Marriage, Family and Kinship

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Marriage

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Meaning:

Marriage is one of the social institutions that is universal and found in some form or the other in every society. It is the institution that admits individuals into family life. In fact, it is the basis of family. It is an institution that has been formed to regulate the sexual life of people in any society.

Various sociologists have defined marriage in the following ways:

'Marriage is more or less durable connection between male and female, lasting beyond the mere act of propagation and the birth of offspring.'

– Edward Westermarck

'Marriage is a contract for the production and maintenance of children.'

– Malinowski

Marriage is a socially sanctioned union of male and female, or a secondary institution devised by society to sanction the union and mating of male and female, for the purposes of:

(a) Establishing a household,

(b) Entering into sex relations,

(c) Procreating, and

(d) Providing care to offspring.'

– Majumdar

'Marriage is a socially sanctioned sex relationship involving two or more people of the opposite sex, whose relationship is expected to endure beyond the time required for gestation and birth of children.'

– Duncan Mitchell

'Marriage is the approved social pattern whereby two or more people establish a family'

– Horton and Hunt

'Marriage is the sanctioning, by society, of a durable bond between one or more males and one or more females, established to permit sexual intercourse for the implied purpose of parenthood.'

– Anderson and Parker

Marriage is the public joining together, under socially specified regulation of a man and woman as husband and wife'.

– Alfred McClung Lee

Characteristics of Marriage:

From these definitions, it can be seen that marriage is a social institution that establishes an enduring or continuing bond between men and women, the main aim of which is procreation and establishment of the family.

The basic characteristics of marriage are as follows

1. Marriage is a Universal Institution:

It is found in some form or the other in all types of societies, from most primitive ones to most modern societies.

2. Marriage by Definition Takes Place between Two Adults:

Marriages between minors is considered illegal in most countries around the world and will not be accepted in any court of law as legal, unless it has taken place with the permission of the court or under special circumstances.

Marriages take place between two individuals of the opposite sex, though in today's world certain variations of this have been observed (for example, marriages between individuals of the same sex, and some groups are fighting to make these marriages legal).

i.   Marriage legalizes and legitimizes a sexual relationship between man and woman.

ii.   A marriage takes place through a civil or religious ceremony. This is necessary in order to ensure religious and social sanction. In fact, for most marriages, family members and guests are invited to witness the marriage, which is one way of ensuring social acceptance.

iii. Marriage is an enduring relationship between a man and a woman.

iv.   Marriage is necessary for setting up a family.

v.   Marriage legalizes the rights and obligations of members of a family towards each other. It ensures legality to certain rights, such as those of property, maintenance in case of break-up of marriage, and so on.

Functions of Marriage:

The institution of marriage is important for any society, and the functions that this institution performs is instrumental in the smooth functioning of society.

1. The most important function of marriage is the control of sexual behaviour of people in a society. Without marriage, there would be widespread sexual promiscuity, and no control over the most basic human instinct of satisfaction of sexual desires.

2. A marriage legalizes a sexual relationship existing between two adults of opposite sex. In doing so, it recognizes certain legal rights that are given to the married individuals.

3. A marriage legitimizes the sexual relationship between individuals. This legitimacy is both religious and social in nature. A religious or civil ceremony

ensures religious acceptance, and social witnessing of a marriage results in social acceptance and legitimacy.

4. Marriage is necessary for setting up a family, with all legal rights and obligations. A family may also be established outside or without a marriage, but it does not entail any legal rights to any of the family members.

5. Marriage is necessary for procreation and having children with legal rights.

6. Marriage does division of labour on the basis of sex and age, however, the traditional roles and bases for division of labour have changed dramatically over the last few decades.

7. Marriage results in sharing and solving emotional, psychological, economic and other problems, thus giving more balance to individuals lives. Many studies have revealed that married people are healthier, relaxed and even live longer than unmarried people.

Since in most countries marriage is a social contract, it not only brings two individuals together, it also binds families, thus becoming an important factor of social solidarity.

Types of Marriages:

In every society, different types of marriages exist. Marriage as an institution has evolved from a state of complete promiscuity, where no known forms of marriage existed to the earliest forms of cohabitation. It followed by group marriage to the systems of having more than one spouse or polygamy, and lastly, to the more modern marriage, monogamy.

Monogamy:

Monogamy is a form of marriage where only one spouse exists—one husband and one wife. As a form of marriage, monogamy is found in almost all countries across the world and is also the most accepted form of marriage. Many sociologists consider it the most enduring (long lasting) form of marriage, which ensures that

children get maximum attention and care by the parents. Even aged parents are better looked after under this system of marriage.

Polygamy:

Polygamy refers to a form of marriage, where there are more than one spouse, i.e., either more than one husband or more than one wife. Polygamy is divided into two types: polygyny and polyandry.

Polygyny When a man marries more than one woman, it is polygyny. Polygyny is of two types:

1. Non-Sororal Polygyny:

When a man marries more than one woman, who are not related it is called nonsororal polygyny.

2. Sororal Polygyny:

Sororal polygyny comes into existence when a man marries more than one woman, who are sisters.

Polyandry:

Polyandry is a type of marriage in which one woman marries more than one man. It is a system where there is one wife but many husbands: This type of marriage exists among some primitive tribes (Todas of Malabar Hills) and in countries such as Tibet.

Polyandry is further divided into two categories:

1. Non-Fraternal Polyandry:

Non-fraternal polyandry takes place when one woman marries more than one man, who are in no way related to each other.

2. Fraternal Polyandry:

Fraternal polyandry takes place when one woman marries more than one man, related by blood, like brothers. A number of causes have been attributed to the

existence of polyandry. One of the main reasons is the negative female sex ratio and lesser number of females in comparison to males.

The prevalence of the custom of bride price, which is present in a number of primitive tribal communities, also leads to polyandry, especially when the bride price is high and men are unable to afford it. This system is also seen where joint families exist and several brothers marry the same woman.

Polygynandry:

Polygynandry is a combination of polygyny and polyandry and is also known as group marriages. In this type of marriage, all men are married to all women. This means there is no individual husband and wife but common husbands and wives. Children born into such marriages belong to the group and are looked after by the group. These marriages can be seen very merely only among very primitive groups and among some religious communes in the modern world.

Rules of Marriage:

Every society has certain guidelines that have to be followed for any marriage to be socially accepted. The Hindu society has certain restrictions on the choice of life partners or mates. These restrictions form the basic rules on which Hindu marriages are based.

These rules of Hindu marriage are as follows:

Endogamy:

Endogamy is that rule of marriage that prescribes that the mate selection should be from within the group. Marriages with out-group members are prohibited. The 'group' in question can be the caste, the gotra, the village, race, class, religious group or the tribe.

Endogamy as a rule of marriage probably came into existence because it was believed that it preserves the purity of the group, protects the status and prestige of the group, keeps the group united, and keeps property within the group. It may also

lead to a feeling of ethnocentrism and undue loyalty towards the group, encourage casteism and com-munalism, foster hatred among different groups and hinder national unity and development.

Exogamy:

Marriage outside ones own group is called exogamy. Exogamy is a rule of marriage, which prohibits marriage within one's group. Most societies prohibit marriages between individuals related by blood, or direct and indirect consanguineal kin. Marriage with near relatives is generally prohibited, though the definition and degree of nearness differs from society to society, and within societies, from community to community. In India, exogamy takes different forms.

These are as follows:

1. Gotra Exogamy:

Gotra is a sub group within a caste that traces its descent to a particular ancestor. Members of a gotra are believed to be related by blood, and hence marriages between members of the same gotra are prohibited.

2. Pravara Exogamy:

There is a restriction on marriage between individuals belonging to the same pravara (uttering the name of a common saint at religious functions).

3. Pinda Exogamy:

Pinda refers to a common parentage. Among Hindus, descendent up to five generations from the maternal side and seven generations from the paternal side are 'sapinda' and cannot marry.

4. Village Exogamy:

In certain parts of India, village exogamy is practiced, where members of the same village are not allowed to marry. This is found among the Mundas, the Nagas and other tribes of India.

5. Clan Exogamy:

Clans are sub-tribes or sub-groups among tribes that are exogamous. Marriages within clans are prohibited.

One of the reasons for the prevalence of exogamy is the belief and scientifically proven fact that continued marriages within ones' own group, or inbreeding, will affect the quality of birth and lead to certain congenital health problems. The decrease in the female sex ratio is another major factor leading to exogamy.

Hypergamy:

Hypergamy is a rule of marriage according to which a man from a particular caste can marry a woman of the same caste or a lower caste. This also means that a woman belonging to a particular caste can marry a man of the same caste or a higher caste. A Brahmin man can marry a Brahmin, Kshatriya, Vaisya or a Sudra woman. A Kshatriya man can marry a Kshatriya, Vaisya or a Sudra woman.

A Vaisya a man can marry a Vaisya and a Sudra woman, and a Sudra man can marry only a Sudra woman. Looking at this rule from the woman's point of view, a Brahmin woman can marry only a Brahmin man, a Kshatriya woman can marry a Kshatriya or a Brahmin man, a Vaisya woman can marry a Vaisya, Kshatriya or Brahmin man and a Sudra woman can marry a Sudra, Vaisya, Kshatriya or Brahmin man.

These forms of marriages are socially accepted and called hypergamy or 'Anuloma. However, marriage of a Sudra girl with a higher caste man is condemned, and a Brahmin, Kshatriya or Vaisya man's marriage with a Sudra woman is not approved, as it is felt that twice born men (those who undergo the thread ceremony) who marry woman of the low Sudra caste degrade their families and children to the state of a Sudra, and the Gods would not accept the offerings of

any man who performs religious ceremonies with a Sudra wife's assistance (Ram Ahuja, p. 131).

Hypogamy:

Hypogamy or 'Pratiloma' is diametrically opposite to hypergamy or Anuloma, and is the unaccepted form of Hindu marriage. Pratiloma takes place when a Sudra man marries a Vaisya, Kshatriya or Brahmin woman; when a Vaisya marries a Kshatriya or Brahmin woman, and when a Kshatriya marries a Brahmin woman. Pratiloma also occurs when a Brahmin woman marries a Kshatriya, Vaisya or Sudra man, a Kshatriya woman marries a Vaisya or Sudra man, and a Vaisya woman marries a Sudra man.

The above discussed forms and rules of marriage are commonly found in all the societies whether it is rural or urban. However, there are certain specific aspects, which are exclusively rural with regard to the institution of marriage. Let us have a look at them.

Aspects of Marriage in Rural Society:

Rural society in India is agrarian in nature. Caste system is an important feature of rural society. The institution of marriage is an inherent part of caste. Apart from caste, marriage in rural societies is also related to class, kin and clan. All these aspects of rural society play a significant role for marriage to take place.

Though the rural society observes general rules of marriage, there are certain local obligations that give a definite shape to the institution of marriage in rural society. Such local compulsions differentiate rural marriage rules from urban rules of marriage. For instance, inter-caste marriages are accepted and are not looked at with much criticism in urban societies, whereas marriages still enjoy a status of sacrament in rural society. The idea of inter-caste marriages in rural societies is not encouraged due to strict caste restrictions.

The rules related to exogamy are strictly followed in rural society. The rural people prefer to follow both clan and village exogamy. There is no specific reason for village exogamy, but it is generally followed. As most of the rural settlements are based on clan, many villages have two to three clans, which delimit the choice of a mate. The institution of marriage in rural areas has certain distinct features, which differentiate it from urban marriage system.

According to S. L. Doshi and P. C. Jain (p. 198 – 201), some of these features are as follows:

i.   Practice of Child Marriages:

The incidence of child marriages in rural societies is very high. Though it has been prescribed by law that the minimum age of marriage is 21 years for males and 18 years for females, child marriages are still practiced in rural areas.

The main reason behind this practice is that the rural society is always in need of additional labour for carrying out the agricultural operations. The other reason is illiteracy. Female illiteracy rates are very high in rural societies. Though there are instances of child marriages in urban areas, it is more frequent in rural areas.

ii.   Status of Women is Low in Conjugal Relations:

In rural society, the status of women is low. She is not given any respect for being a wife. She is always subordinate to her husband and is meant to do household jobs. Her opinion is not given any importance in family matters. She is only required to comply with the wishes of her husband. Such lower status is due to her economic dependence and illiteracy.

iii.   Polygyny:

The practice of polygyny is another important feature of rural societies. Among tribal and rural societies, more than one wife to a male adds to his status.

iv.   Marriage by Exchange:

Such kinds of marriages are prevalent among the lower castes of villages. In this type of marriage, the brother gives his sister in marriage to a man, whose sister is in exchange taken by him as his wife. These marriages are found where the proportion of females is less than the males. The higher castes in the village consider this as a lower form of marriage and often look down upon people, who practise it.

v. Arranged Marriages:

Marriages in rural societies are mostly arranged. The bride and groom are not allowed to meet before marriage. Inter-caste and love marriages are not approved or allowed in villages. It is the responsibility of parents to arrange the marriage of their children.

vi. Less Expensive and Fanfare:

The marriage in rural societies are managed in simple way. Unlike urban areas, marriage in the countryside does not involve much pomp and show. The expenditure in regard to marriage arrangements, decorations, and food is less as compared to urban areas. In urban areas, not only the rich but also the poor people incur a lot of expenses in arranging marriages, in order to exhibit their status.

vii. Frequency of Divorce is Very Less:

Most of the higher castes in villages do not practise divorce. However, permitting divorce to a wife is not looked down among lower castes.

viii. Procreation of Children:

Though the procreation of children is an important characteristic of the marriage institution in general, it has a lot of significance in rural societies. A couple is expected to give birth to a child. If a couple has no child, it has to face many remarks and criticisms from the villagers (society).

Types of Marriage:

As a universal social institution marriage is found to exist in all societies and at all stages of development. Types or forms of marriage varies from society to society. Types or forms of marriage in different communities, societies and cultural groups differ according to their customs, practices and systems of thought. In some societies marriage is a religious sacrament whereas in others it is a social contract. However, there are several types of marriage which is classified on different basis.

(A) On the basis of number of mates:

On the basis of number of mates marriage may be classified into three types such as Monogamy, Polygamy and Endogamy or group marriage. This can be known from the following diagram.
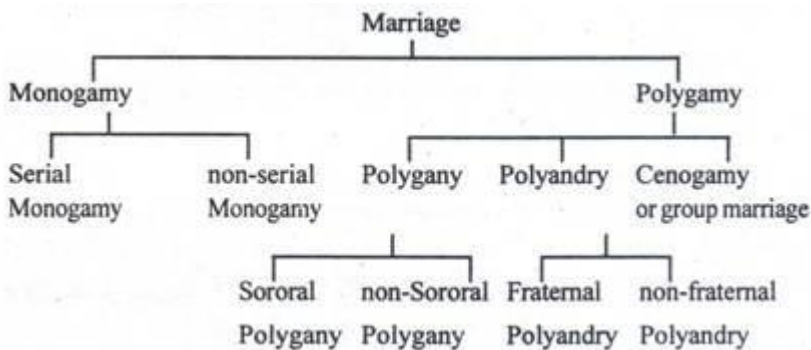
(1) Monogamy:

Monogamy is an ideal, widespread and rational type of marriage. It is found in all civilized societies. Monogamy refers to a marriage of one man with one woman at a time. This type of marriage is normally unbreakable in nature. It continue till death. Today the principle of monogamy i.e. one husband and one wife is practised and emphasised throughout the world. Monogamy is of two types such as serial Monogamy and non-serial Monogamy.

(i) Serial Monogamy:

In serial Monogamous marriage the possibility of remarriage exists in case of divorce or death. Inspite of his remarriage he remains to be monogamous.

(ii)　Non-serial Monogamy:

In case of non-serial monogamy the question of remarriage does not arise by either of the couple. Here a spouse has the same single spouse throughout his life. However, Monogamy is an ideal or best form of marriage because of it's different advantages which are as follows:

(1) It is suitable for all society and for all levels of people.

(2) It provide better sex satisfaction to both husband and wife.

(3) It promotes better understanding between the spouse.

(4) It minimizes jealousy, hatred and quarrels in the family.

(5) It upholds gender equality and provides equal status to men and women.

(6) It provides stable sex-life and stable family life.

(7) Children are taken proper care by parents.

(8) It facilitates easy rules of inheritance and succession.

Because of the above advantages Monogamy is considered as the best form of marriage and is practiced everywhere. The only disadvantages of Monogamy is divorce which is resulted due to the monogamous boredom.

(2) Polygamy:

Polygamy is a type of marriage in which there is plurality of partners. It allows a man to marry more than one woman or a woman to marry more than one man at a time. Polygamy is of three types such as polygamy, polyandry and endogamy or group marriage.

(i)　Polygamy:

Polygamy is a type of marriage in which a man marries more than one wife at a time. In this type of marriage each wife has her separate household and the husband visits them in turn. It was a preferred form of marriage in ancient Indian society. But now it was not in practice among majority of population.

But it is now found among few tribal's such as Naga, Gond and Baiga. Economic and political cause was mainly responsible for polygamy. Besides man's taste for variety, enforced celibacy, Barrenness of women more women population etc. are some of the cause of polygamy. Polygamy is further divided into two types such as Sororal polygyny and non- sororal polygyny.

(a) Sorroral Polygamy:

Sorroral polygamy is often called as surrogate. The term surrogate comes from the Latin word 'sorer' which means sister. Accordingly it refers to a marriage practice in which a man marries the sisters of his wife at a time or after the death of his wife.

(b) Non-sororal Polygamy:

It is just opposite of the sororal polygamy, when a man marries several women at a time who are not necessarily sister to each other it is known as non-sororal polygamy.

(ii)   Polyandry:

Polyandry is a very rare type of marriage in present day. In this type of marriage a woman marries several men at a time. In the words of K.M. Kapadia, "Polyandry is a form of union in which a woman has more than one husband at a time or in which brothers share a wife or wives in common. At present it is found among some of the tribes like toda, khasi and nayars. Polyandry is divided into two types such as fraternal polyandry and non-fraternal polyandry.

(a) Fraternal Polyandry:

When several brothers share a common wife it is called as fraternal polyandry. Draupadi's marriage to Pandabs is fine example of fraternal polyandry. The determination of father is associated with some rituals. At present time this type of marriage is practised by some tribals like toda and khasi.

(b) Non-fraternal Polyandry:

It is just opposite of fraternal polyandry. In this type of marriage husbands of a woman is not necessarily brother to each other. This type of marriage is found among the Nayars of Kerala, Wife goes to spend some time with each of her husband. So long as a woman lives with one of her husbands, the others have no claim on her. This mainly happens due to scarcity of women.
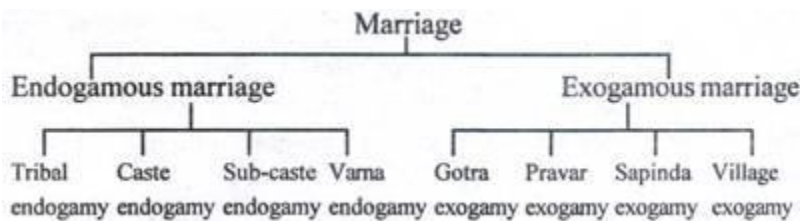
(iii)   Endogamy or Group Marriage:

Endogamy is otherwise known as group marriage. In this type of marriage a group of men marry a group of women at a time. Every woman is the wife of every man belonging to the particular groups. Sociologist, like Dr. Rivers call it as a kind of sexual communism. This type of marriage is found among some tribes of New Guinea and Africa,

(B) On the basis of choice of mate or on the basis of rules of mate selection:

Marriage may be divided into two types i.e. endogamous and exogamous marriages on the basis of choice of mate or on the basis of the rules of choice of mate. Endogamy is divided into four sub types such as caste, sub-caste, varna and tribal endogamy. Similarly exogamous marriage may be divided into four sub-types such as Gotra, Pravar, Sapinda and village exogamy. All this can be presented in the following diagram.

