

**Family Counselling in Family Court:
An Analysis of the Psycho-social Dynamics of the Families
with Special Reference to Family Court, Thrissur**

Lizy James

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Family Counselling in Family Court: An Analysis of Psycho-social Dynamics of Families of Litigants (Thrissur Family Court)

Lizy James*

1. Introduction

The family may broadly be perceived as a unit of two or more persons united by the ties of marriage, blood, adoption or consensual unions. It is considered the basic unit of the society, to meet the needs of individuals and those of other societal institutions. Family is a link between continuity and change. It determines the development of individuals in that and is a major source of nurture, emotional bonding, and socialisation. It has a major potential to provide stability and support while facing problems from the environment.

India is proud of its ancient heritage of a united and stable family system. A gradual trend of change from extended families to nuclear families is emerging, however due to growing urbanisation and industrialisation. However, the Indian families have demonstrated an uncommon strength of keeping themselves together despite growing stress and strain. Nevertheless, the fast-changing trends in the social, cultural, economic, and industrial scenario do pose a growing challenge to the institution of family in India.

The family in India is often understood as an ideal homogeneous unit with strong coping mechanisms. However, it is important to recognise that there may be inherent problems within the family. Moreover, families in a large and culturally diverse country such as India, have plurality of forms that vary with class, ethnicity, and individual choices.

Women's studies and movements have brought forth the proposition that the family is also the source of inequality, exploitation, and violence in contrast to its idealistic picture as a source of nurture, emotional bonding, and support.

Industrialisation together with technological development has brought several new challenges to the family. The family is no longer the unit of production as it was in the pre-industrial society. It now faces the force of a market economy.

The research and theoretical literature related to recent developments in the field of families has shown that there is a rise in the incidence of breakdown of families over the past three or four decades, which is in consonance with the structural changes sweeping the society. The families repeatedly fail in their efforts to cope with the problems of day-to-day living, and become progressively disorganised and increasingly vulnerable to crises.

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The United Nations declared 1994 as the International Year of the Family, keeping in view the importance of the family as a basic unit in society and the need to protect and strengthen it through state policy and community action so as to enable it to assume its responsibilities in society in an appropriate manner. The decision of the United Nations has provided an opportunity to reflect on the challenges that are faced by the families in India in the constantly changing cultural, social, and economic scenario. (Bal, K.V.T. 1994).

Most of the so-called family problems of today arise not due to the perversity of human nature, but to the emerging new kinds of family organisation and social changes. Today marriage is becoming unstable and its core functions are being performed only inadequately. The modern society, characterised by elaborate industrial technology, a high degree of urbanisation, and the great amount of influence exerted by the foreign mass media, consumerism, breakdown of joint families, cultural breakdown and social evils such as drug addiction and alcoholism, has affected even the essential functions of family life. Therefore, the basic dynamics within the family, such as interaction pattern, communication, social support system, role functioning, and reinforcement patterns have been seriously affected leading to the disintegration of the relationship between husband and wife.

In Kerala, tremendous changes have taken place in the social milieu during the past two to three decades. The inflow of Gulf money has changed the life style of its people completely. Even this small State is not free from the consequences of globalisation. Foreign mass media have affected the value system of the youth seriously. The surge of nuclear families has weakened the social support system. People of Kerala have become the victims of consumerism. Cultural breakdown has given rise to growth of suicides, criminality, alcoholism, and other types of deviant behaviour. Child prostitution and trafficking in the girl child has become very common in the State.

The family, one of the important social institutions has lost its sanctity. The number of broken homes and cases of divorce increase in tandem with the pace of social change. Women have started responding to the atrocities against them because of gender sensitisation and increased awareness. It is observed that the number of cases filed by women before the family courts have increased in recent years. Since the inception of Family Court in Thrissur, in 1994, 3816 cases have been filed until the month of August 1998. This fact calls for increased attention of mental health professionals and social workers to their role of preserving the sanctity of families.

The present study is based on the experience of the counsellor in the family court, Thrissur. It throws light on the psycho-social dynamics involved in the families that seek service of the counselling centre of the family court.

Review of Literature

Marriage is a social institution through which a man and a woman come closer to each other and start living together. It serves as a vehicle for personality maturation. The need for being loved and to provide love and concern for each other, are some important aspects of the personality developed easily after marriage. Both the spouses act as complements to each

other's dependency needs. Intact and harmonious marital relationships are required not only for the psychic health of the individual, but for progeny and thus, for the society as well in a broad perspective. However, unsatisfying and stressful marital relations lead to increasing emotional disturbance and family disruption.

Family research in India seems to have started with a historical/institutional approach. The trend in the 1960s and the 1970s was towards use of structure-functional approach to study changes in the family. A wide range of contemporary family issues, such as mental health problems in the context of the family, family interaction, roles, power and material problems, to name a few, were given attention to by family scholars, starting in the 1970s and developing in the 1980s. In the eighties, impetus was also given to research on families of migrants, female-headed and single-parent families, families of the disabled, family violence, and related topics.

Several studies have gone into characteristics of families with marital problems in different disciplines such as sociology, psychology, demography, psychiatry, law, and social work. Desai, M (1994) identified 59 such studies and grouped them into the following eight categories:

- (i) marital adjustment versus maladjustment;
- (ii) marital disharmony with reference to mental illness;
- (iii) marital violence;
- (iv) marriage breakdown;
- (v) dynamics of divorce;
- (vi) couples who have gone to court;
- (vii) effect of broken homes on children; and
- (viii) implications of intervention.

Marital Adjustment Vs Maladjustment

Twenty studies are identified in this sub-area which cover psychological factors, sexuality, demographic factors, and interpersonal factors that distinguish the adjusted couples from maladjusted couples.

Marital adjustment refers to a state of accommodation which is achieved in different areas where conflict may exist (Landis, 1946). It is characterised by a tendency to avoid and resolve conflicts, a feeling of satisfaction with each other, a sharing of common interests and activities and accepting additional responsibilities as and when they arise (Locke & Williamson, 1958). In this review, marital happiness and satisfaction are taken as synonyms of marital adjustment.

Of the 20 studies in this area, six studies are on the development of tools. Of the remaining 14 studies, eight studies examine psychological factors, three look at sexuality, and one examines the demographic factors that are associated with marital adjustment.

Kumar and Rohtagi (1986) examined the association of frustration management and self-disclosure with marital adjustment. A significant relationship between frustration reactions and marital adjustment was observed. Low-adjusted husbands and wives seem to depend more on aggressive, fixated, and regressive modes of behaviour in the management of their frustration, than high-adjusted husbands and wives. In the case of self-disclosure behaviour, high-adjusted husbands and wives showed greater tendency to be open about them.

Srivastav, Singh, and Nigam (1988) studied the effect of certain demographic characteristics such as age difference, duration of marriage, education, occupation, socio-economic status and number of children on marital adjustment. The analysis indicated that age difference between husband and wife highly contributed towards marital adjustment.

The findings of the studies on marital adjustment versus maladjustment indicate that the following factors are associated with marital adjustments: Feeling of security, sexual satisfaction, faithfulness, giving importance, self disclosure, verbal communication, rural set-up, and age difference.

Marital Disharmony with Reference to Mental Illness

Marital discord could be both a cause and a result of psychiatric illness. It might lead to psychiatric illness among some people and psychiatric illness of a spouse might lead to marital discord. Spouses of psychiatric patients are more susceptible to psychiatric illness (Gupta, 1969).

Fifteen studies were identified in this area. Prabhu carried out the earliest study in 1967. He studied the attitudes, needs, conflicts, and adjustment difficulties of psychoneurotic patients with marital problems, by a projective test method. The results pointed out that the basic problem that the psychoneurotic patients faced was that of making satisfactory interpersonal relationship and adjustment.

Sathyavathi and Seth (1975) reported findings of an exploratory inquiry into marital disharmony among neurotics through a study of their inter-personal perception and compared them with those of an equal number of normal couples. They found significantly higher levels of disagreement, misunderstanding, and other factors contributing to marital disharmony in the neurotics.

Bhatti and Channabasavanna (1979) studied the causes of marital disharmony in general, and examined the association between anomie and marital disharmony in particular. Efforts were made also to identify the factors affecting the perception of anomie among married women.

The findings indicate that women with marital problems perceived a higher degree of anomie in the system than did those in the control group. Further, age, duration of marriage, leisure-time activities, expectations from marriage, and compatibility were found to have correlation with perception of anomie.

Rao, Channabasavanna, and Parthasarathy (1983) studied marital partner's behaviour as perceived by anxiety-neurotic patients during their difficulties and differences of opinion in domestic management, criticism regarding their in-laws and threats of divorce observed as between anxiety patients and 'normals'. The results of this study showed that the anxiety patients lacked support and sharing from their partners. In the anxiety group, there were constant and severe marital conflicts about domestic management. The anxiety patients were more affected than normals by the unreasonable indications given by their partners with respect to their in-laws, and the life of anxiety patients consisted of more frequent threats of divorce than that of normals.

