legalised in 1978).
2. Freezing of seats in Lok Sabha and the State Legislatures on the basis of the 1971 Census till the year 2001. (Necessary

- constitutional amendments were made to implement this proposal and even now, the seats are frozen as per 1971 Census and no account has been taken of the 1981 and 1991 Census).
3. In the matter of Central assistance to State plans, 8 per cent will be specifically earmarked against performance in Family Planning. (This formula never worked, but has been modified from time to time by the Planning Commission).
 4. The policy recognises the "correlation between illiteracy and fertility and gives special emphasis to formal literacy and the education of girls, particularly upto the middle level, as well as non-formal education for young women in backward states. (This was a recommendation for the State Government).
 5. Emphasis on "introduction of population values in the educational system" so that "the younger generations grow up with an adequate awareness of the population programme and realisation of their national responsibility in this regard".
 6. It was realised that "the adoption of a small family norm is too important a matter to be considered the responsibility of only one Ministry": A directive was to be issued by the Prime Minister to all the Ministries of government of India and a letter addressed to all the Chief Ministers of the State Governments to take up family planning as an integral part of their normal programme".
 7. In view of the desirability of limiting the family size to two or three, "it has been decided that monetary compensation for sterilization will be raised to Rs.150, if performed with two living children or less, Rs.100 if performed with three living children and Rs.70, if performed with 4 or more children." (In the absence of a reliable birth registration system, this differential incentive could not be implemented and as a matter of fact, this never worked).
 8. Suitable group incentives will be introduced for the medical profession, Zila and Panchayat Samities, Co-operative societies, assistance for labour and the organised sector. It was clearly recognised that family planning cannot succeed unless voluntary organisations particularly, youth and women organisations also help.
 9. Special attention was to be given to research in reproductive biology and contraception in the scientific institutions.

The most perverse aspect of this policy was in regard to the issue of compulsory sterilization. Para 15 of the policy statement says:

"Where a state legislature, in the exercise of its own powers decides that the time is ripe and it is necessary to pass legislation for compulsory sterilisation, it may do so." The States are advised "in such cases will be to bring in the limitation after 3 children, and to make it uniformly applicable to all Indian citizens, resident in that State without distinction of caste, creed or community".

It was a permissive clause to introduce compulsion in family planning. It was totally unacceptable to the Indian mass and also violated human rights.

National Population Policy (1977)

The policy statement was announced by the Government in April 1977. The main elements of the policy were as follows:

1. Motivate the people to accept family planning "voluntarily in their own interest and in the interest of their children as well as in the general interest of the Nation".
2. Family Planning must become "a part of the total concept of positive health" and "it must find meaningful integration with other welfare programmes, namely, nutrition, food, clothing, shelter, availability of drinking water, education, employment and women's welfare".
3. There is no room for compulsion, coercion or pressures of any sort. Compulsion in the area of family planning must be ruled out for all times to come. Our approach is educational and wholly voluntary.
4. "Employees with the Union Government, State Governments, autonomous bodies and local bodies etc. will be expected to set an example and adopt the small family norm".
5. We are totally against any legislation for compulsory sterilisation either at the central level or by the State.
6. A comprehensive scheme for training individuals, mid-wives (dais) will be implemented.
7. Legislation will be initiated to raise the minimum age of marriage of girls to 18 years and of boys to 21 years (this was done in 1987).
8. The principle of linking a percentage of Central assistance to the State plans with the performance in family welfare programmes will be continued.
9. Steps must be taken to ensure that "the Youth receive population education as part of their normal course of study".
10. Media must be activated to improve motivation for family planning.
11. Involvements of village panchayats and also trade unions, chambers of commerce, co-operative societies etc. in influencing public opinion. Their potential as change agents needs to receive greater recognition and attention.
12. Involvement of voluntary organisations, youth and women's organisations in the promotion of family planning.
13. Special attention be paid to research on reproductive biology and contraceptives.
14. Involvement of other Ministries and Departments of the government in the programme.

In short, the main difference between NPP(1976) and NPP (1977) was in regard to the question of compulsory sterilisation.

Working Group in Population Policy (1980)

The Government appointed a working group on Population Policy in 1980 under the Chairmanship of Dr. V.A.Pai Panandikar, Director, Centre for Policy Research. The working group prepared a fairly comprehensive

report linking population to development and in particular, to the minimum needs programme. Some of the highlights of the report are as follows:

1. An Important aspect of the report was the classification of the States into three categories A, B and C on the basis of the Couple Protection Rate. (The worst states were in A category and the best states in C category).
2. The group strongly recommends that, the nation commit itself to achieving the long-term goal of Net Reproduction Rate (NRR) of unity by the year 1996 on an average and by the year 2001 for all the States. This would mean that, no State in the country could have an NRR of more than 1 by the year 2001. This is by reduction of mortality rate especially of infants by concrete programmes of health, nutrition and related services.
3. The target of NRR of 1 by 1996 for the country as a whole, on an average, will imply a birth rate of 21 by 1996, from 33 in 1978.
4. The working group's studies reveal that the percentage of eligible couples to be effectively protected by a modern method of family planning should be around 60, if the stipulated NRR of 1 by 1996 for the country as a whole has to be realised under the mortality assumption made by the Registrar General.
5. On the basis of classification, (based on the average of percentage of the couples protection in 1976-77, 1977-78 and 1978-79) the following groupings emerged.

Table 1

State-Wise Percentage of Eligible Couples Protected by Family Planning Methods

Group A	(percentage of couples effectively protected by contraceptives less than 15)	Bihar, Jammu and Kashmir, Rajasthan and Uttar Pradesh.
Group B	(Percentage of couples effectively protected by contraceptives between 15-25)	Assam, Karnataka, Madhya Pradesh, Orissa and West Bengal.
Group C	(Percentage of couples effectively protected by contraceptives more than 25)	Andhra Pradesh, Himachal Pradesh, Kerala, Gujarat, Haryana, Maharashtra, Punjab and Tamil Nadu.

The working group recommended that, above Group A States should achieve NRR 1 by the year 2000-2001, Group B States by 1996-97 and Group C States by 1991-92.

By the time Pai Panandikar Committee completed its report, the then Government fell and the report was submitted to the next government. The Planning Commission incorporated the statistical goals set forth by the Pai Panandikar Committee into the National Health Policy (1982).

Draft Population Policy (1994)

In July 1993, Mr.B. Sankaranand, Union Minister for Health and Family Welfare, appointed an Expert group to draft a National Population Policy. The ten-member group was headed by the renowned agricultural scientist, Dr. M.S. Swaminathan.

The draft-policy statement has Part A, which deals with the policy framework and Part B with implementation. The Swaminathan Committee suggests a National socio-demographic goals for the year 2010. The important highlights of the Draft Policy statement is given as follows:

1. It gives primacy to the utmost need for ecological balance between population and the carrying capacity of the available land and water resources.
2. It faces gender issues and brings these issues into the mainstream of the population policy.
3. It gives primacy to the essential need for fulfilling the basic needs of the people.
4. It supports democratic decentralisation through Panchayats (village councils) and nagarpalikas (municipalities) and seeks to dismantle the present vertical family planning programme run from New Delhi.
5. The policy takes full note of the 73rd and 74th Amendments to the Constitution and the coming era of power to the people through Panchayats and Nagarpalikas.
6. The population Policy is pro-nature, pro-women, pro-poor and pro-democracy. (Table 2 and Table 3).
7. The concerned department of Family Welfare was considered inadequate to implement the new population policy and hence a new structure called Population and Social Development Commission (PSDC) is advocated, so also a new financing mechanism-Population and Social Development Fund.
8. It recommended that instead of the Prime Minister, the Chairperson should be an eminent social worker or a professional respected in the country for commitment to the cause of population stabilisation and social development. All the four full-time members should be eminent professionals in their respective fields. The Prime Minister would head the Cabinet Committee on Population and Social Development.
9. It focusses attention on the fundamental aspects like literacy, education, skill formation, particularly for girls, gender issues, informed choice of contraceptives, ethical aspects of new contraceptive technology etc. In short, social development is linked to population.
10. It recommends that, there should be one health care package of MCH (Maternal and Child Health), family planning as well as for ongoing programmes for tackling malaria, tuberculosis, leprosy, blindness and AIDS.
11. The target oriented approach and vertical programmes must yield

place to a people-oriented, decentralised approach. The focus is on linkages between population ecology, economy and social development and not on sterilisation targets.

Table 2

**Getting out of the Sterilisation Trap.
Four Pillars of Draft Population
(Swaminathan Committee) Policy.**

I	Population (Pro-Nature)	Eco-System.
II	Population (Pro-Women)	Social Development.
III	Population (Pro-Poor)	Basic Needs.
IV	Population (Pro-Democracy)	Decentralised Model (Panchayats and Nagar Palikas).

Table 3

Paradigm Shift in the Population Policy

Old Approach	New Approach
1. Population-Centred.	People-centred.
2. Over-emphasis is on sterilisation	Informed choice of contraceptives.
3. Quantitative targets	Qualitative targets.
4. Family Planning in separate basket	FP merged with Health. One package for health, MCH and FP.
5. Focus on 30+ women with 3 or 4 children.	Focus on new operation, in particular, adolescents (15-25 yrs).
6. No linkage with physical environment.	Linkage with eco-system, conservation, environmental protection and day-to-day problems like drinking water and sanitation.
7. Insensitive to gender issues.	Focus on gender issues and concern for gender equity and elimination of discrimination against women.
8. No linkage with basic needs of the poor.	Priority for fulfilling the Minimum needs Programme.
9. No consultation with people at the grass roots level.	Decentralised programme run through Panchayats and Nagarpalikas.
10. Family Welfare Department the sole custodian of population matters.	Abolish the Department and establish a population and Social Development Commission and Fund.

Socio-Demographic goals in 2010

1. Implementation in totality of the Minimum Needs Programme and in particular, universalisation of primary education and reduction in the drop-out rates of primary and secondary school students, both boys and girls, abolition of child labour and priority to primary health.
2. Reduction in the incidence of marriage of girls below the age of 18 years to zero.
3. Increase in the percentage of deliveries conducted by trained personnel to 100 percent.
4. Reduction in maternal mortality rate to less than 100 per 100,000 live births.
5. Universal immunisation of children against tuberculosis, polio, diphtheria, whooping cough, tetanus, and measles and reduction in the incidence of diarrhoea and acute respiratory infections.
6. Infant Mortality rate (IMR) of 30 per thousand live births, and a sharp reduction in Child mortality rate (1-4 yrs); also a sharp reduction in the incidence of low birth weight babies (below 2.5 kg).
7. All individuals to have access to information on birth limitation methods, so that they have the fullest choice in planning their families.
8. Universal access to quality contraceptive services in order to lower the Total Fertility Rate(TFR) from 3.6 in 1991 to 2.1 by the year 2010.
9. Containment of AIDS and sexually transmitted diseases.
10. Full coverage of registration of births, deaths and marriage.

Check Your Progress I

1. In your own words, discuss the need for family planning.

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2. Explain the mode of getting out of the sterilisation trap envisaged in the draft population policy (1994).

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2.4 FAMILY WELFARE PROGRAMMES THROUGH FIVE YEAR PLANS

You have read about Family Planning Policies developed by the

Government of India throughout the Plan periods. Now let us look at the Family Welfare Programmes developed through the Five Year Plans.

The country is committed to attaining the goals of "Health for All" and a "Net Reproduction Rate of Unity" by the year 2000 A.D., through the universal provision of comprehensive primary health care services to all and an easy access to family welfare planning and maternal and child health facilities.

The National Family Planning Programme(1951) is the expression of the collective concern for the population problem. After 10 years of its introduction, the Department of Family Planning was organised at the Centre. Now it is called the Department of Family Welfare. At the State or Union Territory level, there are Directorates of Family Welfare Planning. Over the years, the programme has evolved a nationwide physical infrastructure and huge reservoir of skills.

1) Family Planning Programmes under the First Five Year Plan (1951-56)

While formulating the First Plan, it was assumed that, the population would continue to grow at the rate of 1.25 percent per annum. Therefore under the Medical and Public Health Plan, a component entitled Family Planning and Population Control was included for the first time with an allocation of Rs. 6.5 million for this activity.

The main appeal for family planning was based on considerations of health and welfare of family. It was understood that family limitation or spacing of children was necessary and desirable in order to secure better care and upbringing of the children. It was then firmly believed that all progress in this field depended on creating a sufficiently strong motivation in favour of family planning in the minds of people. After that it would only remain to provide the necessary advice and service, based on acceptable, efficient, harmless, and economic methods. For carrying out the programme of family planning, two committees were constituted one to deal with population policy and the second for research and for framing programmes relating to family limitation.

Thus, India was the first country in the world to have an official policy on population and to launch a National Programme of Family Planning in 1952. The Family Planning programmes in this plan were expected to obtain : 1) an accurate picture of the factors contributing to the rapid population increase, 2) to discover suitable techniques of family planning, 3) to devise methods by which knowledge of these techniques could be widely disseminated, 4) to make advice on family planning an integral part of the services of government hospitals and public health agencies.

2) Family Planning Programmes under the Second Five Year Plan (1956-61)

During the Second Plan the strategy was the same as in the First Five Year Plan, that is expansion of family planning service facilities through clinics. The budgetary provision for family planning increased from Rs.6.5 million in the First Plan to Rs.50 million in

the second Plan. The distribution of contraceptives was extended through Primary Health Centres, Government Hospitals and Dispensaries, and Maternity Homes run by the State governments. In both the rural and urban areas, contraceptives were issued free to those with a monthly income below Rs.100, and at half price to those in the Rupees 100-200 income group. The Central Family Planning Board recommended the inclusion of sterilization operations in the family planning programme in hospitals and institutions where facilities existed. An incentive scheme paying Rs.10/- to a sterilization acceptor as compensation for the loss of wages was first introduced in Tamil Nadu followed by other States.

Research and Training Activities

Research activities were extended to the fields of reproductive physiology, demography and communication action. Considerable progress was achieved at the contraceptive testing units in Bombay under the guidance of the Indian Council of Medical Research and the All India Institute of Hygiene and Public Health in Calcutta. Demographic research centres were set up in Bombay, Calcutta, Delhi and Trivandrum. The United Nations Regional Demographic Training and Research Centre at Bombay was established in 1956 and became a reputed centre for training students in Demography and population studies from different countries of Asia and the Pacific region. Several valuable field investigations were carried out during 1951-61 such as the India-Harvard Ludhiana Population Study, the Mysore Population Study, and the Lodhi Colony Study in Delhi and the Singur Study in Calcutta. A broad-based training programme was developed which included establishment of centres for family planning. Family Planning was incorporated in the normal training programme of a number of training institutions for doctors and medical auxiliaries.

In this plan, a Central Board for Family Planning and Population Problems was set up at the national level. Its responsibilities were to take care of extension of programme, training of personnel, and organising bio-medical and demographic researches. It was also responsible for carrying out inspection/supervision of governmental and non-governmental agencies receiving grants, monitoring and evaluation etc.

3) Family Planning Programmes under the Third Five Year Plan Period (1961-66)

The Third Five Year Plan document sounded a note of concern that the Family Planning programme was a most difficult one to carry out and it raised problems of great complexity. It was realised that, sustained and intensive efforts were called for over a fairly long period before family planning could become a popular movement and part of the accepted attitudes of the people generally.

During the Third Plan period, 1961-66, the programme was strengthened further and an expenditure of about Rs.250 million was incurred. The basically clinic oriented approach adopted during the first two plans was replaced by an extension education through the

network of primary health centres and sub-centres in the urban areas. The change in strategy involved utilisation of interested and influential local leaders in villages for promoting a small-family norm and carrying the message of family planning to the couples.

The objectives of this extension approach, which continues to be a pervasive methodology in the Indian family planning programme to date are :

1. creation of a group norm of a small family size in every community by educating and involving opinion-leaders,
2. providing information to every eligible couple on available contraceptive methods, and
3. making provision for contraceptive service facilities in a socially and psychologically acceptable manner.

In the clinic approach, the family planning personnel wait for eligible couples to come to their clinics seeking advice and supplies. In the extension approach the crucial task of identifying, informing and motivating the eligible couples for family planning was given to the peripheral health workers, particularly to the auxiliary nurse-midwives (ANMs) and family planning health assistants (FPHAs). In respect of advocates on methods of family planning, the 'cafeteria approach' was adopted, leaving the choice of the method to an acceptor. The responsibility of distribution of simple contraceptives and giving general advice on family planning was given on a much larger scale to voluntary organisations, paramedical personnel and to extension educators, trained in family planning.

The symbol of the inverted red-triangle which has come to represent over the years, the message of family planning was introduced during this plan period(1962).

The family planning programme was viewed mainly as a positive policy instrument for achieving the demographic goal. It was not considered as a social welfare measure for improving the status of women in the country or helping couples to space and limit the number of children according to their desire.

The programme gained momentum in 1966 when a Department of Family Planning was constituted in the Ministry of Health and Family Planning at the Centre. It was to give technical and administrative direction and guidance to the programme and to bring about effective co-ordination of its various facets. The emphasis was placed on time-bound and target oriented programmes. The Third Five Year Plan stated that "the objective of stabilising the growth of population over a reasonable period must be at the very centre of planned development".

4) Plan-Holiday (1966-69)

The period 1966-69 was termed as a "plan-holiday" when the earlier programmes were continued with annual budgeting and target setting. The programme was integrated with the public health programme in the country such as maternal and child health (MCH) services operated through the primary health centres (PHCs) in rural areas and urban family welfare planning centres (UFWPCs) in towns and cities.

The expenditure during this period increased to Rs.704.6 million. Two aspects that characterized the programme at this stage were:

- a) The pattern of personnel to be deployed in the programme was decided at the national level, purely on the basis of the population size of a PHC, district or state; b) The choice of the methods available to couples was limited with emphasis on IUD and sterilization, although as a matter of policy, all methods were to be made available to the couples leaving the choice entirely to them.

5) Family Planning Programmes in the Fourth Five Year Plan (1969-74)

In the fourth five year plan, family planning was included among the programmes of the highest priority. A numerical target was set for reducing the crude birth rate from 39 to 32 by the end of the Plan period and to 25 by 1979. These demographic goals were translated into targets of family planning acceptors to be recruited under the programme. To achieve these targets, a concrete programme was drawn up for expanding the facilities. It was by providing services and expansion of motivational and educational aspects through the mass media. An outlay of Rs. 3,300 million was made in this Plan for the programme and the actual expenditure was Rs.2884.3 million. It is estimated that as a result of the programme 28 million couples were protected by 1973-74 and the births turned away during this plan period were estimated at 12 million.

During this plan period, the programme for popularisation of oral pills was also expanded. Surgical equipments were provided in rural and urban family welfare centres for vasectomy operations and a system for free distribution of condoms was introduced. By the beginning of this Plan(1969), sterilization became the major task in the government strategy to be met. Increased emphasis was placed on the adoption of the "camp approach". In this approach sterilization operations were carried out in villages at suitable locations for conducting surgery and the infrastructure facilities were strengthened in the rural areas. The incentive money was also raised. At the end of this Plan period the mass-camp approach was replaced by the "mini-lap approach" under which in any one camp not more than 25 persons could be operated. This change-over was felt necessary since a large number of complaints were received from persons operated upon in large camps. As a consequence, the programme suffered a set back in 1973-74, when the number of sterilizations done declined to 0.9 million from 3.1 million in the previous year. In 1971, Parliament passed a law liberalising induced abortions under an Act entitled "Medical Termination of Pregnancies Act" which became effective from 1st April 1972, making it possible for pregnant women to have legal abortion under certain specified conditions.

6) Family Planning Programme under Fifth Five-Year Plan (1974-79)

This plan witnessed a dramatic rise and fall in family planning acceptance in the country.

The Fifth Plan document refixed the demographic goal so as to

achieve a birth rate of 30 by 1979 and 25 by 1984. During 1974-78 a sum of Rs.4,089.8 million was spent on the programme and it received an enormous boost from the government in 1976 with the announcement of the National Population Policy, a comprehensive policy formulated for the first time.

The performance in the family planning programme during the year 1976-77 was the best to be realised ever, with a total of 8.26 million sterilizations, an all-time record.

The programme suffered a serious set back after 1976-77 and a revised policy on family welfare was announced in April 1977(1.4.2.) The term family planning was changed to "family welfare" to include maternal and child health programmes as an integral part of the programme.

7) Family Welfare Programmes under the Sixth Five-Year Plan (1980-85)

The Sixth Five-Year Plan in its objectives, stated that one of the major areas of effort which was included pertains to promoting policies for controlling the growth of population through voluntary acceptance of small family norm. The Plan envisaged the long term goal of reducing the Net Reproduction Rate, to unity by 1995 for the country as a whole and by 2001 in all the states. This was expected to be made possible by reducing the birth rate to 21 and death rate to 9 and increasing the proportion of couples protected by family planning to about 60 percent. It is understood that the programme was required to be reactivated by education and persuasion of people, avoiding any form of coercion. The small family norm was to be built into the social and cultural ethos of the people. A multi-pronged but integrated approach was advocated. It comprised of:

- 1) education and employment, particularly of women, 2) eradication of poverty, 3) provision of maternal and child care services including immunisation, prophylaxis against anaemia and nutrition, 4) building up of health care facilities in rural areas with due attention to control of communicable diseases, 5) promotive and preventive health, 6) water supply and sanitation was called for.

Family Welfare services and supplies were sought to be made available on an extended scale through the health infrastructure in the country. All existing channels of communication including governmental extension machinery, voluntary organisations, youth organisations, women's organisations, village opinion leaders etc; were to be fully mobilised for promoting the widespread acceptance of family planning methods.