All this can be presented in the following diagram.

(1) Endogamy or endogamous marriage:

Endogamy or endogamous marriage refers to the marriage within one's own group such as within one's own caste, sub-caste, varna and tribe. In other words there are

several types of endogamous marriage such as caste endogamy, sub-caste endogamy, varna endogamy and tribal endogamy.

(a) Caste endogamy:

Caste endogamy is a type of endogamous marriage in which marriage takes place within one's own caste. In a caste based society endogamy is strictly followed. Members of each caste marry within its own caste group.

(b) Sub-caste endogamy:

It is another type of endogamous marriage. In a caste based society each caste is divided into many sub-castes. Like caste each sub-caste is also an endogamous unit. In sub-caste endogamy marriage takes place within one's sub-caste only.

(c) Varna endogamy:

Varna endogamy is another type of endogamous marriage. In the traditional Indian Society we found the existence of four varnas such as Brahmin, Kshatriya, Vaisya and Sudra. In varna endogamy the choice of mate is restricted to one's own varna only.

(d) Tribal endogamy:

Tribe is a territorial group. Tribal endogamy is a type of endogamous married in which the choice of mate is restricted to one's own tribal group. Like caste tribe is also an endogamous unit.

(ii) Exogamy or Exogamous marriage:

It is just opposite to the endogamy or endogamous marriage system. It refers to a system of marriage in which an individual has to marry outside one's own group such as gotra, pravara, sapinda or village. This is a sound marriage system which leads to the creation of healthy and intelligent children. However there are several forms of exogamy such as:

(a) Gotra exogamy:

Gotra refers to clan. Members of a particular gotra or clan supposed to have close blood relation among themselves. Hence according to gotra exogamy one has to marry outside one's own gotra.

(b) Pravara exogamy:

Pravara means siblings. People originating from a common saint are said to belong a particular Pravara. According to Pravara exogamy one has to marry outside one's own pravara. Marriage within pravara is forbidden.

(c) Sapinda exogamy:

Sapinda means-lineage. People belonging to five generations from father side and three or seven generation from mother side are known as sapindas. They believed to belong a particular pinda. Hence according to sapinda exogamy marriage within one's own sapinda is forbidden. They are supposed to marry outside one's own sapnida.

(d) Village exogamy:

According to this principle marriage within one's own village is forbidden each and every society prescribes certain rules relating to marriage. Some societies put several restrictions on marriage among kins whereas some other societies allows marriage between a limited number of kins.

Hence in those societies marriage is sanctioned on the basis of preference or priority. Accordingly socially sanctioned marriage among kins is known as preferential marriage. In other words on the basis of preference marriage may be divided into four types such as cross-cousin marriage, parallel cousin marriage, levirate and surrogate.

(i)   Cross-cousin marriage:

When marriage takes place between one's mother's brother's daughter/son with father's sister's son/daughter we called it as cross cousin marriage. The marriage of Abhimanyu with Sashikala is an example of this cross-cousin type of marriage.

This type of marriage supposed to be practised in some part of Orissa, Rajasthan, and Maharashtra etc. This type of marriage occur to avoid payment of high bride price and to maintain one's family property.

(ii) Parallel Cousin marriage:

When marriage takes place between the children of either two sisters or two brothers it is known as parallel cousin marriage. This type of marriage is mostly found among Muslims.

(iii) Levirate:

It is otherwise known as 'Devar Vivaha'. When a woman marries her husband's brother after the death of her husband it is known as levirate. This type of marriage is found among some tribes like the Gond, the Munda or the Santal the oran and the Toda etc

(iv) Sororate:

It is otherwise known as 'Sali Vivah'. When a man marries his wife's sister after the death of his wife or even when the wife is alive it is called as sororate. This type of marriage is found among some tribes like the Kharia and the Gond.

(E) Anuloma or Pratiloma:

Sociologist have classified marriage into Anuloma or Pratiloma.

(i) Anuloma marriage or Hypergamy:

When a man of higher caste or varna marries a woman of lower caste or varna it is called as Anuloma or Hypergamy marriage. In traditional Indian society hypergamy is known as Anuloma. This was in practice among the nobles in the past. In Bengal it was found in the form of Kulinism.

(ii) Pratiloma marriage or Hypogamy:

Pratiloma or hypogamy marriage is just opposite of Anuloma or hypergamy. When a man of lower caste or status marries a woman of higher caste or status it is known as pratiloma or hypogamy marriage. This is not an approved form of

marriage. Ancient Hindu law giver a man a lower caste or status marries a woman of higher caste or status it is known as pratiloma or hypogamy marrieage. This is not an approved form of marriage. Ancient Hindu law giver Manu denounced Pratiloma is still it practice among the people.

Major Functions of Marriage

The major functions of marriage may be discussed under the following heads:

Biological Functions:

Marriage regulates and socially validates sexual relations between males and females. It is the means to satisfy sexual desire of human beings for reproductive process. So the institution of marriage fulfils the biological function of human beings.

Economic functions:

Marriage of men and women create family in which men and women share their labours to satisfy the economic needs of the family members. Both male and female remain engaged in economic activities through the institution of marriage for the economic upliftment of the family.

Social functions:

Through marriage new Kinsmen are acquired because spouses relative are added to one's own group of Kin. The institution of marriage also enables the society to assign to the parents their responsibility of socializing the child by transforming social customs and social regulations.

Educational Functions:

The institution of marriage educates the young to be responsible future parents to pass the culture from one generation to another Thus marriage performs the most sacred biological function that-gives rise to the family system. Apart from this it performs a number of social, cultural, educational and economic functions.

Rules of mate selection in Hindu marriage:

In Hindu society, two types of rules are found regulating the selection of mates in marriage. They are endogamy and exogamy. As per the endogamy the rule is required to marry within one's own caste. Here marriages with out – group members are strictly prohibited. However it seldom permits marriage of close kin.

The most general forms of endogamy in Hindu society are:

(1) Tribal Endogamy

(2) Varna Endogamy

(3) Caste endogamy

(4) Sub – caste endogamy

(5) Class endogamy

(6) Race endogamy.

As per exogamy rule all people prohibit marriage between individuals sharing certain degrees of blood or affinal relationship. Summer & killer have pointed out that endogamy is conservative while exogamy is progressive and it is approved from the biological view point as it leads to healthy and intelligent offspring.

Some of the generally followed exogamy rules in Hindus are:

(1) Gotra exogamy

(2) Pravara Exogamy

(3) Sapinda Exogamy.

Before marriage is solemnized the first and most important task is the choice of mates. The question of proper choice of a mate is so important that a wrong choice may doom the family to unhappiness forever. It is desirable that parents before contracting a marriage proposal should consult with their sons or daughters in order to make them know about the reasons of the choice and secure their approval by making appeal to their mind and not by exercising threat or force. A new marriage must not be hampered by old attitudes of parents.

The selection of mates in India is generally made by parents or by elders because they being the experienced can better evaluate the merits of prospective partners. In rare case boys and girls choose their mates by falling in love. The so called "Love marriage" has been generally found to be quite unsuccessful marriage. It has meant love at first sight and divorce at the next.

1. Marriage regulates sexual behavior.

Marriage helps cultural groups to have a measure of control over population growth by providing proscribed rules about when it is appropriate to have children. Regulating sexual behavior helps to reduce sexual competition and negative effects associate with sexual competition. This does not mean that there are no socially approved sexual unions that take place outside of marriage. Early anthropological studies documented that the Toda living in the Nilgiri Mountains of Southern India allowed married women to have intercourse with male priests with the husband's approval. In the Philippines, the Kalinda institutionalized mistresses. If a man's wife was unable to have children, he could take a mistress in order to have children. Usally his wife would help him choose a mistress.

2. Marriage fulfills the economic needs of marriage partners.

Marriage provides the framework within which people's needs are met: shelter, food, clothing, safety, etc. Through the institution of marriage, people know for whom they are economically and socially responsible.

3. Marriage perpetuates kinship groups.

This is related to the previous function, but instead of simply knowing who is with whom economically and socially, marriage in a legitimate sense lets people know about inheritance.

4. Marriage provides institution for the care and enculturation of children.

Within the umbrella of the marriage, children begin to learn their gender roles and other cultural norms. Marriage lets everyone know who is responsible for children. It legitimizes children by socially establishing their birthrights.

Trends in marriage:

Indian society has been witnessing a number of changes in the institution of marriage:

1. Changes in the rituals of marriage:

The rituals of marriage have been minimized particularly among the Hindu society.

2. Exogamous marriage:

Marriage between the members of different communities has become a common feature.

3. Increase in the age of marriage:

Age of marriage is restricted by the government. The age of marriage is fixed as 18 years for girls and 21 years in case of boys. Apart from the legal restriction late marriage has become common since there is a desire of for higher education, and economic independence both among boys and girls.

4. Decline in parental control over selection of mates:

Traditionally, it was the responsibility of parents to arrange marriages. But in the recent days boys and girls choose their life partner according to their own wishes.

5. Pomp and Luxury:

In the recent days celebration of marriage on a grand scale with lot of pomp and luxury has become a common feature. To a certain extent marriage has lost its Sanctity and more importance is given to luxurious celebration rather than customs and traditions.

6. Dowry system:

It has emerged as an evil practice in Indian society.

"Dowry" refers to a specified amount of cash, jewels and other articles to be given by the bride as precondition of marriage. Non-payment of dowry would result in breaking of marriages, torturing the wife and dowry deaths.

In spite of passing the legislation on Dowry prohibition Act, Dowry evils continue to exist. Particularly in north India

7. Dissolution of Marriages:

In the recent days, the stability of marriage at question. Instances of "divorce" has become a common feature. As per the reports given by the law department, at least 3,000 divorce cases are being filed every year before the family court in the city of Bangalore alone. The reasons of divorce may be due to dowry harassment or lack of compatibility on account of changing role of women.

8. Widow Remarriage:

It is a drastic change particularly among the Hindu society. Widow Remarriage is considered as very much legal. In the pre independent period there was absolutely no provision for widow remarriage. But in the modern days, a broad view is taken and widow remarriage has become a common feature. The Hindu Widow Remarriage Act 1950 has been passed to this effect.

9. Changing role of Husband and wife:

In the traditional system, there was a clear cut division of labour in the family. Husband was the bread earner of the family and the role of wife was confined to household work and nurturing children. But in the modern days the role of wife has expanded and it is a common feature that the married women take up employment. There is a sharing of responsibility between the husband and wife. The husband has to assume some of the house hold responsibility to assist the wife. This has reduced male domination in the system of marriage.

10. Management Perspective:

Marriage being an important social system influence the practices of an organisation.

E.g.: Organisations consider "marriage" as a valid ground for granting leave for employees.

"Marital status" is one of the information which every organisation seeks to obtain from prospective employees.

Wife" is considered as the dependent and legal representative under the provisions of many enactments like ESI Act, workmen's compensation Act, P.F.Act etc. This shall be taken in to consideration by organisations in owarding compensation under the relevant provisions of different enactments. Some organisations have a policy of providing employment to the "wife" of a deceased employed in service.

Unit-2

Family

    2.1 Family as a social institution

    2.2 Rules of Marriage and Types of family

    2.3 Functions of family

    2.4 Contemporary Changes in family

Family: The Meaning, Features, Types and Functions

Family is one of the most important social institutions. Most of the world's population lives in family units; it is an important primary group in the society. Family is the most pervasive and universal social institution. It plays a vital role in the socialisation of individuals. Family is regarded as the first society of human beings.

It is known as the first school of citizenship. One is born in family, grows in it, works for it and dies in it. One develops emotional attachment to it. The parental care imparts to the child the first lesson in social responsibility and acceptance of

self-discipline. Family is the backbone of social structure. It occupies a nuclear position in society.

Meaning of Family:

Broadly speaking, family refers to the group comprising parents and children. It may also refer, in some cases, to a group of relatives and their dependants forming one household. All these refer to the compositional aspect of this institution. Another aspect is that of residence of its members.

They usually share common residence, at least for some part of their lives. Thirdly, there is the relational aspect of the family. Members have reciprocal rights and duties towards each other. Finally, the family is also an agent of socialisation. All these aspects make this institution different from all other units of social structure.

As Mack and Young say, "The family is the basic primary group and the natural matrix of personality". According to the Bureau of Census (U.S.A.). "Family is a group of two or more persons related by blood, marriage or adoption and residing together". Some of other important definitions of family are as follows.

According to MacIver and Page, "Family is a group defined by a sex relationship, sufficiently precise and enduring to provide for the procreation and upbringing of children".

According to Burgess and Locke, "Family is a group of persons united by the ties of marriage, blood or adoption; consisting a single household, interacting and intercommunicating with each other in their social roles of husband and wife, mother and father, son and daughter, brother and sister creating a common culture".

As a K. Davis defines, "Family is a group of persons whose relations to one another are based upon consanguinity and who are, therefore, kin to one another".

According to Elliot and Meril, "Family is the biological social unit composed of husband, wife and children.

Biesanz writes "The family may be described as a woman with a child and a man to look after them".

Strictly defined, family consists of parents and children. Its members are more closely related to one another through the process of reproduction. It is a universal institution found in every age and in every society.

Characteristics of family:

1. A Mating Relationship:

A family comes into existence when a man and woman establish mating relation between them.

2. A Form of Marriage:

Mating relationship is established through the institution of marriage. The society regulates sexual behaviour between opposite sexes through the institution of marriage. Through the institution of marriage, mating relationship is established. Without marriage family is not possible. Hence, family is a form of marriage.

3. A Common Habitation:

A family requires a home or household for its living. Without a dwelling place the task of child-bearing and child rearing cannot be adequately performed. The members of a family have a common habitation or household.

4. A System of Nomenclature:

Every family is known by a particular name. It has own system of reckoning descent. Descent may be recognized through male line or through the mother's line. In patrilineal families descent is recognized through male line. Similarly, in matrilineal families descent is recogned through mother's line.

5. An Economic Provision:

Every family needs an economic provision to satisfy the economic needs. The head of the family carries on certain profession and earns to maintain the family.

6. System of Interaction and Communication:

The family is composed of persons who interact and communicate with each other in their social roles such as husband and wife, mother and father, son and daughter etc.

It is important to mention that the family is composed of persons united by ties of marriage, blood or adoption. The family maintains a common but a distinctive culture.

Distinctive Features of the Family:

Family is the smallest and the most intimate group of society. It is a universal institution found in every society. Family as the most important social institution possesses certain distinctive features which may be discussed below.

1. Universality:

The Family is a universal institutions. It was found in many simpler societies. In advance societies, the whole social structure is built of family units. According to Maclver, "It is found in all societies, at all stages of social development and exists far below the human level among myriad species of animals". Every human being is a member of some family.

2. Emotional Basis:

Every family is based on human impulses of mating, procreation, motherly devotion and parental love and care. The members of a family have emotional attachment with each other. Love between husband and wife, parents and children makes the family an institution of self-sacrifice. Hence, emotion is the foundation on which every family is built.

3. Limited Size:

The family is very small in size. It is known as the smallest primary group. It is a small social institution. It includes husband and wife and the persons who are born in it or are adopted. The relations among the members of family are direct,

intimate, close, personal and permanent. This is possible only due to small size of the family. Further, smallness of the family brings stability in the family.

4. Nuclear Position:

With regard to all the different types of groupings, the family plays an important role in so far as it prepares the individual for participation in all these secondary groups, for their demands and situations. It serves as the nucleus for the growth of other types of groupings which never deal with the cultureless creatures that a newly born child is.

5. Formative Influence:

Family exerts most profound influence on its members. The personality of the individual is moulded in the family. The family customs, traditions, mores and norms have great influence in shaping the personality of its members during childhood. Family is the most effective agency of the process of socialisation and social control.

6. Responsibility of the Members:

The members of the family have a deep sense of -d. responsibility and obligation for the family. Due to this sense of responsibility, all the member discharge their duties. All the members of the family have joint responsibility. In family, the children learn about responsibility and cooperation.

7. Social Regulation:

Society, that is the collectivity, keep the collective and wider view in mind, has to ensure, by evolving mores and folkways, that the individual member in a family do perform all those functions towards each other on the basis of which the wider network of social relationships in dependent for its success. Thus, for example, there are social restrictions on divorce, in almost every society.

8. Persistence and Change:

The family may be permanent and temporary by nature. As an institution it is permanent. When a couple after marriage settle in an independent residence, the family continues to exist with other member. Hence, family is permanent as an institution. Family on the other hand is temporary and transitional. Because structure of the family changes over a time in terms of size, composition and status of persons.

Types of Family:

Though family is a universal institution, its structure or form vary from one society to another. Sociologists and anthropologists have mentioned about different types of families found in different cultures.

Classification of families is generally done on the basis of organisation (nuclear and joint), forms of marriage (monogamous or polygamous), authority (matriarchal or patriarchal) and residence etc. Classification of families on different basis is given below.

1. On the Basis of Organisation:

In terms of organisation families may be of two broad types; the nuclear family and the extended/joint family.

(i) Nuclear Family:

The nuclear family is a unit composed of husband, wife and their unmarried children. This is the predominant form in modern industrial societies. This type of family is based on companionship between parents and children.

While discussing the nature of nuclear family in India, Pauline Kolenda has discussed additions / modifications in nuclear family structure. She has given the following compositional categories.

(a) Nuclear family refers to a couple with or without children.

(b) Supplemented nuclear family indicated a nuclear family plus one or more unmarried, separated or widowed relatives of the parents, other than their unmarried children.

(c) Sub-nuclear family is defined as a fragment of a former nuclear family, for instance a widow/ widower with her/his unmarried children or siblings (unmarried or widowed or separated or divorced) living together.

(d) Single person household.

(e) Supplemented sub-nuclear family refer to a group of relatives, members of a formerly complete nuclear family along with some other unmarried, divorced or widowed relative who was not a member of the nuclear family.

The size of the nuclear family is very small. It is free from the control of elders. It is regarded as the most dominant and ideal form of family in modern society. The nuclear family is based on conjugal bonds. The children get maximum care, love and affection of the parents in nuclear family. The nuclear family is independent and economically self-sufficient. The members of nuclear family also enjoy more freedom than the members of joint family.

(ii) Extended / Joint Family:

The term extended family is used to indicate the combination of two or more nuclear families based on an extension of the parent-child relationships. According to Murdck, an extended family consists of two or more nuclear families affiliated through an extension of the parent-child relationship … i.e. by joining the nuclear family of a married adult to that of his parents.