Agarwal's (1971) classification of the pattern of marital problems into intra-psychic, interpersonal, and socio-cultural provides a framework which marriage counsellors can use for diagnosis of marital problems and for planning treatment. Inadequate communication, excessive need for affection, and anxiety and guilt with reference to sex are specific areas in marital problems that the marriage counsellor or the psychiatric social worker has to deal with.

Marital Violence

Conjugal violence has formed the subject of study by several researchers in the United States. Kumagai and Straus (1983) extended these studies through cross-cultural perspectives in order to test their generalisability. They compared for major issues on conflict resolution tactics in practice in Japan, India, and the US. Tellis-Nayak and Donoghue (1982) explored marital violence within the dynamics and perceptions of conjugal authority structure within three cultural settings, the US, Ireland, and India. Data were collected from high school students in urban settings. Marital behavior was examined in three contexts: Patterns of conjugal authority, patterns of disagreement, and patterns of violence. The authors observed a high degree of sharing in decision-making across the three settings. The rate of disagreement was higher among American spouses than their Indian and Irish counterparts. Similarly, American spouses resorted to a higher degree of verbal aggression and physical violence than others did. Wives everywhere resorted to as much or as little violent means in settling dispute, as did their husbands.

Mohammed (1984) carried out a study to test the hypothesis that violence by men towards their wives will be significantly higher among people belonging to families of low socio-economic status than among people of families of average or high socio-economic status. His sample consisted of 500 persons from a slum of Kanpur, whose average income was Rs 92.96 per month. Interview and observation methods were used to collect data. Marital violence was universally prevalent among the sample. In majority of cases, marital violence was frequent and in 30 per cent of the sample, daily occurrence of marital violence was reported. The findings indicated that the lower the social and economic conditions, the higher were the rate of marital violence.

Sinha (1989) noted that violence against women arises from a hierarchical gender relationship, where men are dominant and women are subordinate. The forms of control exercised over women cover three areas, namely sexuality, fertility, and labour. Systematic inequality

is maintained through rules of legitimacy of offspring, and through establishment of possessional rights over women. Such possessional rights include promise of protection in return for submission or exclusive use.

Among the findings of the studies in this area, it is important to note the following. The principle of reciprocity operated in conflict management between spouses. Deviation from cultural norms and expectations on the conjugal authority structure are important among the causal factors of violence. Low self-esteem and jealousy on the part of the husband are reasons for wife-battering. Low social and economic conditions aggravate battering. The root cause may lie with the hierarchical gender relationship in which men are dominant and women are subordinate.

Marriage Breakdown

Marital disharmony, in the extreme situation, may lead to marriage breakdown. In the Indian situation, this alternative to marital problems is not widely prevalent. As noted in a study carried out by Kurian (1981) in Kerala, very few people are willing to consider separation or divorce as a solution to their marital problems because of two main reasons: Unhappiness of children and social disapproval.

Dynamics of Divorce

Kundu and Ghosh (1977) compared some of the environmental correlates of divorced and adjusted couples. The experimental group consisted of 50 divorced couples and the control group consisted of 50 couples who lived together and never went to psychoanalysts, psychiatrists or counsellors for help.

The conclusions of the authors were:

- (i) unhealthy atmosphere in the family and conflict in family relations during childhood differentiate the divorcee from the adjusted one;
- (ii) divorced persons vary significantly when compared to the adjusted couples in respect of break in love relationship; and
- (iii) divorcees and adjusted couples differ significantly with reference to age at marriage, presence of children, domination of spouse, and occurrence of disagreement.

In a subsequent study, Kundu and Ghosh (1978) assessed the personality correlates of 100 maladjusted-married persons, defined as legally separated or divorced, as compared to 100 persons (50 couples), having a compatible married life, in the city of Calcutta. In the analysis, the divorced individuals appeared to be both economically and emotionally deprived. They suffered from lack of spontaneity and drive, and had poor total adjustment. They were unambitious and easily frustrated. They felt inferior as well as insecure compared to the adjusted couples. They were self-centered, introvert, dissatisfied, unrealistic, and irritable. They also showed marked aggressive needs and conflicts in sexual adjustment.

Couples Who have Gone to Court

Fonseca (1963) examined the whole range of matrimonial suits in the Bombay city civil court and dichotomised them into

- (i) disorganisation cases in which maladjustment couples take recourse to law on grounds such as judicial separation and restitution of conjugal rights, which may or may not lead to termination of marriage; and
- (ii) disintegration cases to terminate the marriage through divorce or annulment.

Her study was confined to identifying the background variables of the cases and did not probe into the details about reasons for the legal action. Pothan (1986) analysed divorce cases from the court in Indore, and carried out a comprehensive study on them. He analysed the causes as well as the consequences of divorce. Another comprehensive study on causes and consequences of divorce as well as judicial separation is the one carried by Choudhary (1988) in Jaipur District.

Fonseca (1968), Pothan (1986), and Choudhary (1988) observed that the most common grounds for matrimonial litigations are desertion, cruelty, adultery, and impotency. However, when Damle, Pothan, and Choudhary probed into the reason for marital conflicts, factors such as childlessness or son-lessness, husband's lack of income or irregular income, and irritable nature and interference of in-laws / relatives were highlighted. Early marriage was a correlate of marital problem observed by both Fonseca and Choudhary. As Choudhary concluded in his study, environmental factors seem to have contributed more to the breaking of marriage than personality factors.

Effect of Broken Homes on Children

Single parent families are found to result in many forms of anti-social behaviour in children. In our country, after legislation of divorce, more people have started running to the court of law for dissolving their marriage. However, the divorce rate is not as high as in the West. The Indian society is still traditional and regards the marital bond as permanent. Majority of marriages, on the verge of divorce, continued for one reason or another. Such families wear a mask of happiness, while in the inner core there would be always some fire of distress burning.

Kumathekar, M.N. (1991) attempted to examine how children of 6 to 10 years of age develop their self and attitude towards parents, in different types of families. The focus of this study was on psychologically broken homes or in the words of Levinger (1970) and Goode (1976) of children belonging to 'empty-shell families' and to compare them with children of happy families and those belonging to families where the parents are divorced. Thus children of three types of families, 'empty shell', 'broken', and 'happy' are compared for development of self and attitudes towards parents.

The findings of this study support the findings of earlier studies. However, Nye (1957) had

found better emotional adjustment and fewer instances of delinquent behavior in a group of children from broken homes as compared to children from unbroken but unhappy homes. Similarly in Burchinal's study (1964), no support was found for the detrimental effects of divorce.

Implication for Intervention

Research in this area has useful implications for premarital as well as marriage counselling. In premarital counselling, the couples may be made aware of the psychological, sexual, and demographic factors that may hamper their marital adjustment. Personality factors that may hamper the adjustment process may be treated before the marriage. Similarly, a marriage counsellor may use the research findings about factors helping or hampering marital adjustment for diagnosing clients with marital problems and for planning their treatment.

Based on the research in the field of families, Stinnett (1985) has identified the following six qualities which are characteristic of strong families.

Appreciation

The first quality of the strong families, certainly one of the most important, is appreciation. The members of these families expressed a great deal of appreciation for one another. They built up each other psychologically, they gave each other many positive psychological strokes, and everyone was made to feel good about himself/herself (Stinnett, N., 1985).

Spending Time Together

A second quality found among strong families is that they did many things together and they genuinely enjoyed being together. Another important point here is that these families structured their life-styles in such a way that they could spend time together. It did not "just happen", they made it happen. Moreover, this togetherness was observed in all areas of their life: Eating meals, recreation, and work.

One interesting pattern which has emerged from the research conducted by Stinnett *et al.* is the high frequency with which the strong families participate together in outdoor activities such as walking, jogging, bird-watching, camping, canoeing, horse-back riding, and outdoor games. While there are many strong families who are not particularly fond of outdoor activities, the research finding in the research that large number of strong families employed this type of activities as an important source of enjoyment and an expression of their strength as a family, raises the question of how the participation in outdoor activities as a family might contribute to family strength. Another possibility is that physical exercise is often one of the benefits of participation in outdoor activities and that it contributes to personal feelings of well being, health, and vitality.

Commitment

These families are deeply committed to promoting one another's happiness and welfare.

They are also committed to the family group, as reflected by the fact that they invested much of their time and energies in it. Yankelovich (1981) observes that our society is now in the process of leaving behind an excessive self-centered orientation and moving towards a new “ethic of commitment” with emphasis on new rules of living that support self-fulfilment through deeper personal relationships.

Good Communication Patterns

Strong families have a good communication pattern. They spend time talking with one another. This is closely related to the fact that they spend a lot of time together. Often families are so fragmented and so busy, and spend so little time together that they only communicate with one another through rumour. Unfortunately, too often that is exactly what happens.

Another factor related to communication is that these families do fight. They get mad at each other, but they bring conflict out in to the open and are able to talk it over. They share their feeling about alternative ways to deal with the problem and select a solution that is best for everybody.

High Degree of Religious Orientation

The fifth quality that the strong families expressed was a high degree of religious orientation. This finding agrees with research results from the past 40 years that show a positive relationship of religion to marriage happiness and successful family relationship. There are indications that this religious quality went deeper than going to places of worship or participating in religious activities together. It could most appropriately be called a commitment to a spiritual life style. Many of the study samples reported that they had an awareness of God or a higher power that gave them a sense of purpose and gave their family a sense of support and strength.