While formulating the targets for family planning methods, adequate attention was given to raising the level of acceptance of non-terminal/spacing methods, in the contraceptive mix.

During the Sixth Plan, an allocation of Rs.10100 million was made for family welfare sector. At the end of the Plan, it was envisaged that the couple protection rate due to contraception would go up to 36.6 percent.

During 1983, the government of India adopted a National Health Policy under which, "Health for All" was sought to be achieved through universalisation of primary health care and reaching Net Reproduction Rate of Unity by 2000 A.D.

8) Family Welfare Programme under the Seventh Five-Year Plan (1985-90)

The seventh Five-Year Plan document has declared the approval of the long-term demographic policy of reaching a net reproduction rate of 1 by the year 2000 A.D.

In terms of specific family planning goals for the Plan period, the following targets have been stipulated:

1. Effective couple protection rate (CPR) of 42 percent to be realized by 1990.
2. Crude Birth Rate (CPR) to be realized by 1990- 29.1
3. Crude Death Rate (CDR) to be realized by 1990-10.4.
4. Infant Mortality Rate 90 per 1000 live births by 1990.
5. Immunization of children-universal coverage; and
6. Ante-natal care - 75 percent of all pregnant women.

In order to reach the above targets, particularly 42 percent couple protection, the Seventh Plan stipulated 31 million sterilizations, 21.25 million IUD (Intra Uterine Devices) insertions and 14.5 million users of conventional contraceptive by the end of the Plan year 1989-90.

Intersectoral co-ordination and cooperation and involvement of voluntary agencies in the programme are contemplated to be implemented in a bigger measure in the field of health and family welfare. Community participation is being achieved through the utilisation of non-government organisations, informal leaders in the community, political leaders and other social workers.

Special programmes to reduce the infant mortality rate to the level of 90 per thousand per year by 1990 have been implemented. Special schemes for the reduction of diseases among children, such as diarrhoea, dysentery and respiratory diseases are being implemented. A Universal Immunisation Programme (UIP) providing immunisation for children and oral rehydration therapy for treatment of diarrhoeal diseases was implemented. The UIP covered all districts of the country by 1990. The Seventh Plan has provided an outlay of Rs.32560 million for the family welfare sector.

During the Seventh Plan, the oral pill distribution programme had been intensified. Besides, a subsidised marketing programme for promoting the oral pill with a brand name MALA-D has been launched utilising the distribution network and services of selected pharmaceutical companies.

Check Your Progress II

1. What were the features of Family Planning Programme in the First Five Year Plan?

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 2. What are the special features of the Family Planning Programme in the Seventh Five Year Plan?

2.5 EVALUATION OF FAMILY WELFARE PROGRAMMES

The National Family Planning Programmes (1951) is the expression of the collective concern for the population problem. After a decade, the Department of Family Planning was organised at the Centre. Now there is a near universal awareness of family welfare planning, its concepts and techniques. Over the years, the programme has evolved a nationwide physical infrastructure and a huge reservoir of skills. At the centre, there is a Department of Family Welfare and at the State and Union Territory level, there are Directorates of Family Welfare Planning.

Although the National Family Planning Programme started in 1951, it has not made a significant impact on reduction of fertility. Reduction in birth rate over the years has fallen much short of the planned targets over the successive Five Year Plans. During 1970, the birth rate did not come down from about 39 to 34, but from 1977 onwards it has been stagnating around 33 with a slight fall witnessed after 1984. It has been estimated that, the programme has been able to avert over 106 million births, in the country at a total investment of Rs. 4683 crores (approximately) upto the end of 1988-89. Thus Rs. 442 has been spent per birth averted in the programme including the cost of infrastructure.

During the last 40 years the Indian Health and Family Welfare Programme has grown manifold. At present about 16,000 Primary Health Centres (PHCs) and 113,000 sub-centres are functioning in rural areas for providing Health and Family Welfare Services. Through various studies conducted on the Health and Family Welfare Programme, it is found that although it has attained remarkable organisational accomplishment, the Programme as a whole has yet to succeed in either curbing population growth or reducing infant mortality to the desired levels.

Available statistics also show that, performance of the programme is not uniformly poor all over the country. For example while States like Kerala, Maharashtra and Tamil Nadu have performed quite well in terms of both health and FP programme, the States in the Hindi-belt, particularly UP, Bihar, Rajasthan and Madhya Pradesh have failed in their attempt to implement the programme effectively and increase contraception to the desired level. If India has to achieve its target of "Health for All by 2000 A.D." and Net Reproduction Rate (NRR) equal

to one by 2006, by lowering the infant mortality to less than 60 and birth rate to 21, a serious attempt should be made to understand the reasons for the ineffective implementation of the programme, so that corrective measures could be taken.

2.6 LET US SUM UP

In this unit, you have learnt about the Definition, Objectives, Scope and need for Family planning. This unit also dealt with Family planning Policies, and Family Welfare Programmes developed by the Government of India, through the Five Year Plans. The unit concluded with an evaluation of Family Welfare Programmes.

2.7 KEY WORDS

Crude Birth Rate (CBR)	:	Number of actual births in one year × 1000 Mid-year population
Infant Mortality	:	Number of death of infants during the yr, × 1000 Rate (IMR) Mid-year infant population.
Net Reproductive Rate (NRR):	:	It is the average number of live females that would be born to a women, if she experiences the current fertility and mortality patterns throughout her reproductive span. A Net Reproductive Rate of 1.0 indicates that on the average a mother will be replaced by just one live daughter within the reproductive period. It may be pointed out that male surviving children are not considered for calculating NRR.
Total Fertility Rate	:	TFR represents the average number of children a woman would have, if she were to pass through her reproductive years bearing children at the same rates as the woman now in each age group.

2.8 MODEL ANSWERS

Check Your Progress I

1. In your own words, discuss the need for family planning.

There are a number of obstacles to the socio-economic development of a country. They are, limited resources, problems of food distribution, high rate of diseases, infant mortality, lack of housing and proper sanitation, scarcity of capital investment, shortage of educational facilities and shortage of employment opportunities. All these factors affect the quality of life. All these factors are intensified if the population is very high. Hence, in order, to improve the quality of life, we have to control the growth of population and it leads to the need for family planning.

2. Explain the mode of getting out of the sterilisation trap envisaged in the draft population policy (1994).

The draft population policy (1994) is pro-nature, pro-women, pro-poor and pro-democracy. It is people oriented, decentralised (based on 73rd and 74th Constitutional amendments) approach. It also focuses on linkage between people and environment, ecology, economy, and social development rather than on sterilization targets. In other words it gives importance to literacy, education, skill formation, particularly for girls, gender issues, informed choice of contraceptives.

Check Your Progress II

1. What are the features of family planning programmes in the First Five Year Plan?

Family Planning and Population control was under the Medical and Public Health Plan. There was a allocation of Rs. 6.5 million for this activity. It was based on considerations of health and welfare of family. Family limitation or spacing of children was necessary and desirable in order to serve better case and upbringing of children. It also believed that it should be based on strong motivation in favour of family planning in the minds of people. And service should be acceptable, efficient, harmless and economical.

2. What are the special features of the family planning programmes in Seventh Five Year Plan?

Inter sectoral co-ordination and involvement of voluntary sector in the Family Planning Programme was implemented in the field of health and family welfare. Community participation is being achieved through the utilisation of informal leaders, political leaders and other social workers. Special schemes for the reduction of disease among children, such as diarrhoea, dysentery, respiratory diseases and thus to reduce infant mortality were implemented. A Universal Immunisation Programme and oral dehydration therapy were implemented. The oral pill distribution programme was intensified.

2.9 FURTHER READINGS

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UNIT 3 FAMILY PLANNING METHODS AND SPACING BETWEEN LIVE BIRTHS

Contents

- 3.0 Aims and Objectives
- 3.1 Introduction
- 3.2 Family Planning Methods
- 3.3 Spacing Between Live Births
- 3.4 Religious Views and Spiritual Guidance
- 3.5 Preference for Male Child
- 3.6 Let Us Sum Up
- 3.7 Key Words
- 3.8 Model Answers
- 3.9 Further Readings

3.0 AIMS AND OBJECTIVES

The purpose of this unit is to provide with an understanding about the different methods of family planning, their advantages and disadvantages, spacing, religious view points on family planning methods especially on abortion, and misconceptions regarding preference for male child. After learning this unit you should be able to:

- Understand the various methods of family planning being commonly used by people;
- Know the advantages and disadvantages of using various family planning methods;
- Understand various religious views on family planning; and
- Understand the misconception regarding preference for a male child.

3.1 INTRODUCTION

You have learnt about the concept of the need for family planning, and family planning policies and family welfare programmes of the government of India in the previous unit. A detailed discussion of the different family planning methods, their advantages and disadvantages follows in this unit. Since there can be side effects one must always seek the opinion of a qualified physician before deciding to use any of the methods. Above all the husband and wife should seriously consider the issues and acquire accurate knowledge on the subject. Since some religions have reservations on the use of family planning methods, the couple should also seek necessary spiritual guidance.

3.2 FAMILY PLANNING METHODS

Family Planning Methods or contraceptive methods by definition are preventive methods to help couples to avoid unwanted pregnancies. There are a number of methods which are commonly used by the people. Let us discuss details on those methods one by one.

1. Condom

Condom is the most widely used barrier device by the males around the world.

In India, it is known by its trade name NIRODH, a sanskrit word meaning prevention. Condom is receiving new attention today as an effective simple "spacing" method of contraception, without side effects. In addition to preventing pregnancies, condom protects both men and women from sexually transmitted diseases.

There are two kinds of condoms-latex and skin. Latex-condoms are by far the most widely used. The condom is fitted on the erect penis before intercourse. The air must be expelled from the teat end to make room for the ejaculation. The condom must be held carefully when withdrawing it from the vagina to avoid spilling seminal fluid into the vagina after intercourse. A new condom should be used for each sexual act. Condom prevents the semen from being deposited in the vagina.

The Advantages of condom are:

- 1) are easily available,
- 2) safe and inexpensive,
- 3) easy to use, do not require medical supervision,
- 4) no side effects,
- 5) light, compact and disposable and
- 6) they provide protection not only against pregnancy, but also against sexually transmitted diseases.(STD).

The Disadvantages are:

- 1) it may slip off or tear during intercourse due to incorrect use and
- 2) interferes with sex sensation locally about which some complain while others get used to it, by repeated use.

Although there is much publicity about the use of condoms to avoid pregnancy and getting infected with STDs and HIV/AIDS you must remember that the condom does not guarantee hundred per cent safety. There is certainly a risk involved. There are several reported and confirmed cases of condom failure as a preventive method for pregnancy as well as HIV/AIDS infection.

2. Diaphragm

The diaphragm is a vaginal barrier. It was invented by a German Physician in 1882. It is a shallow cap made of synthetic rubber or plastic material. It has a flexible rim made of spring or metal. It is important that a woman be fitted with a diaphragm of the proper size.

The diaphragm is inserted before sexual intercourse and must remain in place for not less than 6 hours after sexual intercourse. A spermicidal jelly is always used along with the diaphragm. Side effects are practically nil.

Advantages

The primary advantage of the diaphragm, is the almost total absence of risks and medical contraindications.

Disadvantages

Initially a physician or some other trained person will be needed to demonstrate the technique of inserting the diaphragm into the vagina to ensure a proper fit. After delivery, it can be used only after involution of the uterus is completed. Hence it is not very useful in Indian families especially in rural area where medical assistance and privacy hardly exist. Further repeated or frequent pregnancy is a barrier to regular use of diaphragm.

3. Intra-Uterine Devices(IUDs)

The IUDs are devices used for the control of conception by introducing a foreign body in to the uterus. There are two basic types of IUD: 'non-medicated' and 'medicated'. Both are usually made of polyethylene or other polymers. In addition the medicated or bioactive IUDs release either metal ions (copper) or hormones (progestogens).

The IUDs are of different generations such as :

The non-medicated or inert IUDs — First generation IUDs.

The Copper IUDs — Second generation IUDs.

The hormone releasing IUDs — Third generation IUDs.

The medicated IUDs or the second and third generation IUDs were developed to reduce the incidence of side-effects and to increase the contraceptive effectiveness. However, they are more expensive and must be changed after a certain time to maintain their effectiveness.

The First Generation IUDs

The first generation IUDs comprise the inert or non-medicated devices. They appear in different shapes and sizes -loops, spirals, coils, rings and bows. Lippes Loop, double-S-shaped device, is a very commonly used IUD in India.

The Second Generation IUDs

A new approach was devised in 1970s by adding copper to the IUD. It was found that, metallic copper had a strong anti-fertility effect. The addition of copper made it possible to develop smaller devices which are easier to fit. There are different types of copper IUDs - Copper-7, Copper-T and Nova-T. The Indian Council of Medical Research in 1975 recommended to the Department of Family Planning the use of Copper-T. According to the recent reports copper devices have become very popular in India.

Advantages

- 1) Low expulsion rate,
- 2) Lower incidence of side effects,
- 3) Easier to fit even in nulliparous women,
- 4) Better tolerated by nullipara,
- 5) Increased contraceptive effectiveness,
- 6) Effective as post-coital contraceptives, if inserted within 3 to 5 days of unprotected sexual intercourse.

The Third Generation IUDs

A third generation of IUDs are based on another principle, that is release of a hormone. The most widely used hormonal device is progestasert, which is a T-shaped device filled with progesterone, the natural hormone. The hormone is released slowly in the uterus. Long-term clinical experience with hormone releasing IUD has shown it to be associated with lower menstrual blood loss and fewer days of bleeding than other copper devices. The hormonal devices would be valuable for women in developing countries in whom excess blood loss caused by inert devices have shown to result in significant anemia. But these devices are too expensive, to be introduced on a wider scale.

Advantages

- 1) Simplicity, that is no complex procedures are involved in insertion; no hospitalisation is required.
- 2) Insertion takes only a few minutes.
- 3) Once inserted IUD stays in place as long as required.
- 4) Inexpensive.
- 5) Contraceptive effect is reversible by removal of IUD.
- 6) Virtually free of systematic metabolic side-effects associated with hormonal pills.
- 7) Highest continuation rate.
- 8) There is no need for the continual motivation required to take a pill daily or to use a barrier method consistently; only a single act of motivation is required.

4. Hormonal Contraceptives

Hormonal contraceptives when properly used are the most effective spacing methods of contraception. They provide the best means of ensuring spacing between one child birth and another.

Hormonal Contraceptives currently in use may be classified as follows:

- 1) Oral Pills.
 - 1) Combined pill
 - 2) Progestogen -only pill
 - 3) Post-coital pill
 - 4) Once-a-month (long-acting) pill

- 5) Male pill.
2. Depot (slow release) formulations.
 - 1) Injections
 - 2) Subcutaneous implants
 - 3) Vaginal rings

i) Oral Pill

The Pill is given orally for 21 consecutive days, beginning on the 5th day of the menstrual cycle, followed by a break of 7 days during which period menstruation occurs. When the bleeding occurs this is considered as the first day of the next cycle. The bleeding which occurs is not like normal menstruation, but is an episode of uterine bleeding from an incompletely formed endometrium caused by the withdrawal of exogenous hormones. Therefore it is called "withdrawal bleeding", rather than menstruation. If bleeding does not occur, the woman is instructed to start the second cycle one week after the preceding one. Ordinarily the woman menstruates after the second course of pill intake.

The pill should be taken every day at a fixed time, preferably before going to bed at night. The first course should be started strictly on the 5th day of the menstrual period, as any deviation in this respect may not prevent pregnancy. If the user forgets to take a pill, she should take it as soon as she remembers, and that she should take the next day's pill at the usual time.

If taken according to prescription combined pills are 100 percent effective in preventing pregnancy. There is the benefit of pregnancy prevention and risk of abnormal cycle bleeding.

The other types of pills are to be taken according to the prescription of a medical practitioner.

Adverse Effects

1. Cardio vascular effects

Based on some of the studies conducted in different parts of the world, it is reported that women who had taken the pill had a 40 percent higher death rate than women who had never taken the pill. Virtually, all the excess mortality was due to cardio vascular causes, that is myocardial infraction.

2. Carcinogenesis.

Even though there is no clear evidence, the WHO multicentre Case Control Study on the possible association between the use of hormonal contraceptives and neoplasia, indicated a trend towards increased risk of cervical cancer with increasing duration of oral contraceptives.

3. Metabolic effect.

The metabolic effects included the elevation of blood pressure, the alteration in serum lipids with a particular effect on decreasing high-density lipoproteins, blood clotting and the ability to modify carbohydrate metabolism with the resultant elevation of blood glucose and

plasma insulin. These effects are positively related to the dose of the progestogen component.

4. Other adverse effects:
 - 1) Liver disorders
 - 2) Effect on Lactation
 - 3) Effect on subsequent fertility
 - 4) Ectopic pregnancies and
 - 5) Effect on foetal development.
5. Common unwanted effects.
 - 1) Breast tenderness, fullness and discomfort
 - 2) Weight gain
 - 3) Headache and migraine
 - 4) Bleeding disturbances.

Beneficial Effects

The single most significant benefit of the pill is its almost 100 percent effectiveness in preventing pregnancy.

Women taking oral contraceptives should be advised annual medical checkup.

ii) Depot Formulations

The depot formulations are effective, long acting oestrogen free for spacing pregnancies, in which a single administration suffices for several month or years. The injectable contraceptives, subdermal implants, and vaginal rings come in this category.

1) Injectable contraceptives:

They offer more reliable protection against unwanted pregnancies than the other barrier techniques.

2) Subdermal (subcutaneous) implants.

The Population Council, New York has developed a subdermal implant known as 'Norplant' for long-term contraception. The Norplant (R) -2, the Silastic capsules or rods are implanted beneath the skin of the forearm or upper arm. Effective contraception is provided for 5 years. The contraceptive effect of 'Norplant' is reversible on removal of capsules. The main disadvantages, however, appear to be irregularities of menstrual bleeding and surgical procedures necessary to insert and remove implants.

3) Vaginal Rings.

Vaginal rings containing levonorgestrel have been found to be effective. The hormone is slowly absorbed through the vaginal mucosa, permitting most of it to bypass the digestive system and liver and allowing a potentially lower dose. The ring is worn in the vagina for 3 weeks of the cycle and removed for the fourth.

5. Post Conceptional methods

1) Menstrual Regulation :

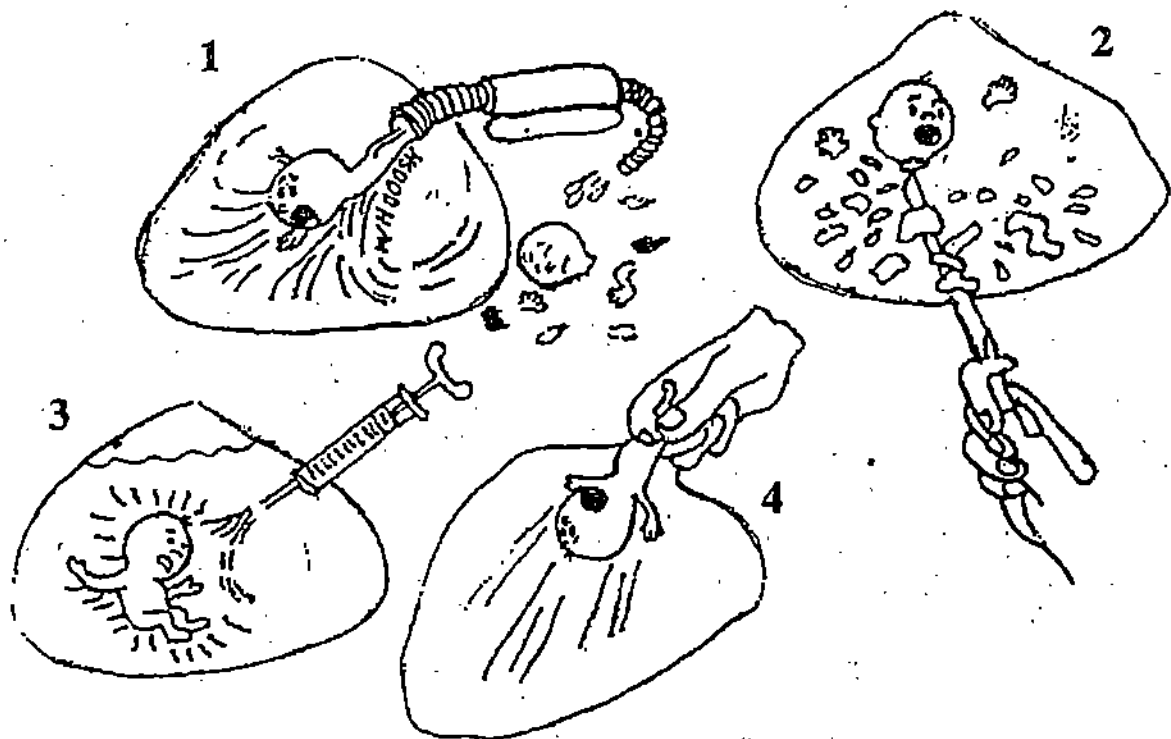
It consists of aspiration of the uterine contents 6-14 days of a missed period, but before most pregnancy tests can accurately determine whether or not a woman is pregnant. Some regard menstrual regulation as a very early abortion, others view it as a treatment for delayed periods.

2) Abortion:

Abortion is theoretically defined as termination of pregnancy before the foetus becomes viable (capable of living independently). This has been fixed administratively at 28 weeks.

Abortions are usually categorised as spontaneous and induced.