In an extended family, a man and his wife live with the families of their married sons and with their unmarried sons and daughters, grand children or great grant children in the paternal or maternal line. Different types of extended family are still common in Asia, says Bottomore.

The patrilineally extended family is based on an extension of the father-son relationship, while the matrilineally extended family is based on the mother-daughter relationship. The extended family may also be extended horizontally to include a group consisting of two or more brothers, their wives and children. This horizontally extended family is called the fraternal or collateral family.

In India, the family weather extended vertically and/or horizontally is called the joint family. Strictly speaking it is a property-sharing unit. The joint family consists of a man and his wife and their adult sons, their wives and children and younger children of the paternal couple, says M.S. Gore.

The size of joint family is very large. Generally, the eldest male is the head of the family. The rights and duties of the members in this type of family are laid down by the hierarchy order of power and authority. Children of the joint family are children of all the male members in the parental generation.

Emphasis on conjugal ties (between husband and wife) is supposed to weaken the stability of joint family.

The father-son relationship (filial relationship) and the relationship between brothers (fraternal relationship) are more crucial for the joint family system than the conjugal relationship (husband-wife relationship).

2. On the Basis of Authority:

The family may be either patriarchal or matriarchal on the basis of authority.

(i) Patriarchal Family:

Patriarchal family is a type of family in which all authority belongs to the paternal side. In this family, the eldest male or the father is the head of the family. He exercises his authority over the members of the family. He presides over the religious rites of the household; he is the guardian of the family goods. In the developed patriarchal system of the past, the patriarch had unlimited and undisputed authority over his wife, sons and daughters.

There has been various forms of the patriarchal family. Sometimes it is part of a joint family, as in India. Sometimes it is part of a 'stem-family', with only one of the sons bringing his family within the paternal household.

(ii) Matriarchal Family:

It is a form of family in which authority is centred in the wife or mother. The matriarchal family system implies rule of the family by the mother, not by the father. In this type of family women are entitled to perform religious rites and husband lives in the house of wife.

Matriarchal family is also called mother-right family or maternal family under which the status, name and sometimes inheritance is transmitted through the female line. This type of family is now found among the Khasi and Garo tribes of Assam and Meghalaya, among Nayars of Malabar in Kerala.

3. On the Basis of Residence:

In terms of residence, we find following types of families.

(i) Patrilocal Family:

When the wife goes to live with the husband's family, it is called the patrilocal family.

(ii) Matrilocal Family:

When the couple after marriage moves to live with the wife's family, such residence is called matrilocal. The husband has a secondary position in the wife's family where his children live.

(iii) Neolocal Residence:

When the couple after marriage moves to settle in an independent residence which is neither attached to the bride's family of origin nor bridegroom's family of origin it is called neolocal residence.

(iv) Avunculocal Family:

In this type of family the married couple moves to the house of the maternal uncle and live with his son after marriage. Avonculocal family is found among the Nayars of Kerala.

(v) Matri-Patri Local Family:

In matri-patrilocal family, immediately after marriage the bridegroom moves to the house of the bride and temporarily settles there till the birth of the first child and then comes back to his family of orientation, along with wife and child for permanent settlement. The Chenchuas of Andhra Pradesh live in this type of family.

4. The Basis of Descent:

On the basis of descent, families may be divided into two types such as patrilineal and matrilineal.

(i) Patrilineal Family:

When descent is traced through the father, it is called patrilineal family. In this type of family inheritance of property takes place along the male line of descent. The ancestry of such family is determined on the basis of male line or the father. A patrilineal family is also patriarchal and patrilocal. This is the common type of family prevalent today.

(ii) Matrilineal Family:

In this type of family descent is traced along the female line and inheritance of property also takes place along the female line of descent. The Veddas, the North American Indians, some people of Malabar and the Khasi tribe are matrilineal. Generally, the matrilineal families are matriarchal and matrilocal.

Besides the above types, there are other two types of family based on descent namely Bilateral and Ambilineal family. When the ancestiy or descent is traced through both father and mother, it is called bilateral family. Ambilineal family is one in which one's ancestry may be traced through father's line in one generation,

but in the next generation one's son may trace his descent or ancestry through his mother's line.

5. On the Basis of Marriage:

On the basis of marriage, family has been classified into two types such as monogamous and polygamous.

(i) Monogamous Family:

A monogamous family is one which is consisted of one husband and one wife. In this type of family one man has one wife or one woman has one husband at a given time. Hence a husband and a wife living together, constitute a monogamous family. It is an ideal form of family prevalent widely.

(ii) Polygamous Family:

When one man marries several woman or one woman marries several men and constitute the family, it is polygamous family. Again polygamous family is divided into two types such as polygynous family and polyandrous family.

(a) Polygynous Family:

It is a type of family in which one man has more than one wife at a given time and lives with them and their children together. This kind of family is found among Eskimos, African Negroes and the Muslims, Naga and other tribes of central India.

(b) Polyandrous Family:

In this types of family one wife has more than one husband at given time and she lives with all of them together or each of them in turn. Polyandrous families are found among some Australians, the Sinhalese (Srilankans), the Tibetans, some Eskimos and the Todas of Nilgiri Hills in India.

6. On the basis of In-group and Out-group Affiliation:

On the basis of in-group and out-group affiliation families may be either endogamous or exogamous.

(i) Endogamous Family:

Endogamy is the practice of marrying someone within a group to which one belongs. An endogamous family is one which consists of husband and wife who belong to same group such as caste or tribe.

For example, in a caste-ridden society like India a member of a particular caste has to marry within his own caste. When a person marries within his caste group, it is called endogamous family.

(ii) Exogamous Family:

Endogamy means marriage within a group, while exogamy means marriage with someone outside his group. For example a Hindu must marry outside his Kinship group or gotra. When a family is consisted of husband and wife of different groups such as gotra is called exogamous family.

In India marriage between same gotra has been prohibited. Hence, one must marry outside his own gotra. Similarly some tribes follow the practice of clan exogamy. Accordingly, they marry outside their group (clan). The practice of clan exogamy is widely followed among the Indian tribes like the Gond, the Ho, the Khasi etc.

7. On the basis of Blood-relationship:

Ralph Linton has classified family into two main types namely, consanguine and conjugal.

(i) Consanguine Family:

The consanguine family is built upon the parent-child relationship (on blood-descent). The family is a descent group through the male line which is firmly vested with authority. The consanguine family comprises a nucleus of blood relatives surrounded by a fringe of wives and others who are incidental to the maintenance of the family unit. Such families can become very large. The Nayar family is a typical example.

(ii) Conjugal Family:

The conjugal family is a nucleus of the husband, the wife and their offspring, who are surrounded by a fringe of relatives only incidental to the functioning of the family as a unit. In this type family, the authority and solidarity of the family group reside solely in the conjugal (husband and wife) pair. In contrast to consanguine type of family, the conjugal family is much more isolated from wider kinship relationships.

The consanguine family, which is typical of an agricultural society, is large, stable, secure, self-sufficient and authoritarian. On the other hand the conjugal family, typical of a modern society, is small, transient, isolated and relatively insecure but democratic.

Functions of Family:

As a social institution the family has certain functions to perform for the society and the individual. It plays important role for survival, protection and support, socialisation and societal identification of the individual. The Family serves the society as an instrument of sexual control and cultural transmission.

Different sociologists have classified the functions of the family differently. K. Davis has mentioned four main functions of family. These are (i) reproduction (ii) maintenance, (iii) placement and (iv) socialisation of the young.

Ogbum and Nimkoff have divided the functions of family into six categories These include (1) affectional functions, (ii) economic functions, (iii) recreational functions (iv) protective functions, (v) religious and (vi) educational functions.

According to Lundberg, the following are the basic functions of family:

(1) Regulation of sexual behaviour.

(2) Care and training of the children.

(3) Cooperation and division of labour.

(4) Primary group satisfaction.

Groves has classified the functions family in the following way.

1. Protection and care of the young.

2. Regulation and control of sex impulses.

3. Conservation and transmission of social heritage and

4. Provision of opportunity for the most intimate contacts.

Maclver divides the functions of the family into two categories: Essential and Nonessential functions.

Essential Functions:

The essential functions of the family are as follows:

1. Satisfaction of Sex Needs:

This is the essential function which the family performs. The sex instinct is the natural and biological urge of human beings. The satisfaction of sex desire requires that male and female should live together as husband and wife.

Hence, family is the only place where husband and wife can satisfy their sex instinct. Family satisfies sexual desires of male and female through the institution of marriage. Without family the satisfaction of sex needs is impossible. The modern family satisfies sex instinct in a greater degree than the traditional family.

2. Reproduction:

The task of race perpetuation has always been an important function of the family. A ongoing society must replace its members. It primarily relies on the biological reproduction of its own members.

The family is an institution par excellence of the reproduction and the rearing of children. It secures a legitimate and responsible basis for procreation by regulating sexual behaviour. It provides care and personal protection to the newly born human beings and children.

3. Sustenance Function:

The family provides the daily care and personal protection to its dependant members namely aged, children etc. The family is an insurance for the individual

in times of crisis. Family provides protection and shelter to orphans, widow and her children.

4. Provision of a Home:

Establishment of household life or provision of a home is another essential function of the family. The desire for a home is a powerful instinct for men as well as women. Family provides a opportunity for husband and wife to live together happily. Man after the hard work of the day returns home where in the presence of his wife and children he sheds off his fatigue.

Although there are hotels and club which provide recreation, the home is still the heaven where its members find comfort and affection. Home is the foundation of family, the meeting place of husband and wife, the birth place and play ground of children. The family is a psychological relief station in which one can safely relax.

5. Socialisation:

Man is a social animal. But he is not born human or social. He is made social through the process of socialisation. Socialisation refers to the process through which the growing individual learns the habits, attitudes, values and beliefs of the social group into which he has been born and becomes a person.

From the point of view of society, it is the process through which society transmits its culture from generation to generation and maintains itself. If a society is to endure and function successfully through time, it is to socialise the new recruits.

The family presents itself to the child as an educative group of most fundamental kind. It presents itself as a concrete manifestation of the cultural process. It is the first social environment which trains and educates the newborn child.

As Mack and Young say, "The basic socialisation of the child takes place in the family. It carries out the socialisation of the individual. It hands over the social heritage to the generations to come. The family is described as the "transfer point of civilisation". The content of socialisation is the cultural traditions of the society,

by passing them to the next generation, says Parsons. The family acts as the cultural mediator.

Non-Essential Functions:

The nonessential functions of a family can be the following ones:

1. Economic Functions:

Family serves as an economic unit. The earlier agricultural family was a self-supporting 'business enterprise'. It was producing whatever the family needed. Today the importance of family as an economic unit has been lessened as most of the goods for consumption are purchased readymade from the market.

The family still remains as an important economic unit from the point of view of 'consumer's outlay'. In other words, the modern family is a consuming unit and not a self-sufficient 'producing unit'.

2. Property Transformation:

The family acts as an agency for holding and transmission of property. Most families accumulate much property such as land, goods, money and other forms of wealth. The family transmits these property.

3. Religious Function:

Family is a centre for religious training of the children. The children learn various religious virtues from their parents. The religious and moral training of children has always been bound up with the home. Though formal religious education has reached into the earliest years the family still furnishes the matrix of religious ideas, attitudes and practice.

4. Educative Function:

The family provides the bases of all the child's latter formal education learning. Family is the first school of children. The child learns the first letters under the guidance of parents. In the words Mazzin, the first lesson of child begins between mother's kiss and father's care. The child learns language, behaviour and manners

from the parents. The virtues of love, cooperation, obedience, sacrifice and discipline are learnt by the child in the family.

5. Recreational Function:

The family provides recreation to its members. The members of the family visit their relations. They enjoy various occasions in the family jointly and derive pleasure. Now recreation is available in clubs and hotels rather than at home.

6. Wish Fulfillment:

The family gives moral and emotional support for the individual member, providing his defence against social isolation and loneliness and satisfying his need for personal happiness and love. The wife finds in the husband love, security, protection and strength, while the husband expects from her affection, tenderness, help and devotion.

To conclude, there are certain core functions with which the family is always and everywhere concerned. As Kingsley Davis says, there is no other social group which can perform this peculiar combination of great functions as its main societal task.

The family has given up some of the functions that it performed in the past. But by and large, the family remains the most important primary group in society for accomplishing certain essential functions.

Changing Functions of Family:

Historically, the family has been transformed from a more or less self-sufficient group into a definite and small group of minimum size. The small independent nuclear family has replaced the big consanguine family in Western advanced societies. In India too, the joint family is gradually disappearing and independent families are increasing, particularly in urban areas.

There has been a great change in the functions of the family. Modern industrialism and urbanism have created new cultural conditions. All these have profoundly

affected the structure and functions of the family. The authoritarian mores of feudalism and religious control of the family and marriage have declined.

The specific characteristics of modern Western family are generally attributed to the development of industrial society, according to Ogburn and Nimkoff. In India, the changes in the joint family are also closely connected with the rise and growth of an industrial economy.

The emergence of a capitalist economy, particularly after independence, and the spread of liberalism have challenged the sentiments maintaining the joint family. With the growth of industries, life undergoes changes. Many of the traditional functions of the family have been taken away by special agencies in modern times. The changing functions of the family are discussed below.

1. Change with regard to Satisfaction of Sex Needs:

The family satisfies the sex need of male and female through the institution of marriage. But change is visible in the function of the family with regard to satisfaction of sex need. This change can be seen more in Western societies where premarital and extramarital sex relations are on the increase. A declining trend is noticeable in the regulation of sexual behaviour by the family.

2. Change in the Reproduction Function:

There is also change in the reproduction function of the family. On the one hand, Western couple do not prefer to have children. On the other hand, in some case women in Western societies become mother before they are married. Hence, reproduction is possible without marriage and family.

3. Change in Sustenance Function:

The sustenance function of the family has been taken by other agencies. Hospitals and nursing homes are now offer medical care. Government and other non-Government organizations provide protection and care to aged persons. Patients

are admitted to hospitals or nursing homes and they are taken care of by doctors, nurses and midwives.

4. Change in Socialisation Function:

The industrial system has made necessary for women to go to the office, the school or the factory to work for a wage. As a result they do not get much time to socialise the children. Thus, there is the decline of the family as an agent of socialisation. The socialisation function of the family has been taken over by the outside agencies.

5. Changes in Economic Functions:

The earlier agricultural family with its numerous economic functions was a self-supporting ' business enterprise'. The home was the centre of production, distribution and consumption. Today the importance of family as an economic unit has been lessened as most of the goods for consumption are purchased from the market.

The modern family is a consuming unit. But it is not a self-sufficient producing unit. Some of the functions have been transferred to outside agencies, for example cooking of launches to restaurants and canteens, some laundering to outside laundries.

6. Changes in Educational Functions:

The modern family has transferred the educational function to outside agencies such as nursery schools, Kindergarten and Montessori schools. The responsibility of the family in imparting education to children has declined considerably. The modern family has delegated the task of vocational education to technical institutions and colleges.

7. Changes in Religious Function:

Family is a centre for religious training of the children and various religious activities. Now it is found that the family is losing the religious functions

performed in the past. The religious activities of the family has been materially reduced.

8. Changes in the Recreational Function:

Earlier, the family provided all kinds of recreation and entertainment to its members. Recreation is now available in clubs or hotels rather than homes. The recreational function of the family have been declined to a large extent. Various outside recreational centres such as clubs, cinema halls, park etc. provide recreational facilities to people. The family is no longer a home for recreation of its members.

From the above discussion it is clear that there has been a great change in the functions of the family. Many family duties which were discharged formerly by the parents have now been transferred to external agencies. The educational, religious, recreational and protective functions have been more or less taken over by schools, churches, Government and commercial recreational agencies.

In short, the family has lost some of its functions or losing many functions, performed in the past. However, the process is gradual and not everywhere the same. Despite its structural and functional changes, the family still holds a unique position among the innumerable institutions.

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Unit-3
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Kinship System

     3.1 Meaning, Definition & Types

     3.2 Kinship Terminologies & usages

     3.3 Kinship system in North India & South India

     3.4 Clan, Lineage

Kinship

Kinship is one of the main organizing principles of society. It is one of the basic social institutions found in every society. This institution establishes relationships between individuals and groups. People in all societies are bound together by various kinds of bonds.

The most basic bonds are those based on marriage and reproduction. Kinship refers to these bonds, and all other relationships resulting from them. Thus, the institution of kinship refers to a set of relationships and relatives formed thereof, based on blood relationships (consanguineal), or marriage (affinal).

There are different definitions of kinship. A few definitions are examined here.

'The social relationships deriving from blood ties (real and supposed) and marriage are collectively referred to as kinship.'

– Abercrombie et al.

'Kinship is the socially recognized relationships between people in a culture, who are either held to be biologically related or given the status of relatives by marriage, adoption, or other rituals. Kinship is a broad-ranging term for all the relationships that people are born into or create later in life that are considered binding in the eyes of their society. Although customs vary as to which bonds are

accorded more weight, their very acknowledgement defines individuals and roles that society expects them to play.'

– Encyclopedia Britannica

'Kinship is the recognition of relationships between persons based on descent or marriage. If the relationship between one person and another is considered by them to involve descent, the two are consanguine ("blood") relatives. If the relationship has been established through marriage, it is affinal.'

– L. Stone

'Kinship is a system of social relationships that is expressed in biological idiom using terms like "mother", "son", and so on. It is best visualized as a mass of networks of related- ness, not two of which are identical, that radiate from each individual. Kinship is the basic organizing principle in small-scale societies like those of the Aborigines and provides a model for interpersonal behaviour.'

– R. Tonkinson

'Kinship encompasses the norms, roles, institutions and cognitive processes refer-ring to all the social relationships that people are born into, or create later in life, and that are expressed through, but not limited to a biological idiom.'

– Laurent Dousset

Types of Kinship:

In any society, kin relationships are based either on birth (blood relations), or marriage. These two aspects of human life are the basis for the two main types of kinship in society.

1. Consanguineal Kinship:

It refers to the relationships based on blood, i.e., the relationship between parents and children, and between siblings are the most basic and universal kin relations.

2. **Affinal Kinship:**

It refers to the relationships formed on the basis of marriage. The most basic relationship that results from marriage is that between husband and wife.

Degree of Kinship:

Any relationship between two individuals is based on the degree of closeness or distance of that relationship. This closeness or distance of any relationship depends upon how individuals are related to each other.

Primary Kinship:

Primary kinship refers to direct relations. People who are directly related to each other are known as primary kin. There are basically eight primary kins—wife father son, father daughter mother son, wife; father son, father daughter, mother son, mother daughter; brother sister; and younger brother/sister older brother/sister.

Primary kinship is of two kinds:

1. Primary Consanguineal Kinship:

Primary consanguineal kin are those kin, who are directly related to each other by birth. The relationships between parents and children and between siblings form primary kinship. These are the only primary consanguineal kin found in societies all over the world.

2. Primary Affinal Kinship:

Primary affinal kinship refers, to the direct relationship formed as a result of marriage. The only direct affinal kinship is the relationship between husband and wife.