Ability to Deal with Crises in a Positive Manner

Not that they enjoyed crises, but they were able to deal with crises constructively. They managed, even in the darkest of situations, to see some positive element, no matter how tiny, and to focus on it. It may have been, for example, that in a particular crisis they simply had to rely largely on one another and developed trust that they mutually had. They were able to unite in dealing with crises instead of being fragmented by them.

Strong families are the roots of our well being as individuals and society. The dream of facilitating strong families that produce emotionally and socially healthy individuals is capable of realisation. Based on his experiences with families, Stinnett (1985) has made certain recommendations to translate his information into practical help and to strengthen families.

(i) The families should be helped to develop some of these skills such as the ability to express appreciation and good communication patterns. This will improve the relationship between the couple and the quality of their family life. Also considering the emphasis by these strong families on outdoor activities, recreational areas could be expanded and developed more for

family units. For example, having special family days and outdoor seminars specifically for families might encourage them to do more as a unit.

(ii) Communities in order to be strong and healthy must have strong and healthy families. Therefore there is need to devise more research projects which relate family strengths to community needs.

(iii) Another recommendation is to have a comprehensive human relationships education programme incorporated at the pre-school, elementary, secondary, and college levels, as good human relationships are basic and vital to happiness, well-being, and mental health.

(iv) Some psychologists have stated that if we are serious about strengthening family life, we have to build much more prestige into being a family member - in being a good father, mother, wife or husband. If we are truly serious about strengthening family life, we might make more of a concerted effort to improve the image of family life.

(v) We should record our values and priorities. We will have to make family life and human relationships a top priority, and apply this commitment in terms of the way we spend our time and energy.

(vi) In order to build stronger families in the future, we must match our remedial services.

To be most effective, we must make preventive services and programmes available early in the lives of individuals and families to provide them with skills, knowledge, motivation, and positive models that can help develop family strength. This can be done through family life education and enrichment programmes in the community, which could be organised through such groups as churches, schools, YMCA, YWCA and local family service organisations. Secondary and primary schools could place more emphasis on family life education in the curriculum and encourage all students to participate. College curriculum could also be improved by placing more emphasis on family strength in marriage.

Family Assessment and Intervention

Based on the ecological perspective of family-centered social work practice, a holistic scheme of family assessment is proposed here. This is visualised as a process shared by the family and the social worker and would identify areas of intervention and the social worker's role for family rehabilitation and protection of family rights.

The following three broad areas are identified for such a wholistic family assessment (adapted from Hartman & Laird, 1983) - socialisation of family norms, family's environment, and family dynamics

Assessment of socialisation of family norms

In order to study a family's functions and patterns, its structure and practices may be examined.

Socialisation of authoritarian family norms may lead to violation of an individual's rights within the family. In these families, an individual member or members may be in a state of conflict with other members, or with the family as a whole, implying an area of family intervention. The indicators of such situations are the following:

- (i) individuals are denied the opportunities for development and health;
- (ii) unequal treatment of individuals based on gender, age, and economic differences;
- (iii) individuals are denied choices in family life that deviate from the family norms; and
- (iv) abuse and violence in families.

The social worker's role is to protect the rights of individuals with reference to the members in the family. The worker may do so by standing as the interface between the individual and other family members. The social worker may act as a facilitator, a mediator, or a catalyst to improve the nature of transactions between them. The family member's awareness in terms of knowledge, attitude, and skills may be increased and his or her social network may be strengthened.

Assessment of Family's Environment

The family's interactions with the environment may be examined with the following aspects in mind.

- (i) Ethnic, regional, and urban/rural background;
- (ii) Interaction with the following systems: Political systems; economic systems; education and work systems; land, housing, health, and welfare systems; ecological systems; legal systems; family-environment boundary in terms of openness, flexibility, and adaptability and state of equilibrium of the family.

If the family's or its individual member's needs are not met by the environment or their rights with reference to the environment are not protected, the family or the individual is in a state of conflict with its environment. These families may be grouped as follows.

- (i) Families / individuals in conflict with the religious / ethnic society by deviating from their norms;
- (ii) Families in conflict with land, housing, and economic systems which may not meet their basic needs;
- (iii) Families in conflict with the political and ecological system which may intrude upon their rights with reference to their environment; and
- (iv) Families in conflict with their systems such as health, education, employment, and legal systems which may not be equally accessible to them.

According to Hartman and Laird (1983), the social worker may stand at the interface between the family and the systems with which it is in a state of equilibrium.

The following are the specific tasks that the social worker may carry out:

- (i) increase the family's awareness about its transactions with the systems in terms of knowledge, confidence, and skills;
- (ii) advocate and negotiate for entitlement; and
- (iii) strengthen the family's social network.

Assessment of Family Dynamics

Study of family dynamics may cover the following aspects about family as a system and its subsystems: Cohesion, communication, role performance, decision making, adaptability, and success in carrying out individual member's developmental tasks.

The following dynamics in the family are dysfunctional:

- (i) disengaged or enmeshed cohesion;
- (ii) negative communication pattern;
- (iii) role strain or role conflict of individual members;
- (iv) autocratic decision making;
- (v) rigid or chaotic adaptability pattern with the environment; and
- (vi) delay or failure in carrying out individual member's developmental tasks.

The social worker may identify dysfunctional dynamics and work toward the following:

- (i) bringing the family cohesion to the levels of separated and connected;
- (ii) encouraging positive communication patterns;
- (iii) facilitating role performance;
- (iv) encouraging democratic decision making pattern;
- (v) structuring the family's adaptability pattern or making it flexible as the need may be; and
- (vi) helping achievement of developmental task of individual members.

Major Areas for Family Intervention

The following is a list of major family situations that may be entry points for intervention. The causal factors of the situation may be multiple, located in the family-ecology, socialisation of authoritarian family norms, dysfunctional family interaction patterns or problems with

individual member's developmental task. These areas are, therefore, not mutually exclusive.

- (i) families with individuals having problems, and families of the disabled, the chronically /terminally ill, and substance abuse addicts;
- (ii) problems with child bearing, of infertility, and of unwed motherhood;
- (iii) marital problems: disharmony and breakdown;
- (iv) abuse and violence in families: child abuse, violence against women, abuse of the elderly, and abuse of the disabled; and
- (v) families in conflict with other systems: affected by dis-equilibrium in other systems and family deprivation.

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 pattern may change as 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 and using individual, group as well as community, methods to strengthen the family's coping mechanisms and to rehabilitate it. The major family intervention approaches are the ecological approach, the advocacy approach, and the psycho-dynamic approach. 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 that require family intervention may be children, adolescent/youth, women, couples, and 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.

Family interventions may be planned through primary or secondary settings for social work. The primary setting may be the following: Family planning agencies; agencies for children, women, aged, and the disabled; family service centres; community projects and family courts.

The secondary settings for family interventions may be the following: Schools and colleges; gynaecology and paediatric departments in hospitals; health centres; industries and police stations and civil courts.

2. Methodology

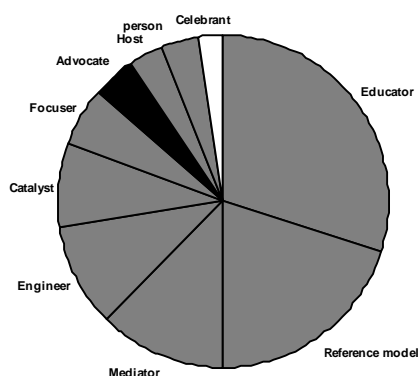
The need to preserve stability and continuity within the family and to maintain the spirit of faith and confidence among its members is almost universally recognised. The family courts

have been established with the prime object of preserving the institutions of marriage and family and reconciliation is the first and foremost aim of the family courts.

It is with this primary object that the legislature has introduced the concept of counsellor who is a trained professional in social work faculty. While working in court, the counsellor adopts quite frequently the social case work method. Marital discord involves not only the spouses but other members of their families including children as well.

While working with them, the counsellor plays various roles as may be seen in the chart given below.

Figure: Various Roles of Marriage Counsellor



Educator: The Counsellor works as an information giver, consultant, and resource builder.

Reference model: She teaches couples alternative ways of interacting as they observe the counsellor how she relates to them. She is a behaviour changer.

Mediator: She acts as ‘go-between’, she is more properly concerned with facilitating exchange between spouses and initiating a process whereby the couple can find ways to communicate, to compromise and to make decisions together.

Engineer: As organiser, she designs objectives and ways to achieve the goal.

Catalyst: The counsellor’s role is active, verbal, and confrontative. She gets the couple to reveal hidden fears, and overcome resistance by being calm.

Focuser: She helps the spouses to focus communication between them to the real problem.

Advocate: The counsellor assumes an advocacy position on behalf of the couple to outsiders.

Host: The counsellor provides an environment to have meetings. Healthy atmosphere needs to be created.

Maintenance person: She builds up and maintains relationship between the spouses and family members. Keeping balance during the course of therapy is essential.