Spontaneous abortions occur once in every 15 pregnancies. They may be considered "Nature's method of birth control". Induced abortions, on the other hand, are deliberately induced. They may be legal or illegal. Illegal abortions are hazardous. They are usually the last resort of women determined to end their pregnancies at the risk of their own lives.



- | | |
|------------------------|--|
| 1. Suction Method | 2. D&C (Dilation and Curettage) |
| 3. Injection of Saline | 4. Surgical Operation or Caesarean Section |

Abortion Hazards.

Abortions, whether spontaneous or induced, whether in the hands of skilled or unskilled persons are almost always filled with hazards; resulting in maternal morbidity and mortality.

The early complications of abortion include shock, septic condition, uterine perforation, cervical injury, thromboembolism, anaesthetic and psychiatric complications. The late complications include infertility, ectopic gestation, increased risk of spontaneous abortion and reduced birth weight.

6. Other Methods of Family Planning

i) Abstinence

The only method of birth control which is completely effective is complete sexual abstinence. It is sound in theory, in practice it amounts to repression of a natural force and is liable to manifest itself in other directions such as temperamental changes and even nervous breakdown. Therefore, it can hardly be considered a method of contraception to be advocated to the masses.

ii) Coitus Interruptus

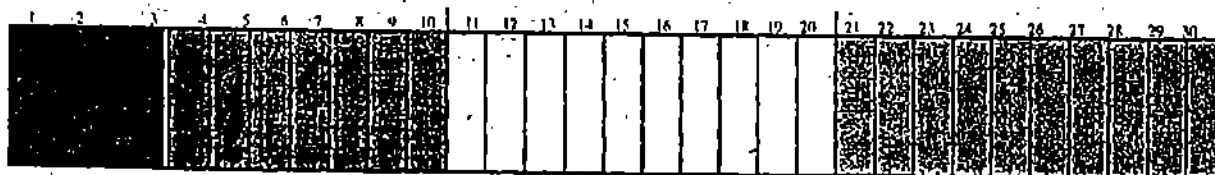
This is the oldest method of voluntary fertility control. It involves no cost or appliances. In this method, the male withdraws before ejaculation, and thereby tries to prevent deposition of semen into the vagina. Some couples are able to practice this method successfully, while others find it difficult to manage. The chief drawback of this method is that, the precoital secretion of the male may contain sperm, and even a drop of semen is sufficient to cause pregnancy. Further, the slightest mistake in timing the withdrawal may lead to the deposition of a certain amount of semen.




The alleged side-effects (eg. pelvic congestion, vaginismus, anxiety neurosis) were highly magnified. It is better than using no family planning methods at all. It is admitted to be true that coitus interruptus along with abstinence and abortion played a major role in reducing birth rates in the developed world during the 18th and 19th centuries.

iii) Safe Period (Rhythm Method)

This is also known as the "Calendar method", first described by Ogino in 1930. The method is based on the fact that ovulation occurs from 12 to 16 days before the onset of menstruation. (see figure 1). The days on which conception is likely to occur are calculated as follows:

Regulation of the period and Safe Period Method



-  Period
-  Non - Fertile Days
-  Fertile Days

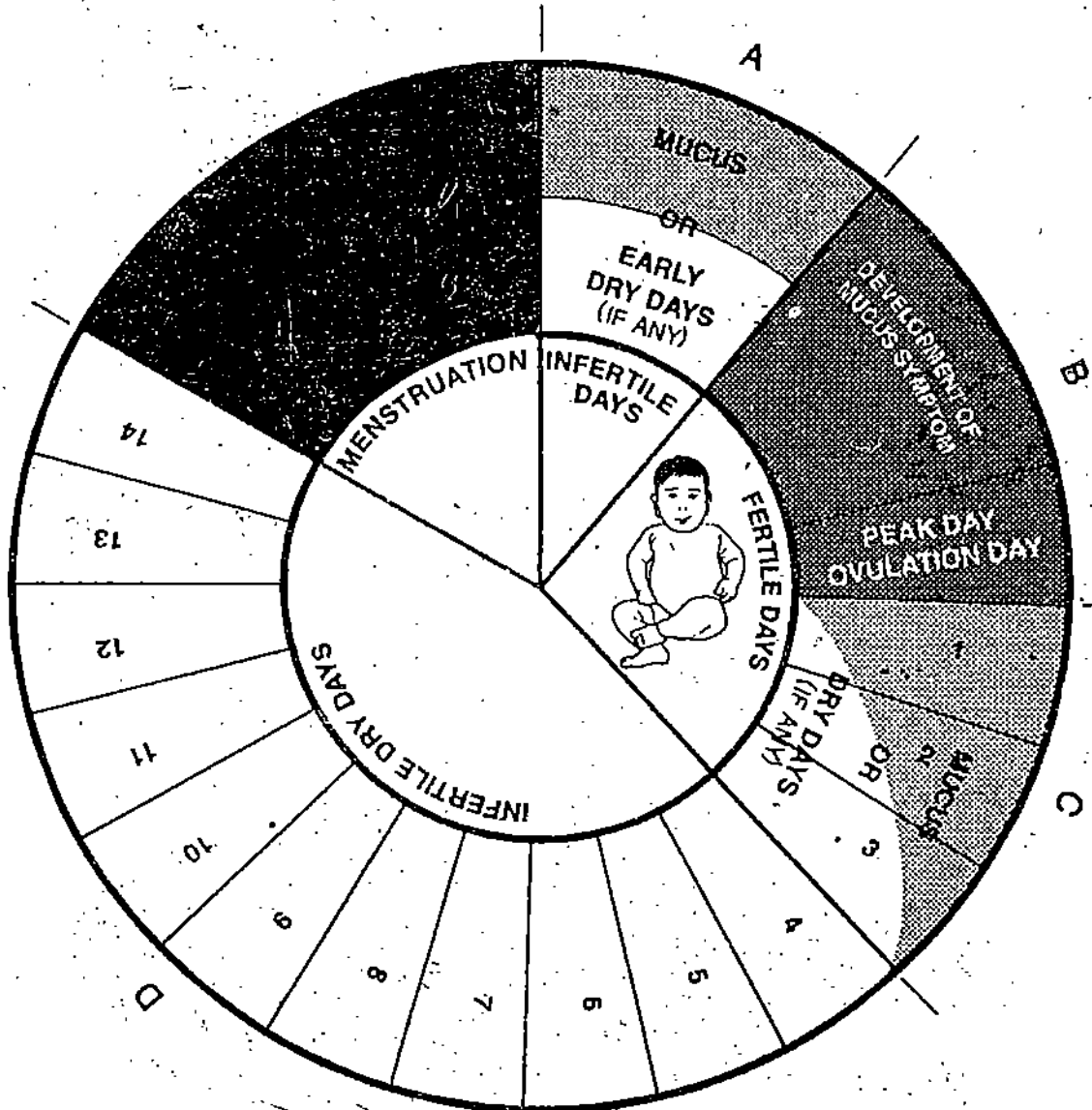
If you have irregular period, with a little treatment you can regulate your period. Then you divide your cycle in 3 equal parts. The infertile days are the 1st and the last parts of the cycle.

The shortest cycle minus 18 days gives the first day of the fertile period. The longest cycle minus 10 days gives the last day of the fertile period. For eg. if a woman's menstrual cycle varies from 26 to 31 days, the fertile period during which she should not have intercourse would be

from the 8th day to the 12th day of the menstrual cycle, counting day one as the first day of the menstrual cycle. Figure 1 shows the fertile period and the safe period in a 28-day cycle.

However, where such calculations are not possible, the couple can be advised to avoid intercourse from the 8th to the 22nd day of the menstrual period.

THE MENSTRUAL CYCLE THE MUCUS PATTERN OF FERTILITY AND INFERTILITY



The drawbacks of calendar method are:

- 1) a woman's menstrual cycles are not always regular. If the cycles are irregular, it is difficult to predict the safe period.
- 2) it is only possible for this method to be used by educated and responsible couples with a high degree of motivation and co-operation.
- 3) compulsory abstinence of sexual intercourse for nearly one half of every month may be called "programmed sex".
- 4) this method is not applicable during the postnatal period.

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5) a high failure rate.

7) Natural Family Planning Methods

The term "natural family planning" is applied to one of the 3 methods:

- a) basal body temperature (BBT) method
- b) cervical mucus method, and
- c) symptothermic method.

Here the woman employs self-recognition of certain physiological signs and symptoms associated with ovulation as an aid to ascertain when the fertile period begins. For avoiding pregnancy, couples abstain from sexual intercourse during the fertile phase of the menstrual cycle. They totally desist from using drugs and contraceptive devices. This is the essence of natural family planning.

a) Basal Body Temperature Method

The BBT method depends upon the identification of a specific physiological event—the rise of BBT at the time of ovulation, as a result of an increase in the production of progesterone. The rise of temperature is very small, 0.3 to 0.5 degree C. When no ovulation occurs (eg. as after menarche, during lactation) the body temperature does not rise. The temperature is measured preferably before getting out of bed in the morning. The BBT method is reliable if intercourse is restricted to the post-ovulatory infertile period, commencing 3 days after the ovulatory temperature rise and continuing up to the beginning of menstruation. The major drawback of this method is that, abstinence is necessary for the entire preovulatory period.

b) Cervical Mucus Method

This is known as ovulation method. This method is based on the observation of changes in the characteristics of cervical mucus. At the time of ovulation, cervical mucus becomes watery clear becoming raw egg white, smooth, slippery and profuse. After ovulation, under the influence of progesterone, the mucus thickens and lessens in quantity. It is recommended that, the woman use a tissue paper to wipe the inside of the vagina to assess the quantity and characteristics of mucus. This method requires a higher degree of motivation than most other methods. The appropriateness of this method in countries like India, especially among the rural and poor is doubtful.

c) Symptothermic Method

This method combines the temperature, cervical mucus and calendar techniques for identifying the fertile period. If the woman cannot clearly interpret one sign, she can "double check" her interpretation with another.

To sum up, natural family planning demands discipline, and understanding of sexuality. It is not meant for everybody. The educational component is more important with this approach than with other methods.

d) Breast Feeding

Field and laboratory investigations have confirmed the traditional belief that, lactation prolongs post partum amenorrhoea and provides some degree of protection against pregnancy. No more than 5-10 percent of women conceive during lactational amenorrhoea, and even this risk exists only during the month preceding the resumption of menstruation. However, once menstruation returns, continued lactation no longer offers any protection against pregnancy.

e) Birth Control Vaccine

Several immunological approaches for men and women are being investigated. The most advanced research involves immunization with a vaccine prepared from beta sub-unit of human chorionic gonadotropin (HCG) a hormone produced in early pregnancy. Immunization with HCG would block continuation of the pregnancy. Antibodies appeared in about 4-6 weeks and reached maximum after about 5 months and slowly declined reaching zero levels after a period ranging from 6-11 months. The immunity can be boosted by a second injection. Research on birth control vaccines continues and uncertainties are great.

8) Terminal Methods (Sterilization)

Voluntary sterilization is a well-established contraceptive procedure for couples desiring no more children. Currently female sterilizations account for 85 percent and male sterilizations for 10-15 per cent of all sterilizations in India, inspite of the fact that, male sterilization is simpler, safer and cheaper than female sterilization.

Sterilization offers many advantages over other contraceptive methods. It is a one-time method. It does not require sustained motivation of the user for its effectiveness. It provides the most effective protection against pregnancy. The risk of complications is small if the procedure is performed according to accepted medical standards. It is cost-effective.

i) Male Sterilization

Male sterilization or vasectomy being a comparatively simple operation can be performed even in primary health centres by trained doctors under local anaesthesia. In vasectomy, it is customary to remove a piece of vas at least 1 cm after clamping. The ends are ligated and then folded back on themselves and sutured into position so that, the cut ends face away from each other. This will reduce the risk of recanalisation at a later date. It is important to stress that the person is not immediately sterile after the operation, usually until approximately 30 ejaculations have taken place. During this intermediate period, another method of contraception must be used. If properly used vasectomies are 100 percent effective. Vasectomy is a simpler, faster and less expensive operation than tubectomy.

ii) Female Sterilization

Female sterilization can be done as an interval procedure; post partum or at the time of abortion. There are two such commonly used methods:

a) **Laparoscopy**

This is a technique of female sterilization through abdominal approach with a specialised instrument called "laparoscope". The abdomen is inflated with gas (carbon dioxide, nitrous oxide or air) and the instrument is introduced into the abdominal cavity to visualise the tubes. Once the tubes are accessible, the Falope rings (or clips) are applied to obstruct the tubes. This operation should be undertaken only in those centres where specialist obstetrician-gynaecologists are available. The short operating time, shorter stay in hospital and a small scar are some of the attractive features of this operation.

b) **Minilap operation**

Minilaparotomy is a modification of abdominal tubectomy. It is a modification of abdominal tubectomy. It is a much simpler procedure requiring a smaller abdominal incision of only 2.5 to 3 cm conducted under local anaesthesia. It is found to be a suitable procedure at the primary health centre. It has the advantage over other methods with regard to safety, efficiency, and ease in dealing with complications. Minilap is suitable for postpartum tubal sterilization.

Check Your Progress I

1. Discuss the objectives and scope of family planning services.

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2. Discuss the terminal method of family planning.

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3.3 SPACING BETWEEN LIVE BIRTHS

Till now you have learnt the different methods of family planning. Now let us see what is spacing and how does it affect the health of mother and child.

Spacing is the interval between two live births. There are a number of social and cultural factors which have tended to increase the spacing between two births. The segregation of women after delivery, the taboo of sex relations when the child is young and abstinence on certain religious days are some of them. Prolonged lactation which has been observed may also be an important factor. The Hindu joint family has also helped in minimising the frequency of sexual relationship. The prevalence of 'purdah' system did not allow the couples to meet very frequently. The so called rigid rules of social behaviour prevalent in

traditional families did not allow undue sexual freedom to the couples. Social customs of the wife making frequent visits to her parental home, having the first child in her mother's house and such other customs have helped to increase spacing between two births.

The above mentioned factors which helped to increase spacing are gradually changing. With increased education, urbanisation and economic prosperity, social atmosphere is changing. Widow remarriage is becoming more common; moral restraint is not much observed; and the joint family system is giving way to nuclear families. All these factors affect spacing. The birth of children is a voluntary decision of the couples rather than a culturally oriented phenomenon.

3.4 RELIGIOUS VIEWS AND SPIRITUAL GUIDANCE

Our lives are profoundly influenced by advancement in the field of science and technology. As a result of these advancements some people tend to consider religion and belief in God outdated and irrelevant. For them the teachings and heritage of the great religions make little or no sense.

It is true to say that, the teachings and traditions of the important religions have been the conscience keepers of the world. The ethical views of different religions have always condemned the violation of natural law.

All religions accept regulating family size by way of self control and regulating sexual union between couples. The same way all religions condemn abortion and consider it as murder.

According to Hindu Vedas, abortion is considered to be a more serious sin than the killing of a brahman (Shatapada Brahmanam, XII, 3-11, Katha Samhita 31.7)

The 'Charaka Samhita', a classical work on Hindu Medicine states that conception takes place in the womb by the union of semen and ovum, when the soul, along with the mind, enters the zygote. The embryo is of unique constitution, because it is a composite of the vital information it receives from both parents. The humanization of the individual takes place at the moment of conception and all future growth is only the actualization of conceptual potency.

Based on 'Shastras' and on the principle that the genetic components are complete at conception, the modern Hindu belief is that life begins with conception.

Though Hindu ethics condemn abortions generally, it accepts abortion on the grounds of rape, incest and when the mother is at the risk of grave injury or death. This is because, Hindu ethics place greater weight on the maternal rights rather than on the unborn child's right.

The basic teaching of Islam is that, life is a gift of god. Hence the Koran warns men not to interfere with the work of God. It is on this faith that, Muslims generally oppose abortion. The laws of Islam prohibit

abortion since the foetus is considered a living being. But as per the doctors, the foetus is only a human being after the fourth month. Hence abortion is allowed in general during the first ninety days of pregnancy and it is prohibited immediately afterwards. However, like Hindu ethics, Islamic ethics also permits abortion on the basis of pregnancy which endangers the mother's life, and where it is the result of a rape that does not result in marriage.

The Christian religion also condemns abortion. Christianity encourages couples to have self control and promote natural family planning methods. Christianity considers abortion a grave sin and calls it murder. At the time of conception a new life has started and abortion is the killing of that new life. The Holy Bible warns emphatically against abortion at any stage of conception.

There are certain myths regarding religious faith, population growth and family planning. Hindu religion promulgates monogamy and there is no law prohibiting family planning. But Muslim religion allows polygamy and prohibits family planning and hence there is a high rate of increase in population among them. These myths are to be examined in the light of studies conducted in India.

When these above mentioned myths are examined based on scientific study, it is understood that they remain as myths even now. Sample surveys conducted by Operations Research Group in 1983 and 1990 reports that, among Hindus 36% who accepted any one kind of family planning methods in 1980 has increased to 46% (+10%) in 1989. Among Muslims it was 23% in 1980 and increased to 34% (+11%) in 1989. Similarly, among Scheduled Castes it was 28% (1980) increased to 39% in 1989. Among Scheduled Tribes it was 33% in 1980 and continued the same pattern in 1989 also.

Muslims are politically and culturally against the attitude of western concept of sexuality and abortion, rather than on family planning. Christians are very conservative about artificial family planning methods. But it is deadly against abortion.

Even though, all these religions are not positively promoting family planning, in the State of Kerala where literacy rate is very high, education of women is high and a high index of social development exists, the small family norm has been accepted and has become a way of life among people of different walks of life, no matter to what religion they belong.

3.5 PREFERENCE FOR MALE CHILD

In India sons are important from a religious point of view. According to Hindu religion, a man, attains salvation only when a son performs certain rites at his funeral.

Preference for a son is not only a religious point of view, sons are considered as providers of security in old age and during prolonged illness. There are many other reasons as well. Once married, the girls are considered to belong to their husband's family, and therefore, they cannot

be relied on for support in old age. In fact, there are strong taboos on taking any kind of help from a married daughter.

According to Blaikie the reasons for the importance of sons in the Indian culture are:

- 1) Sons are required to perform the last funeral rites (sraddha) for their parents. It is interesting to note that in Sanskrit 'put' means hell and 'putra' means literally 'one that saves from hell'.
- 2) Sons, upon marriage, attract dowries for the parents.
- 3) Sons provide economic and emotional security in old age. It is the son, not the daughter who remains at his parent's home after marriage.
- 4) Sons provide income and help in the house and in the fields from an early age.
- 5) Sons bring prestige and local political power (and even protection against the threat of Physical force in confrontational situations) to the household, the kinship group and caste.

The question of son survivorship is therefore so vital that people do not feel satisfied with just one son. They seek safety in numbers.

Women too have compelling reasons for desiring children, preferably sons. The most intense hope of a young woman is that she proves her worth to her husband's family by producing a healthy male child. The birth of a son entitles a woman to respect and status. She and her baby are likely to be pampered for some time after delivery. Thus women have been conditioned to see their success and destiny in terms of procreation specially of a son. In actual practice it is found that, the above arguments for male child is a myth. Now as a result of the disintegration of joint family system and increase in the number of nuclear families, the expectation on the son to provide security at old age is coming down. With regard to the amount of work done by males and females, it is almost equal. Hence preference for male child is a myth.

Check Your Progress II

1. Discuss briefly the concept of spacing.

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3.6 LET US SUM UP

In this unit you have learnt the different family planning methods, including natural family planning, its advantages and disadvantages. We also learnt the sterilization methods used by males and females as well as on abortion and religious views on abortion.

3.7 KEY WORDS

- Condom** : A latest contraceptive shaped like a deflated balloon.
- Sperm** : Sperms are produced in the testes and mature in epididymides.
- Vagina** : The closed passage that connects the vulva with the uterus.
- Vas deferens** : Two long, narrow tubes that carry the sperm from each epidymis to the seminal vesicles.

(7A)

3.8 MODEL ANSWERS

Check Your Progress I

1. Discuss the objectives and scope of Family Planning Services

The objectives of family planning include.

2. To avoid unwanted births.
3. To bring about wanted births.
4. To regulate the intervals between births.
5. To control the time at which births occur in relation to the age of the parents.

Scope of Family Planning Services include:

1. Proper Spacing.
2. Advice on sterility.
3. Education for parenthood.
4. Sex-education.
5. Screening of pathological conditions related to reproductive system.
6. Genetic counselling.
7. Pre-marital consultation and examination.
8. Marriage counselling.
9. Preparation of couples for the arrival of their first child.

2. Discuss the terminal method of family planning .

Voluntary sterilization is a well-established contraceptive procedure for couples desiring no more children. Currently female sterilizations account for 85 percent and male sterilizations for 10-15 per cent of all sterilizations in India, inspite of the fact that, male sterilization is simpler, safer and cheaper than female sterilization.

Sterilization offers many advantages over other contraceptive methods. It is a one-time method. It does not require sustained motivation of the user for its effectiveness. It provides the most effective protection against pregnancy. The risk of complications is small if the procedure is performed according to accepted medical standards. It is cost-effective. Sertilization of a male is known as vasectomy, and sterilization of a female is known as tubectomy.

Check Your Progress II

1. Discuss briefly the concept of spacing.

Spacing is the interval between two live births. There are a number of social and cultural factors which have tended to increase the spacing between two births. The segregation of women after delivery, the taboo of sex relations when the child is young and abstinence on certain religious days are some of them. Prolonged lactation which has been observed may also be an important factor. The Hindu joint family has also helped in minimising the frequency of sexual relationship. The prevalence of 'purdah' system did not allow the couples to meet very frequently. The so called rigid rules of social behaviour prevalent in traditional families did not allow undue sexual freedom to the couples. Social customs of the wife making frequent visits to her parental home, having the first child in her mother's house and such other customs have helped to increase spacing between two births.