Secondary Kinship:

Secondary kinship refers to the primary kin's of primary kin. In other words, those who are directly related to primary kin (primary kin's primary kin) become one's secondary kin. There are 33 secondary kin.

Secondary kinship is also of two kinds:

Secondary Consanguineal kinship:

This type of kinship refers to the primary consanguineal kin's primary consanguineal kin. The most basic type of secondary consanguineal kinship is the relationship between grandparents and grandchildren. In the Figure 3, there is a direct consanguineal relationship between Ego and his parents. For Ego, his parents are his primary consanguineal kin. However, for Ego's parents, their parents are their primary consanguineal kin. Therefore, for Ego, his grandparents are his primary consanguineal kin's (his parents) primary kin. For him, they become secondary consanguineal kin.

Secondary Affinal Kinship:

Secondary affinal kinship refers to one's primary affinal kins primary kin. This kinship includes the relationships between an individual and all his/her sisters-in-law, brothers-in-law, and parents-in-law. For an individual, his/her spouse is his/her primary affinal kin, and for the spouse, his/her parents and siblings are his/her primary kin. Therefore, for the individual, the parents of brother/sister-in-law will become his/her secondary affinal kin. Similarly, any sibling's spouse or sibling's parents-in-law will become secondary affinal kin for an individual.

Tertiary Kinship:

Tertiary kinship refers to the primary kin of primary kin's primary kin or secondary kin of primary kin primary kin of secondary kin. Roughly 151 tertiary kin have been identified.

Like other two degrees of kinship, tertiary kinship also has two categories:

Tertiary Consanguineal Kinship:

Tertiary consanguineal kinship refers to an individual's primary consanguineal kin (parents), their primary kin (parents' parents), and their primary kin (parent's parent's parents). Thus, the relationship is between great grandchildren and great grandparents, and great grand aunts and uncles, and consequently the relationship between great grand uncles and aunts and great grand nieces and nephews.

Tertiary Affinal Kinship:

Tertiary affinal kinship refers to primary affinal kin's primary kin's primary kin, or secondary affinal kin's primary kin, or primary affinal kin's secondary kin. These relationships are many, and some examples will suffice at this stage of tertiary affinal kin can be spouse's grandparents, or grand uncles and aunts, or they can be brother or sister-in-law's spouses or their children. Let us try and understand these relationships with the help of an illustration.

Descent:

Descent refers to the existence of socially recognized biological relationship between individuals in society. In general, every society recognizes the fact that all offspring or children descend from parents and that a biological relationship exists between parents and children. It refers to a person's offspring or his parentage. Thus, descent is also used to trace one's ancestry.

Lineage:

Lineage refers to the line through which descent is traced. This is done through the father's line or the mother's line or sometimes through both sides. Both descent and lineage go together as one cannot trace descent without lineage.

Importance of Kinship in Rural Society:

It is important to study kinship, as it helps in sociological and anthropological theory building. Pierre Bourdieu, Levi Strauss and Evans Pritchard are some of the theorists, who have constructed various theories on the basis of kinship relations. However, except a few, no substantial work has been done on villages.

Kinship relations have been studied by the Indian sociologists or anthropologists. Most of them have concentrated on village, caste, family and other social institutions in rural areas. Few sociologists and anthropologists, such as, Irawati Karve, Rivers, and T. N. Madan have made certain notable contributions to the institution of kinship.

The importance of kinship in tribal/rural societies can be understood from the following discussion:

a. Kinship and its Relation to Rural Family, Property and Land:

The prime property of any rural family is land. So, land is related to all the kin members of the family. The sons, grandsons and other kins, who are related by blood and marriage, have their economic interests in land. Now-a-days, women are becoming aware that they are also entitled to get an equal share from the ancestral property.

The emancipation movement of women demands that women should not be deprived of the inheritance rights and should get all equal share of the property. In most of the village studies, property and kinship are discussed in relation to each other.

The family members also gain status by the ownership of land. Even political status is determined by kinship relations in some cases. In the case of kin relations, related by blood and marriage, many economic and political concessions are given to the members of the kin. However, it does not mean that kinship relations are important only in rural society as they are also there in urban society too. As the urban community is widespread, there is hardly any chance for kin members to participate and meet in the social gatherings of the family.

b. Kinship and Marriage:

In every society, marriage has certain rules, such as endogamy, exogamy, incest taboos and other restrictions. These rules are applicable to all the kins of the family. Usually, the rural people are more serious and strict in observing the rules related to marriage. Exogamy is commonly followed in most of the villages of India. The members of the villages do not prefer to marry within their own village. However, this rule can vary on the basis of the severity of rules of marriage.

Irawati Karve and A. C. Mayer in their studies on kinship have reported on the village exogamy. Mayer, in his study of Kinship in Central India, informs that village exogamy is violated in some of the cases, but it brings disrepute to the parties involved. It must be observed here that the study conducted by Mayer is an important document on village ethnography. Mayer further informs that inter-caste marriages, in all cases, are looked down by the village people. (Doshi S. L., and Lain P. C., Rural Sociology, p. 192)

c. Kinship and Rituals:

The role and importance of the kin members lies in the degree of close relationships among them. Their importance can be seen during the occasions, such as cradle ceremony, marriage and death. During a naming ceremony, it is the father's sister, who has to give a name to the newborn. There are certain rites and rituals, which have to be performed by mother's brother during the marriages of daughters.

The daughter's parents make the payment in cash or kind to the son-in-law's sister, who occupies an important place during a Hindu wedding, especially in South India. It is obligatory on part of the close kin relatives to offer gifts to the newly wed couples and in the same manner, these close relatives are equally rewarded from both sides (parents of the couple). During the occasions of death also, it is obligatory for the kinsmen to observe mourning for about 11 to 14 days (this period varies from region to region).

Changes in the Kinship Relations in Rural Society:

Many changes are taking place in all the institutions of the rural society, including kinship relations. These changes can be noted as demand for ownership titles by women, rules of marriage are being challenged and the traditional rules regarding divorce are also getting weakened.

Though some of the aspects of kinship are losing their importance, few others are gaining prominence. Kinship is playing an important role in the field of politics, especially in rural elections to Panchayati Raj Institutions. Favoritisms, while distributing jobs, is being observed among the kinsmen. Due to the emergence of such new forces, kinship may acquire new structure and form.

Difference between Kinship and Family

While the family denotes a relationship between the spouses and their children, who are described as 'siblings', the kin includes within the bound a large number of persons; and what creates a kinship will necessarily depend upon the social organization in the context of which the term is applied.

A distinction has to be made for this purpose between the biological parent and the sociological one; and in some communities the person who is called father may not be the biological parent. For example, in Malagasy, among the Tanala tribe there is a practice that the husband may claim as his own the first three children that may be born to his wife after he divorces her on the ground of adultery.

We have seen earlier that some tribes have a classificatory system of relationship according to which men of certain age groups will be called 'father' or 'brother' and women of particular age groups will be addressed as 'mother', 'sister' etc., and many of them may be very distantly related by blood.

Among Australian tribes there is a system of dividing society into certain classes, and a child's class is determined by his birth into a family; and he would be permitted to marry into a class that is not the one to which his parents belong. Certain tribes have a four-class or an eight-class classification, and marriage between uncle and niece is prohibited, although the one between cross-cousins is allowed and even encouraged.

The rules relating to formation of kin relations may vary but, once the relationship is established, it standardizes the different duties, responsibilities and the privileges

of the members who fall within its range. The terms and conditions of such relationship may also be distinctive. Among the Thado Kuki of Assam, there is a practice that a man would use the term 'hepu' to denote his relationship with his mother's father, mother's brother asalso his mother's brother's son.

Any of these persons can claim from him his mother's bride-price and, when she dies, her 'bone- price'. Among the AO Naga tribes of Nagaland, there are three exogamous groups in society, and a man's wife's mother may belong to his mother's group, to his grandmother's group or even to his own group. Among the Australian tribes, there is a system of having classificatory relationships and kinship systems generally fall into four categories.

The Yeruba tribe in Nigeria have a system under which the actual father, the father's brothers as also the mother's brothers will all be addressed as 'baba', and the term 'iya' is used for the mother as also for any women who belongs to a generation that stands immediately above that of the child concerned. In Polynesia, the Hawaians use the term 'makua' for both the parents and for all their parents' brothers and sisters.

Besides the 'classificatory' relationships among kins, there are also others which have been described as the 'lineal' 'descriptive' and the 'bifurcating' types of relationship. In the lineal type, a difference is made between the ascending and the descending generations, like 'father', 'mother', 'son', 'daughter' etc; but in each generation, the collaterals are grouped together, as uncles, cousins, brothers in law etc.

The descriptive type however distinguishes the collaterals also from each other and from the lineals, such as we have in India or the Arabs have for their relationships. The American Indians have the 'bifurcating' type of relationship and, according to this system, each generation is distinguished from the other and collaterals on the male side are also differentiated from those on the female side.

The same term may be used by them for the father and the father's brother, and a different term will be applied to the mother's brother. Tribes and classes exist in which some sort of combination of any of these three types of relationship may be made.

McIver observes that kinship principles are not fast decaying and, at least, the classificatory relationship system continues under some disguise or the other. When persons of a locality are addressed as 'aunt' or 'uncle, traces of such system can well be recognized and understood.

In the world of today, the family has assumed more of importance than the kinship system, but kins at times claim a right of living in a joint family, and in this regard the Indian society has a built-in system of security offered to widows claiming any shade of relationship. Visits by married girls to their kins' places are also common and frequent, and social occasions like that of the wedding or the sradha ceremony demand that no kin shall be left out of the privilege of being invitees.

In some relatively unenlightened families, too, in villages, kins even have a say upon questions relating to the education or the marriage of a relative's son or daughter. In urban centres, however, the role of the kin in one's own life has been reduced to a little more than a mere formality, for siblings too are unable to exercise much of influence upon each other's lives.

Kinship in India

Kinship system is essentially a 'cultural system.' There is no universal kinship pattern in the world. It varies according to varying cultural systems. By way of illustration, we may refer to differences in kinship patterns obtaining in European and Indian societies.

In the former a very clear-cut distinction is drawn between consanguineous kin and affinal kin—the two are poles apart. Kinship terminologies used in these societies bring out the distinction very boldly. A married man and a married woman refer to

the relatives of their spouses as in-laws. Usage determines the relationships with in-laws.

The very use of the term "in-law" sets them apart from blood kins. Again, in Western society a married woman has the status of an affinal kin in her husband's family. In Indian society, on the other hand, the distinction between blood kins and affinal kins is not so sharply drawn.

Sometimes the distinction is so blurred that it is difficult to tell one from the other. After marriage, the wife enjoys the status of a blood kin in her husband's family, enjoying all the rights and discharging all the obligations of her husband's blood kins.

In Indian society, apart from blood kins and affinal kins, even the Active kins are looked upon as .one's own people. That is, among one's own people are included persons related by blood, by marriage, by living together in the same house, neighbourhood and village, by being members of the same class in school, by working together in the same office, by being initiated by the same Guru, and so forth.

Inden and Nicholas have brought out the basic difference in cultural values in this regard among Westerners and Indians by saying that "because of the dualistic assumption" in Western culture, they "emphasise the distinction within the larger class" between persons related by natural substance and the others who are 'merely' related by a code for conduct".

"Under the monistic postulate" of Indian culture, by contrast, all of one's own people are seen as related both by substance and by a code for conduct.

The difference in kinship patterns obtaining in Western society and Indian society owes its origin to a deep and basic difference in the underlying principles of social organisation in these two types of societies. Our society extends beyond family only to the limits of a village, and no farther.

The defining characteristics of such a narrow society, including rights and obligations of all groups of people in such a society, are shaped by the demands of the collective life of the family and the village.

Naturally, a very close-knit relationship among members of a village develops. On the other hand, a Western society extends far beyond family and village. As a result, formal ties replace informal ties of relationship, and a sharp distinction between blood kins and affinal kins is the natural off-shoot.

We cannot also speak of a uniform kinship pattern for the whole of India so long as different social conditions continue to persist in different parts of the country and influence norms and institutions in those regions. But we may broadly delineate a picture of kinship pattern which prevails all over India with minor variations from region to region.

Wider ties of kinship in India:

Outside his family, a villager spends much of his time with his other kinsmen. In the village a family depends on them in an emergency or on ritual or festive occasions of in connection with work in the field and sometimes even in settlement of disputes. We may take into account various classes of kinsmen outside his immediate family with whom he interacts.

We may, in the first place, consider those, families which are closest to him in terms of residence as well as in terms of patrilineal descent. Such a group has been characterised by Mandelbaum as a localized lineage. These men are brothers who have set up separate households or the sons of brothers or patrilateral cousins.

All the persons who reside in such households, including wives, adopted children and resident sons-in-law, are considered to be part of the lineage even though they are of different partrilineai descent.

The families who belong to one lineage usually perform formal ritual functions together, particularly observance of mourning rites. Such joint observance helps to

define the boundaries of the group. They also participate jointly in many other activities. The lineage is regarded as an extension of the family and, as such, it is an exogamous unit.Secondly, a larger exogamous category is known in many jatis, though not in all.

It is called gotra or clan.. **"It is usually a grouping rather than a group, a taxonomic category rather than the basis for joint action."** Each person inherits the gotra of his father. Marriage within the gotra is forbidden because persons bearing the same gotra are considered to be descended s from the same progenitor. The members having the same gotra tend to be too dispersed and their kin ties too remote to be able to share much in the way of common interests or joint action. Gotra grouping is, however, mainly used "to classify jati fellows into eligible and ineligible spouses."

Thirdly, there is a class of kinsmen who provide a basis for some joint action. In this category are the families of the jati group, i.e. those belonging to the same jati, who live in one village. They are looked upon as kinsmen in the sense that they are **"either actual or potential relatives with the added bond of village residence".**

Finally, there is a class of fictive kin. Since villagers consider kinship bonds to be the best basis for reciprocity and allegiance, people who are not actually related by blood or marriage can establish fictional bonds of kinship with one another." In this way a person can secure for himself the benefits of a wider circle of kin than biology can provide for him".

Kinship Bonds in North and in South India:

Marriage alliances are the principal means by which new kinship bonds can be forged. There is, however, a fundamental difference in this regard between North and South India. In the first place, broadly speaking, in the South a family tries to

strengthen existing kin ties through marriage. In the North, on the other hand, a family tends to affiliate with a separate, set of people to whom it is not already linked.

The system of kinship terms used by most Dravidian-speaking people of South India is connected with closer marriage. All descent lines are divided into two categories: those with whom one may marry and those with whom one may not. According to Mandelbaum, the structure of Dravidian kinship terminology "can be derived from a few postulates, a principal one being that the children of brother and sister should marry. The term used for cross-cousin of the opposite sex (a man's mother's brother's daughter and usually also his father's sister's daughter) has the connotation of prospective or possible spouse. By extension all potential mates are called cross-cousin".

Co-operation among kins is periodically strengthened by marriages within that circle.

In his analysis of South Indian kinship, Nur Yalman says:

"Brother and sister must be separated but their offspring must also be united".

In view of this, Mandelbaum observes:

"In most of North India, by contrast, there is a centrifugal rather than a centripetal tendency in making marriage alliances. A prospective match is seen more as an opportunity to ally two different sets of kin than- as a way of strengthening an existing set".

Secondly, in Northern India "unilineal kin are often linked to a particular locality either in fact or by implication, so that village exogamy is common. In the Southern usage, the emphasis is more on bi-lateral connections, and there is little or no territorial exogamy".

Thirdly, "affines in the south may co-operate and are involved in each other's affairs in a way that is not tolerated in northern jatis".

<div align="center"><u>Unit-4</u></div>

Contemporary Issues

    4.1 Migration and its impact on family

    4.2 Domestic Violence

    4.3 Dowry

    4.4 Divorce

Meaning of Migration:

Migration is the third factor for changes in the population, the other being birth rate and death rate. As compared to birth rate and death rate, migration affects the size of population differently. Migration is not a biological event like birth rate and death rate, but is influenced by the social, cultural, economic and political factors. Migration is carried by the decision of a person or group of persons. The changes occurring in the birth rate and death rate do not affect the size and structure of the population on a large scale, while migration, at any time, may cause large scale changes in the size and structure of the population.

The study of migration is of vital importance because the birth rate, death rate and migration determine the size of population, the population growth rate and thus the

structure of population. In addition, migration plays an important role in determining the distribution of population and supply of labour in the country.

Thus, the study of migration is also useful for formulating economic and other policies by the government, economists, sociologists, politicians, and planners along with demographers

Migration shows the trends of social changes. From the historical viewpoint during the process of industrialisation and economic development, people migrate from farms to industries, from villages to cities, from one city to another and from one country to another. In modern times, technological changes are taking place in Asia, Africa and Latin America due to which these regions are witnessing large-scale migration from rural to urban areas.

Economists are interested in the study of migration because migration affects the supply of skilled and semi-skilled labourers, development of industries and commerce causing changes in the employment structure of the migrated people. Formulation of economic policies has a close relation with the process of migration because migration affects the economic and social development of a country.

Out of the many side effects of the population growth in India and other developing countries, an important effect of industrialisation and economic development is the internal migration of the population on a large scale, which has drawn the attention of planners and formulaters of economic policies. Thus, migration is a demographic event, whose long term effects fall on the socio-economic and cultural development of any region or country.

Migration is the movement of people between regions or countries. It is the process of changing one's place of residence and permanently living in a region or country. According to the Demographic Dictionary of United Nations, "Migration is such an event in which people move from one geographical area to another geographical

area. When people leaving their place of residence go to live permanently in another area then this is called migration."

Migration may be permanent or temporary with the intention of returning to the place of origin in future.

Types of Migration:

Migration is of the following types:

(i) Immigration and Emigration:

When people from one country move permanently to another country, for example, if people from India move to America then for America, it is termed as Immigration, whereas for India it is termed as Emigration.

(ii) In-migration and Out-migration:

In-migration means migration occurring within an area only, while out-migration means migration out of the area. Both types of migration are called internal migration occurring within the country. Migration from Bihar to Bengal is in-migration for Bengal, while it is out- migration for Bihar.

(iii) Gross and Net Migration:

During any time period, the total number of persons coming in the country and the total number of people going out of the country for residing is called gross migration. The difference between the total number of persons coming to reside in a country and going out of the country for residing during any time period is termed as net migration.

(iv) Internal Migration and External Migration:

Internal migration means the movement of people in different states and regions within a country from one place to another. On the other hand, external or international migration refers to the movement of people from one country to another for permanent settlement.

Concepts Relating to Migration:

Besides, the following concepts are used in migration:

(i) Migration Stream:

Migration stream means the total number of people migrating from one region to another or from one country to another for residing during a time period. It is, in fact, related to the movement of people from a common area of origin to a common area of a destination. For example, migration of Indians to America during a time interval.

(ii) Migration Interval:

Migration may occur continuously over a period of time. But to measure it correctly, the data should be divided into intervals of one to five or more years. The division relating to a particular period is known as migration interval.