Celebrant: She helps the couple take the various events happening in the family seriously and meaningfully.

During the interview sessions, the counsellor collects identification data, gives them mental support, and allows them to ventilate their problems and feelings. She also builds up rapport with the parties; problem identification is also done. Identified problems are spelled out to and available remedies are discussed with the parties. The parties are allowed to take reasonable time to think about various alternatives available to them.

The main aim is reconciliation. In solving matrimonial disputes, social support is essential. Hence, the involvement of family members and relatives should be ensured. When required the counsellor pays home visit or visit to the employer or to the work place of the parties.

In Kerala, there are five family courts, one each in Thiruvananthapuram, Kollam, Kozhikode, Thrissur, and Kottayam. In all the five centres, marriage counsellors work with dedication and social commitment.

The aim of the current investigation is to study the psycho-social dynamics in the families of the couples who seek assistance from the counselling centre in Thrissur Family Court.

Objectives

- (i) to study the socio-demographic details of the petitioner and the respondent;
- (ii) to understand the family details of the petitioner and the respondent;
- (iii) to assess the marital details of the parties;
- (iv) to study the family dynamics involved in the problem; and
- (v) to analyse the problem presented by the petitioner and the respondent.

Universe

The universe considered for the study is the cases referred to the counsellor at the Family Court, Thrissur. The cases referred to the researcher for counselling since 1995 form the population for the study. All individuals in these cases were selected as the respondents for the study. The study comprised a total sample of 233 couples who attended the counselling centre of the family court Thrissur since 1995. All the couples who sought help from the investigator are included in the study.

Research Design

The present study is descriptive in nature. The researcher endeavours to portray the charac-

teristics of a particular group. In addition to describing the socio-demographic, marital and family details of the parties, she also analyses the family dynamics, the problems presented, and the outcome of the professional intervention.

Method of Data Collection

The researcher personally interviewed each subject under study. Interviews were conducted in the counselling centre during visit of the couples for counselling. The time taken for each interview varied between 1 to 1½ hours. On an average, about four couples were interviewed each day.

The Tool Used for Investigation

The Psycho-social Profile Questionnaire

The counsellor prepared a checklist eliciting the details regarding the psycho-social profile of the parties. It consisted of items on information about the respondents regarding their personal details such as age, educational qualification, occupation, family details, marital details, problem presented by the petitioner, and outcome of the investigation. Some of the questionnaires received back had some items of information missing. The discussion in Section 3 is based, therefore, on the number of reported cases concerning each item of information.

3. Analysis and Interpretation of Data

The data collected during individual and joint sessions with clients are compiled, analysed, and presented in this section.

Table 3.1 Year-wise Distribution of Cases Filed in Family Court, Thrissur

Year	Original No.	Petition's Percent	Maintenance		Total	
			No.	Percent	No.	Percent
1995	477	18.8	333	26.1	810	21.2
1996	638	25.1	356	27.9	994	26.1
1997	860	33.8	387	30.4	1247	32.7
Till 1998 August	566	22.3	199	15.6	765	20.0
Total	2541	100.0	1275	100.0	3816	100.0

The investigator has analysed a sample of the cases filed in the Family Court since its inception. Mainly, there are two types of cases filed in the courts. The first comprise original petitions for divorce, restitution of conjugal rights, custody of children, and recovery of property given to the other party at the time of marriage. The number of such cases increased from 477 in 1995 to 870 in 1997. During the first eight months of 1998, 566 such cases were filed. The second type of cases filed in the family courts is maintenance cases. Their number

increased from 333 in 1995 to 387 in 1997. During the first eight months of 1998, 199 maintenance type cases were filed. The proportion of original petitions to the total number of petitions filed annually is observed to have been steadily rising, from less than three-fifths in 1995 to nearly three-fourths in 1998.

From these cases, 233 were referred to the counsellor. Of the 233 cases, 28 (12 per cent) couples reconciled for reunion and started staying together.

Background Details of the Petitioners and Respondents

In the majority (63.9 per cent) of the cases, the wife filed the petition. Husbands constituted 34.8 per cent of the petitioners, while three (1.3 per cent) of the petitions were filed jointly by the couple. It is thus observed that the wife is the party that is more affected in marital discord and that it is she who seeks the help of the court more for redressal.

The age-wise distribution of the petitioners and the respondents is furnished in Table 3.2.

Table 3.2 Age-group-wise Distribution of Petitioners and Respondents

Age Group	Petitioners(No.Reported = 223) Percent	Respondents(No.Reported = 221) Percent
20-29	34.1	27.6
30-39	43.1	44.8
40-49	13.9	16.8
50-59	2.7	7.2
60-69	4.0	3.6
70-79	1.3	--
80 and Above	0.9	--
Total	100.0	100.0

On an average, a petitioner was 34.8 years of age and a respondent was 36.4 years old at the time of the petition. This was because the number of petitioners was more among the wives and the wives were younger than their husbands were. About 43 per cent of the petitioners and 45 per cent of the respondents belonged to the age group 30-39 years. The proportion of petitioners and respondents belong to the age group 20-29 years are 34 per cent and 28 per cent respectively.

In the age group of 40-49 years, the respective proportions are about 14 per cent and 17 per cent. With increase in age, the proportions progressively decrease, after the 30-39 years group. Even from the age group of 70 years and above, petitioners come up to the family court. In these cases, the respondents are their children who do not, allegedly, look after their aged parents; the petitions are for getting maintenance.

It is observed that couples belong to the young age groups are affected more by marital discord than are couples in the very high age groups. This phenomenon must be given serious attention to by social scientists and planners. About 70 per cent of the petitioners (and respondents) is Hindus and Christians and Muslims constituted only about 20 per cent and 10 per cent respectively.

Nearly three per cent of the petitioners and five per cent of the respondents are illiterate. The proportions of the school-educated come to more than two-thirds. The proportions of the highly qualified (with graduation or professional qualifications) constitute more than one-sixth (Table 3.3).

Table 3.3 Educational Level of Petitioners and Respondents

Educational Qualification	Petitioners(No.Reported = 215) Percent	Respondents(No.Reported = 209) Percent
Illiterate	2.8	4.8
Upto 7th Std	31.2	32.1
High School	41.9	34.9
Pre Degree	7.4	10.0
Degree	6.0	9.6
Post-graduation	0.9	1.0
Technical Education	5.6	3.3
Professional Qualification	2.8	3.3
Others	1.4	1.0
No Response		
Total	100.0	100.0

Table 3.4 Occupational Status of Petitioners and Respondents

Item	Petitioners (No.Reported = 221) Percent	Respondets (No.Reported = 218) Percent
Unskilled Worker	10.8	16.0
Small Cultivator	2.3	1.4
Semi-skilled Worker	1.4	2.8
Business Men	7.7	17.9
Professionals	4.1	4.1
Clerks, Typists and Other Office Workers	4.5	5.5
Industrial Worker	1.8	4.6
Household Workers	53.4	26.6
Unemployed	4.5	5.5
Others	9.5	15.6
Total	100.0	100.0

Nearly two-thirds of the number of petitioners and one-half of the number of respondents belong to low-income occupations such as household worker, unskilled and semi-skilled worker, and marginal cultivator. A few, about 12 per cent among petitioners and 21 per cent among respondents, are in high-income occupations such as engineers, doctors, and big businessmen (Table 3.4). There are also unemployed persons among petitioners (4.5 per cent) and respondents (5.5 per cent).

The duration of marriage of the couples ranged between less than 1 year to more than 44 years. In one case, it was as high as 54 years. About 6 per cent had been married only for less than a year at the time of filing the petition. The majority (68 per cent) had a married life ranging between 1 year to 10 years. One-fifth of the couples had a married life of 11 years to 21 years. Moreover, nearly six per cent were married for more than 22 years (Table 3.5).

Table 3.5 Duration of Marriage

Duration of Marriage (Years)	Per cent (No. reported = 211)
Less than 1 year	5.7
1-10 years	68.2
11-21 years	19.9
22-32 years	3.8
33-43 years	1.9
44-54 years	0.5
Total	100.0

Out of the 206 couples for whom information was available, only two couples had remained separated for less than a year. More than 85 per cent were those separated had remained so for more than a year, but less than five years. The rest, nearly 14 per cent had remained separate for varying periods ranging from six to twenty-three years.

It was found that more than one-fifth of the couples filed petition for divorce, nearly 30 per cent of the petitions was for maintenance. Only 13 per cent demanded restitution of conjugal rights. Petitions for custody of their children formed only seven per cent. Recovery of property was also a major reason accounting for more than 11 per cent of the cases (Table 3.6).

Table 3.6 Distribution of Petitions according to Purpose (No. reported = 224)

Purpose of petition	Per cent
Divorce	21.0
Maintenance	29.0
Restitution of conjugal rights	13.4
Custody of child	7.1
Recovery of property	11.2
Any other	1.8
More than one reason	16.1
Judicial separation	0.4
Total	100.0

The couples had on the average less than two children each. There were 123 couples who had no male child and 108 couples who had no female child.