The above mentioned factors which helped to increase spacing are gradually changing. With increased education, urbanisation and economic prosperity, social atmosphere is changing. Widow remarriage is becoming more common; moral restraint is not observed much; and the joint family system is giving way to nuclear families. All these factors affect spacing. The birth of children is a voluntary decision of the couples rather than a culturally oriented phenomenon.

3.9 FURTHER READINGS

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- 2) S.K. Alok, Family Welfare Planning: The Indian Experience. Inter India Publications, New Delhi.
- 3) J. E. Park and K. Park, Text Book of Preventive and Social Medicine, M/s Banarasidas Bhanot Publishers, Jabalpur.
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UNIT 4 MEDICAL TERMINATION OF PREGNANCY AND ISSUES ASSOCIATED WITH IT

Contents

- 4.0 Aims and Objectives
- 4.1 Introduction
- 4.2 The Human Reproductive System
- 4.3 Abortion – Definition, and Types
- 4.4 Methods of Procuring an Abortion (M.T.P.)
- 4.5 Liberalisation of Abortion Leading to Legalisation
- 4.6 Medical Termination of Pregnancy Act, 1971
- 4.7 Issues and Controversies Associated with Legal Abortions
- 4.8 Religious Issues
- 4.9 Let Us Sum Up
- 4.10 Model Answers
- 4.11 Further Readings

4.0 AIMS AND OBJECTIVES

The purpose of this unit is to provide you with a comprehensive understanding of the legal provisions of the Medical Termination of Pregnancy Act and the various issues associated with it. After reading this unit you should be able to

- Describe the stages of life from conception till birth.
- Differentiate between the different types and methods of abortion.
- Outline the various grounds for legal termination of pregnancy.
- Appraise each of the issues associated with the Medical Termination of Pregnancy – medical, social, emotional, religious and moral.
- Discriminate the pros and cons of Abortion.
- Suggest measures to prevent unwanted pregnancies.

4.1 INTRODUCTION

You are now in Block II. In the first unit you studied about the Indian family in transition. In the second unit, you were introduced to the concept of Family Planning policies and in the third unit you learnt about methods of family planning to avoid unwanted pregnancies. In this unit we shall discuss about the different types and methods of abortion, the legal aspects surrounding termination of pregnancy, the pros and cons of abortion and the measures to prevent unwanted pregnancies.

4.2 THE HUMAN REPRODUCTIVE SYSTEM

There are two partners to every conception- the female and the male. An understanding of the Reproductive system, was discussed in Block III of the basic course on Family Education. Here we shall very briefly describe the process which leads to the development of a foetus.

The Female Reproductive System

The *womb* or *uterus* is a small hollow organ whose walls are formed of strong muscular tissues. It is internally lined with a mucous membrane. It is the chamber in which the baby is destined to live for nine months before being born. In pregnancy, therefore, the womb grows to a very large size and after the birth of the baby, the womb returns to its previous size.

By the side of the uterus, are two small almond shaped organs, known as the *ovaries*. These are the organs that produce the female egg cells. They also produce internal secretions or sex hormones (Estrogen and Progesterone) which guide a girl's body functions and sexual development from the time of puberty onwards.

There is an opening in the form of a muscular tube known as the *Vagina* which leads to the womb or uterus and its purpose is to take part in the sexual union and receive the male seed. The opening of the Vagina is partly covered by a membrane known as the hymen.

With the onset of puberty, the activity of the ovaries begin. With each monthly cycle of about 28 days, one primitive female egg enlarges and matures. After about 14 days, its Sac bursts and the Ovum or egg is released. This is called *Ovulation*. This egg is now ready to be fertilised and travels towards the *fallopian tubes* that connect the ovaries to the womb.

The Male Reproductive system

The principal sex organs of the male are a pair of *testes* or testicles and the *penis*. The testes are the male sex glands which produce the spermatozoa or male sex cells. The Spermatozoa are extremely small and swims in the seminal fluid.

The Penis is the male sexual organ and consists mostly of blood spaces through which passes a tube called the *urethra*.

The Urethra runs through out the length of the penis and provides a channel through which sperm cells leave the body.

Conception

During the time of ovulation the ovum passes into the fallopian tube and passes slowly along it towards the uterus (womb). If spermatozoa deposited at the entrance of the womb by means of sexual intercourse have passed into the tube and joined the ovum fertilisation takes place. This is called *Conception*.

Gestation

The fertilized ovum, now rapidly growing passes along the tube to enter the uterus whose lining has already been prepared to receive it. The foetus continues its growth and development in the uterus until full term which is called *gestation*. Thereafter the foetus is ready to be born.

Viability of the Foetus

This expression '*viable*' means that it is able to live and grow outside the mother. A foetus is usually viable in the twenty eighth week of pregnancy. In modern clinics, furnished with incubators and trained staff a foetus may be deemed viable at an earlier date, the twenty sixth week or even earlier.

Opinions differ regarding when the foetus or the product of conception becomes viable. According to Medical experts, the gestation period of 20 completed weeks is necessary if the foetus is to become viable.

Traditionally and according to UN definition, the upper limit for non-viability is fixed at 28th completed weeks.

If the foetus is born between the date of viability and full term, (at the end of tenth lunar month) the birth is said to be *premature*. If born before the viability this is *miscarriage* or *abortion*.

It is to be noted that from the conception onwards the new individual is 'on his/her own'. He/she no longer forms a part of the tissues of either parent and, in theory at least, could be developed fully *in vitro* i.e. in any suitable environment which will provide the necessary heat, protection and nutritive substances required for growth.

4.3 ABORTION - DEFINITION AND TYPES

Abortion is made up of two Latin words- *ab-* meaning off or away and *oriri* meaning to be born; abortion means taking away a human life which would in the normal course of events be born.

Abortion refers to the "expulsion or extraction from the uterus of a non-viable product of conception"

Abortion has two meanings- medically it can describe a case of miscarriage, without any outside intervention, occurring within the first three months of pregnancy. Abortions legalised by the Act on the other hand, are those deliberately procured with the intention of terminating the pregnancy, killing the unborn child.

The terms abortion and miscarriage are sometimes used as synonyms. They are also used to describe the same happening at an earlier and at later stage of pregnancy. Abortion is restricted so as to describe the case occurring in the first three months of pregnancy and miscarriage to describe one during pregnancy from the beginning of the fourth month, until the foetus becomes viable.

Types of Abortion

1. Spontaneous Abortion (Miscarriage). occurring naturally without

any deliberate attempt on the part of pregnant women or other persons.

- 2. **Indirect Abortion.** This is an abortion which occurs as a side effect of treatment given to the mother for some diseases or haemorrhage which is endangering her life. The purpose is not to take away the child's life. It occurs as the result of the therapeutic measures taken to save the mother.
- 3. **Artificial or Induced Abortion** is taking away of life for the main purpose of removing the foetus or child. Induced abortion is the result of deliberate attempt on the part of the pregnant women or others with the intention of terminating pregnancy.

Check Your Progress 1

- 1. What do you mean by viability of the foetus?

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- 2. What is abortion and what are the different types of abortion?

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4.4 METHODS OF PROCURING AN ABORTION (M.T.P)

There are many ways of aborting an unwanted foetus. The method chosen depends mainly on the duration of pregnancy to be interrupted as in the first or second trimester (3 months).

First Trimester:

In the first trimester (upto 12 weeks) of pregnancy, two broad methods are used

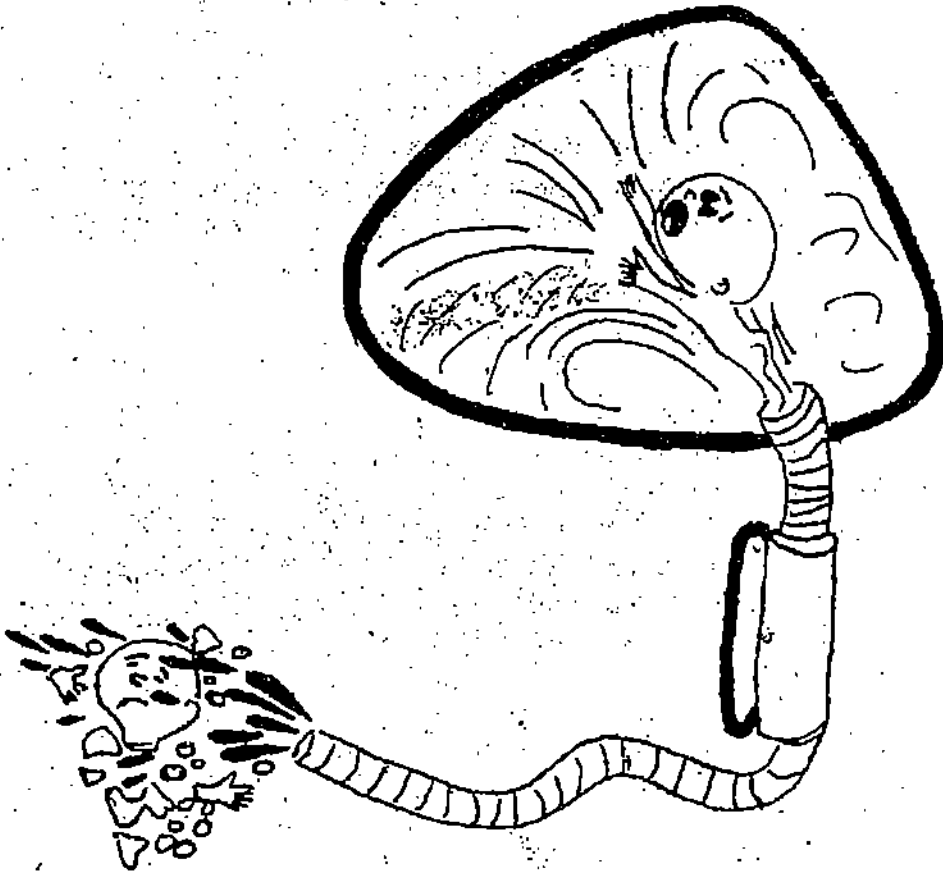
1. Medical

One single dose of Misotristone pills administered within 40 days of menstrual period, (within 10 days after missed period.)

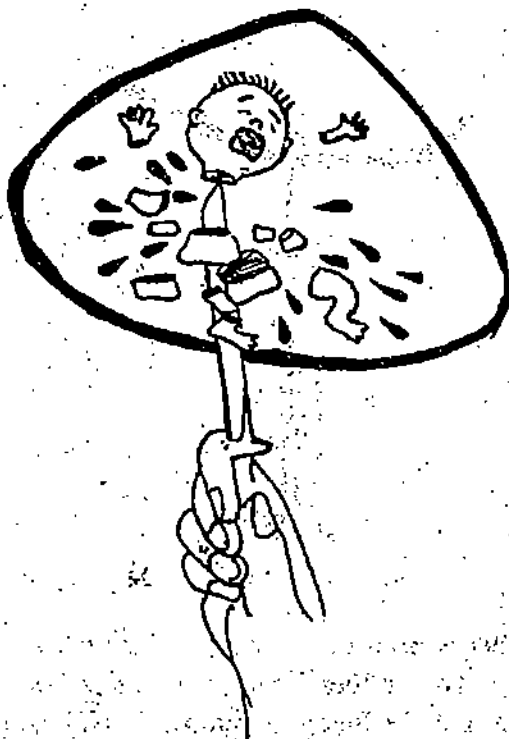
2. Surgical

i. **Menstrual Regulation** using MR Syringe (upto six weeks of pregnancy)

ii. **Suction** : The most frequently used method of abortion is suction, also called Vaccum aspiration. It is used when the women is less than 3 months pregnant. This technique involves sucking out the contents of the uterus through a tube inserted into the uterus through the cervix. This operation can be performed while the women is awake, in five to ten minutes, with little blood loss and a low risk of complications.



iii Tent Evacuation with Laminaria Tent (slow dilatation is achieved and evacuation is done later).

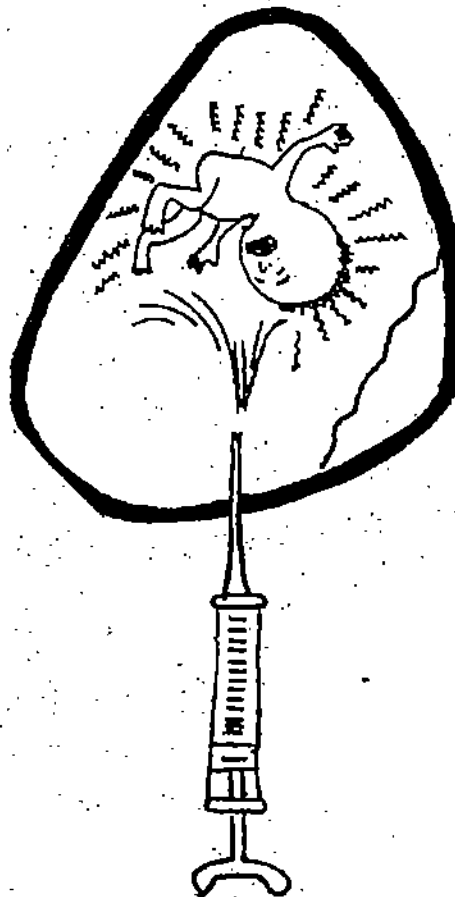


- iv. **Dilatation and Curettage (D and C)** : This procedure involves increasing the size of the cervical canal by inserting a series of gradually - widening metal dilators. When the opening is wide enough the physician uses a curette (small metal surgical instrument) to scrape the embryo and placenta from the walls of the uterus. Since the D and C operation takes longer and is more complicated than the suction method, the women is put to sleep.

Second Trimester

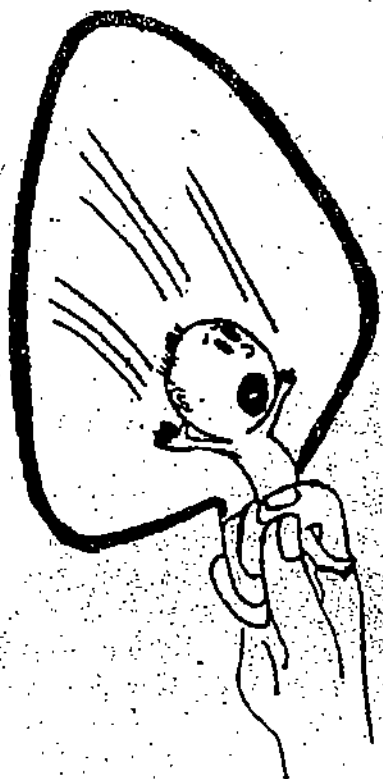
In the second trimester of pregnancy, only very few methods are usually adopted.

- i) **Intra Uterine Saline Instillation** : After twelve weeks, the foetus is large enough to be removed safely by the Suction or D and C methods. Pregnancies after this period are removed by inserting a long needle through abdominal and uterine walls into the cavity of the uterus. A concentrated salt solution is inserted into the amniotic sac destroying the foetus. Within six to forty eight hours after the foetus is destroyed, the uterus will contract until the foetus is pushed out into the vagina. Because saline abortion is a major surgical procedure, earlier termination of pregnancy by the suction method or D and C is being recommended by the physicians.



- ii) **Hysterotomy** : This is used in the later stages of pregnancy when the foetus is too large. The mother is given a general anaesthetic and the uterus is cut open and the foetus is removed. This is usually

performed in cases where foetal abnormalities are detected and when all the other methods have failed.



Two other methods of abortion are intra cervical prostaglandin E2, Administration and oxytocin induction.

4.5 LIBERALISATION OF ABORTION LEADING TO LEGALISATION

Prior to 1950s in many countries, laws governing abortions were very restrictive; ie abortions were totally prohibited or permitted strictly on medical grounds. But laws could not prevent illegal abortions which were done mostly by non-medical persons and in unhygienic conditions.

Consequences of Illegal Abortion

Illegal abortions frequently led to complications such as perforations of the uterus, hemorrhage and infection requiring gynaecological care and hospitalization. In countries such as Venezuela, Nigeria, Chile and a few other countries sepsis due to illegal abortion was the leading cause of maternal deaths. Illegal and incomplete abortion was a major strain on medical resources. It is also reported that in countries with restrictive abortion laws, the poor were made to suffer more than the affluent, the better educated and the urban elite. The poor, with no resources to obtain safe but expensive abortions and with little contacts or knowledge about the places where such services were available, were often driven into the hands of unqualified abortionists which resulted in severe complications and deaths. Such loss of lives, impairment to mother's

health and wastage of medical infrastructure as well as compassion for the poor led to the demand in several countries for liberal abortion laws.

Attempts to Legalise Abortion

The Soviet Union was the first country to legalise abortion. In 1920, Lenin's government enabled women in first trimester pregnancy (less than 12 weeks of pregnancy) to obtain abortion on request. Thereafter many countries introduced liberal clauses in their abortion laws from 1930 onwards. Presently, the laws on abortion vary from abortion on request at one extreme to total prohibition on the other. The four largest countries which have liberalised abortion laws for medical termination of pregnancy are China, India, USA and Soviet Union.

4.6 MEDICAL TERMINATION OF PREGNANCY ACT 1971

In India, prior to 1972, abortion was illegal except to save the life of pregnant women. In 1964, a committee under the Chairmanship of Shantilal Shah was constituted to study the question of liberalising abortion laws. Based on the report submitted by this committee in 1966, the Medical Termination of Pregnancy (MTP) Act was passed by the Parliament in 1971 and came in to force all over the country in April 1, 1972 (except in Jammu & Kashmir where it came into effect from November 1, 1976). This act is one of the most liberal in the world and has replaced one of the most rigid laws; section 312 of Penal Code, 1860 and the Code of Criminal Procedure 1898.

The Medical Termination of Pregnancy Act 1971 lays down three norms for terminating a pregnancy.

(a) The Conditions under which a pregnancy can be terminated under the MTP Act 1971

There are 5 conditions that have been identified in the Act.

1. **Medical** – where continuation of the pregnancy might endanger the mother's life or cause grave injury to her physical or mental health.
2. **Eugenic** – where there is substantial risk of the child being born with serious handicaps due to physical or mental abnormalities.
3. **Humanitarian** – where pregnancy is the result of rape.
4. **Socio-economic** – where actual or reasonably foreseeable environments (whether social or economic) could lead to risk of injury to the health of the mother.
5. **Failure of contraceptive devices** – the anguish caused by an unwanted pregnancy resulting from a failure of any contraceptive device or method can be presumed to constitute a grave mental injury to the mental health of the mother. This condition is a unique feature of the Indian Law and virtually allows abortion on request, in view of the difficulty of proving that a pregnancy was not caused by failure of contraception.

The written consent of the guardian is necessary before performing abortion in women under 18 years of age, and in lunatics even if they are older than 18 years.

(b) The person or persons who can perform abortion

The Act provides safeguards to the mother by authorising only a registered medical practitioner having experience in gynaecology and obstetrics to perform an abortion where the length of pregnancy does not exceed 12 weeks. However, where the pregnancy exceeds 12 weeks and is not more than 20 weeks the opinion of two registered medical practitioners is necessary to terminate the pregnancy.

(c) Where abortion can be done

The Act stipulates that no termination of pregnancy shall be made at any place other than a hospital established or maintained by the Government or a place approved for the purpose of this Act by Government.

Abortion services are provided in hospitals in strict confidence. The name of the abortion seeker is kept confidential, since abortion has been treated as a statutory personal matter.

MTP Rules (1975)

Rules and Regulations framed initially were altered in October 1975 to eliminate time-consuming procedures involved in MTP and to make services more readily available. These changes have occurred in three administrative areas:

1. Approval by Board

Under the new rules, the Chief Medical Officer of the District is empowered to certify that a doctor has the necessary training in gynaecology and obstetrics to do abortions. The procedure of doctors applying to Certification Boards was removed.

2. Qualification Required to Do Abortion

The new rules allow for registered medical practitioners to qualify through on the spot training. The doctor may also qualify to do MTPs under the new rules if he/she has one or more of the following qualifications which are similar to the old rules:

- a) 6 months housemanship in obstetrics and gynaecology.
- b) a post-graduate qualification in OBG.
- c) 3 years of practice in OBG for those doctors registered before the 1971 MTP Act was passed.
- d) 1 year of practice in OBG for those doctors registered on or after the date of commencement of the Act.

3. The Place Where Abortion is Performed

Under the new rules, non-governmental institutions may also take up abortions provided they obtain a license from the Chief Medical Officer of the district, thus eliminating the requirement of private clinics obtaining a Board License.

Limitations of the Act

1. The Provisions for abortion under the Act such as pregnancy caused by rape, failure of a contraceptive etc. need not necessarily constitute grave injury to her mental health.
2. Extending the period of pregnancy from 12 weeks to 20 weeks of pregnancy in certain situations gives more scope for abortion takers.
3. The value of human life is challenged.
4. No consideration is given to the right of the foetus.

The New Act is indeed a liberal piece of legislation compared to the Old Act of 1860. The Act has been mainly adopted to eradicate a large number of criminal and clandestine abortions, which caused considerable mortality and morbidity among pregnant women. However the utility of the new act will depend to a large extent on the number of localities that are provided with clinical facilities for abortion especially in rural areas, knowledge about such facilities among the people and also on the attitude of the physicians. Due to inadequate data on the socio-economic status of women who had legal abortions, it is not clear whether liberalisation has really helped the poor sections of the society.

Check Your Progress II

1. What are the different methods of procuring an abortion?

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2. What are the consequences of illegal abortions?