(iii) Place of Origin and Place of Destination:

The place which people leave is the place of origin and the person is called an out-migrant. On the other hand, the place of destination is the place where the person moves and the person is called an in-migrant.

iv) Migrant:

Migrant is the labour which moves to some region or country for short periods of time, say several months or a few years. It is regarded as a secondary labour force.

Effects of Migration:

Internal migration affects the place where from people migrate and the place to which they migrate. When the migrants move from rural to urban areas, they have both positive and negative effects on the society and economy.

(i) Effects on Rural Areas:

Migration affects rural areas (the place of origin) in the following ways:

1. Economic Effects:

When population migrates from rural areas, it reduces the pressure of population on land, the per worker output and productivity on land increases and so does per

capita income. Thus family income rises which encourages farmers to adopt better means of production thereby increasing farm produce.

Those who migrate to urban areas are mostly in the age group of 18-40 years. They live alone, work and earn and remit their savings to their homes at villages. Such remittances further increase rural incomes which are utilised to make improvements on farms which further raise their incomes. This particularly happens in the case of emigrants to foreign countries who remit large sums at home.

Moreover, when these migrants return to their villages occasionally, they try to raise the consumption and living standards by bringing new ideas and goods to their homes. Modern household gadgets and other products like TV, fridge, motor cycles, etc. have entered in the majority of rural areas of India where larger remittances flow from urban areas.

Further, with the migration of working age persons to urban areas the number of farm workers is reduced. This leads to employment of underemployed family members on the farm such as women, older persons and even juveniles.

Further, out-migration widens inequalities of income and wealth in rural area families which receive large remittances and their incomes rise. They make improvements on their farms which raise productivity and production. These further increase their incomes. Some even buy other farm lands. Thus such families become richer as compared to others, thereby widening inequalities.

2. Demographic Effects:

Migration reduces population growth in rural areas. Separation from wives for long periods and the use of contraceptives help control population growth. When very young males migrate to urban areas, they are so influenced by the urban life that they do not like to marry at an early age.

Their aim is to earn more, settle in any vocation or job and then marry. Living in urban areas makes the migrants health conscious. Consequently, they emphasise on the importance of health care, and cleanliness which reduces fertility and mortality rates.

3. Social Effects:

Migration also affects the social set-up of rural communities. It weakens the joint family system if the migrants settle permanently in urban areas. With intermingling of the migrants with people of different castes and regions in cities, they bring new values and attitudes which gradually change old values and customs of ruralites. Women play a greater role in the social setup of the rural life with men having migrated to towns.

(ii) Effects on Urban Areas:

Migration affects urban areas (or the place of destination) in the following ways:

1. Demographic Effects:

Migration increases the population of the working class in urban areas. But the majority of migrants are young men between the ages of 15 to 24 years who are unwed. Others above this age group come alone leaving their families at home.

This tendency keeps fertility at a lower level than in rural areas. Even those who settle permanently with their spouses favour small number of children due to high costs of rearing them. The other factor responsible for low fertility rate is the availability of better medical and family planning facilities in urban areas.

2. Economic Effects:

The effects of migration on income and employment in urban areas are varied depending upon the type of migrants. Usually the migrants are unskilled and find

jobs of street hawkers, shoeshine boys, carpenters, masons, tailors, rickshaw pullers, cooks and other tradesmen, etc.

These are "informal sector" activities which are low paying. But, according to the ILO, the evidence suggests that the bulk of employment in the informal sector is economically efficient and profit-making. Thus such migrants earn enough to spend and remit to their homes.

Other migrants who are educated up to the secondary level find jobs as shophelpers, assistants, taxi drivers, repairing machines and consumer durables, marketing goods and in other informal activities that are small in scale, labour intensive and unregulated. Their earnings are sufficient to bring them in the category of a common urbanite with an income level higher than the unskilled workers.

Another class of migrants that is very small is of those who come for higher education in colleges and institutes to towns. They find good job in the "formal sector", get good salaries, and follow a good standard of living. These are the persons who remit large sums to their homes and help in modernising the rural scenario.

(iii) Adverse Effects of Rural-Urban Migration:

Migration from rural to urban areas has a number of adverse effects. Towns and cities in which the migrants settle, face innumerable problems. There is the prolific growth of huge slums and shantytowns. These settlements and huge neighbourhoods have no access to municipal services such as clean and running water, public services, electricity, and sewage system.

There is acute housing shortage. The city transport system is unable the meet the demand of the growing population. There are air and noise pollutions, and increased crime and congestion. The costs of providing facilities are too high to be met, despite the best intentions of the local bodies.

Besides, there is massive underemployment and unemployment in towns and cities. Men and women are found selling bananas, groundnuts, balloons and other cheap products on pavements and in streets. Many work as shoeshines, parking helpers, porters, etc.

Thus, urban migration increases the growth rate of job seekers relative to its population growth, thereby raising urban supply of labour. On the demand side, there are no enough jobs available for the ruralities in the formal urban sector for the uneducated and unskilled rural migrants.

Consequently, this rapid increase in labour supply and the lack of demand for such labour lead to chronic and increasing urban unemployment and underemployment.

Migrations are caused by a variety of factors including economic, social and political factors. They are briefly described as under.

1. Marriage:

Marriage is a very important social factor of migration. Every girl has to migrate to her in-law's place of residence after marriage. Thus, the entire female population of India has to migrate over short or long distance. Among the people who shifted their resistance more than half (56.1%) moved due to marriage in 1991.

2. Employment:

People migrate in large number from rural to urban areas in search of employment. The agricultural base of rural areas does not provide employment to all the people living there. Even the small-scale and cottage industries of the villages fail to provide employment to the entire rural folk. Contrary to this, urban areas provide vast scope for employment in industries, trade, transport and services. About 8.8 per cent of migrants migrated for employment in 1991.

3. Education:

Rural areas, by and large, lack educational facilities, especially those of higher education and rural people have to migrate to the urban centres for this purpose.

Many of them settle down in the cities for earning a livelihood after completing their education.

4. Lack of Security:

Political disturbances and interethnic conflicts drive people away from their homes. Large number of people has migrated out of Jammu and Kashmir and Assam during the last few years due to disturbed conditions there.

People also migrate on a short-term basis in search of better opportunities for recreation, health care facilities, and legal advices or for availing service which the nearby towns provide. Table 12.1 gives an idea of impact of different reasons on migration.

'Pull' and 'Push' Factors:

Urban centres provide vast scope for employment in industries, transport, trade and other services. They also offer modem facilities of life. Thus, they act as 'magnets' for the migrant population and attract people from outside. In other words, cities pull people from other areas. This is known as "pull factor".

People also migrate due to 'push factors' such as unemployment, hunger and starvation. When they do not find means of livelihood in their home villages, they are 'pushed' out to the nearby or distant towns.

Millions of people who migrated from their far-off villages to the big cities of Kolkata, Mumbai or Delhi did so because these cities offered them some promise for a better living. Their home villages had virtually rejected them as surplus population which the rural resources of land were not able to sustain any longer.

Domestic Violence in India

Now-a-days often when we scan through the newspaper or while watching the television, we come across news related to torture and brutality against various members of the family. Mostly these members comprise women in the age group of 15-40 years. This brutality has been termed as domestic violence.

Wife tortured and battered to death, girls facing sexual harassment in school or their workplace, and sometimes it's astonishing but they face such vindictive behaviour in their own house from among the family members.'

Domestic violence against women has become very common in society and is present in every other household. Violence against women is rampant in India. According to India's latest National Family Health Survey-Ill, which interviewed 1.25 lakh women in 28 states during 2005-06, over 40% of women reported being beaten by their husbands at some point of time.

Over 51% of the 75,000 men interviewed didn't find anything wrong with assaulting their wives. More shockingly, around 54% of the women surveyed thought that such violence was justified on one ground or the other.

An earlier study done by Harvard on domestic violence in India had made another major finding—children of women beaten up or abused by husbands were 21% more likely to die before turning 5. Domestic violence is one of the crimes against women which is linked to their disadvantageous position in the society.

Domestic violence refers to violence against women especially in matrimonial homes. Therefore domestic violence is recognized as the significant barriers of the empowerment of women, with consequences of women's health, their health health-seeking behaviour and their adoption of small family norm.

Indian Society makes Domestic Violence Invisible:

Indian society makes domestic violence invisible and leaves it cocooned by feelings of guilt and embarrassment; according to some findings, two of every five women in an abusive relationship in India do not speak up about the abuse they undergo because of shame and family honor. And this is despite the fact that surveys of women across urban slum; non-slum and rural areas have shown that up to fifty per cent of them have suffered from at least one form of domestic violence in their marital lives.

Unfortunately, this attitude which makes domestic violence an invisible factor in India's social fabric vitiates not only societal responses to the issue but also institutional responses even though studies have repeatedly shown that domestic violence is one of the few phenomena which cuts across all the cultural, socio-economic, educational, ethnic and religious barriers which usually divide society, and, absurdly enough, not only seems to increase with a rise in a woman's education but also prevails among the so-called elite of society.

Laws to deal with domestic violence do exist and they include Section 113 A of the Indian Evidence Act, Sections 498 A and 304 B of the Indian Penal Code, and the Dowry Prohibition Act of 1961 and the Domestic Violence Act which came into force in October 2006. The effect of such laws is, however, currently limited.

For example, a report by Amnesty International observes, "Analysis of court decisions in one particular district of Maharashtra, Yavatmal, for example, shows that only 2.2 percent of the cases brought under 498 A during the period of 1990-96 resulted in conviction."

A more pressing problem, however, is that although these laws exist to combat domestic violence, it is extremely difficult to ensure that they are implemented. Judicial records show that the conviction rates in cases of domestic violence are very low and these records don't take into consideration those cases which never even make it to court.

Lengthy court proceedings, inordinate delays in investigation and irrational procedures are serious deterrents for women to approach courts, let alone see the entire case through.

Unequal Position of Women in India:

Looking at the domestic front, staring from Vedic age to twenty first century, women in India perhaps have never experienced equal rights and freedom compared to their male counterparts.

The concept of 'Ardhangini' [half of the body] seems to be restricted only in literatures and have never implemented in practical life. In addition to this, extracts from Ramcharitamanas of Tulsidas like 'Dhol, Gauwnaar, Shudra, PashuaurNari; Sakal Tadanka Adhikari' [drums, uncivilized illiterates, lower castes, animals and women are all fit to be beaten] besides other indicators like Pardaha system [hiding the face in veils], Sati system [self immersion of the lady in husband's pyre] that are subject to women only; is a reflection of the history of women's subordinate status.

In short, it is always the women who have to be in the tight rope, subject to inequality and looked down as an inferior sex. Staring from childhood to the end of her life she has to be under the control of father or husband or the son.

The subordinate status of women combined with socio cultural norms that are inclined towards patriarchy and masculinity can be considered as an important factor determining the domestic violence. During the British Raj, Sati and Pardah system was prevalent and it was directed towards women only.

Such violence is prevalent against women because the orthodox section of the society feels that women are not as strong as men and are not able to compete in this world. Even after proving their mettle in all fields in contemporary times, they still have to face domestic violence.

There are various other reasons also which lead to such cruelty against women. Earlier, sati was prevalent as people thought that if the women of the house re marries, then she will be allowed to take all the property which her husband has left for her and it will deprive the family members of the deceased person of its benefits.

So, they thought that the most appropriate method to get rid of all the problems was to burn the widow alive along with her deceased husband.

It was a myth that domestic violence was prevalent in rural areas or towns but now it is rampant in urban areas and in metropolitan cities also. The most common reasons for such brutality is baseless suspicion on one's spouse, not bringing the desired amount of dowry as expected by the groom's family, refusing sex and even for petty reasons like food not being served on time or women not being able to give ample time to her family and in-laws due to work pressure. For such reasons, the women have to go through mental, physical and psychological trauma as they face constant violence at home. They are beaten; subjected to abusive language and even burnt as they don't fulfill all the needs and desires of their family members.

Defining Domestic Violence:

Domestic violence now can be defined as any physical, mental, sexual or psychological abuse or just an attempt of it which creates fear in the minds of women and bewilders them. In one such case, it so happened that a woman asked for a required amount of dowry and gifts for her first pregnancy and the girl's father couldn't manage the amount.

Some days later, the dead body of the girl was found near a tank. It was clear that the woman's hands and legs were tied and she was given electric shocks and then when she dies, her body was disposed of.

In 1983, domestic violence was recognised as a specific criminal offence by the introduction of section 498-A into the Indian Penal Code. This section deals with cruelty by a husband or his family towards a married woman.

Four types of cruelty are dealt with by this law:

a. Conduct that is likely to drive a woman to suicide,

b. Conduct which is likely to cause grave injury to the life, limb or health of the woman,

c. Harassment with the purpose of forcing the woman or her relatives to give some property, or

d. Harassment because the woman or her relatives is unable to yield to demands for more money or does not give some property.

Domestic Violence in Rural Areas:

The possibilities of domestic violence are more rampant in rural areas. In rural areas, young girls are married off at the tender age of 12 or 13 before they reach puberty. They have little knowledge about sexual relationships which they are going to share with their husband. On the other hand, men are mature enough and they expect a lot from their marriage. When the women can't fulfill the needs and urges of the man, he starts exploiting and man-handling her. She has no clue how to handle the situation and so she escapes to her father's house.

But there also, she gets no sympathy from her own parents and she is forced to return to her husband. When she comes back, the treatment which is met out to her is even worse and due to all these reasons, when situations go out of her hand and she can't bear anymore then she is forced to end her life?

But she leaves back questions like who is responsible for her condition and for her death; her parents who didn't care to understand her situation, her husband who misbehaved with her or she herself? Rural women are less or not educated at all, so it is difficult for them to find a solution to fight against domestic violence.

They are not even welcome in their father's family. No one wants to understand their status or mental condition. Sometimes, their own relatives hold them responsible for not being able to keep the man happy. Such social dogmas weaken a woman from inside and she is forced to take some drastic step which can put an end to her problems permanently.

Domestic Violence in Urban Areas:

Well if people believe that only women in the rural areas are subjected to domestic violence, then we should think again. It is present even in the well-educated sections of Indian society.

Even educated men who claims to have a rational mind and the ability to think and distinguish between what is correct and what is wrong make such grave mistakes of domestic violence.

Even if they are educated, when it comes to giving women a position at par with them, their orthodox mentality comes forth. They can never accept the fact that their wife (better half) can prosper more than them and have a better position in the society.

If a wife is earning more than a husband, it also becomes a reason for domestic violence. But it has been noticed that majority of the women in the fear of bringing bad name to their family, don't open their mouths and go on suffering through all the pain and pressure.

However educated a man is, the wish for a male child is prevalent even in today's society. Even well- to-do families wish to have a male child so that when he grows up, he can carry forward the family business or any family legacy.

But the most important question is that can't a girl do the same work which is expected of a boy? Women today have proved that they are no less than men in any field. Yet, in the greed of a male child, women have to face a lot of violence.

The fact remains that whether a woman will give birth to a boy or a girl depends on the man or husband and not the woman. The sperm of the man decides whether the baby will be a girl or a boy. Then why is a woman cursed or ill-treated if she gives birth to a girl child. In any case, a child is a gift of God and it should be happily accepted.

Types of Domestic Violence:

(i) Female Foeticide and Infanticide:

A major gain from the women's movement has been the emergence of a rich storehouse of information and data on women at every stage of the life cycle-

exposure of the prevalence of the acts of foeticide and infanticide being a case in point.

While both these methods of dealing with unwanted daughters go back in history, is the misuse of medical tests for female foeticide and increasing incidence of infanticide in parts of the country where it was once unknown are of recent origin.

Apart from the medical issues involved, there are important ethical questions being raised: if abortions are legal, why are different standards applied to sex-determination tests which may or may not be used to influence sex-selective abortions? How can one combat the logic of those who argue that it is better to avoid the suffering imposed on unwanted girl babies by not allowing them to be born? In a democratic society, why should the state interfere in the right of couples to decide whether they want girls or not?

This is particularly so in India where abortion (medical termination of pregnancy or MTP) is a form of birth control actively encouraged by the medical establishment. In a well-argued article where she places the Indian debates around abortion and female foeticide in the wider context of the rights discourse, Nivedita Menon points out that there is a profound philosophical incoherence involved in arguing for abortion in terms of the right of women to control their bodies and at the same time demanding that women be restricted by law from choosing specifically to abort female foetuses. It is essential that feminists should avoid being forced to counterpose the rights of (future) women to be born against the rights of (present) women to have control over their bodies.

In other words, feminists and concerned citizens have to acknowledge that in asking for women to have the right to control their bodies, they have to accept for caveat that women may themselves work against future generations of their gender. However, those who want to make a distinction between a gender-neutral

abortion and abortion induced following sex- selective tests, argue that the latter actively works against equality and the right to life for girls.

Keeping these arguments in mind, a discussion of the violence of female foeticide- and infanticide follows, arguing that how women control their bodies is often the manifestation of a dominant ideology which valorizes the male child. While some studies have seen the discrimination against female children to be validated by economic functions, other studies point to a far more deep-seated yearning for the male child, who, among other things, facilitates the passage of a Hindu to the next world.

Female foeticide has become popular with the spread of amniocentesis, a medical technique evolved to discover birth defects. A part of the test involves establishing the sex of the foetus. Introduced in 1974 at a leading government-run hospital in New Delhi, the new technology was quickly appropriated by medical entrepreneurs. A spate of sex-selective abortions followed.

Though a series of government circulars from 1977 onwards conveyed the ban on the tests, 'the privatization and commercialization of the technology' was well under way within a few years of its introduction.

A case study from a hospital in a city in western India conducted from June 1976 to June 1977 revealed that of the 700 women who sought prenatal sex determination, 250 were found to have male foetuses and 450 females.

While all the male foetuses were kept to term, 430 of the 450 female foetuses were aborted. According to Kuntal Agarwal, 'amniocentesis tests and female foeticide have been prevalent since 1977, but have become popular (only) since 1982 and thereafter small towns and cities are also experiencing their effect.

(ii) The Abused Child:

An area in which there is little available research is that of child abuse within the home. This includes sexual aggression, beating, as well as extracting hours of

labour from children who should be in school or at play. Nonetheless, nearly all available studies have shown that children are victims of substantial abuse of a physical, psychological, and emotional nature.

In part, this abuse is caused by the life situation of families, where, for instance, children become part of the labour force due to poverty. Recent studies have shown that, in absolute terms, child labour is on the increase, particularly for those who work as marginal workers.

For girls the expansion has been dramatic in both rural as well urban areas. Neera Burra (1995) has divided child labour into four categories—those who work in factories, workshops, and mines; those who are bonded; street children; and children who form part of the familial labour force.

Working in inhuman conditions often for a pittance, children are abused at work and within homes where their earnings become the property of their parents. Not unexpectedly, then, child labour has become an emotive issue resulting in a sense of moral outrage in the international community and the concomitant boycott of products using this form of labour; however, banning child labour is a simplistic response to a much deeper problem, which lies embedded in structures of power, availability of alternatives and schooling, as well as the overall immoderation of at least a third of the population.