Data pertaining to the age of the petitioners and the respondents were reported only in a few cases: No information was available about the age of fathers in 149 cases and of mothers in 111 cases among petitioners; the corresponding figures among respondents were 161 and 111 respectively. On the basis of reported cases, we found out that the average of the fathers and the mothers in the case of the petitioners were 66 years and 59 years respectively, while they were 65 years and 60 years respectively among respondents. The total number of petitioners and the respondents whose parents were alive are not, however, contained in the available data.

Problems Presented by Petitioners

Table 3.7 shows problems presented by the petitioners during counselling. The major complaints made by the petitioners were cruelty (39 per cent), non-fidelity (18 per cent), addiction (18 per cent), and mental and physical disability or illness (25 per cent). Complaints about cruelty, non-fidelity, and addictions (such as alcoholism and drug abuse) were made mostly by the women petitioners. There were a few among men petitioners also complained about unfaithful behaviour on the part of their wives.

Table 3.7 Problems presented by petitioners

Sl. No	Nature of Problem	Number	Per cent
1.	Cruelty	182	38.8
	(i) Physical cruelty	95	
	(ii) Mental cruelty	25	
	(iii) Indifference	23	
	(iv) Irresponsibility	7	
	(iv) Lack of love	3	
	(v) Fight with in-laws	6	
	(vi) Harassment in the name of dowry	23	
2.	Conjugal non-fidelity	85	18.1
3.	Addiction to alcohol and drug including gambling and squandering	84	17.9
	(i) Alcoholism	67	
	(ii) Drug addiction	4	
	(iii) Alcoholism & drug addiction	3	
	(iv) Squandering money	5	
	(v) Gambling	5	
4.	Mental or physical disability or handicap	19	4.1
	(i) Mental incompatibility	7	
	(ii) Impotency	6	
	(iii) Mental retardation	6	
5.	Mental illness	91	19.4
	(i) Mental illness	39	
	(ii) Suspicion	38	
	(iii) Suicidal tendency	13	
	(iv) Criminal tendency	1	
6.	Physical illness (cardiac problems, Diabetes, Epilepsy)	8	1.7
	Total	469	100.0

Each one of these cases demanded thorough individual study. In many of these cases, the mental conflicts and the personality disorders involved were chronic and deep-rooted. Their mental health was very poor and their behaviour problems affected the mental health of their partners as well as their children. Such persons were in need of long-term treatment and counselling.

During counselling sessions, many women expressed that they continued to remain in marriage undergoing all the sufferings and cruelty inflicted on them merely for the sake of family and children. It was only when the infliction had become intolerable, they resorted to legal help. Even after approaching the family court, many of the female petitioners expressed readiness to go back to their husbands, if the latter would but change their attitude and behaviour. Unfortunately, however, most of the husbands were unwilling to change their behaviour and hence reunion could not be achieved.

The counsellor referred complaints and respondents in 29 cases for clinical examination, 25 cases to psychologists, 2 cases to a gynaecologist, and one case each to an urologist and neurologist.

Parents were consulted as collateral sources of supplementary information in 14 cases; in another 11 cases, children were interviewed for additional information. Relatives acted as collateral source in seven cases. However, in majority of cases, no collateral source was referred to.

Out of the 233 cases counselled in the family court, reunion occurred only in 28 cases. In 134 cases, the couples decided to live separately and continue litigation. The rest of the cases dropped out midway during the intervention, and their outcome is not known.

4. Psycho-social Dynamics of Families: Case Studies

Case study I

Mr. J (39 years) filed a praying for Restitution of conjugal rights. He married Mrs. S (29 years) in 1986 and had a son (10 years) at the time of counselling. Both were Christians. The petitioner was born and brought up in one of the northern districts of Kerala and the respondent belonged to Thrissur District. When they came for counselling, they had been staying separately for two years. The petitioner studied up to SSLC and runs a business in his hometown. The respondent, studied up to ninth standard, is a housewife. Six sessions, individual and joint, were conducted.

Complaint by the Petitioner

Married in April 1986, they were living happily and had their son in March 1987. After one year, the wife left for her parental home together with the child. He and the members of his family went to her house and invited her to come back, several times. She refused. He complained to the church court, but even then she refused to go back.

A few years later, her mother gave her 85 cents of land on which she constructed a house with

money raised by selling her ornaments. The husband came to her and the family wife, husband, and child began living together in the new house. Differences of opinion cropped up again and quarrels became frequent. The husband went back to his home, but the wife and child joined him there. After living there for six months, the wife came back to her own house. Sometimes he used to take their son to his house, but did not bring him back promptly. Therefore, she would go to his husband's house and bring back the child herself. They spent this type of tentative life for a few years. Three years ago, Mr. J took his son to his house but did not take him back to Mrs. S. She tried to bring her son back but Mr. J resisted. Now the child is staying in the house of one of his elder brothers since his parents had died and nobody was there at this house to look after the child. He has filed this petition to get back his wife to his house through the mediation of the family court.

Complaints Presented by the Respondent

The respondent, the wife, gave a different picture. According to her, he is an irresponsible person, did not look after her and son or his own parents. He used to assault her physically and sometimes even his parents. He never had a permanent job or business. He liked to spend his time with his friends, indulging in all sorts of anti-social activities such as consuming alcohol to excess, fighting with people, eve-teasing, and disturbing women during bus travel. He does not have clean habits: Does not take bath daily, does not change dress, and smokes heavily. He watches porn movies and asks her to do sex with him, the way it was performed in the porn movies. He is a sexual pervert and insists on her complying his demands for perverted sexual acts. He peeps into the neighbours' bathroom when women take bath. She found it very difficult to live with him because of all this.

During the joint session, Mr J did not deny whatever Mrs S complained about him; nor did he accept the allegations. He only said, she is a loving wife and he wants to live with her. Mrs. S said she is ready to go with him, if he stops all his bad behaviour, a change that she believes Mr J would not be able to make.

Family Background of Petitioner

Mr J is the youngest of the 10 children of his parents. All his elder brothers and sisters are married and settled. As the youngest member of the family, he grew a pampered and spoilt child with little control and discipline imposed on him by his parents. He lived and studied with one of his elder sisters, a school teacher. Since he had plenty of money to play with and no parental control (the elder sister could not control him properly) he led a wayward life. He failed in the SSLC examination and discontinued his studies. He learned driving, and one of his elder brothers bought him a jeep. Consequently, he used to wander off and return home after weeks of absence. When asked, he told the Counsellor that he used to go in company of friends to different places. He used to stay in lodges with friends, drinking and indulging in sex with women brought to his room. Disgusted with his corrupt ways, his brother took back the jeep from him. Again, when he became unemployed, his brother started a shop business for him. Thereafter also gradually, he got into bad company and slowly stopped going to the shop. He used to spend much of his time in a cinema theatre owned by one of his friends. There they used to see porn films, and indulge in sex with women brought there by pimps.

Sometimes, he used to ask his wife also to perform the sexual acts that he had seen in porn films, which of course, she refused. All these past aberrations contributed to his present behaviour and he does not feel that he has to change his behaviour.

Family Background of the Respondent

The respondent Mrs S was born to a Christian family in Thrissur district. When she was four years old, in a quarrel for property and money, her father was murdered by his own brother. She is the youngest of the three children in her family. She has two elder brothers. Her mother brought up the children with much difficulty, with the three acres of land they had. Her mother cultivated the land and it is with the income raised from the farming that she brought up her three children. The respondent had studied up to the ninth standard; she could not pursue studies due to marriage with the petitioner.

During joint sessions, Mrs. S told the petitioner that she was ready to go with him on condition that he stops drinking and his bad behaviour even while in the company of his friends. He must take up some job, look after her and the child, and stop his disgusting habits such as peeping into others' bathrooms, alcoholism, physical and mental cruelty towards her; if he would, she was ready to go with him. However, Mr J found it very difficult to change his habits and life style. Although many sessions were conducted, Mr. J was not able to take a decision to change his bad behaviour and bring back his wife. Reunion was thus rendered impossible.

Analysis

The petitioner and the respondent were born and brought up in very different family backgrounds. The petitioner did not receive individualised attention from parents though he had rich physical facilities and parental resources. He was born as the youngest child of 10 children. His school days were spent with one of his elder sisters who was a school teacher. His sister was not able to give him proper parental care and affection and to impose essential discipline. Instead, he got the opportunity to squander money and fell into bad company. His wanderlust, waywardness, and irresponsibility led to indifferent education as is evidenced by his failure at the SSLC examination. The unguided and uncontrolled life in his school days gave him friends of his own nature. From the family and environmental factors, he might have developed the type of behaviour which became detrimental to his marriage.

Mrs S also had a miserable childhood. Her father having been murdered by his own brother and her mother having to toil hard to bring her up. Even under trying circumstances, she grew into a girl under the guidance and control of her mother. No wonder she found it difficult to live with Mr J. In these unfortunate circumstances, their son also lost a peaceful family life and chances are there that he too develops unhealthy habits and life style.