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4.7 ISSUES AND CONTROVERSIES ASSOCIATED WITH LEGAL ABORTIONS

Abortion has been a hotly debated issue. Both pro (for) and Anti-abortion (against) groups have lobbied intensively on the local, state, national, and international levels. Abortion raises some difficult questions to which there are no simple answers. Abortion issues may be divided into:

- 1) Physical and Medical 2) Psychological 3) Social 4) Moral and Religious

Physical and Medical Issue

A woman is made physically and psychologically for motherhood. This is the basic fact of her life. If this process of becoming a mother is

suddenly stopped, the shock will have its effect. This effect may be physical or mental, immediate or long term.

If a pregnancy is to be terminated, it should be terminated as soon as possible. This is of special necessity from a biological and medical point of view.

Medical complications arise due to patients spending so little time under observation after their initial operation and therefore problems of infection tend to set in.

A woman who has undergone an abortion is also more likely to have subsequent children both physically or mentally handicapped. Damage to the wall of the uterus can affect the normal development of the placenta through which the baby takes its nourishment.

The commonest and gravest ill effect resultant upon abortion being sterility and inability to carry subsequent pregnancies through the term. There is a long term medical effect of aborting first pregnancies. Repeated abortions may be associated with a later inability to conceive or to carry a child to full term and with various birth complications.

Abortion should only be a backup measure not the primary method of birth control and they urge fuller usage of contraceptives among all sexually active persons so that repeated abortions are not necessary.

Emotional Issue

There is emotional and physical unrest experienced during the first few weeks of pregnancy. Most women even experience feelings of rejection of the pregnancy at this time. It is at this time that the expectant mother may be subjected to maximum pressure to agree to an abortion.

Each individual is different. For some, abortion provides great relief with little or no disturbance. For the others, the experience is upsetting. The key factor seems to be whether the woman wants an abortion or whether she is hesitant. Being refused an abortion and forced to bear an unwanted child can lead to psychiatric symptoms. But the woman who has health problems and has to have an abortion or who is persuaded to have an abortion against her better judgement is also more likely to show negative psychological reactions following the operation.

The common psychological problems associated with abortion are depression, neurosis, guilt etc.

Adverse psychological reactions can be minimised if the decision is solely that of the woman. Therefore Abortion Counselling can assist her in making the best decision she can live with and working her feelings ahead of time.

Social and Realistic Issues

Legalised abortion, saves lives by reducing the number of illegal attempts.

Antiabortionists emphasize their fears that without any restriction, except the individual woman and her conscience, an 'Abortion Mentality' develops so that abortion becomes too common and are performed too

easily or for reasons that are not serious: For example teenage pregnancy has become a common occurrence among college students in cities with a free access to abortion facilities.

Even unplanned pregnancies in normal families, for want of spacing between children, especially among the career women, are also some of the common groups taking up abortions.

Thus the majority of abortions today are not for medical reason, but for personal, social and economic reasons that have to do with woman's life situations and not with her health.

Moral Issues (Rights of the Unborn Child)

Much of the controversy about abortion has centered around the moral issues involved. In ordinary justice, the child has as much claim as the mother to life and should have even more claim to legal protection of its right, since it is incapable of defending itself.

Rights of the Unborn Child

The UN declaration on the Rights of the child maintains that "The Child by reason of his physical and mental immaturity, needs special safeguards and care including appropriate legal protection before as well as after birth."

Members of the Right to Life Movement (USA) and others emphasize the rights of the Unborn child. They emphasize the right to life of the foetus and that no individual or state should deprive the foetus of its constitutional and moral right to live.

The Anti abortionists claim that science has proven beyond any reasonable doubt that human life begins at fertilization. The foetus from the beginning has its own life, is a totally new human being, a new person, with a genetic code quite distinct from the genetic code of its parents. The only life generated by human beings is human life. That new life is completely there at fertilization, lacking only development and growth. Abortion always takes away an innocent's already existing life.

Human life is the highest form of life on earth. The next generation depends on the existing society for its survival.

On the otherhand, the pro-abortion lobby emphasises that the moral and legal rights of other parties must also be considered, not just those of the foetus. What about the rights of the mother, father, other family members? Should these lives be sacrificed for the sake of the child? Is it right to let the foetus live but to let the mother die so that her husband and other children are deprived of her love? The constitution guaranties equal protection under the law. Is it moral to force a woman to bear a baby she doesn't want, can't care for, or that might be deformed? Is it moral to insist that an unwanted child be born into the world and then to suffer all of its life because it was never wanted. Who has the right to decide?

It is obvious to you now that the moral dilemmas raised by the abortion issue are not easy to solve.

Check Your Progress III

1. What are the five conditions prescribed in the MTP Act, 1971, for the termination of pregnancy ?

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2. What are the rights of the unborn child ?

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4.8 RELIGIOUS ISSUES

The entire gamut of laws related to life is of various types - divine law, natural law, secular or civil law, religious law and the like. The most important law related to life is the Divine law or the Law of God. God is the giver and the author of life. No human being on earth has the authority to destroy life. Abortion is equal to murder of the human being, a person created in the image and likeness of God and therefore a grave sin against God.

The ethical views of different religions have always condemned the violation of natural law, the laws of the creator. Keeping this in view, let us examine the teachings of at least three major religions on human life and related issues, specifically on abortion which has posed the most serious ethical problems to the modern world.

i) The Hindu View

According to Hindu religion, a woman who undergoes an abortion in this life, becomes barren in her subsequent lives. Hindu scriptures condemn abortion and consider it as murder. According to Hindu vedas, abortion is considered to be a more serious sin than the killing of a brahmin. According to Shastras, life begins after the fourth month in the womb, when a ceremony is performed, blessing the foetus which is already living. Though Hindu ethics condemn abortion generally, it accepts abortion on the grounds of rape, incest, and when the mother runs the risk of grave injury or death. But still some of the Hindu religious leaders oppose such abortion on the ground that it is an act of interference with the Karmic development of the child.

ii) The Islamic View

The Holy Quran warns men not to interfere with the work of God. It is one of the basic teachings of Islam that life is a gift of God and, as such, no man has any right to commit any kind of act that is detrimental to, and extinguishing life. It is on this faith that Muslims generally oppose abortion, as it is felt that it amounts to extinguishing of life.

The laws of Islam under certain circumstances prohibit abortion when the foetus is animated and considered a living being. As per the doctors of the law, the foetus is only a human being after the fourth month. Abortion is allowed in general during the first ninety days of pregnancy, and it is prohibited immediately afterwards. However, like Hindu ethics, Islamic ethics also permit abortion on the basis of pregnancy which endangers the mother's life and where it is the result of a rape that does not result in marriage.

iii) Christian Proposition

The Christian church in the first centuries after Christ, forbade abortion under all conditions from the moment of conception and abortion at any time is considered a grave sin.

Direct abortion of a foetus before viability is never lawful because this is to kill an innocent human being, who has a right to live.

Every human being, even a child in its mother's womb has a right to life directly from God, and not from Parents or from any human society or authority. Hence there is no human authority, no medical, eugenic, social, economic or moral indication that can offer or produce a judicial title to the deliberate disposal of an innocent human life.

There is an argument that the soul does not exist until the foetus really resembles a human being 'in form'. But from the time when the male sperm unites with the ovum fertilising it, (conception) the minute embryo contains all the characteristics which will make it a unique person. Hence the Christians believe that the soul enters at the moment of conception so that at whatever stage of growth, the new life is a human.

Views in Favour of and Against Abortion

We have so far discussed the issues associated with the legal termination of pregnancy. The views of the two groups – pro abortionists and anti abortionists are strong in their own ways and the debate seems to be unresolvable. It is likely to persist for sometime generating high sentiments on both sides. We will furnish here very briefly the views favouring legal abortion.

- Women should have the right to control their own bodies.
- No child should be brought into the world unwanted.
- Legal abortion should be conducted in authorised medical settings in which considerable care is taken to avoid harming the mother physically or psychologically.
- Women must have the option of a safe, legal abortion if they desire.

Views Against Legal Abortion

- Foetus is a living being and therefore its right to life must be respected – no one has the moral right to take that life.
- Persons other than the mother have rights as far as the unborn child is concerned – child itself and the father.
- Because the foetus is unable to defend itself, opponents of abortion believe that others are obligated to defend the foetus against the

efforts of those who want to "kill it".

The most important opposition to abortion is from organised religious groups who address abortion issue as that of questioning the ultimate authority of God the Almighty.

Viabale Alternatives to Unplanned Pregnancies

- 1) Family Life Education should help the couples for a planned parenthood.
- 2) Make people realise the value of human life to protect it by instilling in them the love of God.
- 3) Girls in moral danger should be protected.
- 4) Effective use of contraceptives should be promoted.
- 5) Teenagers should be helped to imbibe the spiritual values in them and be aware of the consequences of ending countless innocent human lives through premarital sexual experiences.

Check Your Progress IV

- 1) What are your reasons for favouring Medical Termination of Pregnancy?

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- 2) What are your suggestions to prevent unwanted pregnancy?

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4.9 LET US SUM UP

In this unit, first we introduced you to the human reproductive system and the process of conception, so as to understand the beginnings of human life. Next we dealt with various types and methods of procuring abortion.

Many countries including India liberalised the practice of abortion by legalising it. In this unit we have dealt with in detail the Medical Termination of Pregnancy Act, 1971. We then proceeded to analyze the various issues associated with abortion – Physical, Emotional, Social, Moral and Religious.

We have also attempted to summarize the supporting and opposing views on abortion.

Finally we examined some alternative suggestions to prevent the termination of pregnancy.

4.10 MODEL ANSWERS

Check Your Progress I

1. What do you mean by viability of the foetus?

The term viability of the foetus means that it is able to live and grow outside the mother. A foetus is usually viable from the Twenty eighth week of pregnancy. But the foetus can become viable earlier if there are facilities for it to live and grow outside.

2. What is abortion and what are the different types of abortions?

Abortion means taking away a human life which would in the normal course of events be born. There are different types of abortion.

- (a) Spontaneous abortion
- (b) Artificial or induced abortion
- (c) Indirect abortion

Check Your Progress II

1. What are the different methods of procuring an abortion?

There are many ways of aborting an unwanted foetus depending upon the length of pregnancy.

In the first trimester (3 months) of pregnancy abortion can be done by:

1. Medical – Oral pills
2. Surgical
 - i. Menstrual Regulation using MR syringe
 - ii. Suction
 - iii. Tent Evacuation with Laminaria Tent
 - iv. Dilation and Curettage (D and C)

In the second trimester (3 – 6 months) of Pregnancy abortion can be done by:

- i. Intra Uterine Saline Instillation and
 - ii. Hysterectomy
2. What are the consequences of illegal abortions ?

Illegal abortions lead to complications such as perforation of uterus, haemorrhage, gynaecological infections and sepsis leading to maternal deaths.

Check Your Progress III

1. What are the five conditions prescribed in the MTP Act, 1971, for the termination of pregnancy?

The five conditions under which a pregnancy can be terminated under the MTP Act 1971 are:

1. Medical – where continuation of the pregnancy might endanger the mother's life or cause grave injury to her physical or mental health.
2. Eugenic – where there is substantial risk of the child being born with serious handicaps due to physical or mental abnormalities.

3. Humanitarian – where pregnancy is the result of rape.
4. Socio-economic – where actual or reasonably foreseeable environments (whether social or economic) could lead to risk of injury to the health of the mother.
5. Failure of contraceptive devices – the anguish caused by an unwanted pregnancy resulting from a failure of any contraceptive device or method can be presumed to constitute a grave mental injury to the mental health of the mother. This condition is a unique feature of the Indian Law and virtually allows abortion on request, in view of the difficulty of proving that a pregnancy was not caused by failure of contraception.
6. Right to life means the rights of the unborn child. The right of the foetus to life means that no individual or state should deprive the foetus of its constitutional and moral right to live. Right to Life Movement and UN Declaration on the Rights of the Child Support this view.

Check Your Progress IV

1. What are your reasons for favouring Medical Termination of Pregnancy?

Reasons for favouring Medical Termination of Pregnancy are:

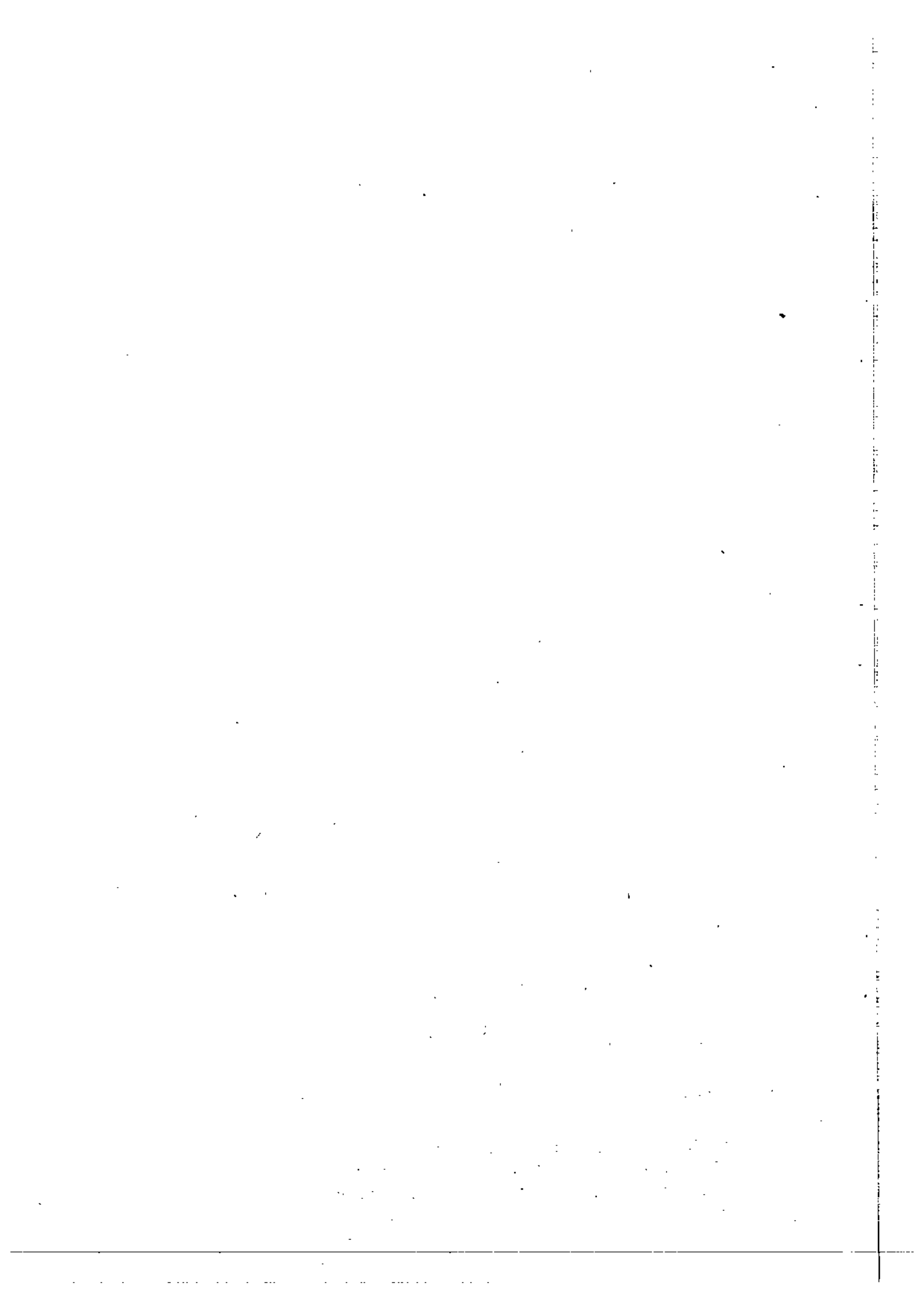
- a) Prevent the birth of unwanted children
 - b) Abortion in hygienic medical settings.
 - c) Provision of legal abortion should be made available for the women to have the options of a safe and legal abortion.
2. What are your suggestions to prevent unwanted pregnancy?

Suggestions to prevent unwanted pregnancy are:

- (a) Appropriate population education should be given for effective use of contraceptives and for a planned parenthood.
- (b) Teenagers should be oriented towards healthy sexual behaviour to prevent pregnancies in this age group.
- (c) Make the public realise the value of human life as a reflection of respect for God, the creator.

4.11 FURTHER READINGS

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Indira Gandhi
National Open University
School of Continuing Education

CHFE - 04
Elective on Family
Education

Block

3

SPECIAL ISSUES IN MARRIED LIFE

UNIT 1

Psycho-social Effects of Divorce, Separation and Migration **5**

UNIT 2

Dowry Demands and Dowry Deaths **18**

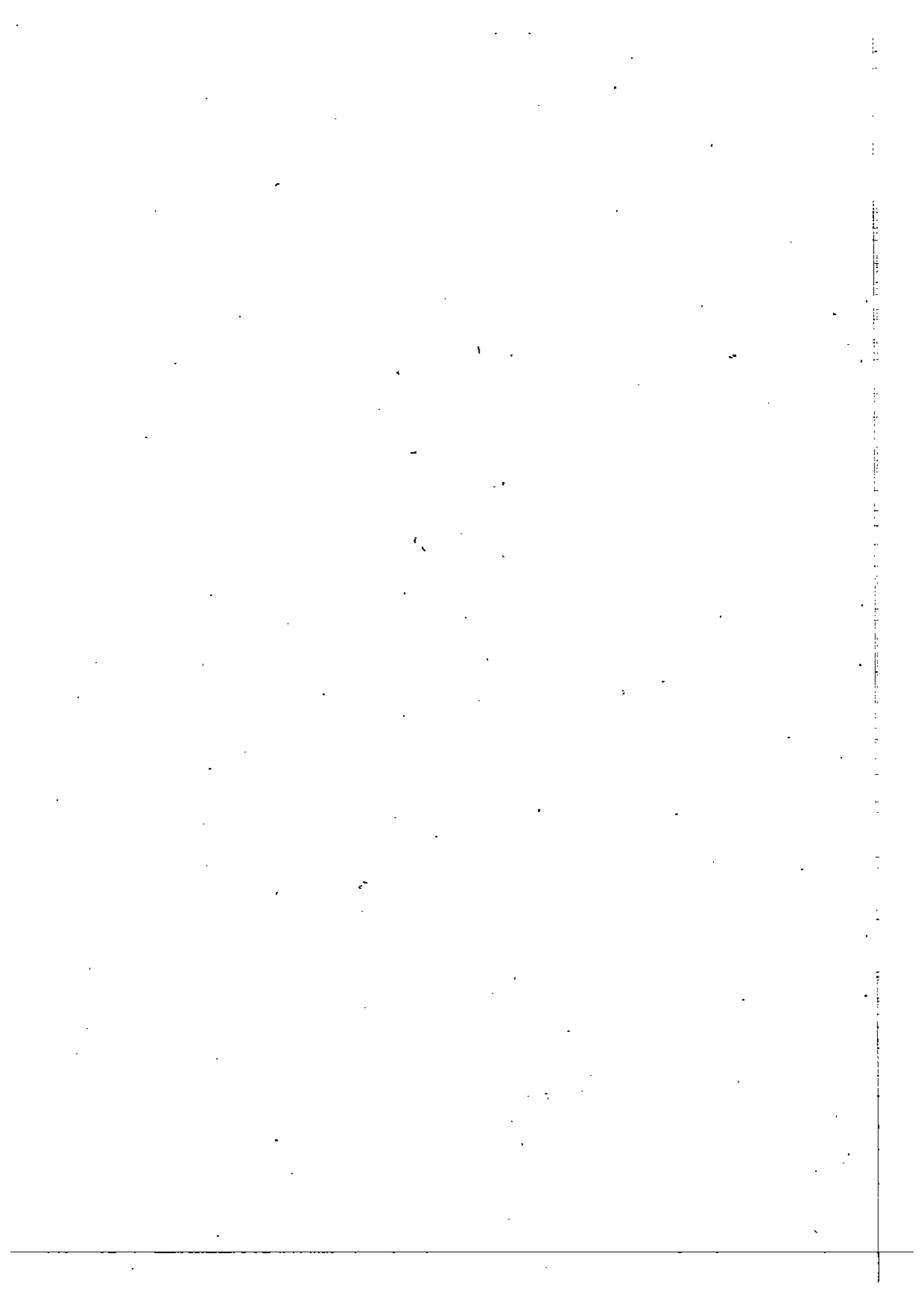
UNIT 3

Legal Issues Involved in Marriage **30**

INTRODUCTION TO BLOCK 3

Welcome to Block 3 of the Elective course on Family Education. This block deals with 'Special issues in married life'. There are three units in this block. The first unit is on psycho-social effect of divorce, separation and migration. In this unit the meaning of divorce, causes of divorce and the effects of divorce have been described in simple language. Apart from this we have also described the meaning and causes of migration and separation and its impact on the members of the family. The second unit is on 'Dowry demands and dowry deaths'. Under this unit we have explained the Dowry Prohibition Act, 1961 and the legislative efforts to curtail dowry in the country. There is also a brief discussion on dowry deaths and the Legal provisions to deal with such issues. Unit third of this Block is on 'Legal issues involved in marriage'. The three issues described in this unit include the Hindu Marriage Act 1955, grounds for divorce and maintenance during case and expenses involved for proceedings.

All the three units of this block are very important as they deal with special issues which have a bearing on families across the country. The information provided in this block will be highly useful to people who are involved in family counselling and social work.