(iii) Inequality in the Household:

The prevalence of a dominant ideology which confines girls and women to definite roles and obligations leads to their devaluation and discrimination in a range of areas. The basic assumption is that girls are inferior, physically and mentally weak, and above all sexually vulnerable.

In a society which lays so much stress on purity and pollution, various oppressive structures—including early marriage—are encouraged so as to confine the physical mobility of girls and women. A declining sex ratio would suggest endemic female

mortality and morbidity caused by consistent neglect and sustained discrimination, both manifestations of violence and oppression.

In this context, the notions of expectations and entitlements are particularly important. An entitlement represents the right to a share of resources such as health care, nutrition, education, and material assets, as well as to parental attention and interest.

(iv) Violence in the Conjugal Home:

Marriage continues to be universally regarded as essential for a girl, in India, irrespective of class, caste, religion, and ethnicity, as control of her sexuality and its safe transference into the hands of the husband is given prime importance. Concern over the conduct of the sexually vulnerable girl is important cause of early marriage.

According to the Census of 1991, about 30 per cent of women in the ages group 15-19 were married; as the official age for marriage is 18 for girls, it is possible that a large percentage of these marriages were of under-age girls.

Though the age of marriage is rising gradually, it is important to note that girls are barely out of their teens when they leave their natal homes for another unknown residence. The exception is the familiarity characterizing cross-cousin marriages.

Subsequent expectations and relationships impose a considerable load on those who are as yet girls, ill-equipped to adjust to a totally new environment, and a set of unfamiliar relationships. For, in India, marriage establishes a network of interacting individuals: it is rarely only a highly personal relationship between a man and a woman.

The persistence of a dominant family ideology which enjoins a strict sexual division of labour and age and gender hierarchy means that young wives have to invest a considerable amount of time and energy in forging new relationships, not all of which are caring or accommodative.

(v) The Ageing Person within the Home:

Researchers in the West have tried to make a distinction between active and passive neglect while others have viewed neglect and abuse differently. Reluctance to speak of their trauma and a concern with the family's reputation or izzat coupled with a dependence on others has meant that 'elder abuse becomes known to the authorities through a third party.

While in India, institutionalization of the elderly is virtually unknown, there is evidence that households are increasingly disinclined to invest scarce resources on those whom they feel will have little to contribute to a family's success and mobility (personal observations during fieldwork for various projects on the position of women in India).

The Protection of Women from Domestic Violence Act, 2005

THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE Act, 2005

Short title, extent and commencement.—

This Act may be called the Protection of Women from Domestic Violence Act, 2005.

- ❖ It extends to the whole of India except the State of Jammu and Kashmir.
- ❖ It shall come into force on such date [1] as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.—In this Act, unless the context otherwise requires,—

- ❖ "aggrieved person" means any woman who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent;
- ❖ "child" means any person below the age of eighteen years and includes any adopted, step or foster child;
- ❖ "compensation order" means an order granted in terms of section 22;

- ❖ "custody order" means an order granted in terms of section 21;

- ❖ "domestic incident report" means a report made in the prescribed form on receipt of a complaint of domestic violence from an aggrieved person;

- ❖ "domestic relationship" means a relationship between two persons who live or have, at any point of time, lived together in a shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family;

- ❖ "domestic violence" has the same meaning as assigned to it in section 3;

- ❖ "dowry" shall have the same meaning as assigned to it in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961);

- ❖ "Magistrate" means the Judicial Magistrate of the first class, or as the case may be, the Metropolitan Magistrate, exercising jurisdiction under the Code of Criminal Procedure, 1973 (2 of 1974) in the area where the aggrieved person resides temporarily or otherwise or the respondent resides or the domestic violence is alleged to have taken place;

- ❖ "medical facility" means such facility as may be notified by the State Government to be a medical facility for the purposes of this Act;

- ❖ "monetary relief" means the compensation which the Magistrate may order the respondent to pay to the aggrieved person, at any stage during the hearing of an application seeking any relief under this Act, to meet the expenses incurred and the losses suffered by the aggrieved person as a result of the domestic violence;

- ❖ "notification" means a notification published in the Official Gazette and the expression "notified" shall be construed accordingly;

- ❖ "prescribed" means prescribed by rules made under this Act;

- ❖ "Protection Officer" means an officer appointed by the State Government under sub-section (1) of section 8;
- ❖ "protection order" means an order made in terms of section 18;
- ❖ "residence order" means an order granted in terms of sub-section (1) of section 19;
- ❖ "respondent" means any adult male person who is, or has been, in a domestic relationship with the aggrieved person and against whom the aggrieved person has sought any relief under this Act: Provided that an aggrieved wife or female living in a relationship in the nature of a marriage may also file a complaint against a relative of the husband or the male partner.
- ❖ "service provider" means an entity registered under sub-section (1) of section 10;
- ❖ "shared household" means a household where the person aggrieved lives or at any stage has lived in a domestic relationship either singly or along with the respondent and includes such a household whether owned or tenanted either jointly by the aggrieved person and the respondent, or owned or tenanted by either of them in respect of which either the aggrieved person or the respondent or both jointly or singly have any right, title, interest or equity and includes such a household which may belong to the joint family of which the respondent is a member, irrespective of whether the respondent or the aggrieved person has any right, title or interest in the shared household.
- ❖ "shelter home" means any shelter home as may be notified by the State Government to be a shelter home for the purposes of this Act.

Definition of domestic violence.—For the purposes of this Act, any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it—

- ❖ harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or

- ❖ harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or

- ❖ has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or

- ❖ otherwise injures or causes harm, whether physical or mental, to the aggrieved person. Explanation I.—For the purposes of this section,—

- ❖ "physical abuse" means any act or conduct which is of such a nature as to cause bodily pain, harm, or danger to life, limb, or health or impair the health or development of the aggrieved person and includes assault, criminal intimidation and criminal force;

- ❖ "sexual abuse" includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of woman;

- ❖ "verbal and emotional abuse" includes—

- ❖ insults, ridicule, humiliation, name calling and insults or ridicule specially with regard to not having a child or a male child; and

- ❖ repeated threats to cause physical pain to any person in whom the aggrieved person is interested.

- ❖ "economic abuse" includes—

- ❖ deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom whether payable under an order of a court or otherwise or which the aggrieved person requires out of necessity including, but not limited to, household necessities for the aggrieved person and her children, if any, stridhan, property, jointly or separately owned by the aggrieved person, payment of rental related to the shared household and maintenance;

- ❖ disposal of household effects, any alienation of assets whether movable or immovable, valuables, shares, securities, bonds and the like or other property in which the aggrieved person has an interest or is entitled to use by virtue of the domestic relationship or which may be reasonably required by the aggrieved person or her children or her stridhan or any other property jointly or separately held by the aggrieved person; and

- ❖ prohibition or restriction to continued access to resources or facilities which the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household. Explanation II.—For the purpose of determining whether any act, omission, commission or conduct of the respondent constitutes "domestic violence" under this section, the overall facts and circumstances of the case shall be taken into consideration.

Information to Protection Officer and exclusion of liability of informant.—

- ❖ Any person who has reason to believe that an act of domestic violence has been, or is being, or is likely to be committed, may give information about it to the concerned Protection Officer.

- ❖ No liability, civil or criminal, shall be incurred by any person for giving in good faith of information for the purpose of sub-section (1).

❖ Duties of police officers, service providers and Magistrate.—A police officer, Protection Officer, service provider or Magistrate who has received a complaint of domestic violence or is otherwise present at the place of an incident of domestic violence or when the incident of domestic violence is reported to him, shall inform the aggrieved person—

<u>(a)</u> of her right to make an application for obtaining a relief by way of a protection order, an order for monetary relief, a custody order, a residence order, a compensation order or more than one such order under this Act;

<u>(b)</u> of the availability of services of service providers;

<u>(c)</u> of the availability of services of the Protection Officers;

<u>(d)</u> of her right to free legal services under the Legal Services Authorities Act, 1987 (39 of 1987);

<u>(e)</u> of her right to file a complaint under section 498A of the Indian Penal Code (45 of 1860), wherever relevant: Provided that nothing in this Act shall be construed in any manner as to relieve a police officer from his duty to proceed in accordance with law upon receipt of information as to the commission of a cognizable offence.

Duties of shelter homes.—If an aggrieved person or on her behalf a Protection Officer or a service provider requests the person in charge of a shelter home to provide shelter to her, such person in charge of the shelter home shall provide shelter to the aggrieved person in the shelter home.

Duties of medical facilities.—If an aggrieved person or, on her behalf a Protection Officer or a service provider requests the person in charge of a medical facility to provide any medical aid to her, such person in charge of the medical facility shall provide medical aid to the aggrieved person in the medical facility.

Appointment of Protection Officers.—

(1) The State Government shall, by notification, appoint such number of Protection Officers in each district as it may consider necessary and shall also notify the area or areas within which a Protection Officer shall exercise the powers and perform the duties conferred on him by or under this Act.

(2) The Protection Officers shall as far as possible be women and shall possess such qualifications and experience as may be prescribed.

(3) The terms and conditions of service of the Protection Officer and the other officers subordinate to him shall be such as may be prescribed.

9. Duties and functions of Protection Officers.—

(1) It shall be the duty of the Protection Officer—

(a) to assist the Magistrate in the discharge of his functions under this Act;

(b) to make a domestic incident report to the Magistrate, in such form and in such manner as may be prescribed, upon receipt of a complaint of domestic violence and forward copies thereof to the police officer in charge of the police station within the local limits of whose jurisdiction domestic violence is alleged to have been committed and to the service providers in that area;

(c) to make an application in such form and in such manner as may be prescribed to the Magistrate, if the aggrieved person so desires, claiming relief for issuance of a protection order;

(d) to ensure that the aggrieved person is provided legal aid under the Legal Services Authorities Act, 1987 (39 of 1987) and make available free of cost the prescribed form in which a complaint is to be made;

(e) to maintain a list of all service providers providing legal aid or counselling, shelter homes and medical facilities in a local area within the jurisdiction of the Magistrate;

(f) to make available a safe shelter home, if the aggrieved person so requires and forward a copy of his report of having lodged the aggrieved person in a shelter home to the police station and the Magistrate having jurisdiction in the area where the shelter home is situated;

(g) to get the aggrieved person medically examined, if she has sustained bodily injuries and forward a copy of the medical report to the police station and the Magistrate having jurisdiction in the area where the domestic violence is alleged to have been taken place;

(h) to ensure that the order for monetary relief under section 20 is complied with and executed, in accordance with the procedure prescribed under the Code of Criminal Procedure, 1973 (2 of 1974);

(i) to perform such other duties as may be prescribed.

(2) The Protection Officer shall be under the control and supervision of the Magistrate, and shall perform the duties imposed on him by the Magistrate and the Government by, or under, this Act.

10. Service providers.—

(1) Subject to such rules as may be made in this behalf, any voluntary association registered under the Societies Registration Act, 1860 (21 of 1860) or a company registered under the Companies Act, 1956 (1 of 1956) or any other law for the time being in force with the objective of protecting the rights and interests of women by any lawful means including providing of legal aid, medical, financial or other assistance shall register itself with the State Government as a service provider for the purposes of this Act.

(2) A service provider registered under sub-section (1) shall have the power to—

(a) record the domestic incident report in the prescribed form if the aggrieved person so desires and forward a copy thereof to the Magistrate and the Protection Officer having jurisdiction in the area where the domestic violence took place;

(b) get the aggrieved person medically examined and forward a copy of the medical report to the Protection Officer and the police station within the local limits of which the domestic violence took place;

(c) ensure that the aggrieved person is provided shelter in a shelter home, if she so requires and forward a report of the lodging of the aggrieved person in the shelter home to the police station within the local limits of which the domestic violence took place.

(3) No suit, prosecution or other legal proceeding shall lie against any service provider or any member of the service provider who is, or who is deemed to be, acting or purporting to act under this Act, for anything which is in good faith done or intended to be done in the exercise of powers or discharge of functions under this Act towards the prevention of the commission of domestic violence.

11. Duties of Government.—The Central Government and every State Government, shall take all measures to ensure that—

(a) the provisions of this Act are given wide publicity through public media including the television, radio and the print media at regular intervals;

(b) the Central Government and State Government officers including the police officers and the members of the judicial services are given periodic sensitization and awareness training on the issues addressed by this Act;

(c) effective co-ordination between the services provided by concerned Ministries and Departments dealing with law, home affairs including law and order, health and human resources to address issues of domestic violence is established and periodical review of the same is conducted;

(d) protocols for the various Ministries concerned with the delivery of services to women under this Act including the courts are prepared and put in place.

12. Application to Magistrate.—

(1) An aggrieved person or a Protection Officer or any other person on behalf of the aggrieved person may present an application to the Magistrate seeking one or more reliefs under this Act: Provided that before passing any order on such application, the Magistrate shall take into consideration any domestic incident report received by him from the Protection Officer or the service provider.

(2) The relief sought for under sub-section (1) may include a relief for issuance of an order for payment of compensation or damages without prejudice to the right of such person to institute a suit for compensation or damages for the injuries caused by the acts of domestic violence committed by the respondent: Provided that where a decree for any amount as compensation or damages has been passed by any court in favour of the aggrieved person, the amount, if any, paid or payable in pursuance of the order made by the Magistrate under this Act shall be set off against the amount payable under such decree and the decree shall, notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908), or any other law for the time being in force, be executable for the balance amount, if any, left after s uch set off.

(3) Every application under sub-section (1) shall be in such form and contain such particulars as may be prescribed or as nearly as possible thereto.

(4) The Magistrate shall fix the first date of hearing, which shall not ordinarily be beyond three days from the date of receipt of the application by the court.

(5) The Magistrate shall endeavour to dispose of every application made under sub-section (1) within a period of sixty days from the date of its first hearing.

13. Service of notice.—

(1) A notice of the date of hearing fixed under section 12 shall be given by the Magistrate to the Protection Officer, who shall get it served by such means as may be prescribed on the respondent, and on any other person, as directed by the

Magistrate within a maximum period of two days or such further reasonable time as may be allowed by the Magistrate from the date of its receipt.

(2) A declaration of service of notice made by the Protection Officer in such form as may be prescribed shall be the proof that such notice was served upon the respondent and on any other person as directed by the Magistrate unless the contrary is proved.

14. Counselling.—

(1) The Magistrate may, at any stage of the proceedings under this Act, direct the respondent or the aggrieved person, either singly or jointly, to undergo counselling with any member of a service provider who possess such qualifications and experience in counselling as may be prescribed.

(2) Where the Magistrate has issued any direction under sub-section (1), he shall fix the next date of hearing of the case within a period not exceeding two months.

15. Assistance of welfare expert.—In any proceeding under this Act, the Magistrate may secure the services of such person, preferably a woman, whether related to the aggrieved person or not, including a person engaged in promoting family welfare as he thinks fit, for the purpose of assisting him in discharging his functions.

16. Proceedings to be held in camera.—If the Magistrate considers that the circumstances of the case so warrant, and if either party to the proceedings so desires, he may conduct the proceedings under this Act in camera.

17. Right to reside in a shared household.—

(1) Notwithstanding anything contained in any other law for the time being in force, every woman in a domestic relationship shall have the right to reside in the shared household, whether or not she has any right, title or beneficial interest in the same.

(2) The aggrieved person shall not be evicted or excluded from the shared household or any part of it by the respondent save in accordance with the procedure established by law.

18. Protection orders.—The Magistrate may, after giving the aggrieved person and the respondent an opportunity of being heard and on being prima facie satisfied that domestic violence has taken place or is likely to take place, pass a protection order in favour of the aggrieved person and prohibit the respondent from—

(a) committing any act of domestic violence;

(b) aiding or abetting in the commission of acts of domestic violence;

(c) entering the place of employment of the aggrieved person or, if the person aggrieved is a child, its school or any other place frequented by the aggrieved person;

(d) attempting to communicate in any form, whatsoever, with the aggrieved person, including personal, oral or written or electronic or telephonic contact;

(e) alienating any assets, operating bank lockers or bank accounts used or held or enjoyed by both the parties, jointly by the aggrieved person and the respondent or singly by the respondent, including her stridhan or any other property held either jointly by the parties or separately by them without the leave of the Magistrate;

(f) causing violence to the dependants, other relatives or any person who give the aggrieved person assistance from domestic violence;

(g) committing any other act as specified in the protection order.

19. Residence orders.—

(1) While disposing of an application under sub-section (1) of section 12, the Magistrate may, on being satisfied that domestic violence has taken place, pass a residence order—

(a) restraining the respondent from dispossessing or in any other manner disturbing the possession of the aggrieved person from the shared household, whether or not the respondent has a legal or equitable interest in the shared household;

(b) directing the respondent to remove himself from the shared household;

(c) restraining the respondent or any of his relatives from entering any portion of the shared household in which the aggrieved person resides;

(d) restraining the respondent from alienating or disposing of the shared household or encumbering the same;

(e) restraining the respondent from renouncing his rights in the shared household except with the leave of the Magistrate; or

(f) directing the respondent to secure same level of alternate accommodation for the aggrieved person as enjoyed by her in the shared household or to pay rent for the same, if the circumstances so require: Provided that no order under clause (b) shall be passed against any person who is a woman.

(2) The Magistrate may impose any additional conditions or pass any other direction which he may deem reasonably necessary to protect or to provide for the safety of the aggrieved person or any child of such aggrieved person.

(3) The Magistrate may require from the respondent to execute a bond, with or without sureties, for preventing the commission of domestic violence.

(4) An order under sub-section (3) shall be deemed to be an order under Chapter VIII of the Code of Criminal Procedure, 1973 (2 of 1974) and shall be dealt with accordingly.

(5) While passing an order under sub-section (1), sub-section (2) or sub-section (3), the court may also pass an order directing the officer-in-charge of the nearest police station to give protection to the aggrieved person or to assist her or the person making an application on her behalf in the implementation of the order.

(6) While making an order under sub-section (1), the Magistrate may impose on the respondent obligations relating to the discharge of rent and other payments, having regard to the financial needs and resources of the parties.

(7) The Magistrate may direct the officer-in-charge of the police station in whose jurisdiction the Magistrate has been approached to assist in the implementation of the protection order.

(8) The Magistrate may direct the respondent to return to the possession of the aggrieved person her stridhan or any other property or valuable security to which she is entitled to.

20. Monetary reliefs.—

(1) While disposing of an application under sub-section (1) of section 12, the Magistrate may direct the respondent to pay monetary relief to meet the expenses incurred and losses suffered by the aggrieved person and any child of the aggrieved person as a result of the domestic violence and such relief may include but is not limited to—

(a) the loss of earnings;

(b) the medical expenses;

(c) the loss caused due to the destruction, damage or removal of any property from the control of the aggrieved person; and

(d) the maintenance for the aggrieved person as well as her children, if any, including an order under or in addition to an order of maintenance under section 125 of the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force.

(2) The monetary relief granted under this section shall be adequate, fair and reasonable and consistent with the standard of living to which the aggrieved person is accustomed.

(3) The Magistrate shall have the power to order an appropriate lump sum payment or monthly payments of maintenance, as the nature and circumstances of the case may require.

(4) The Magistrate shall send a copy of the order for monetary relief made under sub-section (1) to the parties to the application and to the in-charge of the police station within the local limits of whose jurisdiction the respondent resides.