Case Study II

Mrs M (24 years) and Mr S (31 years) is a childless couple and constitute the petitioner and respondent respectively in a case filed with the family court. The petitioner filed this case for

getting back her 23 sovereigns of gold and Rs 25,000 in cash which had been taken away from her by her husband and his family; she also prays for maintenance since her husband was not looking after her. Both are Hindus, have studied up to SSLC and have low socio-economic background.

Complaints Presented by the Petitioner

This was an arranged marriage. Mrs. M complained that the very second day of their marriage, her husband together with his parents and brothers, asked her to remove all her ornaments except the “*Thali* chain and two ear rings” saying that the neighbours would, otherwise, borrow the ornaments from her, sometimes, never to return. They promised to give her all the ornaments whenever she went out or went to her parents. However, they never gave the ornaments back; instead they gave her some cheap artificial ornaments for use. Rs 25,000 taken away from her has not been returned either.

She also complained that her husband used to beat her up; and drink heavily, and even threatened of murdering her occasionally.

Apart from all this humiliation, her husband’s parents and siblings with whom they lived, used to make fun of her, ridicule her, and tell ill of her to her husband. To whatever they said he lent an ear silently, never supporting her. Over time, she lost faith in him completely and she did not feel secure in his house. Nor did he have any interest in her even in sexual matters and he used to refuse to sleep with her. After six months of stay, she left her husband’s house together with her parents, and then never returned.

Complaints Presented by the Respondent

After six months of their marriage, during the *Onam* days, when the couple visited the wife’s house, her relatives demanded the return of the money and gold Mr S had taken from Mrs M. His father and brother also were brought to Mrs M’s house and they were also asked to return the gold and money given at the time of marriage of Mrs S. When they failed to keep the promise, they were forced to sign an agreement, promising to give the money and the ornaments back within six months: However, they could not do so even after one-and-a-half years. Therefore, on a complaint filed by Mrs M, the police arrested Mr S, his parents, and brother. Mr S was kept in police custody for about two days. After this event, Mr S did not go to her house, and he said, he would never again go to her house.

According to Mr S, all this happened because of her mother and brother. Her father has taken an impartial stance, and did not interfere in these matters. His wife is also innocent, of these misdeeds, her weakness being her inability to think and act on her own.

During the joint session, the wife was very stubborn at the initial stage. She complained that her husband would listen only to his mother, that he did not give any attention to whatever she said, that he did not love her, that he did not buy things for her, even soap and oil, and that he had never taken her out for movies or any other entertainment. After this, Mr S shared his problems with the counsel. He said he is a driver of an automobile belonging to a private recognised school in Thrissur district. During spare times, he plies an autorickshaw to

make an extra income of repaying his debt of Rs 80,000. It was for this purpose that he took Mrs M's ornaments and cash worth Rs 25,000. Since he had no bank account, it was in his mother's name that the ornaments were mortgaged, who has a bank account.

That is why Mrs M's people were involving his parents also in this matter. When he bought an autorickshaw, an automobile broker cheated him and he got into another huge debt. A case is pending in the court against the broker; however, he is repaying the debt. It is because of the heavy debt burden that he had to work day and night. He used to drive autorickshaw until late in the night and would come home dead tired. That time he would not be able even to talk to his wife, not to speak of having sex with her. He was preoccupied with his debt and its repayment. He never felt like sharing those difficulties with his wife. So whenever she used to talk about financial matters, he used to get irritated and never saw any need to share these matters with her.

At the time of joint session when the couples got time to talk about their feelings, worries and disappointment, and shared them, they could resolve their problems. Mr M decided to rent in a house for them to live together. After one hour of joint session, they came to this decision. After that the counsellor had a small session with Mrs M's brother and sister and they were disabused of their anxieties about Mr S and of mutual their relationship. Both husband and wife were given some exercises and asked to think for a week and discuss with their parents.

After a week, Mr S and Mrs M came to the counsellor who found them very happy. Mr S had rented a house and found a job for Mrs M in the school where he works. Through counselling, they got an opportunity to talk about their difficulties and clear misunderstandings in the presence of the counsellor. They could understand each other and realise the missing links in their married life.

Analysis

Mrs M, only 24 years old, the youngest daughter in the family is a jovial person. She expects her husband to be jovial too – talking to her, taking her out to movies and other places of entertainment – and hopes for a pleasant life.

However, Mr S (31 years), the second among three brothers, grew up under hard-working and serious parents into a sober and sedate person. Since he had no sisters, he had little experience in dealing with women. Being worried about the big amount of debt, he looked at marriage as a source to repay the debt, not for love and enjoyment in a married life. It was thus a marriage of two individuals with diametrically opposite disposition. The wife, a light-hearted, loving and romantic person, could not quite comprehend what type of a person, a long-faced, non-articulate and cheerless, her husband was. Mr S was exclusively obsessed with the problem of repaying loan, a concern that his wife could hardly understand or appreciate. There was also the problem of proper communication. When they were advised properly and enabled to communicate frankly, they understood each other, resolved their problems, and started a happy married life.

Case Study III

Mr S (33 years) petitioner, Mrs R (25 years) respondent and the petitioner respectively, filed this case for Restitution of Conjugal Rights. The husband and wife were separated for more than three years. Mr S, who has completed SSLC and ITI training, works as a technician in a private company, and Mrs R, a commerce graduate, works as an accountant in a private firm. Both belong to middle class Hindu families.

Complaints Presented by the Petitioner

Mr S complained that his wife Mrs R left his house three years ago soon after he went to Saudi Arabia for work. When he left she was pregnant and was staying with his parents. After few months, he heard that she left his house and went to her parents. She had delivered a baby boy, but did not return to his house that is only half-a-km away from her house. After one-and-half years, he came back from Saudi Arabia and the next day of his return he went to her house and brought her back to his house. She stayed with him only for two days and then went back to her house never again to return. It was one year since then. In between, since he wanted to meet his son, he went to Mrs R's house and tried to bring his son to his house, but was prevented by his wife and her parents from doing so. An ugly scene was created in her house on that occasion. It is after the incident that he filed this petition for Restitution of Conjugal Rights.

Complaints by Respondent

Mrs R reported that there is no problem between the husband and wife. The problem is between the parents of the husband and the wife. His mother is a retired teacher, and she wants Mrs R to study the subject she was teaching, a suggestion that Mrs R did not like. Mrs R used a bicycle to go to school and college. After marriage, as she continued her studies and travelled in bicycle, which his parents did not approve of; she found it difficult to catch the bus to reach college in time after finishing all the household work in the morning. His parents wanted her to wear only saris, which she found very uncomfortable; He did not mind her wearing any decent dress. However, he was scared to tell his parents not to interfere in such matters. When he was with her, she could manage things though it was with some difficulty.

When he left for Saudi Arabia - Mrs R did not like the idea at all; she agreed to it only because of his insistence - things became worse. By that time, she had completed her B.Com course. Her mother-in-law wanted her to study the subject she was teaching, which Mrs R refused consequent on which she began finding fault with everything Mrs R did. Mrs R had to look after her mother-in-law's mother who was bed ridden, which she did happily. The mother-in-law insisted on reading all the letters sent by her husband, did not allow him to send money to Mrs R, and wanted to bring all her ornaments to husband's house that she had kept in her house. At the time of marriage, her in-laws had not demanded money or gold. However, after marriage, they wanted her to bring her gold to his house; but she did not want to do so. Since she is the only daughter of her parents whatever they have, land, house, gold, et al, was hers. Yet, her in-laws were so stubborn that she should bring the gold to her husband's house. All this made her life very difficult in the husband house. When the grandmother died, she left her in-laws and went to her own house. In the meanwhile, the frequency of letters from her husband was steadily decreasing and ultimately they stopped com-

ing completely.

After the birth of her son, she informed Mr S about it, but he did not care to write back to her. When he came back, she went along with him to his house, but his parents would not talk to her. On that night, he gave her a chain that he was wearing and had sex with her; but the next morning he took it away, causing her much anguish. She stayed there for one more day and then left for her home. After that, she has never come back to his house.

During the joint session, both husband and wife talked about the misunderstandings and the misfortunes in their lives. However, Mr S was adamant and asserted whatever he said was right. According to him, a wife is duty-bound to obey the orders of the husband and his parents. She has to change her life style if the husband and his parents so demand. Mrs R refused to accept this line of argument. Mrs R has completed degree course while Mr S studied up to SSLC and passed an ITI certificate course. Mrs R wanted to have equality of status with other members of the family. She also wanted to know about his financial dealings, which he refused to tell her and wanted appreciation and understanding from him, which also he refused to give her, particularly in the presence of his parents.

After six to eight sessions, including one with the parents of both husband and wife, the couple finally decided to live together. While the husband's parents wanted Mrs R to appoint a servant to look after the child during her absence from home on work, her parents happily agreed to look after the child. Finally, they agreed to stay in Mr S's house and to leave the child with Mrs R's parents when both husband and wife were out on work and bring it back on return. This arrangement, however, did not work well for a long time. Finally, both husband and wife agreed that Mrs R would stay with her parents and that Mr. S could go to her house and stay there whenever he so desired. Now they are continuing this arrangement. He still does not discuss financial matters with her; she does not ask any longer about them. She lives on her own earnings. She reported that they are getting along well under this arrangement, although she is not yet entirely happy.