UNIT 1 PSYCHO-SOCIAL EFFECTS OF DIVORCE, SEPARATION AND MIGRATION

Contents

- 1.0 Aims and Objectives
- 1.1 Introduction
- 1.2 Meaning of the Term 'Divorce'
- 1.3 Causes of Divorce
- 1.4 Divorce and Its Effects
- 1.5 Meaning and Causes of Migration and Separation
- 1.6 Let Us Sum Up
- 1.7 Key Words
- 1.8 Model Answers
- 1.9 Further Readings

1.0 AIMS AND OBJECTIVES

The aim of this unit is to familiarize you with the various psychological and social affects of divorce, separation and bereavement. This unit will acquaint you with the causes which are aggravating the practice of divorce and you will get to know about the consequences of divorce, separation and bereavement. This unit will also highlight some aspects which will, hopefully, help to reduce the rate of divorce.

After studying this unit, you will be able to

- explain the term 'divorce' and the various forms of divorce;
- State the psycho-social consequences of divorce on partner, children and family;
- State various psychological and behavioral changes due to divorce;
- Explain bereavement, separation and migration; and
- State the consequences of separation, migration and bereavement.

1.1 INTRODUCTION

The present society is characterized among other things, by the declining importance of all primary groups including the family. The family acts simultaneously as an educative unit and a socio-cultural agency. The sex and hunger urges, economic compulsions and the cultural traditions have provided the theoretical justification for the existence of the family. The famous philosopher, Confucius, thought that happiness and prosperity would prevail if everyone would behave "correctly" as a family member. You must have read about the importance of family as a unit in Block 1 of this course. A family does not consist simply of a number of individuals. Rather it includes the complex interactions occurring among them.

The traditional image of 'home' and family as a cozy nest of love, security, togetherness and never-ending happiness has been severely battered in recent times. This is also proved by an abundance of statistical evidence based on empirical studies that family discord and divorce is continuously on the rise. Undergoing the process of divorce and the consequences of divorce is a mentally as well as economically shattering experience for the partners. The after-effects of divorce, especially for the children, have a damaging effect when the issue of taking the custody arises. The practice of awarding custody primarily to one parent is bad for everyone involved : child, father and the mother.

Studies have proved that the emotional experience for the children leads them towards deviant behaviour which may lead even to crime. In a study by Kirkpatrick in 1951, it was found that parental divorce showed greater influence than bereavement on the marital adjustment of grown up offspring. This study shows that the children face long term effect on their life because of parental discord and dissolution of the marriage.

1.2 MEANING OF THE TERM DIVORCE

Divorce is the socially and legally recognized dissolution of a marriage. Like marriage, it is governed by a variety of cultural and legal regulations that show how difficult it is to accomplish and the social and personal consequences it produces. Sometimes the dissolution is by stages, for example, in a sequence of avoidance, suit for separate maintenance, legal separation, and finally an absolute divorce. A couple with high expectations of marital bliss but relatively little marital disorganization may seek divorce as an exit from marriage. The demographic approach stresses the changing prevalence of divorce in various countries. In a finding by M. Le Blanc in 1997, it was found that youths were more violent than thirty years ago and one reason for that was the breaking down of the family unit.

Sociologists have pointed out the similarities in the process of adjustment that are required by divorce or bereavement. In both, a set of role relations has been found to be disrupted and adjustments are required throughout the family network.

Each marriage relationship is unique in many ways. It is not always possible to find an appropriate replacement for the missing partner. Apparently in all societies, the death of a spouse creates an obligation for kinfolk and friends to help the bereaved person, to offer solace, to make small or large gestures of support. In divorce even when one spouse is very unhappy about the divorce, only a very close friend may feel any obligation to offer emotional solace.

Divorce in Various Cultures and Tribes

Obtaining divorce varies from culture to culture. Among Muslims divorce is only the husband's privilege, and he can have it even without assigning a cause. Divorce can be obtained by merely repeating three times the formula of repudiation (Talaq) in the presence of at least two witnesses. A husband has to pay 'mehar' which is a settlement made or

wife out of her husband's property to compensate her in the event of divorce. Under certain circumstances, Islamic law does give a wife the permission of unilateral action.



Source: Handbook on AIDS Home Care, WHO (1996)

Are you interested in knowing about the process of divorce among the tribes?

In the case of Khasis, a tribe from Meghalaya, divorce is permitted for reasons of adultery, barrenness and incompatibility of temperament. The separation can take place only after mutual consent. There is no possibility of remarriage between two such people who have separated by divorce. The divorce is obtained in a public ceremony.

Among the Gond (tribe) divorce can be obtained on grounds of marital infidelity, carelessness in household work, barrenness and quarrelsome disposition. The initiative may be taken by either husband or wife.

The Kharlia (tribe) allow divorce on grounds of marital infidelity, sterility, laziness, refusal of the wife to live with her husband and theft.

Among the Hindus, divorce can be obtained with the help of law- the Hindu Marriage Act.

Among the Christians there are two popularly known denominations, namely, the Catholics who owe allegiance to the Pope and the Protestants. Catholics do not officially accept the possibility of divorce, though they accept the possibility of declaring a marriage annulled. This means that the marriage was right from the beginning null and void due to certain reasons like prior impotence, serious deception, etc.

Protestants are more lenient with regard to the question of divorce and remarriage.

Check Your Progress I

1. What is the meaning of divorce?

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1.3 CAUSES OF DIVORCE

After having read about divorce let us try to find out the causes of divorce.

Some people are less tied to marriage than others. Family functions, religious taboos or life-long commitment to parental roles may simply have less meaning for them. The door of divorce is more open to certain couples than to others because of lenient laws, encouragement of relatives, opportunities for remarriage and in general, the prospect of freedom without the economic, religious and psychological penalties which pose a threat for others. Let us analyze some of the major causes.

1. Modernization

The disintegration of the family has been hastened by freer sex relations made possible by changing notions about morals and by birth control techniques. The religious sanctions behind family and marriage is becoming diminished/have vanished making dissolution easier.

In the past, the marriage ceremony used to be a family function, where the bond was between the two families. With modernization, the concept of couples going in for marriage by their own choice is becoming increasingly prevalent. With this type of marriage, though parents ultimately give their consent, the natural bond between the families do not always take place. This type of selecting one's own partner has its advantages and disadvantages with regard to the stability of marriage.

2. Growing Acceptance of Change

Priorities have shifted even in a country like India where hidebound traditions exist. Where the priority was the husband, it has shifted to careers as far as the woman is concerned. Previously the gender roles were defined and it was easier to conform to a pattern. The inevitable liberation by the woman, her economic independence and western influences have given marriage a new outlook especially among the educated urban dwellers.

3. High Personal Aspirations

In modern industrial society, people are more ambitious than the people of traditional societies. At the cost of their family life, they pursue their career. Thus family has taken a back seat. There has been a tremendous growth in individualism (happiness of oneself) at the cost of the family.

4. Growth of the Nuclear Family

As a result of urbanization and industrialization, the nuclear family came into existence. In the Indian perspective, the concept of family was always thought to be in terms of a joint family system. In the joint families children were given better attention. The attitude towards parents was mostly of respect and regard and the younger looked towards their elders for guidance. All the family members were consulted on all-important family matters. The joint family did not allow the neglect or disregard of elders. Individualism was not preferred and in this context, taking the option of divorce was not a hurried and individualised one. The parents played the role of a mediator between the husband and wife. The beginning of the dissolution of the joint family system has brought about many larger issues and divorce is one of them.

5. Declining Values

There has been a noted decline in the value system among the people. You have already studied about Moral, Ethical and Personal values in some of the previous blocks of this programme of study.

6. Physical Separation

With more and more job opportunities abroad, people are giving up the village life and migrating to big cities within and outside the country. It is well known that housing facilities is a big problem in the big cities and people cannot afford to take their families along with them. To satisfy their sexual urges men tend to take the help of other services (visiting brothels) which are easily available.

Often people get to know qualified/literate/modern colleagues, and they may even give up their married partner in the village to live with/get married to the city friend.

Check Your Progress II

1. What are the reasons behind the growth of the nuclear family?

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2. How can physical separation be a cause of divorce?

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1.4 DIVORCE AND ITS EFFECTS

Any change from the present situation to another situation creates disruptions in life. Divorce is a devastating situation for both the partners. The partners, who got united because of a shared goal or for proximity, when faced with the actual situation of divorce, take some time to adjust to the new situation. While the divorce process is in progress, and for some time afterward, both parties are likely to feel

personally rejected, cheated in the economic arrangements, misrepresented legally, bitter about the co-partner arrangements, lonely because they have lost a friend, and afraid of living alone.

This disrupting process give rise to many behavioral changes among the partners and those who are also affected directly or indirectly by it. Let us analyze some of these effect one by one.

(i) Stress

Stress can defined as a bodily reaction that an occur in response to either internal, cognitive stimuli or external environmental stimuli. A stimulus that causes stress is known as a stressor. The stress which is experienced consists of bodily responses, increased heart rate and blood pressure, dry mouth, rapid breathing and so forth. The stressors producing these responses are our own internal self-criticism, the reactions or comments of our friends and neighbours. Significant events such as marriage, death of a family member and divorce disrupt normal life and cause more stress. These stressful life events may have negative effect on health. In a scale developed for ranking the stressful life events, divorce acquires the second rank. It has been rated as a chronic stressor.

As stated earlier, stressful events lead the body to undergo several minor or major physiological changes. These changes are very important to understand because they can lower the body's resistance to disease. The fact that many diseases are either caused by or made far worse by stress, has been accepted by the medical practitioners as well. Even before the divorce is legalised the partners have to undergo many legalities which are painful for them. All the more it is a human tendency that after the process have been initiated, there's no turning back because it hurts the ego of the partners. The process of divorce somehow makes the partner think about their past in which one remembers the happy times as well. It creates mental stress among the partners, which is sometimes followed by physical stress.

(ii) Low Self-esteem and a Feeling of Failure

The divorce sometimes leaves a negative effect of reduced self-esteem on the partners. It can affect one's performance in day-to-day activities.

(iii) Rise in Aggressiveness or Anger

Many a times the negative emotions may lead to mental imbalance of the people which can result in rise anger or aggression in the temperament.

(iv) Depression

Divorce has been rated as the second main cause of stress for the partners and their children. The process tires a person mentally as well as physically, sometimes resulting in depression and sense of regret.

(v) Rise in Delinquency

It has been found in various studies that the major percentage of the

delinquents and rise in crime among the young people result from children coming broken home or single parent family.

Marriage is strongly institutionalised, not just in India but everywhere in the world and in a preferred context for intimate relations. It is the cornerstone of family life. Marriage offers stability, providing an atmosphere of love, encouragement, acceptance and trust. With the practice of divorce, all of these lose their meaning as well as leave a negative impact on the partners as well as the children. The close relatives of the partners also get affected by its negative impact.

Effects of Divorce

We will discuss the effect of divorce under the three broad headings given below:

- i. Effect on the children
- ii. Effect on the partners
- iii. Effect on the Family

(i) Effect on Children

Children are the direct sufferers by the dissolution of the marriage. The incapability of the adults to get along well affects the child negatively. Single parenting is a difficult situation for the child in all the stages of his/her growth. In the infancy stage the child misses the affection of both the parents as one of the parent is not present and the other parent may not be able to substitute the other. Children are distressed when their parents divorce. Children under the age of 5 may react with rage and grief. The older children grasp the situation better but sometimes tend to blame themselves. The adolescents, who themselves are in a situation of identity crisis, feel socially embarrassed by the breakup.

This deprivation of an affectionate relationship is most damaging in early childhood. Deprivation can ruin the self-concept of the child in childhood. It can show its implication in late adulthood too. Like a person who is hungry for food, a person starving for affection becomes irritable and unreasonable. Sometimes these emotional behaviour vary from mild irritability to severe psychoses.

The specific effects of emotional deprivation have been reported to be:-

Physical – The physical symptoms are restlessness, loss of appetite, quietness, general apathy and psychosomatic illness.

Social – The social behaviour of the child gets affected which results in handicaps in learning how to get along with people, lack of responsiveness to the advances of others, lack of co-operation and hostility towards others.

Emotional – The children of the divorce parents lack emotional responsiveness. They sometimes develop deep related feelings of insecurity, asocial behaviour, restlessness, anxiety, temper tantrums and many other forms of maladaptive behaviour. Apart from these, many delinquents were and are found to be children from broken homes.

(ii) Effect on Partners

As stated earlier, divorce causes a devastating experience on both the partners. The two persons who have been hitherto snaring a common goal, separate which gives an emotional as well as social shock to both of them. Emotional shock in terms of the habit of staying together, fulfilling the needs of each other, caring and the bond of the love which suddenly comes as a shock. Though the capability of adjusting oneself to a particular situation is a typical feature of the human species, divorce takes time and many a times the vacuum remains for a lifetime.

In Indian society, divorce is not whole heartedly welcomed by most people. The process of divorce for a middle class family becomes socially intolerable. Among the lower socio-economic strata of the Indian society, divorce is not very common. Usually people do not face the society's disapproval even if one leaves his/her present partner and start living with another. Very often they do not go for the legal process to obtain divorce.

For middle class people, informal sanction of the society becomes very important. Queries about partner and children can be a source of mental tension for some time.

Effect on the Family

Divorce is predominantly an urban phenomenon. Regarding marriage Kirkpatrick say, "the essence of the contract is consent with full expectation of exclusiveness and indissolubility". In other words, the idea of marriage as sacred made it dissoluble. Though divorce takes place between the two partners, who united as a result of marriage, the family is also affected in the process.

The growing rate of divorce and the breaking down of the family unit is posing as a societal threat. Family, which is the basic unit of the society is negatively affected by the quitting of the partners from the marriage bond.

Children, an important part of the family, are the worst sufferers of divorce. Even the parents of the divorced partners also face difficulty to cope up with the situation.

Other than the causes discussed above, some other factors like migration and subsequent separation also leads to divorce. In the following subunits we will examine these factors.

Check Your Progress III

- 1. What are the behavioral changes which take place in a person due to a divorce?

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- 2. What are the specific effects of emotional deprivation?

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1.5 MEANING AND CAUSES OF MIGRATION AND SEPARATION

Migration

Migration is ordinarily defined as the relatively permanent movement of persons over a significant distance from one's place of residence — usually place of birth. With respect to international migration, the United Nations has recommended removal for one year or more as "permanent" migration, while a stay for a shorter period is classified as a visit. In most of the supposed models of migration, it is presumed that movement is generated mainly by economic forces, and job opportunities. In both national and international movements, adolescents and young adults dominate. The young not only adapt easily to a new environment but can more readily take advantage of new opportunities.

Due to migration there has been a significant increase in the urban population over the years. In recent decades, the urban population has grown at an accelerating rate. Urbanisation has been a contributing factor in divorce. There are various causes for which migration and separation take place. Let us see the causes of separation and then we will analyse the consequences:

(i) Economic Factors

India has been a country of villages. Where there are no other means of improving one's economic condition other than the traditional ways and means of livelihood, one may opt for migration. People find better options for the betterment of one's economic condition in the cities.

(ii) Opportunities

More and more young people are migrating to urban places where they can utilize their potential and earn more. Job opportunities and choice of a job of one's interest are more readily available in urban areas.

(iii) Modernization

Most of the people residing in the villages are bound by the family traditions and customs. In order to adopt to changed outlook and break away from customs and traditions, some people migrate.

(iv) Job Transfers

Job transfers are also a major cause of migration and or separation especially for employed people. In most cases, job transfers in government services and allied sectors like the banking sector take place once in three years or so. In such situations, most people prefer to leave behind the spouse and children and occasionally visit them. The family life gets disturbed and transfers also affect children's education.

Difference between Separation and Bereavement

Death of a spouse or bereavement is surrounded by rituals ceremonies and obligations in part because death has always been viewed as an unwilling intrusion, an unwanted tragedy. Unlike divorce, bereavement does not create hostility toward the former spouse.

Bereavement is a natural phenomenon whereas separation from one's spouse is intentional and has specific implications. Separation can take place due to many factors like:

- (a) Job transfers
- (b) Procedure before divorce
- (c) Mental incompatibility
- (d) Job opportunities abroad or inservice career-advancement related study abroad.

A) Job Transfers

Separation due to transfer, happens in most of the cases. The jobs which demand transfers are with Government as well as in private sector. It is not always possible to take the family along while on transfer. For example in the armed forces, the individuals are transferred to non-family stations which keep the person away from his/her family.

B) Procedure before Divorce

It is a legal procedure that a couple has to remain separated for a particular period of time before actually obtaining divorce. This is known as intentional separation. During this period effort also can be made to re-unite the couple.

C) Mental Incompatibility

With growing urbanisation and changes taking place in societies, lots of changes have occurred in lifestyles, expectations and aspirations which lead to separation. This changing attitude in one's life has a negative effect on the lifestyle of people especially in countries being affected by globalisation.

D) Job Opportunities

With growing population availing jobs within one's locality is becoming difficult due to which more and more people are migrating to different places within and outside the country. These people leave their family behind and stay alone. Some inservice personnel may go on study leave to a faraway place for an year or so.

Consequences of Separation and Bereavement

Separating from anything which is close to our heart is painful and many a times can be very frustrating. Separation and bereavement has many consequences which harms a person emotionally, socially and economically. Let us study some of these consequences one by one:

1. It causes frustration among the partners as absence of the other partner causes disturbances in the normal routine and also increased stress. Many say that marriage is a complex of obligations, religious and moral, on the one hand and social and economic on the other hand.

work load. It will also affect children's study. If one falls sick, the trauma can be worse.

2. There is a loss of mental support provided by the other partner. This can cause emotional disturbances.
3. Bereavement or loss of one spouse is ranked as the topmost factor causing stress.
4. Feeling of failure and loss of identity develops among the partners in case of bereavement.
5. Rise in crime among the children of the separated or divorced parents is common.
6. Depression
7. Social unacceptance to some extent
8. Economic troubles
9. Extramarital relations which can lead to acquiring emerging and re-emerging diseases.

Check Your Progress IV

1. List some of the consequences of separation and bereavement.

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1.6 LET US SUM UP

In the first part of this unit you have studied how the family unit is facing a threat in the present day society. The traditional image of home and family has been seriously battered with a rise in the rate of divorce. Divorce is the social and legal dissolution of a marriage. The process of divorce varies from culture to culture.

We also analysed the causes of divorce and how divorce affects the entire system i.e the husband, wife and the family. The various behavioral changes which take place as a result of divorce like stress, low self-esteem, depression, rise in the crime rate among the children have also been described.

Another contributing factor for divorce can be migration and separation. The later part of the unit dealt with the meaning and factors of migration and separation. Towards the end of the chapter, the consequences of separation and bereavement were listed.

1.7 KEY WORDS

1. **Bereavement** : Deprivation of a relation or a friend, etc. by death.
2. **Catholic** : Among the Christians, Catholics are those who owe allegiance to the Pope.

3. **Ceremony** : A formal religious or public occasion especially celebrating a particular event or anniversary.

1.6 MODEL ANSWERS

Check Your Progress I

1. What is the meaning of divorce?

Divorce is the socially and legally recognized dissolution of marriage. The partners call it an exit from the marriage with mutual understanding. It sometimes affects the partners with negative feelings and lot of problems in adjustment.

Check Your Progress II

1. What are the reasons behind the growth of the nuclear family?

Urbanization and industrialization is drawing more and more people towards the cities and causing disintegration of the family unit. Modernization and growth of individualism is also the reason for disintegration of the joint family system leading to growth of the nuclear family.

2. How can physical separation be a cause of divorce?

Physical separation is a cause of divorce because when people leave their spouses behind, they face difficulty in getting adjusted to the changed situation. The human basic urges like sexual urges can lead them towards seeking other means for satisfying their urges with new partners. The easy means of satisfying one's urges and being away from the traditional atmosphere become causes for seeking divorce.

Check Your Progress III

1. What are the behavioural changes which take place in a person due to a divorce?

The behavioral changes which take place are stress, low self esteem and a feeling of failure, rise in aggressiveness and anger, depression, rise in delinquency etc.

2. What are the specific effects of emotional deprivation?

The effects of emotional deprivation have been reported to be restlessness, loss of appetite, quietness, general apathy and psychosomatic illness, handicaps in learning how to get along with people, lack of responsiveness to the advances of others, lack of co-operation and hostility towards others.

Check Your Progress IV

1. List some of the consequences of separation and bereavement.
1. It causes frustration among the partners as absence of the other partner causes disturbances in the normal routine and also increased work load. It will also affect children's study. If one falls sick, the trauma can be worse.
2. There is a loss of mental support provided by the other partner. This can cause emotional disturbances.
3. Bereavement or loss of one spouse is ranked as the topmost factor causing stress.
4. A feeling of failure and loss of identity develops among the partners in case of bereavement.
5. Rise in crime among the children of separated or divorced parents is common.
6. Depression
7. Social unacceptance to some extent
8. Economic troubles.
9. Extramarital relations which can lead to acquiring emerging and re-emerging diseases.

1.9 FURTHER READINGS

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UNIT 2 DOWRY DEMANDS AND DOWRY DEATHS

Contents

- 2.0 Aims and Objectives
- 2.1 Introduction
- 2.2 Dowry Prohibition Act, 1961
- 2.3 Legislative Efforts to Curtail Dowry
- 2.4 Dowry Deaths
- 2.5 Let Us Sum Up
- 2.6 Key Words
- 2.7 Model Answers
- 2.8 Further Readings

2.0 AIMS AND OBJECTIVES

This unit will help you to understand what dowry and dowry death mean, the important legal provisions of the Dowry Prohibition Act, 1961, certain legislative efforts to strengthen the laws meant to eliminate dowry, and the amendments made in the Indian Penal Code, the Indian Evidence Act and Criminal Procedure Code. At the end of the unit you should be able to :

- describe the various important provisions in Dowry Prohibition Act, 1961,
- describe the important changes brought into the Indian Penal Code, Indian Evidence Act etc. to deal with the menace of dowry and dowry deaths,
- understand the significance of Sections 498-A and 304-B of the IPC and Section 113-A & B of the Evidence Act, and how the Courts have been using with the same to control the evil of dowry, and
- understand a dowry related cruelty or a dowry death in your neighborhood and what advice can be given by you to the affected parties.