(5) The respondent shall pay the monetary relief granted to the aggrieved person within the period specified in the order under sub-section (1).

(6) Upon the failure on the part of the respondent to make payment in terms of the order under sub-section (1), the Magistrate may direct the employer or a debtor of the respondent, to directly pay to the aggrieved person or to deposit with the court a portion of the wages or salaries or debt due to or accrued to the credit of the respondent, which amount may be adjusted towards the monetary relief payable by the respondent.

21. Custody orders.—Notwithstanding anything contained in any other law for the time being in force, the Magistrate may, at any stage of hearing of the application for protection order or for any other relief under this Act grant temporary custody of any child or children to the aggrieved person or the person making an application on her behalf and specify, if necessary, the arrangements for visit of such child or children by the respondent: Provided that if the Magistrate is of the opinion that any visit of the respondent may be harmful to the interests of the child or children, the Magistrate shall refuse to allow such visit.

22. Compensation orders.—In addition to other reliefs as may be granted under this Act, the Magistrate may on an application being made by the aggrieved person, pass an order directing the respondent to pay compensation and damages for the injuries, including mental torture and emotional distress, caused by the acts of domestic violence committed by that respondent.

23. Power to grant interim and ex parte orders.—

(1) In any proceeding before him under this Act, the Magistrate may pass such interim order as he deems just and proper.

(2) If the Magistrate is satisfied that an application prima facie discloses that the respondent is committing, or has committed an act of domestic violence or that there is a likelihood that the respondent may commit an act of domestic violence, he may grant an ex parte order on the basis of the affidavit in such form, as may be prescribed, of the aggrieved person under section 18, section 19, section 20, section 21 or, as the case may be, section 22 against the respondent.

24. Court to give copies of order free of cost.—The Magistrate shall, in all cases where he has passed any order under this Act, order that a copy of such order, shall be given free of cost, to the parties to the application, the police officer-in-charge of the police station in the jurisdiction of which the Magistrate has been approached, and any service provider located within the local limits of the jurisdiction of the court and if any service provider has registered a domestic incident report, to that service provider.

25. Duration and alteration of orders.—

(1) A protection order made under section 18 shall be in force till the aggrieved person applies for discharge.

(2) If the Magistrate, on receipt of an application from the aggrieved person or the respondent, is satisfied that there is a change in the circumstances requiring alteration, modification or revocation of any order made under this Act, he may, for reasons to be recorded in writing pass such order, as he may deem appropriate.

26. Relief in other suits and legal proceedings.—

(1) Any relief available under sections 18, 19, 20, 21 and 22 may also be sought in any legal proceeding, before a civil court, family court or a criminal court,

affecting the aggrieved person and the respondent whether such proceeding was initiated before or after the commencement of this Act.

(2) Any relief referred to in sub-section (1) may be sought for in addition to and along with any other relief that the aggrieved person may seek in such suit or legal proceeding before a civil or criminal court.

(3) In case any relief has been obtained by the aggrieved person in any proceedings other than a proceeding under this Act, she shall be bound to inform the Magistrate of the grant of such relief.

27. Jurisdiction.—

(1) The court of Judicial Magistrate of the first class or the Metropolitan Magistrate, as the case may be, within the local limits of which—

(a) the person aggrieved permanently or temporarily resides or carries on business or is employed; or

(b) the respondent resides or carries on business or is employed; or

(c) the cause of action has arisen, shall be the competent court to grant a protection order and other orders under this Act and to try offences under this Act.

(2) Any order made this Act shall be enforceable throughout India.

28. Procedure.—

(1) Save as otherwise provided in this Act, all proceedings under sections 12, 18, 19, 20, 21, 22 and 23 and offences under section 31 shall be governed by the provisions of the Code of Criminal Procedure, 1973 (2 of 1974).

(2) Nothing in sub-section (1) shall prevent the court from laying down its own procedure for disposal of an application under section 12 or under sub-section (2) of section 23.

29. Appeal.—There shall lie an appeal to the Court of Session within thirty days from the date on which the order made by the Magistrate is served on the aggrieved person or the respondent, as the case may be, whichever is later.

30. Protection Officers and members of service providers to be public servants.— The Protection Officers and members of service providers, while acting or purporting to act in pursuance of any of the provisions of this Act or any rules or orders made thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

31. Penalty for breach of protection order by respondent.—

(1) A breach of protection order, or of an interim protection order, by the respondent shall be an offence under this Act and shall be punishable with imprisonment of either description for a term which may extend to one year, or with fine which may extend to twenty thousand rupees, or with both.

(2) The offence under sub-section (1) shall as far as practicable be tried by the Magistrate who had passed the order, the breach of which has been alleged to have been caused by the accused.

(3) While framing charges under sub-section (1), the Magistrates may also frame charges under section 498A of the Indian Penal Code (45 of 1860) or any other provision of that Code or the Dowry Prohibition Act, 1961 (28 of 1961), as the case may be, if the facts disclose the commission of an offence under those provisions.

32. Cognizance and proof.—

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the offence under sub-section (1) of section 31 shall be cognizable and non-bailable.

(2) Upon the sole testimony of the aggrieved person, the court may conclude that an offence under sub-section (1) of section 31 has been committed by the accused.

33. Penalty for not discharging duty by Protection Officer.—If any Protection Officer fails or refuses to discharges his duties as directed by the Magistrate in the protection order without any sufficient cause, he shall be punished with

imprisonment of either description for a term which may extend to one year, or with fine which may extend to twenty thousand rupees, or with both.

34. Cognizance of offence committed by Protection Officer.—No prosecution or other legal proceeding shall lie against the Protection Officer unless a complaint is filed with the previous sanction of the State Government or an officer authorised by it in this behalf.

35. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Protection Officer for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act or any rule or order made thereunder.

36. Act not in derogation of any other law.—The provisions of this Act shall be in addition to, and not in derogation of the provisions of any other law, for the time being in force.

37. Power of Central Government to make rules.—

(1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the qualifications and experience which a Protection Officer shall possess under sub-section (2) of section 8;

(b) the terms and conditions of service of the Protection Officers and the other officers subordinate to him, under sub-section (3) of section 8;

(c) the form and manner in which a domestic incident report may be made under clause (b) of sub-section (1) of section 9;

(d) the form and the manner in which an application for protection order may be made to the Magistrate under clause (c) of sub-section (1) of section 9;

(e) the form in which a complaint is to be filed under clause (d) of sub-section (1) of section 9;

(f) the other duties to be performed by the Protection Officer under clause of sub-section (1) of section 9;

(g) the rules regulating registration of service providers under sub-section (1) of section 10;

(h) the form in which an application under sub-section (1) of section 12 seeking reliefs under this Act may be made and the particulars which such application shall contain under sub-section (3) of that section;

(i) the means of serving notices under sub-section (1) of section 13;

(j) the form of declaration of service of notice to be made by the Protection Officer under sub-section (2) of section 13;

(k) the qualifications and experience in counselling which a member of the service provider shall possess under sub-section (1) of section 14;

(l) the form in which an affidavit may be filed by the aggrieved person under sub-section (2) of section 23;

(m) any other matter which has to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Dowry System in India: Problems, Social Dimensions and Other Details!

In the early days dowry was an institution in which gifts and presents were given to a girl at the time of her marriage when she was required to leave her parents' home and join her husband's household. But, in course of time, it became a crude institution resulting in female infanticide, suicide, bride-burning and other indignities and cruelties.

The problem of dowry has become a serious social evil among the upper castes and middle classes both in towns and villages. The rules of marriage, namely, caste endogamy and clan exogamy, and anuloma (hypergamy) and pratiloma (hypogamy), have been misinterpreted and misused for maintaining the dowry system. These rules restrict the choice of mate selection, as marriage takes place within one's caste and outside one's clan.

Further, a girl needs to be married to a boy who belongs to a family with a status higher than that of her family. This practice of marriage alliance is known as hypergamy or anuloma. When a girl is married to a boy whose family status is lower than that of the girl's, it is known as hypogamy or pratiloma. Thus, anuloma has restricted choice and created a desire to give away a girl through marriage to a superior family.

A boy becomes a more valued object than a girl. The net result, therefore, is dowry: the giving of material goods and cash to the parents of the boy at the time of fixing the marriage, at the performance of marriage and even afterwards on several other occasions. This practice has become a serious social problem.

Magnitude of the Problem:

In India, and particularly in Delhi and other metropolis, dowry murders and suicides have become a matter of great concern. In Delhi alone, a bride was burnt to death every twelve hours. A total of 162 cases of burning of women were reported in Delhi between 1 April and 30 June 1983. This was an all-time high

number of such incidents, and dowry was the most prominent cause of such a phenomenon.

The problem of dowry is experienced by all sections of Indian society, but it has become a chronic evil particularly among the educated middle classes engaged in salaried jobs and trade and commerce. Women's organisations, voluntary associations, the intelligentsia and the media have expressed their serious concern for finding legal and reformative remedies to curb the menace of this social evil. Incidences of the dowry-related atrocities and crimes have receded recently as a result of the social awakening created by various groups and organisations.

Dowry is not a 'gift', a 'return gift', an 'exchange' or a 'reciprocal gesture'. It is considered more as an expenditure on the marriage of a girl, which parents are required to incur by force. Parents of a boy of marriageable age, who possesses the qualifications that the parents of a girl are looking for, demand a dowry according to what they think is the 'value' of their son. There are no references to dowry (as we know it today) in the Sanskritic texts.

However, there are references to bride-price in the context of the traditional forms of marriage. There are certainly references to ornaments given to the bride. The Smritis also do not mention dowry. Dowry is a phenomenon which emerged in the medieval period. The Rajput princes, thikanedars and jagirdars gave away gifts to their daughters at the time of marriage with a view to exhibit their prosperity and superior status. In course of time the practice filtered down from the rich Rajputs and other twice-born castes to other sections.

Social Dimensions of Dowry:

English education and white-collar jobs have accentuated the problem of dowry. A boy with good education and employment becomes much sought after match for a girl. If anything has kept some pace with wider social and economic changes in India, it is the increase in dowry in terms of cash and material goods. Whatever

new products come to the market, such as motorcycle, car, music system, DVD player, television, refrigerator, household goods, electrical appliances, clothes, ornaments, furniture, etc., have become a part of dowry.

If parents of moderate economic standing cannot meet dowry demands, their daughter remains unmarried; or if they manage to give a dowry, they get into heavy debt. Demands for more dowries after marriage have become a source of conflict between families of the boy and that of the girl. When the demands are not met, brides are harassed, tortured, burnt, or they commit suicide.

Dowry has also become a symbol of prestige for both the dowry-givers and the dowry-takers. It is considered a matter of dignity to give more dowry than one's kinsmen and caste-fellows and others. Parents of a boy boast that their son fetched a very high amount of dowry, including a car, a plot of land or a flat, a video and all other luxury and household goods. Both givers and takers of dowry talk about these things and value them with a feeling of pride.

What is Dowry?

It is not easy to define dowry as it does not refer to cash and material goods alone. It has been defined as a share of a daughter or a sister in parental property, given to her at the time of her marriage. But dowry is not really given as an amount equivalent to a daughter's share vis-a-vis her brothers.

Even if there is no substantial family property to be shared, there is a tendency among people to borrow money to meet the expenses of marriage and dowry. The number of people in the marriage party [barat], the number and quality of meals, presents to the baratis, etc., are all part of the marriage deal along with dowry. Thus, dowry is not simply the giving of cash and material goods.

Another view is that dowry is a gift, a token of love, given to one's daughter or sister at the time of her marriage. Dowry, as a token of love, keeps her attached to the parents' family even after marriage. It has become customary to give dowry.

Marriage without dowry has become almost unthinkable. In south India, dowry is called stridhanam.

In north India, it is considered as a gift or dahej. Whatever conception or name is given to dowry, it is certain that dowry is not the right of a-girl who leaves her parents' house after getting married. But it is also a fact that since a girl joins her husband's house in Hindu patriarchal society, she is given due compensation in the form of dowry. Dowry is a gift, a dan. Even a girl is given as a dan. This is called kanyadan.

There is also an element of reciprocity because parents of the groom are expected to give gifts and presents, including clothes and ornaments to the bride.

However, this is an unequal exchange in two ways:

(1) The parents of a groom spend much less on the gifts compared to what the bride's parents spend on dowry; and

(2) The gifts given to the bride remain with the groom's family as the bride joins her in-laws' family permanently, and dowry also becomes the property of groom's family.

Therefore, there is not really an equal exchange or reciprocity in the system.

Today, the fact is that parents want to give their daughter to a family of high repute and to a highly educated boy with a lucrative job or who is likely to get a good job. Dowry is the price for these two attributes. Parents do not think simply in terms of giving gifts at the time of marriage, nor do they think of dowry as their daughter's share in the family property to be given to her at the time of marriage. They try to ensure good future of their daughter, which is entirely dependent upon the qualities of the groom and his parents.

The giving of gifts and help to a daughter was quite a normal activity in ancient India. It was voluntary and not demanded. However, in medieval India, Mughal rulers and Nawabs demanded high dowries. The Rajput kings gave dowries to

ensure that their daughters lived comfortably after their marriage. Dowry was demanded rather than voluntarily offered. However, the system was confined to the ruling classes, Rajputs and Brahmanas.

The lower castes had, on the contrary, a system of bride-price. Among the lower castes, a female member was considered an asset for family useful for agricultural labour and other traditional occupations. Hence, the question of dowry did not arise.

In the wake of sanskritisation, the lower castes imitated the practice of dowry. Even, the poor borrowed money to give dowry. The poor Rajputs in Rajasthan started killing newly born female children due to fear of dowry. Bengal also had this evil of dowry in a pronounced form because of the institution of hypergamy.

Social Structure, Social Change and Dowry:

The nationalist leaders and social reformers condemned the institution of dowry during the freedom movement. Mahatma Gandhi writes: "Any young man who makes dowry a condition for marriage discredits his education and his country and dishonours womanhood. Young men who soil their fingers with such ill-gotten gold should be excommunicated from society." However, these efforts did not minimise the evil to any noticeable extent.

The growth of education, salaried employment, migration to cities and towns, and scientific and industrial advancements not only increased the incidence of dowry but also changed its dimension and magnitude. Educated boys, with administrative and professional jobs, became the most prized prospective husbands.

Those who worked in towns and cities were preferred as life was more comfortable in cities than villages. Motorbike, car, music system, television, DVD player, refrigerator, furniture, electrical appliances and household equipment's have become a part of the dowry package among the upper sections of society, in addition to cloths, ornaments and cash.

The Hindu Succession Act of 1956 provides girls with the legal right to a share in the parental property, but rarely do girls demand their share nor are they given. The law is redundant. The Dowry Prohibition Act of 1961 has utterly failed to check the growing menace of dowry.

The girl does not make a claim for her share in parental property, but the parents spend a lot on her marriage. The Act of 1961 prohibits dowry. Despite this, the practice of dowry is widespread. It has even spread to the communities, castes and regions which were hitherto unaffected.

Thanks to the efforts of NGOs and government for decline in dowry deaths between 2001-2005. In 2001, there were 6851 cases, whereas in 2002 to 2005, there were 6822, 6208, 7026 and 6787 cases, respectively. Only in 2004, there was slight increase, but again in 2005, the 2001 pattern remerged. Of the total cases in 2005, 23 per cent were from Uttar Pradesh and 14.9 per cent from Bihar. Madhya Pradesh too was not far behind compared to Bihar.

Dowry varies from caste to caste and from region to region. It varies depending upon urban, rural, caste and family background. Dowry is a socio-structural phenomenon. Variations in social structure, in terms of caste, class, ethnicity, religion, region and culture, result in variations of the system of dowry.

There is, however, a clear difference between the bride-givers and the bride-takers because of the rules of marriage practised in most parts of India. The communities in which bride-price exists or where patriliny is weak, dowry have not become a social problem.

One who is a bride-giver remains socially inferior to the bride-taker throughout his life, and, in fact, for several generations to come. It is not that the bride-giver gives dowry only once at the time of marriage, but it is a continuous process. The bride receives gifts and presents throughout her life. The quality and amount of these

gifts and presents depend upon the status and economic position of the bride-giving family.

Dowry is generally given to the parents of the groom, but in recent years, particularly in the urban areas, dowry is claimed as a 'right' by the couples, particularly in the form of those items which are specifically meant for them and their newly established households. Some parents give dowry in the name of their daughters, fearing its use by the parents of the groom. Several cases of tension and disharmony have come up because of such steps by the bridge-givers.

The problem of dowry is not acute in matrilineal societies and in the societies which are guided by the prescription of cross-cousin marriages. Both are found in south India, and therefore, the problem of dowry is less acute there compared to north India. The Nayars, Tiyyars and the Nangudi Vellalars are traditionally matrilineal societies in south India. The Nayars of Kerala pay neither bride-price nor give dowry. The Nayars are a matrilineal and matrilocal society, with an institution of visiting husbands. The visiting husband occasionally offers nominal gifts, as a token of his love and affection.

The Tiyyars have the system of paternal cross-cousin marriage, that is, the girl is married to her father's sister's son. The bride-taker gives some gifts to the bride. In case the girl is married in violation of this rule, the bride's family is required to pay a fine. The Nangudi Vellars also have the same pattern of marriage as that of the Tiyyars. A girl is given a patch of land as a gift at the time of her marriage.

These are not really variations of dowry. Matriliny and rules of marriage in south India have not allowed asymmetrical relations to develop between the bride-givers and the bride-takers, as we notice in north India. However, dowry in its modern form has started appearing in south India also. Matrilineal and matrilocal system of family has eroded in modern times. Patriliny is being accepted as a natural way of living. Dowry is also becoming a fact of life in the erstwhile matrilineal societies.

In north India, bride-takers are not only superior in status, but practically dictate terms to the bride-givers. They dictate the items to be given in the dowry and the arrangements to be made at the time of marriage. One often hears in north India: "What can we do, we are on the side of the bride (ladkiwalas)." "If a girl is born, you accept your defeat in this world." If anything goes wrong or is against the desire of the groom's parents, it becomes a life-long curse for the bride and her parents. It becomes the cause of her torture by in-laws and, sometimes, even by her husband.

Dowry, therefore, is not considered today as a dan [gift) but a unwritten haq (right) of a boy and his parents. There are instances of a groom's parents giving accounts of what they have spent on the education and upbringing of their son, and on other things, including the marriage. All this is included in the amount of dowry.

Some have even stated that the bride's parents are required to spend a certain amount of money (often a couple of lakhs), and how this is spent would be left to them. Dowry does not include cash and material goods for the bridegroom and groom's parents alone, but it also includes gifts and cash for all the primary kinsmen and some other secondary and- remote relatives.

The groom's father exhibits the dowry to his kinsmen and fellow-beings with a sense of pride, expressing his superiority and high status. In north India, the girl's parents would not accept water and food at their son-in-law's residence as it would be considered a sin, even after giving an enormous dowry. However, today, enlightened girls and boys insist upon taking water and meals by the parents of girls at their residences.

Why Dowry?