Analysis

Mr S, being the only son of his parents, is too much attached to them, and is very conservative in his attitude to women but also wants to be modern. He finds it difficult to tell his likes and dislikes for fear of hurting their ego and feelings. His parents are exploiting this weakness of their son. They find it difficult to accept a girl as their daughter-in-law who is outgoing, modern in thinking and action, independent and working outside home on her own. Since Mrs R was the only daughter of her parents and her father is a shift employee in a factory, she used to manage her studies and household activities all by herself. She is a very independent person. Mr S and his parents had wanted as their daughter-in-law, a very submissive, obedient, and home-bound girl. This was the root cause of the conflicts. Yet, even within this conflict, the husband and wife wanted each other, loved each other, tried different options and finally with the help of the counsellor settled for one option which they have found is the most suitable for them.

Case Study IV

Mrs L (46 years), the petitioner, filed a case against Mr. A (52 years), the respondent, for the custody of their 12-year old son, who was staying with Mr A. Both are Christians. Mrs L is the only daughter of her parents and has one elder and one younger brother. Mr A is the eldest of the children of his parents. Both his parents are alive.

Complaints Presented by the Petitioner

They were married in February 1977, and it was an arranged marriage. After six months of marriage, Mr S started began suspecting his wife of infidelity and illicit relationship with another man. At the time of their marriage Mr A was working in Dubai, and had wanted to take Mrs L also with him. In October 1979, he took her to Dubai, but with little positive effect on his suspicion. Things turned worse when he began to lock her up in the house during hours of his absence from home. Whenever they came to Kerala on leave, he did not allow her to go even to her house because of suspicion. Instead, her people had to come and visit her in his house.

While they were in Dubai, she gave birth to two children, a girl and a boy. He used to treat her cruelly both physically and mentally. He used to drink heavily in the company of his friends. After his drinking session, he would beat her up saying that she has illicit relationship with his friends. She suffered all this torture silently for a long time.

In March 1988, he left Mrs L and two children in his house to live with his parents and went back to Dubai. In 1991, he came back on completion of his tenure abroad and has been living in Kerala since then.

All the members of his family respected him since he was the breadwinner. After his return, he has continued the habits of torturing his wife and drinking with the result that his siblings and parents have lost their respect for him. In addition, his parents and relatives were very sympathetic towards Mrs L. He did not like this and began hating his parents and siblings. At one point of time, he underwent medical treatment in one of the mental health centres; Mrs L, however, does not know whether the treatment was for mental illness or for alcoholism.

Six months before filing this petition, Mr A took both his children away and got the admission to a school in a central Kerala district. The daughter was studying in the eighth standard at that time. After 15 days, he brought his daughter back home, since she did not like to stay with him. Nevertheless, he did not bring the transfer certificate of his daughter from the school and she could not therefore continue studies. Then Mrs L filed a case, with the help of the court order recovered the transfer certificate, and got her admission in another school where she continues to study. Mr A refused to give back the son and Mrs L filed this case for the custody of her son.

Complaints Presented by the Respondent

Mr. A is a very shabbily dressed person; he complains that Mrs L is a woman of immoral character and that she has illicit relationship with another man. It is because of this problem

that he had taken her to Dubai; there also she continued to have illicit relationship with men. It was only when he became tired of her shameless acts that he left her at his house. Since she is of immoral character, he did not want his children to grow with her and he took them away from her. However, the daughter wanted to go back to Mrs L and he brought her back. However, Mr A did not want to leave his son with Mrs. L and he was not ready for any kind of compromise in that matter.

Their son (12 years) was also counselled and he wanted to come back to his mother but was not very particular that he must stay with the mother. His father does not ill-treat him, he takes time to restaurants and treats him with rich food. Nevertheless, his father was not much interested in his studies.

During the joint session, Mr A was not ready for any kind of compromise and he was not ready to give his son back to Mrs L. Mr A was cocksure that his wife was a woman of immoral character and that his son will not be safe in her hands. Since the respondent was not ready for any kind of compromise, the case was referred back to the court for further proceedings.

Analysis

From the history given by Mrs L and the Mr A, the counsellor felt Mr A is having paranoid (suspicion) tendencies. The paranoid nature, together with his alcoholism, makes the life of his wife miserable.

Because of suspicion and alcoholism, Mr A inflicts physical and mental torture on Mrs L. The children are torn between the husband and the wife. The children do not get an atmosphere in the family congenial for their healthy development.

Usually people do not identify suspicion as a state of mental derangement. Hence, a person will not be taken for treatment on grounds of his suspecting nature. In consequence, the spouse of such a person falls victim to all sorts of torture, mental and physical. Mrs L was not even allowed to go to her house and meet her people. The children were taken away from her and she had to resort to legal procedures to get them back. Owing to chronic mental illness and alcoholism of the husband, the efforts of the counsellor could not bring any reconciliation between the spouses and the torment of the wife and children of Mr A continues unresolved.

Case Study V

Mrs A (27 years) is the petitioner and Mr S (29 years) is the respondent. Both of them filed cases against each other. Mrs A filed her petition for maintenance and recovery of his property. Mr S filed the case for Restitution of Conjugal Rights. Both belong to Christian families and they have one child. Mrs A is the third of the five children of her parents. Mr S is the youngest of eight children of his parents. They got married in 1993. Mrs S studied up to seventh standard and Mrs A up to has completed high school.

Complaints Presented by Mrs A

From the beginning of their married life, Mr S was suspicious of Mrs A. He did not allow her to talk to even to her women neighbours. He did not go for any work, drank heavily and beat her up daily. It is heard that he takes marijuana too. He was indifferent to her needs and problems. Above all, was his cruelty towards her. His mother also ill-treated her. His family members used abusive terms and called Mrs A names. Amidst all these difficulties, she managed to live in her husband's place for one year. During this period, he was involved in many quarrels and even police cases were registered against him. When Mrs A complained about him to her parents, they bought three cents of land and a house for them, in the hope that he would become a responsible person and look after Mrs A properly if only he stays away from his parents and siblings. However, he refused to stay in the house bought by her parents.

Complaints Presented by Mr S

When Mrs A went for first childbirth to her house, he asked her to give him a sum of Rs 5,000 to start a small shop near to his place. Mrs A's parents refused to give that 'big' amount. When Mrs A came back after child birth she did not bring back her ornaments. Her brother had sold them and bought three cents of land and a small house jointly in the names of Mrs A and Mr S. He had wanted the property to be bought in his name alone. Therefore, he refused to stay in that house. One day they quarrelled and he beat her up. She informed her parents about this and her brothers came and in turn, beat him up. They also took with them their sister to her parents. Since then, she is staying separated from him. Now he wants Restitution of Conjugal Rights and is ready to stay with her anywhere, together independently of her parents, in the house bought for them or even in a rented house. Although he does not do any regular work, since he knows, and would do upholstery work, he could support his wife and child.

During the joint session, Mrs A expressed her despair saying that she has lost all hope of his becoming a responsible person and of leading a happy life with him. Since he wanted to live with his wife, several options were discussed for him to secure a permanent job; but he rejected all the options. If only he would stop drinking, and wife battering, Mrs A was ready to go with him, even if he remained jobless. She was ready to go for job and look after the family. After prolonged persuasion, he agreed to go to the medical college for de-addiction treatment for alcoholism. Both Mr S and Mrs A decided on this treatment after the completion of which they would come for signing an agreement before the counsellor. Unfortunately, however, the couples have not come back yet.

Analysis

Mr S is a very irresponsible person, he does not do any work, but drinks a lot and is chronically suspicious of his wife. All these factors contributed to the breakdown of their marriage. Mrs A finds it very difficult to live with him. Mr S is the youngest child of his seven siblings. His father died when he was 11 years old. His mother looked after the children that she did with great difficulty. It is probable that in her travails for survival and bringing up her children did not receive the attention and care that he needed for his healthy mental growth.

The neglect must have contributed to his irresponsible behaviour and succumbing to alcoholism. Mrs A belongs to a family in which all the members are mutually affectionate. They are all responsible individuals too. Mrs A finds it very difficult to adjust to the life style of her husband and his relatives. Her relatives had tried to rescue the marriage from breakdown by buying them a small plot of land and house. However, Mr S was not able to see that as a positive gesture and refused to live in that house. He wanted the house to be registered exclusively in his name. Ultimately, the marriage broke down. Even after all the sufferings, Mrs A was ready for a compromise and for reunion. Her demands were justifiable in that she wanted only a peaceful family life, was ready to work and look after the family even if he remained jobless. Nevertheless, Mrs S was not ready for any of these options.

Discussion

The family is recognised as an important unit of society because of its power to influence individual, household, and community behaviour. Some of the functions of the family are basic to its continued existence. The process of reproduction is institutionalised in the family. It is an institution *par excellence* for the production and rearing of children. It also provides the home for its members. Socialisation is one of the functions of family whereby its each individual member internalises the norms of his/her group so that a distinct self emerges unique to that individual.