2.1 INTRODUCTION

Family has many functions in society like reproduction of the passing the cultural heritage and providing physical security. Dowry is a deep-rooted evil in society. In the older days it was customary to give presents to the bride groom and his family at the time of the marriage. This used to be a provision for the couple to fall back upon in case of need. This system started at a time when girls were generally not educated or employed and had less opportunity to supplement family income. There was also another reason for such customary gifts. As girls were not entitled to give share in the family property, the father out of affection and other consideration used to give some cash or kind to the daughter at the time of marriage. Unfortunately,

slowly a new practice of demanding such gifts by the boy or his family evolved as a matter of right. The Dowry Prohibition Act, 1961, was an effort by the government to curb this custom, but the evil has increased to alarming proportions. After the dismal performance of the Dowry Act the Government made certain amendments in the Penal Code and Evidence Act to bring the guilty to the book. This unit will be looking at the important provisions of the Dowry Prohibition Act, the relevant sections of the Penal Code and the Evidence Act, giving you the exact provisions as given in the statute books as well as examples on how the courts have dealt with dowry related cruelty and suicides/deaths.

2.2 DOWRY PROHIBITION ACT, 1961

The object of this Act is to prohibit the evil practice of giving and taking dowry. Since the problem is basically a social one the government has tried to tackle it by conferring improved property rights on the women by Hindu Succession Act, 1956. However need for a law was felt to make the practice punishable and at the same time ensure that if any dowry is given, then its benefit goes to the women. This Act also aimed at educating the public and eradicating the evil.

What is dowry ?

Section 2 of the Dowry Prohibition Act (Act for short) defines dowry to mean any property or valuable security given or agreed to be given either directly or indirectly by one party to the marriage to the other party or by the parents of either party to a marriage or by any other person to either party to the marriage or to any other person at or before or any time after the marriage in connection with the marriage of the parties. But this does not include dower or mahr in case of Muslims.

Therefore dowry means:

- Any property or valuable security
 - Given or agreed to be given
 - Either directly or indirectly
 - By one party to the marriage
 - To the other party
 - Or by the parents of either party to a marriage
 - Or by any other person
 - To either party to the marriage
 - Or to any other person
 - At or before or any time after the marriage
- in connection with the marriage of the parties.

It does not include dower or mahr of Muslims.

It is either cash or jewelry or valuables, given at the time or before or after the marriage to one of the parties to the marriage, generally to the bride, by the parents or relations of the bride, in connection with the marriage.

Penalty for giving or taking dowry

(1) If any person, after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment for a term which shall not be less than five years and with fine which shall not be less than 15,000/- or the amount of the value of such dowry, whichever is more

Provided that the Court may, for adequate and special reasons to be recorded in the judgement, impose a sentence of imprisonment for a term less than five year.

(2) However nothing shall apply to, or in relation to:

- (a) presents which are given at the time of a marriage to the bride provided that such presents are entered in a list maintained in accordance with the rules made under the Act;
- b) presents which are given at the time of a marriage to the bridegroom provided that such presents are entered in a list maintained in accordance with the rules made under this Act.

Dowry and Central Government Staff

The Central Government staff has been barred from giving or accepting dowry. The following rule prohibiting the taking or giving of dowry was incorporated in February, 1976, in the Central Civil Services (Conduct) Rules, 1964, wef 13-2-1976.

No government servant shall give or take, or abet the giving or taking of, dowry or demand directly or indirectly from parents or guardians of a bride, or any dowry.

Any violation of the provisions of this rule will be good and sufficient cause for taking disciplinary action against government servants.

Penalty for demanding dowry

If any person demands, directly or indirectly, from the parents or other relatives or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable with imprisonment for a term which shall not be less than 6 months, but which may extend to two years and with fine which may extend to ten thousand rupees.

Ban on advertisement

If any person offers, through any advertisement in any news paper, periodical, journal or through any other media, any share in his property or of any money or both as a share in any business or other interest as consideration for the marriage of his son or daughter or any other relative, he shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to five years, or with fine which may extend to fifteen thousand rupees.

Section 5 of the DPA declares any agreement for the giving or taking of dowry to be void.

The beneficiaries of the dowry

Section 6 states that dowry to be for the benefit of the wife or her heirs:

Where any dowry is received by any person other than the woman in connection with whose marriage it is given, that person shall transfer it to the woman-

- (a) if the dowry was received before the marriage, within three months after the date of the marriage; or
- (b) if the dowry was received at the time of or after the marriage, within three months after the date of its receipt; or
- (c) if the dowry was received when the woman was a minor, within one year after she has attained the age of eighteen years, and pending such transfer, shall hold it in trust for the benefit of the woman.

Punishment

- (1) If any person fails to transfer any property as required by sub-section (1) within the time limit specified therefore or as required by sub-section (3), he shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to two years or with fine which shall not be less than five thousand rupees, but which may extend to ten thousand rupees or with both.

In case of death

Where the woman entitled to any property under sub-section

- (1) dies before receiving it, the heirs of the woman shall be entitled to claim it from the person holding it for the time being.

Provided that where such woman dies within seven years of her marriage, otherwise than due to natural cause, such property shall,-

- (a) if she has no children, be transferred to her parents, or
- (b) if she has children, be transferred to such children and pending such transfer, be held in trust for such children.

Right of a Court

Section 7 of the DP Act provides as to who shall take cognizance of the offences.

- (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973,
 - (a) no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the First class shall try any offence under this Act;
 - (b) no court shall take cognizance of an offence under this Act except upon-
 - (i) its own knowledge or a police report of the facts which constitute such offence, or
 - (ii) a complaint by the person aggrieved by the offence or a parent or other relative of such person, or by any recognised welfare institution or organisation.

- (c) it shall be for a Metropolitan Magistrate or a Judicial Magistrate of the First Class to pass any sentence authorised by this Act on any person convicted for any offence under this Act.

The Act also provide for the appointment of the Dowry Prohibition officers, lays down their jurisdiction and their duties and the power of the Central Government to make rules for the purpose of carrying out of this Act.

Most of the States have made their own amendments to this Central Act to effectively face the local situations. All of them have made the provisions more stringent. However the incidents of harassment, torture, abetted suicide and dowry deaths continue unabated. Lack of education and economic dependence of women have encouraged the greedy perpetrators of the dowry crime.

The Dowry Prohibition Act of 1961 has been amended from time to time, but this piece of social legislation does not appear to have served much of the purpose as dowry seekers are hardly brought to book and the convictions are rather few.

Check Your Progress I

- 1. Describe what is dowry.

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- 2. What is the penalty for demanding dowry?

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2.3 LEGISLATIVE EFFORTS TO CURTAIL DOWRY

The abject failure of the Dowry Prohibition Act to eradicate or even to curtail the evil prompted our legislature to enact The Criminal Law (Second Amendment) Act, 1983. In order to suitably deal effectively not only with cases of dowry death but also cases of cruelty to married women by their in-laws, amendments were made in the Indian Penal Code, the Code of Criminal Procedure and the Indian Evidence Act.

Section 498-A, IPC as found in the Code

Put in a simple language section 498 -A of IPC means:

Cruelty to a woman by her husband or any relative of the husband is punishable (a) with imprisonment for a term which may be extended to 3 years and also (b) with fine.

Cruelty means

1. wilful conduct of such nature by the husband or any relative of the husband is likely to drive the woman to commit suicide, or cause grave physical or mental injury to her, and
2. harassment of a woman by her husband or any relative of her husband, with a view to coercing her or any of her relatives to meet any unlawful demand for property.

The offence is cognizable if information relating to the commission of the offence is given:

- (a) to the officer in charge of a police station
- (b) by the victim of the offence,
- (c) or a relative of the victim of the offence
- (d) or in the absence of any such relative, any public servant authorised in this behalf by the state government.

A Court shall take cognizance of the offence upon-

- (a) a police report, or
- (b) a complaint made by the victim of the offence,
- (c) or her relatives or any person related to her with the leave of the court.

Section 113-A of the Evidence Act

According to section 113 - A of the Evidence Act

- (1) a woman has committed suicide within a period of seven years from the date of her marriage, and
- (2) it is shown that her husband or any relative of her husband had subjected her to cruelty. In this case the court may presume that such suicide had been abetted by her husband, or such relative of her husband.

2.4 DOWRY DEATHS

In Indian society woman has always been viewed as an ideal. She is the ultimate force in the family and also the protector of culture, heritage and religion. But in reality this image has been shattered due to the unfortunate and disturbing phenomenon of incidents of bride burning that are on the increase at an alarming rate.

In most of the cases the harassment and killing of the bride can be traced to the abominable practice of demanding and extracting dowry and the failure on the part of the bride's parents to adequately satisfy the greed of the husband's people. Nothing can be more barbarous and more heinous than this kind of murder.

Dowry killing is also a crime of its own kind. It becomes an immediate necessity for the husband and his family members to make the groom available in the marriage market. Thus inconvenient brides have to be eliminated if they cannot feed the greed and avarice of their in laws.

In a murder there may be a motive or not. But in dowry deaths, it is inherent. The Courts only have to examine as to who translated it into action.

In a Delhi case (Laxman Kumar Vs State (Delhi Admn)) the hon'ble High Court pointed out that "once economic independence comes to women, the evil of dowry will die a natural death. Without education, the economic independence cannot be achieved. And therefore education at all levels of the society is a must. We hear of no wife burning cases in western countries, obviously because women are economically independent."



Source : Handbook on AIDS Home Care, WHO (1996)

Bride burning is a shame on our society. Unfortunately, the price rise and the ever-increasing cost of living coupled with enormous growth of consumer goods effacing the difference between luxury and essential goods lure the new generation to easy money i.e. the dowry. The brides are unintended victims of the glorious march of consumerism. The husband and his family members look towards the wife and her family to meet the market needs.

Nature of death

A death can either be natural, accidental, suicidal or homicidal. It is for the court to conclude whether the death was homicidal on the basis of the facts on record.

Framing of charge against accused

It is the duty of the judge to consider judicially whether on consideration of the materials on record, it can be said that the accused has been reasonably connected with the offence alleged to have been committed, and on the basis of the said materials, there is a reasonable probability or chance of the accused being found guilty of the offence alleged. If the answer is in the affirmative, the judge will be at liberty to presume that the accused has committed the offence.

The court is entitled to consider the evidence on record as to whether or not prima facie case against the accused has been made out. The court is not expected to frame the charge mechanically but has to exercise its judicial mind to the given facts of the case.

Discharge of an accused

In cases of bride burning, it has become the normal practice to involve each every member of the family of the in-laws of the girl even if they are not in any way connected to the offence. However the court is not expected to be swayed by the sentiments of the complainant family and try to rope in the innocent. It is the duty of the court to sift the evidence justifying the involvement of the real culprits.

Sections 304-B, IPC & 113-B, Evidence Act

Section 304-B was inserted in the IPC by Dowry Prohibition (Amendment) Act, 1986 with effect from 19-11-86. It is a special provision inserted to deal with dowry deaths. Practically the presumption under Section 113-B of the Evidence Act has been incorporated into Section 304-B IPC also.

Thus if a woman dies within seven years of her marriage, and it is caused by any burns or bodily injury or occurs otherwise than under normal circumstances, and it is shown that before her death she was subjected to cruelty or harassment, by her husband, or any of his relatives for securing any property or valuable security from her or her relatives, it would come under dowry death, provided it is in connection with any demand for dowry.

Whether such person is directly responsible for the death of the deceased or not by virtue of presumption, he is deemed to have committed the

dowry death, if there was such cruelty or harassment, and the un-natural death occurred within seven years of the marriage.

If there is proof of the person having intentionally caused her death, then it would attract section 302 IPC which deals with murder.

Dowry Death & Section 304-B, IPC

Section 304-B of the Indian Penal Code reads as under:

Where the death of a woman is caused by burns or bodily injury, or occurs otherwise than under normal circumstances, within seven years of her marriage, and it is shown that, soon before her death, she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death" and such husband or relative shall be deemed to have caused her death.

Evidence of dowry death

Since the crimes of dowry deaths are generally committed in the privacy of residential homes and in secrecy, independent and direct evidence is not easy to collect. This is the reason the Parliament introduced 113-A (Presumption as to abetment of suicide by a married woman) and 113-B (Presumption of dowry death) in the Evidence Act to strengthen the prosecution by permitting presumption to be raised if certain basic facts are established and the said death took place within seven years of the marriage.

The words "it is shown" in section 304-B places the initial burden of proving the circumstances envisaged by the section on the prosecution.

The term "soon before her death" does not necessarily mean "immediately before her death".

The expression "deemed to" has been used in the section with a view to create legal fiction.

The offence under section 304-B is triable by the Court of Session. It is a cognizable and non-bailable offence.

To draw a presumption under 113-B of the Evidence Act, the necessary ingredient that, soon before her death, she was subjected to cruelty or harassment in connection with the demand for dowry has to be proved. Only when these facts are proved, then by virtue of the deeming provision of section 304-B, IPC, the court shall presume that the husband or any of his relatives had caused the dowry death.

The expression "shall presume" in the section 113-B indicates that it is mandatory and obligatory for the court to draw the inference, and no option is left to the court but to take for granted and proceed on the supposition that the husband and other relatives have committed the dowry death.

The court is bound to take the fact of dowry death as proved until very strong and positive evidence is given in rebuttal by the accused.

Check Your Progress II

1. Write a brief note on evidence of dowry death.

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2.5 LET US SUM UP

Marriage is a social event for families and friends to come together. However it is now used to show off the financial capacity of the families concerned. The money for this lavish show has to come from the bride's family. Huge sums are spent and money change hands. This may be alright when the parties are well placed and the wealth so exchanged are out of good will. But today dowry has become a curse and people from every strata suffer from this plague.

The Dowry Prohibition Act was an effort by our legislature to put an end to this social evil, but it did not succeed as women were seen as economic liabilities. Parents of girls considered them to be burdens to be got off from their backs at any cost. The unnecessary expenses at the occasion of marriages are considered as a prestige issue for the bride's family. The groom's family insists on a lavish party and the number of persons to be invited keeps increasing. If any gifts are given voluntarily to the bride or the groom the same are welcome. However as soon as there is an element of compulsion it becomes anti-social and illegal. The Dowry Prohibition Act provides various punishments for demanding, giving or taking dowry. It clearly states who the beneficiaries should be in case there is voluntary dowry given to the bride. This Act has been an absolute failure as social sanctions did not accompany the provisions of law.

Dowry harassment, mental and physical cruelties, bride burnings and murder of the wife for the simple reason that she is unable to bring more dowry so that the man can marry again for more dowry etc. has become a cruel joke of daily lives. Sections 498-A, IPC dealing with cruelty and 304-B dealing with dowry deaths etc. are efforts by the legislature to bring an end to the curse. However the growing consumerist needs will only increase the dowry demands as the groom's family sees the bride as a source of income to meet all their material luxuries.

Only education of girls and their economic independence can change this situation. It is also important to see woman as human beings worthy of dignity and respect. Our socio-religious attitudes and the media play a big role in this regard. Marriage should be treated as a holy bond or sacrament or an alliance of two persons for life. If one looks at it as a business deal aiming at maximum profits, then the legislature or the police and the courts together cannot save the society from the scourges of dowry curse. The change in social and personal attitudes will be the real answer to the dowry problems as we witness today.

2.6 KEY WORDS

Cognizable : To take notice and action.

The words "it is shown" in section 304-B places the initial burden of proving the circumstances envisaged by the section on the prosecution.

The term "soon before her death" does not necessarily mean "immediately before her death".

The expression "deemed to" has been used in the section with a view to create legal fiction.

2.7 MODEL ANSWERS

Check Your Progress I

1. Describe what is dowry?

- Dowry means:
 - Any property or valuable security
 - Given or agreed to be given
 - Either directly or indirectly
 - By one party to the marriage
 - To the other party
 - Or by the parents of either party to a marriage
 - Or by any other person
 - To either party to the marriage
 - Or to any other person
 - or before or any time after the marriage

in connection with the marriage of the parties.

It does not include dower or mahr of Muslims.

It is either cash or jewelry or valuables, given at the time or before or after the marriage to one of the parties to the marriage, generally to the bride, by the parents or relations of the bride, in connection with the marriage.

2. What is the penalty for demanding dowry?

If any person demands, directly or indirectly, from the parents or other relatives or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable with imprisonment for a term which shall not be less than 6 months, but which may extend to two years and with fine which may extend to ten thousand rupees.

Check Your Progress II

1. Write a brief note on evidence of dowry death.

Since the crimes of dowry deaths are generally committed in the privacy of residential homes and in secrecy, independent and direct evidence is not easy to collect. This is the reason the Parliament

introduced 113-A (Presumption as to abetment of suicide by a married woman) and 113-B (Presumption of dowry death) in the Evidence Act to strengthen the prosecution by permitting presumption to be raised if certain basic facts are established and the sad death took place within seven years of the marriage.

To draw a presumption under 113-B of the Evidence Act, the necessary ingredient that, soon before her death, she was subjected to cruelty or harassment in connection with the demand for dowry has to be proved. Only when these facts are proved, then by virtue of the deeming provision of section 304-B, IPC, the court shall presume that the husband or any of his relatives had caused the dowry death.

The expression "shall presume" in the section 113-B indicates that it is mandatory and obligatory for the court to draw the inference, and no option is left to the court but to take for granted and proceed on the supposition that the husband and other relatives have committed the dowry death.

The court is bound to take the fact of dowry death as proved until very strong and positive evidence is given in rebuttal by the accused.

2.8 FURTHER READINGS

1. R. Dayal (1995). Law relating to dowry, Premier Publishing Company, Allahabad.
2. John D Mayne. Mayne's Hindu Law and Usage (Revised by Justice Alladi Kuppaswami, 13 ed: 1993), Bharat Law House, New Delhi.
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UNIT 3. LEGAL ISSUES INVOLVED IN MARRIAGE

Contents

- 3.0 Aims and Objectives
- 3.1 Introduction
- 3.2 Hindu Marriage Act, 1955
- 3.3 Grounds for Divorce
- 3.4 Maintenance During the Case and Expenses
- 3.5 Let Us Sum Up
- 3.6 Key Words
- 3.7 Model Answers
- 3.8 Further Readings

3.0 AIMS AND OBJECTIVES

Times are changing and what was sacred in earlier times no more has the social sanction to retain that position any more. Married relations break up faster today and it throws up various issues that need to be settled in definite manner. The widespread break-down in marriage relations make it necessary for us to know and understand the painful situations one may have to face in married life and what are the remedies available to the parties in law. After studying this unit you will have a clear picture of certain problems that may crop up in marriage and how they are taken care of by laws. The unit will help you to:

- Understand the provisions in the Hindu Marriage Act 1955
- Know various grounds for seeking divorce
- Know the provisions for maintenance, and
- Understand the issues on custody of children.

3.1 INTRODUCTION

Marriage is treated as sacred by our society from ancient times. Strict rules were laid down about female morality, kinds of marriage, marriage ceremonies, monogamy as a rule, marital duties, roles and duties of sons etc. by the Hindu society. After India became independent in 1947, various laws were enacted by our Parliament to amend and codify laws relating to various religious groups within the country. The important ones amongst the said Acts are:

- The Hindu Marriage Act, 1955,
- Special Marriage Act, 1954,
- Indian Christian Marriage Act, 1872,
- Indian Divorce Act, 1869,

Parsi Marriages and Divorce Act, 1936,
Muslim Dissolution of Marriage Act, 1937, etc.

Of these the Hindu Marriage Act is definitely most important in its reach, as it governs more than 85 per cent of our population. It covers all people who are not Muslims, Christians, Parsis and Jews. Issues that come up for consideration under this Unit are: Restitution of Conjugal Rights, Judicial Separation, Divorce, Maintenance, Custody of Children etc.

3.2 HINDU MARRIAGE ACT, 1955

This Act amends and codifies the Hindu law relating to marriage. Some other Acts governing Hindu life are the following:

- (1) The Hindu Succession Act, 1956
- (2) The Hindu Adoption and Maintenance Act, 1956
- (3) The Hindu Minority and Guardianship Act, 1956.

There are other enactments in the States as well apart from the above Acts and local customs. Under this Act, the expression, "Hindu" includes any person who may not be Hindu but may be a Sikh, Jain and Buddhist. It leaves out the Muslims, Christians, Parsis and Jews from the Hindu fold. Marriage under the Hindu Marriage Act (HMA) is both a sacrament and a contract and it can be solemnized in accordance with customary rites and ceremonies of either party to the marriage.

Monogamy is the law and bigamy is punishable under the penal code. Prohibited degrees of relationships are illustrated and marriages that are null and void are clarified. As the marriage is sacred, the law enjoins the spouses to have the society of each other. The Special Marriage Act, 1954 is meant for all those whether Hindu or from other religious groups like Christians or Muslims to get their marriage registered.

Indian Christian Marriage Act, 1872 and Indian Divorce Act, 1872 govern the Christians. These are based on antiquated English law of the 19th century. Efforts are being made by the Christian community to get their laws also in tune with the liberal spirit as evident in other Acts. The personal laws of the Muslims are in accordance with the Shariat. Marriage in Muslim Law is a contractual relationship for which a deed, nikahnama, is drawn up setting out the conditions of marriage. Divorce for the Parsis is available on similar grounds to those under the Hindu Marriage Act. Jews are just a handful population-wise in India and their personal laws look after their needs.

Restitution of Conjugal Rights

Section 9 of the HMA deals with the situation when either the husband or the wife withdraws from the company of the other without reasonable cause. As marriage is sacred, the Hindu law enjoined on the spouses to have the society or the company of each other. Section 32 of the Indian Divorce Act and Section 22 of the Special Marriage Act deal with the same situation. The term "Restitution of conjugal rights" in the normal sense means restoration of conjugal rights, which were enjoyed by the

parties previously. Whether there was reasonable excuse to withdraw from the society of the other is to be proved by the party who withdraws. This withdrawal involves a mental process besides physical separation. Failure to render conjugal duties, refusal to stay together or have marital intercourse with the other person would normally constitute the withdrawal from the society of the other spouse.

What would be a reasonable excuse cannot be reduced to a formula. It would vary with times and circumstances and it has to be decided in each individual case. The expression "any other justifying cause" used in Hindu Adoption and Maintenance Act, 1956, and "just ground" used in Section 125 of the Cr. Procedure Code are relied upon in the interpretation of "reasonable excuse". Under the old Hindu law the husband was the breadwinner and the wife used to look after the household duties. The wife used to move to the husband's family from the time of marriage and the husband used to decide the matrimonial home. But times have changed today and now both the husband and the wife have to earn their bread, some times working in different places. This leads to tricky situations as to the matrimonial homes and the withdrawal with out reasonable excuses.

Cruelty, both mental and physical will be reasonable excuses under this section. From the behavior of the husband if the wife fears for her life, it amounts to reasonable excuse. Impotency of the husband or the refusal of the wife to have intercourse with him are just grounds under this section. Withdrawal from the society of the other spouse or desertion for a continuous period of more than two years is a ground for divorce under the Hindu Marriage Act.

Judicial separation

Section 10 the HMA provides for judicial separation and once a decree for the same has been passed, it is no longer obligatory for the parties to live together. The grounds for filing a petition under this section are the same as for filing a divorce petition. The effect an order under section 10 of the HMA is to permit the parties to live apart and to afford an opportunity to reconcile. Non-resumption of co-habitation between the parties for a period of one year or upwards is a ground for obtaining divorce under section 13 (1) (A) (i) of the Hindu Marriage Act, 1955. Under Section 22 of the Indian Divorce Act, 1869, Christians can obtain judicial separation on the ground of adultery or cruelty or desertion with out reasonable excuse for more than two years.

Divorce

Section 13 of the Hindu Marriage Act, 1955, provides several grounds for obtaining divorce by either party to the marriage. The proceeding has to start by filing a petition in the District Court that has jurisdiction. Section 19 of the HMA lays down where the divorce petition can be filed. They are:

- Where the marriage was solemnized;
- Where the respondent at the presentation of the petition resides;
- Where the parties to the marriage last resided together; or

- Where the petitioner is residing at the time of presentation of the petition in case where the other party is residing abroad, or
- has not been heard of being alive for a period of seven years or more.

Grounds for Divorce petition

The various grounds given for filing a petition for divorce under Hindu Marriage Act, 1955 are as follows:

Any marriage solemnized, whether before or after the commencement of this Act, may, on a petition presented by either the husband or the wife, be dissolved by a decree of divorce the ground:

- (i) that the, other party has , after the solemnization of marriage had voluntary sexual intercourse with any person other than his or her spouse; or has, after the solemnization of the marriage, treated the petitioner with cruelty; or has deserted the petitioner for a continuous period of not less than two years immediately preceding the presentation of the petition; or
- (ii) has ceased to be a Hindu by conversion to another religion; or suffering continuously or intermittently from mental disorder of such a kind and to such an extent that the petitioner cannot be reasonably be expected to live with the respondent.

A wife may also present a petition for the dissolution of the marriage by a decree of divorce under certain grounds:

In the case of any marriage solemnized before the commencement of this Act, that the husband had married again before such commencement or that any other wife of the husband married before such commencement was alive at the time of the solemnization of the marriage of the petitioner;

Provided that in either case the other wife is alive at the time of the presentation of the petition; or

that the husband has, since the solemnization of the marriage, been guilty of rape, sodomy or bestiality.

Grounds available to the husband or the wife to seek divorce

Both can avail the following reasons

1. Spouse has committed Adultery
2. Treated spouse with Cruelty
3. Has deserted spouse
4. Spouse has been converted from Hinduism.
5. Spouse suffering from unsound mind;
6. Spouse suffering from Leprosy
7. Spouse suffering from Venereal Disease
8. Spouse has renounced the world
9. Spouse not heard for seven years.
10. Non resumption of co-habitation after decree of judicial separation

11. Non resumption of co-habitation after decree of restitution of conjugal rights (both 10 and 11) for a period of one year prior to petition.

A wife has some additional grounds for divorce:

1. If the marriage was prior to this Act coming into force, then, if he had married again after the marriage with the petitioner or her husband had any other wife living at the time her marriage took place with the respondent.
(The other wife should be alive at the time the divorce petition is filed)
2. That after the marriage her husband has been held guilty of rape, sodomy or bestiality;
3. If a decree for maintenance has been passed against the husband in favor of the wife and cohabitation not resumed for one year or upwards.
4. If her marriage took place before she was fifteen years old and if she has repudiated it before attaining the age of eighteen years. (It makes no difference if the marriage was consummated or not).

Check Your Progress I

1. What do you understand by restitution of conjugal rights?
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.....
2. Can you list at least 10 grounds for divorce under the Hindu Marriage Act?
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3.3 GROUNDS FOR DIVORCE

Adultery

Prior to the 1976 Amendment of the Act, the first ground available under the section for divorce was that the other party "is living in adultery". The use of present continuous tense made it necessary for the act of adultery to be actually existing when the petition was filed. An impossible task of proving adultery from the date of marriage till the date of the petition was imposed on the petitioner. After the amendment a single act is sufficient, the nature and degree of proof required for adultery or voluntary sexual intercourse is practically the same.

An act of adultery is a secret act and direct proof will not be available in most cases. Circumstantial evidence, which lends a high degree of probability or an inference to adultery, is sufficient. Mere intention or inclination is not enough to prove adultery but indecency and familiarities constitute a strong presumption of adultery.

Cruelty

The expression cruelty is not defined in the Hindu Marriage Act. It was understood to mean such conduct as to cause danger to life, limb or health or give rise to reasonable apprehension of such danger. The words "danger to life" normally means injurious or harmful to life. Cruelty should be of the type which will satisfy the conscience of the Court that the relationship between the parties have deteriorated to such an extent that it has become impossible for them to live together with out mental agony, torture or distress. It need not be of such character as to cause danger to life, limb or health.

Cruelty is of two types: physical or mental. Physical violence may be actual or threatened. Mental cruelty may consist of verbal abuses and insults, disturbing mental peace. Cruelty may depend upon the type of lives that the parties are used to, or their socio-economic conditions. Ordinary wear and tear of married life does not amount to cruelty. The various forms of cruelty are:

- 1) Accusing the husband of incestuous relationships amounts to cruelty.
- 2) Threatening to commit suicide by the wife amounts to infliction of mental cruelty on the husband.
- 3) Constant insults, abuses, accusations of adulterous character which make married life impossible to be endured, constitute mental cruelty of a kind that is worse than physical violence.
- 4) False charge of immorality that affects the health of a spouse amounts to cruelty.
- 5) Where the husband is impotent in his relation with his wife, it amounts to cruelty.
- 6) In the same manner false allegations of impotency made by the wife against the husband is also cruelty.
- 7) Insanity of one spouse is also cruelty to the other spouse.

However vague allegations of cruelty with out sufficient particulars are not enough to prove matrimonial cruelty.

Desertion

Desertion means desertions of the petitioner by the other party without reasonable cause and without the consent or against the wish of such party and includes willful neglect of the petitioner by the other party. There are two elements to constitute desertion, firstly the fact of separation and secondly the intention to bring the cohabitation to an end permanently. Mere physical separation between the parties or mere intention of one to separate from the other without the act of separation would not amount to desertion. It should be the physical act of separation coupled with the intention of repudiating the marriage obligations.

This separation should be also be with out the consent or against the wishes of the other party to put an end to the existing co-habitation. Through this provision, law wants to enforce the recognition and discharge of the common obligations of married life. Total disregard for common obligations of married life is desertion.

There is also constructive desertion when by words or conduct one spouse makes it impossible for the other to live in her or his company and as a result the other leaves the matrimonial home, the other spouse cannot be termed as the deserter. On the other hand it is the spouse who makes it impossible for the other spouse to continue in the matrimonial home or relations is the deserter. Even in this case the intention to put an end permanently to matrimonial consortium should be there.

One careful reading of the explanation of desertion shows that if a spouse has reasonable cause or justifiable reason to leave the company of the other spouse, then that spouse cannot be said to have deserted the other spouse. Under the explanation, leaving the matrimonial home should be without reasonable cause and also without the consent or against the wishes of the deserted party to constitute desertion. Desertion also includes willful neglect of one spouse by the other, i.e. a deliberate failure to discharge matrimonial obligations.



Source : Handbook on AIDS Home Care, WHO (1996)

Elements in Desertion

There are five elements in desertion:

- 1) The fact of separation;

- 2) Intention to put an end to matrimonial consortium and cohabitation permanently;
- 3) Want of reasonable cause;
- 4) Want of consent or against the wishes of the other spouse; or
- 5) Willful neglect.

If any of the above elements ceases to exist, then there is no desertion. It comes to an end if the parties start to live together or agree to live separately. It also comes to an end by condemnation by which parties forgive each others acts of cruelty or desertion then divorce cannot be granted due to the bar placed in section 23 of the HMA, 1955.

Conversion of spouse

Under this provision if a spouse ceases to be a Hindu by conversion to another religion, ie, to Islam, Christianity, Judaism, then the other spouse can obtain a divorce under this clause. A Hindu is defined as some one who is not a Muslim, Christian, Parsee or Jew. However Parsis do not admit converts to its fold and thus conversion to Christianity, Islam or Judaism grants a ground to the other party to seek divorce.

Insanity of the spouse

The expression "incurably of unsound mind" is interpreted to mean a person who is not capable of managing his/her affairs as any ordinary reasonable person could do. It cannot be used to cover the feeble minded or persons of dull intellect who understands the nature and consequence of their acts and are capable of controlling their affairs in the normal way.

A person suffering from "schizophrenia" can be said to be of unsound mind, but only when there is no hope of more than partial recovery. At the same time the disease must be of such a kind and of such an extent that the petitioner cannot reasonably be expected live with that person before a decree of divorce can be granted.

Epilepsy, if incurable, falls under the expression of unsound mind.

The expression "mental disorder" requires expert medical opinion. Any temporary mental disorder that goes away in a short time does not qualify under this category. Even proving a prolonged mental disorder is not sufficient unless it is further proved that the petitioner cannot reasonably be expected to live with the affected party.

Suffering from leprosy

This clause provides a right to obtain divorce if the other spouse is suffering from a virulent and incurable form of leprosy. Before the amendment it was required to show that the respondent was suffering from leprosy for a period of more than three years prior to the petition. Now all that is required is to show that the other party is suffering from leprosy at the time of filing the petition.

Suffering from venereal disease

Under this clause if the respondent is suffering from venereal disease in

a communicable form, then a decree of divorce can be granted. Earlier as in the previous provision it was necessary to show that the respondent suffered from the venereal disease for a period not less than three years before filing the petition. However if the respondent is able to prove that he/she contracted the disease from the petitioner, then the petitioner may not be entitled to the relief as one should not be allowed to take advantage of his/her own wrong.

Spouse has renounced the world

Taking up a religious order would mean a person becoming an ascetic or sanyasi. Such transformation would be complete only when one renounces all worldly interests. The old Hindu law treated this as civil death and one was excluded from inheritance. Thus renouncing the world by the respondent gives a right to the petitioner to seek divorce.

Spouse not heard of for seven years

Under this clause if one spouse has not been heard of as being alive for a period of more than 7 years by the near and dear ones, then the other petitioner is granted divorce. This right is based on the rule of evidence in Sections 107/108 of the Indian Evidence Act which presumes death of the missing person after that period.

3.4 MAINTENANCE DURING THE CASE AND EXPENSES

Maintenance pendente lite and expenses of proceedings

Where in any proceedings under this Act it appears to the court that either the wife or the husband, as the case may be, has no independent income sufficient for her or his support and the necessary expenses of the proceeding, it may, on the application of the wife or the husband, order the respondent to pay to the petitioner the expenses of the proceeding, and monthly maintenance during the proceeding such sum as, having regard to the petitioner's own income and the income of the respondent, it may seem to the court to be reasonable.

Section 24 of the Hindu Marriage Act, 1955 provides for pendente lite and expenses of proceedings. The object of this section is to enable the wife or the husband, who has no independent income sufficient for his or her support and the necessary expenses of any proceeding under the Act, to obtain maintenance and expenses so that the proceedings may be conducted without any hardship on his/her part.

It is intended to give relief to a party irrespective of the fact whether she or he is petitioner or respondent in the proceedings.

Section 36 of the Indian Divorce Act, Section 36 of the Special Marriage Act and Section 39 of the Parsi Marriage and Divorce Act provide interim maintenance and expenses for the proceedings only to the wife. But the HMA provides the same to both the parties. Expenses for minor children are dealt with in section 26 of the Act.

The benefit under section 24 is available to the party whether the petition is for restitution of conjugal rights, judicial separation or divorce. This right is a special one irrespective of the result in the main petition for any relief. The only consideration for exercising the jurisdiction under this section is whether the party has no independent income sufficient to support self and to meet the necessary expenses of the proceedings. No conditions are imposed on the party that such amount shall be returned if ultimately the petition is decided against that spouse. The allowance of temporary alimony is not regarded as a matter of right but as a matter within the discretion of the court hearing the petition. However a liberal interpretation is offered to ensure that the indigent party does not suffer during the proceedings.

The general interpretation is that the wife is the privileged party in a divorce case and she will be considered for the purpose of alimony pendent lite in spite of any charge or counter charge against her. As long as the wife is, in law, a wife, she should be maintained by her husband unless she has property or income. In estimating the independent and sufficient income of the wife derived from property, service, occupation and other sources, the income of the wife's parents or other relations cannot be considered. It would not be proper to take into consideration the possibility of getting property by inheritance or succession at a subsequent date. Her potential earning capacity is not equivalent to independent income and that cannot be taken into account. The income of both the spouses as on date has to be considered. Her refusal to live with the husband is not sufficient to refuse interim maintenance. The conduct of either party is immaterial and irrelevant while granting interim maintenance. The main consideration is that the maintenance must be reasonable.

The word support and maintenance are synonymous and the definition of maintenance as given in Hindu Adoption and Maintenance Act should be adopted in deciding the application. The expression "support" is of wide import and the court has a wide discretion in fixing the quantum of maintenance. The following principles are relevant:

- Position and status of the parties.
- Reasonable wants of the claimants.
- Income of the claimant.
- Income of the opposite party.
- Number of persons the opposite party has to maintain.

The petitioner under this section is entitled to maintenance from the date of the application. The court can stay the proceedings if the husband neglects to pay the maintenance awarded under the section as such conduct is not encouraged. The husband is liable to pay maintenance even during the period during which the proceedings was stayed.

The expression "during the proceedings" indicate that till the termination of the proceedings in the main petition, an application under this section can be considered. But the court can pass an order for permanent maintenance on application under section 25 of the Act.

Permanent alimony and maintenance

This section is on the lines of section 17, Indian Divorce Act, Section 40 of the Parsi Marriage and Divorce Act and Section 37 of the Special Marriage Act and provides for permanent alimony and maintenance in favor of the spouses. The amount necessary for the minor children has to be calculated separately from that of the wife. Through section 17 of the Marriage Laws Amendment Act, 1976, the liability to pay maintenance was restricted to the period during which the petitioner remained not married. In view of this amendment, permanent alimony can be granted to all cases covered by sections 9 to 13 of the Act and the application for it can be moved at the time of passing of the decree or subsequent there to. Thus to pass this order there must be a decree as contemplated under this Act, a dismissal or a withdrawal not being sufficient. The petition for grant of permanent alimony has to be filed in the court which passes the decree of divorce. A wife includes a guilty one as well as an innocent one, but in awarding maintenance the courts keep in mind the conduct of the parties.

Custody of children

This section provides powers to the court for passing orders with respect to the custody, maintenance and education of minor children in proceedings under the Act. Such orders may be passed in interim orders and also at the time of passing the decree or thereafter. It also has powers to amend, revoke, suspend or vary the orders from time to time. In considering the question of custody of a minor only section 26 of the Act has to be looked into. This section gives complete jurisdiction to the court and it becomes the duty of the court to take the welfare of the child as the most important consideration.

The custody of a child below 5 years of age shall be with the mother unless special circumstances injurious to the child's interest is shown. Though the father of the child over 5 years is its guardian the mother can get the custody as the paramount interest is the welfare and interest of the child. The court can give interim maintenance to the child also under this section. It is open to the mother to file a separate petition for the maintenance of the children if that has not been taken into consideration in fixing her maintenance.

The Hindu Minority and Guardianship Act makes no provision as to what order should be made while dissolving a marriage. But it makes provision for the appointment of a guardian for a Hindu minor. An order of custody of minor is not appealable. But the party feeling aggrieved can file a revision petition. Under this section the order is passed after ascertaining the wishes of the child, whereas in the Guardianship Act the court does not have to consult the wishes of the minor, but has to keep in mind the welfare of the child.

Check Your Progress II

1. What are the various forms of cruelty within marriage?

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3.5 LET US SUM UP

In this unit legal issues involved in marriage was examined. The main focus of the discussion was centred around the Hindu Marriage Act, 1955. Some of the main aspects examined included the restitution of conjugal rights, judicial separation and grounds for divorce. An effort was also made to discuss the various grounds for seeking divorce. Towards that end, an effort was made to describe details regarding maintenance during the care and expenses involved for proceedings. A brief note on permanent alimony and maintenance as well as custody of minor children was another feature of the discussion.

3.6 KEY WORDS

1. **Hindu** : Under the Hindu Marriage Act, 1955, the expression "Hindu" include any person who may not be Hindu but may be a Sikh, Jain and Budhists.
2. **Pendente Lite** : Law during the progress of a suit.
3. **Alimony** : The money payable by a man to his wife or former wife or by a woman to her husband or former husband after they are separated or divorced.
4. **Mental disorder** : The expression "mental disorder" means mental illness, arrested or incomplete development of mind, psychopathic disorder or any other disorder or disability of mind and includes schizophrenia.
5. **Psychopathic disorder** : The expression " psychopathic disorder" means a persistent disorder or disability of mind which results in abnormally aggressive or seriously irresponsible conduct on the part of the other party.
6. **Desertion** : The expression "desertion" means the desertion of the petitioner by the other party to the marriage with out reasonable cause and with out the consent or against the wish of such party, and includes the willful neglect of the petitioner by the other party to the marriage.

Women's Role Affection

We cannot satisfactorily
passing the matter and
ne is the pivot of society and the
family—is the first institution

3.7 MODEL ANSWERS

Check Your Progress I

1. What do you understand by restitution of conjugal rights?

Section 9 of the HMA deals with the situation when either the husband or the wife withdraws from the company of the other without reasonable company. As marriage is sacred, the Hindu law enjoined on the spouses to have the society or the company of each other. Section 32 of the Indian Divorce Act and Section 22 of the Special Marriage Act deal with the same situation. The term "Restitution of Conjugal Rights" in normal sense mean restoration of conjugal rights, which were enjoyed by the parties previously. Whether there was reasonable excuse to withdraw from the society of the other is to be proved by the party who withdraws. This withdrawal involves a mental process besides physical separation. Failure to render conjugal duties, refusal to stay together or have marital intercourse with the other person would normally constitute the withdrawal from the society of the other spouse.

2. List ten grounds for divorce under the Hindu Marriage Act.

Ten grounds for divorce under Hindu Marriage Act are:

1. Spouse has committed Adultery
2. Treated spouse with Cruelty
3. Has deserted spouse
4. Spouse has been converted from Hinduism.
5. Spouse suffering from unsound mind;
6. Spouse suffering from Leprosy
7. Spouse suffering from Venereal Disease
8. Spouse has renounced the world
9. Spouse not heard for seven years.
10. Non resumption of co-habitation after decree of judicial separation

Check Your Progress II

1. What are the various forms of cruelty within marriage?

Various form of cruelty within marriage include:

- 1) Accusing the husband of incestuous relationships amounts to cruelty.
- 2) Threatening to commit suicide by the wife amounts to infliction of mental cruelty on the husband.
- 3) Constant insults, abuses, accusations of adulterous character which make married life impossible to be endured, constitute mental cruelty of a kind that is worse than physical violence.

- 4) False charge of immorality that affects the health of a spouse amounts to cruelty.
- 5) Where the husband is impotent in his relation with his wife, it amounts to cruelty.
- 6) In the same manner false allegations of impotency made by the wife against the husband is also cruelty.
- 7) Insanity of one spouse is also cruelty to the other spouse.

3.8 FURTHER READINGS

- 1) R. Dayal (1995). Law Relating to Dowry, Premier Publishing Company, Allahabad.
- 2) John D Mayne, Mayne's Hindu Law and Usage (13th ed. 1993) (Revised by Justice Alladi, Kuppuswami) Bharat Law House, New Delhi.
- 3) Nishi Purohit (2nd ed. 1998). The Principles of Mohamadan Law, Orient Publishing Company, Allahabd.