The family is one of the institutions most vulnerable to rapid and sweeping socio-economic and cultural changes of the modern times. Changes in social structure, in part a result of economic modernisation, and the ensuing pressures of development, have, in many societies, changed the nature of what is considered a family. In addition, the ability of many families to meet their basic needs has been weakened by circumstances beyond their control, resulting in their breakdown.

Based on these premises, we have undertaken a study for examining the socio-psychosocial dynamics of the couples who sought assistance of the family court, Thrissur for finding solutions to their marital problems. The universe considered for the study is the cases referred to the counsellor for counselling at the Family Court, from the year 1995 onwards. The majority of the petitioners (64 per cent) were wives and only in three cases, joint petitions were received. It is thus obvious that wives are ill-treated more than are husbands and it is out of sheer distress, that the former seeks legal help. During counselling sessions, a large number of women interviewers reported that they had tried their level best to cope with the distressing situation in the families and that it is only when they found it impossible to withstand it any longer they left their husbands' houses and sought legal help.

More than 70 per cent of the litigations were found to be Hindus. The rigid value system prevailing among the Muslims and the many opportunities available for Christians in family life guidance through religious institutions may partly explain the situation. For the past 10 years, it is compulsory that before marriage the catholic youth should undergo a three days' marriage preparation course. Nevertheless, the preponderance of Hindus is mainly reflection of the religious distribution of the population.

The majority of the couples had only high school education; the proportion of those with higher education and professional qualification was small. Many of the petitioners as well as the respondents were persons engaged in manual labour, petty trade or office jobs. Most of the women were housewives. Thus, the majority of the litigants belong to relatively low educational and socio-economic strata. This finding is in conformity with the findings of earlier research (Mohammed, 1984; Sinha, 1988).

The majority of the women litigants had got married in their early adulthood and most of them were married for less than 10 years at the time of approaching the court. Thus they were in the mid-stage of the family life cycle and had children of the school-going age group. Family stress arrests development of the child. Children in the families of parental opposition and conflict undergo lots of stress, which affect their mental health and thus their personality.

The petitions covered a variety of problems ranging from restitution of conjugal rights to custody of children. Only 20 per cent of the couples opted for divorce. Most societies tend to disapprove and discourage divorce. Goode (1961) and Kurian (1981) had noted that divorce had a lower acceptance in the society and the reasons were that it grows out of dissension, and creates additional conflicts between both sides of the family lines. Further, prior marital arrangements are broken and prior harmonious relationships among in-laws are disrupted.

In the case of petitioners as well as respondents, the majority of parents were in their late adulthood. Regarding the status of parents, 84 of the petitioners had lost their fathers, 46 of them had lost their mothers and in three cases, parents had separated. Similarly 76 of the respondents had lost their fathers, 20 had lost their mothers while four of the respondents reported to have their parents separated.

The complaints raised by petitioners regarding marital disharmony manifested themselves in varied forms. Physical cruelty (95) and extramarital relationship (85) are the complaints raised by the majority. The other complaints were alcoholism (67), mental illness (69), suspicion (38), mental cruelty (25), demanding more dowry (23), lack of interest in the petitioner and children (23), problems related to sex (13), attempted suicide (13), and other reasons such as mental retardation and irresponsible behaviour. The reviewed literature also shows a similar finding (Desai, 1994; Kumar and Rohatgi, 1986; Landis, 1946; Gupta, 1969; Prabhu, 1967; Sathyavathi and Seth, 1975; Rao, Channabasavanna and Parthasarathy, 1983; Potehen, 1986; Fonseca, 1963; Choudhary, 1988).

Several studies in India have thrown light on the relationship between marital disharmony and psychiatric illnesses. Mahendru's (1975) study confirmed the hypothesis that the illness of one partner leads to breakdown of the other and that with the passage of time, spouses mutually exert a cumulative and detrimental effect on each other, leading to mental illness. Desai's (1991) review of the Indian studies showed that neurotics make poor interpersonal relationships that affect their marital adjustment adversely.

Of the 233 cases, referral was made only in 29 cases. Twenty-five cases were referred to the clinical psychologist for detailed clinical assessment, two cases to the gynaecologist and one

case each to the urologist and the neurologist. In most of the instances, the cases are referred for counselling only after the couple have undergone a great amount of emotional distress and trauma, a fact which brings down the chances of reconciliation, due to which the couple tend to drop out of the intervention. This factor also contributed to the low number of reunion reported in the present study.

Marriage counselling is a relatively new service in India, where marriage is more a family, rather than a personal, contract. In general, parents, relatives or religious persons advise the separated couples. Because of the value of family dependency fostered in the Indian upbringing, all the above steps are tried out before professional help is sought, if it is sought at all (Mohan, 1972).

Having been through the above steps and failed, marital disharmony reaches the stage of matrimonial litigation. When the contending parties come for legal relief, they do not necessarily want counselling. In an unpublished study carried out on the Marriage Counselling cases of the Bombay City Civil Court (1991), Desai found that the marriage counsellor's efforts were successful in one-fourth of the cases; for some to reconciliation and for the others to settlement. In this present study it is even less, success was possible only in 12 per cent of the cases counselled.

The case studies discussed also support the complaints of the petitioners, and show how family discord affects the marriage (Kundu and Ghosh, 1977, 1978; Sinha, 1989; Fonesca, 1963; Pothen, 1986; Choudhary, 1988).

Although this study did not probe into the effect of marital breakdown on children, it throws light on the importance of further research in this area. The case studies throw light, to some extent, on the suffering of the children torn between their fighting parents. Studies conducted by Kumtekar, M.N (1991), Levinger (1970), and Godde (1976), endorse the validity of our findings. In sum, the case studies presented earlier give an outline of the psycho-social dynamics of the families with marital discord.

5. Conclusion and Action Plan

The present study drives home the fact that incidence of marital breakdowns in Kerala is on the increase in recent years. Not only are the couples affected adversely by marital breakdown, the other members of the family especially the children as well undergo severe traumatic experience.

The major reasons for marital breakdown include physical and mental cruelty, extra-marital relationship, alcoholism, mental illness, suspicion, mental retardation, and suicidal attempts. These indicate the state of mental sickness of our young married people, especially those who experience marital discord.

In the light of our findings, we propose an action programme that comprises both remedial and preventive action.

Curative Programmes

- (i) Families that experience marital discord should be provided with counselling facilities and other mental health promotion programmes by mental health professionals such as psychiatrist, psychologists, and psychiatric social workers.
- (ii) Since alcoholism is a major reason for physical and mental cruelty leading to marital discord, steps are necessary for discouraging alcohol consumption by the public and de-addiction of alcoholics.
- (iii) Panchayati Raj Institutions should identify individuals and families with marital problems, and refer them to the mental health professionals, who will be able to help them out.
- (iv) Panchayati Raj Institutions may form marriage-counselling cells with adequate mental health professionals, so that individuals and families would be able to approach them for counselling services.

Preventive Programme

Pre-marital courses may be arranged for adolescents and youth of marriageable age by religious institutions, non-governmental organisations, and Panchayati Raj institutions as part of the people's development programmes.

- (i) The schools and colleges should provide to the students adequate, scientific, and value-based knowledge on marriage, sexuality, and responsible parenthood.
- (ii) Interested teachers of schools and colleges should be identified and they should be provided with scientific knowledge and skills in providing mental health promotion counselling through different training programmes.
- (iii) Training programmes / seminars / workshops should be arranged by Panchayati Raj and other institutions for couples regarding family life, parenting skills, and stress management.
- (iv) *Ayalkootoms* formed in each panchayat should identify and refer individuals and families with mental health problems to the mental health professionals.
- (v) Self help / support groups may be formed for individuals going through the process of matrimonial litigations, together with those who have already obtained divorce. These groups should help sharing experiences and feelings for them to become mutually supportive, to share information about legal provisions and procedures, and to develop skills to cope with the crisis of marriage breakdown. Such self-help groups may be formed separately for women, men, and for children of divorced couples.

Other Support Systems

- (i) Income-generating programmes should be organised for divorced women to make them self-reliant and to empower them. Panchayati Raj institutions should give preference to such women in their income-generating and self-employment programmes.
- (ii) Family support system for divorced women should be strengthened through associations like Family Fellowships for divorced women and their children.
- (iii) Matrimonial litigations are delicate in nature and have personal and emotional involvement. In order to avoid unpleasant experiences and emotional trauma, the couple should be directed to the marriage counsellor before they file cases in the court. Such

- a step is likely to promote the chances of reconciliation.
- (iv) Some provisions should be made by the government and the employers of alcoholics in order to help their wives and children to get housing facilities; they may also ensure that a part of the salary of alcoholic employees reach their wives.
- (v) Shelter should be provided to wives and children who undergo physical and mental cruelty by husbands.
- (vi) Assistance should be provided to divorced unemployed women to obtain admission for their children in boarding schools for pursuance of studies.

Further Research

Further research is needed on various issues such as behavioural problems, personality, attitude, and mental health of children of divorced couples and coping strategies adopted by women belonging to broken homes.

Such research should hopefully result in providing suggestions for formulation of proper intervention strategies and packages of preventive programmes.

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