It is difficult to suggest a set of factors responsible for the custom of dowry, but we can think of a tentative list. These include rules of marriage (including hypergamy), caste hierarchy, patriarchy, primogeniture, low status of women,

modern education and employment, a false sense of prestige, and economic prosperity of some people. Since dowry has become a complex phenomenon and a social problem, it needs quick and far reaching remedial measures.

Only legislation would not be sufficient. Legislation has several lacunae, and it is not easy to overcome them. Some voluntary agencies have started movements against the institution of dowry. These agencies have organised demonstrations against the incidents of dowry homicides, suicides, torture and harassment. Social boycott has also been done in some cases.

What we need today is a crusade against this evil, which has, intact, ruined several families and has been destroyed lives of thousands of women year after year. There is a need to chalk out a programme having both curative and preventive measures and long-term and short-term devices. The curative and long-term measures would include inculcation of a new ideology and a value system which guarantees a place of honour to women and their parents.

Young men of marriageable age do not become marketable commodities sold by their parents to the parents of brides in return for dowry. Egalitarian values are the only substitute for caste-based hypergamous marriages. Inter-caste marriages should be encouraged. Arranged marriages with demands of dowry must go.

The preventive and short-term devices would include immediate action when incidents of dowry deaths, harassment and humiliation occur. The victims of dowry should be provided legal and social protection. Media – both print and electronic – should highlight such incidents with all seriousness to curb the menace in future.

Street corner plays should depict such incidents as serious matters of life and not as a source of entertainment. Political leaders, government officials, businessmen and others must not be allowed either to take or give dowry in any form, not even in the form of gifts and presents.

It has become a vicious evil. A man who gives dowry to his daughter plans to take more dowry for his son. If such a thing continues, there will be no end to this social evil. Hence, the measures suggested above are the only way out to reduce the magnitude of the problem.

Advantages of Dowry System in India

Though the practice of dowry is publicly condemned, legally banned and morally despised of in practice it still persists as some of the supporters of this system argue that this practice has its advantages. Some of the arguments in favour of dowry by the supporters of this system are discussed here under.

1. Dowry helps newly married couple to establish their family:

The advocates of the practice of dowry say that the dowry, money, utensils and other house hold articles that a bride brings at the time of marriage help the newly married couple to establish their new home and also enables them to furnish their home with necessary accessories.

2. It makes marriage of ugly looking girl easy:

Practice of dowry makes the marriage of ugly looking, uneducated and aged girl easy as huge amount of dowry acts as effective and useful method for luring suitable bride groom for the bride.

3. Supports the Higher Education of poor boys:

The practice of dowry solves the financial problem of poor young bachelors and gives support for higher education to prospective bridegroom.

4. Raises the status of women in family:

Supporters of this system think that marriage is a girl's life insurance and the dowry is the premium. A girl earring with her huge amount of dowry feels confident while entering her in-laws house and is given greater attention and importance in-laws family where as a girl without dowry feels uneasy and apprehensive. Besides, it enables for a lower Class / Caste women to marry an

upper class/ caste boy through which she can be able to raise her status in the society.

5. Promotes Inter-caste, inter religion and inter- state marriage:

Dowry helps to find a suitable bridegroom from other cast, religion or form other state Dowry is practically helpful when in a particular caste we are not able to find a suitable and qualified boy for a suitable girl.

6. Acts as a provident fund:

Supporters of this practice put arguments that dowry acts as a provident fund for the girls to face many financial hazards in future as boys of other cast and religion easily allured by dowry and give their consent for inter-cast, inter- religion and inter-state marriage.

Disadvantages of Dowry System in India

In modern times this custom has taken magnified proportion and has emerged as contemptible social evil because this system has more disadvantages than advantages. Practice of dowry which assumed the form of an institution over the years has caused lots of hardship to large number of people in the Indian society. It reduces the sacred institution of marriage to business transaction. It has degraded a young maiden to the level of a saleable commodity. Dowry has virtually become a menace in the Indian society. Its practice leads to various evil consequences among which the following may be noted.

1. Dowry causes great economic burden on bride's family:

Dowry has become a great economic burden to the middle and lower class families. These people live hand to mouth. They rarely save money. They spend their resources to meet their necessary want, for children's education and in meeting various social obligations.

Hence they have to borrow money or sell a piece of their property or mortgage valuable articles of the family to give dowry in daughter's marriage which

becomes ultimately a great economic burden for parents to repay the borrowed amounts after marriage. Therefore Gandhiji has stated that one, who makes dowry a pre- condition for his marriage, not only shows disrespect to women but also humiliates his own nation, education and womanhood and such young person's should be socially boycotted.

2. Increases corrupt attitude of parents:

Many parents develop their corrupt attitude to collect money for paying dowry. They accept all sorts of briberies. They undertake unsocial activities like smuggling or earn by unfair means. Thus dowry practices forces some parents to be corrupt.

3. Lowers the standard of living:

Each marriage of daughters leads the drainage of money from brides' side due to dowry practice and breaks the backbone of the family by lowering the standard of living, if of course the family earns by legal means.

4. Dowry leads to some immoral practices:

In order to escape from the menace of dowry, some young girls prefer to undertake jobs to earn huge amount of money to meet the dowry expenses and thereby reduce the dowry tension of their parents. In the process some innocent girls are carried away by the false promises of the young boys and are often sexually cheated to be made pregnant. Subsequently such girls are socially defamed and finally they are forced to commit suicide finding no alternatives.

At times girls are bound to commit suicide when their in-laws forced them to bring more and more dowry form parents. Even the husband along with his parents or other family members do not hesitate to take away the life of bride on dowry issue if the dowry is not up to their satisfaction. This accounts for an explosive situation such as bride burning and many other atrocities activity against women in our society.

Women are ill treated, disrespected, manhandled, tortured and subject to all sorts' cruelties in the name of dowry. Newly married girls are always the victims of harassment, violence, murder and suicide. Dowry is demanded as though it is fundamental right of the bridegroom. Violence against women who bring less dowry or no dowry includes-physical battering, emotional neglect, torture, verbal abuse, refusal of sufficient food, imposition of heavy physical work and so on.

In-spite of the varied legislation to ban the practice of dowry, the regret is that it still persists. Demands for dowry have even caused dowry death. For every 17 minutes one dowry death occurs in our society. Further some girls, who remain unmarried due to dowry system, take decision to carry on illegal sexual relations in order to satisfy their sexual urge and there by pollute the whole society.

5. Dowry practice lowers the status of women:

A girl is considered a liability in her own natal home due to prevalence of the custom of dowry practice. Some parents are unwilling to give higher education to their daughter as they have to search for highly educated boy for marriages and better educated boy will demand more dowries which creates unnecessary problem, for parents.

Dowry is thus a great impediment in the progress of education of girls and girls being deprived of higher education are unable to raise their status. In middle class family boy is always given more importance in respect of food, dresses, medical care and education only due to practice of dowry.

Besides, the boy who receives huge amount of dowry may think of himself as more dignified as having a higher status greater prestige and more respectful than the girl. Subsequently the girl develops inferiority complex. Dowry system lowers the status of women in another way. Some greedy boys want to marry several women to get monetary' benefit in the form of dowry. This naturally affects the status of the women.

6. Dowry system makes imbalance in the sex ratio:

Parent of poor families kill their daughter from their vary birth or at the stage of fetuses in their mother's womb. The practice of female infanticide and feticide has led to an imbalance in the sex ratio in our society.

7. Dowry practice enhances psychological tension:

Many marriages breakdown due to dowry practice and increases the tension of both parents and daughters. Besides, parents always remain worried and tensed in arranging money required to pay in dowry for daughter's marriage.

In some cases girls with self dignity may refuse to marry a boy who demands dowry and may be forced to remain spinsters throughout their lives. Forcible suppression of sex urge may make them to become irritable, frustrated disgusted and pessimistic. They may even develop neurotic diseases and get involved in an emotional problem.

In many cases, girls are ill-treated even after the payment of dowry. So they spoil their mental peace and cause continuous irritation though they resist this treatment.

Many times just for the sake of dowry parents fix up their son's marriage without taking his consent which finally leads misunderstanding and unhappiness between married couple.

Despite rapid globalization, liberalization and privatisation dowry has become the greatest social evil today. Both legislative and non – legislative measures are to be taken for the eradication of dowry practice.

Dowry   Death   Related   Laws

The Indian Penal Code (I.P.C.), Criminal Procedure Code (Cr.P.C.) and Indian Evidence Act (I.E.A.) under the criminal law (Second Amendment) Act, 1983 and by President of India to deal with dowry death cases and of cruelty caused to married   women.

IPC   **Section**   **304-B**

At the point when the passing of a wedded lady is caused by any consumes or substantial damage or happens under irregular or suspicious conditions inside seven years of her marriage span and it is obviously appeared that soon before her demise she was subjected to cold-bloodedness or badgering or torment by her better half or any relative of her spouse or in laws for, or in association with, any interest for settlement, such passing should be called as "settlement passing", and such spouse or relative or in laws esteemed to have caused her demise. Whoever confers endowment passing might be rebuffed with detainment for a term least of seven years which may reach out to detainment forever.

Ingredients of Section 304 � B of I.P.C. are as follows:

1. When the death of the woman is caused under abnormal and suspicious circumstances caused by burns or any other bodily injuries
2. Within 7 years of the marriage.
3. The death is caused in relation to demand for dowry.
4. The expression of **Soon before her Death**.

IPC   **Section**   **498-A**

This section speaks about cruelty caused to women by husband or relative of the husband. Whoever being the spouse or the relative of the spouse or in law of a lady, subjects such lady to cold-bloodedness or provocation or torment might be rebuffed with detainment for a term International Journal of Pure and Applied Mathematics Special Issue 1685 which may reach out up to three years and to pay fine. The mercilessness can be either mental or then again physical torment which drives the ladies to confer suicide or to cause genuine damage, or on the other hand threat to life or wellbeing.[11]

Ingredients of Section 498 � A of I.P.C. are as follows:

1. The woman should be a married woman.
2. The married woman should be the subject of the cruelty or harassment.
3. The harassment or cruelty should be done by the husband or by husband's relatives
4. There should be a Mens Rea on the part of husband or husband's relatives.[12]

IEA   Section   113-A

This section deals with presumption of abetment of suicide of a married women. [15] At the point when the inquiry is whether the commission of suicide by lady had been abetted by her better half or any relative her better half and it is demonstrated that she had conferred suicide inside a time of seven a long time from the date of her oversee and her spouse or such relative of her better half had subjected to remorselessness, the court may assume, having respect to the various conditions of the case, that such suicide had been abetted by her better half or by such   relative   of   her   better   half.

IEA   Section   113-B

This section deals with presumption of dowry death. At the point when the inquiry is whether a man has conferred the share passing of a lady and it is demonstrated that soon before her demise, such lady had been subjected by such individual to remorselessness or provocation for, or in association with, any interest for endowment, the court might assume that such individual had caused the share passing.

It contains a total of 10 sections of which following are the heading of each section:

1. Section 1 � Short title, extent and commencement
2. Section 2 � Definition of **dowry**
3. Section 3 � Penalty for giving or taking dowry
4. Section 4 � Penalty for demanding dowry
5. Section 4A � Ban on advertisement
6. Section 5 � Agreement for giving or taking dowry to be void
7. Section 6 � Dowry to be for the benefit of the wife or her heirs
8. Section 7 � Cognizance of offence
9. Section 8 � Offences to be cognizable for certain purposes and to be non-bailable and non-compoundable
10. Section 8A � Burden of proof in certain cases
11. Section 8B � Dowry Prohibition Officers
12. Section 9 � Power to make rules
13. Section 10 � Power of State Government to make rules

Divorce: Meaning, Stations, Causes and Impact of Divorce!

For many centuries, marriage was regarded as virtually indissoluble in many societies, including India, where it was regarded as 'sacramental' (religious). Divorces were granted only in limited cases in extraordinary circumstances.

But now almost all societies have made some provisions for divorce in certain situations. Today, marriage is less often seen as a sacred spiritual union, but more as a personal and practical commitment which can be broken if it fails. The trend is towards making marriage consensual.

Attitude to divorce is changing rapidly. It is no longer treated as an unpardonable sin. Even a few years ago, there was more of a stigma attaching to divorce. Now, it has become a more practical option for marital discord. It is believed to relieve married partners and their children from stress.

Though divorce is common in world's societies, it is still seen as unfortunate. Even in societies with relatively high divorce rate there is no substantial approval of divorce. Rather, various procedures or mechanisms are evolved by which divorce is kept at a lower rate than would occur without these patterns.

But, due to marital dissolution, divorce rate is rising not only in Western countries, but also in India. At the same time, there are many countries like Japan and in certain Arab countries like Algeria where it is being dropped. However, the institution of divorce is gaining ground slowly and slowly and becoming respectable in almost all societies.

The ease of divorce also reflects that it ceases to be a stigma, especially for women. This attitude encourages divorce among those dissatisfied with their marriage. Women now have more options and less dependent on men.

Changes in the traditional structure of sex roles have altered the perceptions of both men and women about what they want from marriage. In this almost disposable age, people used to throw everything—lighters, tea cups, dress, furniture, curtains, etc., so they feel they can throw out a marriage too.

Now, a question arises: What is divorce? Actually, all marriages do not succeed; some also end in disharmony. Divorce is a formal (legal) and permanent form of breakup—termination of bonafide marriage. Another form of breakup is desertion. It is illegal and unofficial on the part of either husband or wife or both to decide to leave each other and cease to discharge their role obligations. Mostly it is husbands who desert their wives. Desertion may be temporary or permanent.

Both forms (divorce and desertion) ultimately lead to family disorganization. It is the breakup of a family unit, the dissolution or fracture of a structure of social roles when one or more members fail to perform adequately their role obligations.

Divorce is the socially recognized and legal dissolution of marriage. According to the Concise Oxford Dictionary of Sociology (1994), 'the formal legal dissolution of legally constituted marriage' is called divorce. What constitute marriage and divorce varies widely.

Like marriage, it is governed by a variety of cultural rules and differs widely from society to society and over time. In countries such as Spain, Brazil and Peru marriage is indissoluble except by death. The laws of Islam and Judaism give a husband the power to terminate his marriage by simple renouncing his wife or wives. In many Western countries, including the USA, a divorce is granted if it is shown that the marriage has failed or on the basis of certain grounds or mutual consent.

Six Stations of Divorce:

Divorce is nearly always a tragedy, for it generally means blighted faith, broken truth and severe disillusionment. It is a complex and difficult experience for all family members. Anthropologist Paul Bohannan (1970) has identified six overlapping experiences which arise from divorce. Bohannan calls them 'six stations of divorce'.

These are:

1. Emotional divorce, which represents the problem of the deteriorating marriage.

2. Legal divorce, based upon the grounds on which the marriage will be dissolved.

3. Economic divorce, which deals with the division of money and property.

4. Coparental divorce, which includes decisions regarding child custody and visitation rights.

5. Community divorce, the changes in friendships and institutional ties that a divorced person experiences.

6. Psychic divorce, focused on the person's attempt to regain autonomy and self-esteem.

Causes of Divorce:

Why divorces take place? There is no satisfactory answer to this question. Whenever any two people interact, disagreement sometimes leading to conflict may arise on any point at any point of time and one person or both may go to the extent of breaking relationship.

This is true for all types of relationships including marital relationship. Unlike most relationships, however, marriage involves civil, legal or religious ties that specify if and how the relationship can end. All marriages cannot succeed and some end in disharmony and break and culminates into divorce. Generally, divorce is the outcome of the failure of marital adjustment between a husband and a wife.

Many studies carried out in India and elsewhere found that the important causes of divorce are domestic disharmony, ill-treatment of wife by husband or vice versa or by their relatives, cruelty (physical or mental), adultery, impotency, barrenness, immoral conduct of the spouse, illicit relations, alcoholism, etc.

Besides, there are many other factors involved which may lead to divorce such as financial problems, emotional immaturity, difficulties in adjustment with new environment and relationships, discrepancies in role expectations, etc.

When people from quite dissimilar backgrounds (different religion, caste, class, culture, educational status, ethnic group, etc.) marry, the necessary adjustments in role expectations are more difficult and a divorce is more likely. The main reason of divorce among such couples is often poor interpersonal communication.

This happens more in conjugal family than extended (joint)' family where communication and other problems are sometimes solved by other members of the

family. Lack of proper communication may give rise to tension and conflict between the spouses, leading ultimately to divorce.

Increasing involvement of women in paid work (outside home) has resulted in contradictory demands of two roles (housewife and working woman) which can produce tension between husband and wife and leads the wife eventually to seek divorce.

The changing aspirations and a strong desire for greater independence and individual expression among men and women causes conflicting expectations. It has become the main basis for the increasing divorce rates. Besides, changing aspirations, it is generally alleged that the tolerance levels of couples have gone down considerably.

Modern society attaches utmost importance to individuality and personal self-fulfillment. It evaluates marriage in terms of the level of satisfaction of personal ambitions it offers. The single lifestyle can offer certain freedom that married people may not enjoy. This feeling has also contributed much in the breakdown of marital relationship.

Moreover, there is a great decline in the feeling of commitment to marriage and family. This is because of the growing erosion in the old formal religious belief that marriage is a permanent and binding commitment and it is a God ordained relationship which cannot be broken. Moreover, too much importance was attached to the monogamy. It was often said that this is the only true form of marriage. But this is not correct.

Recent studies of zoologists have discovered that faithfulness is a fantasy even in the animal world. Almost every species of animals cheats on its partners—males a little more; females somewhat less.

Sexual prostitution is rampant even among the animals. At some basic level humans are animals too, and therefore there is breakdown of marriages. Statistics

prove that in western countries slightly more than half married couples remain monogamous.

Not only this, perhaps the most important factor in the increase of divorce is the greater acceptance of divorce itself. Divorce is regarded as an appropriate response to marital disorganization. This attitude to marriage has resulted in a series of changes in law, making the ground for divorce less strict and easier.

To obtain a divorce in Western societies, it is enough merely to prove irretrievable breakdown of marriage. Thus, liberalization of laws has also increased the propensity for divorce proceedings to be initiated by women.

One more factor which has helped in increasing the number divorces is the transitory romantic love (having no real emotional attachment) on which the marital relations are found in modern societies. A high rate of marital breakdown, or the death of these romances, is an inevitable consequence of building relationship on such an unstable and fragile basis.

When the romantic love dies, it is seen that people resort to such action as divorce as a remedy to marital dis-adjustment. Improved birth control technology may have further contributed to sexual attitudes and behaviour based on pure personal gratification rather than any wider norms or morality.

It is estimated that in Britain over one-third of all marriages end in divorce and in the United States, the proportion of marriages to divorces is about two to one, i.e., one out of every two marriages ends in divorce. While in the Western countries, most of the divorcees remarry with other persons, in India, only a negligible number of divorcees remarry.

In March 2007, in one case (Ghosh vs. Ghosh), the Supreme Court of India granted divorce on the basis of 'mental cruelty'.

The apex court has defined mental cruelty as:

i. Withholding sex without reason.

ii. Unilateral decision not to have a child.

iii. Abortion or sterilization without consent of spouse.

iv. Nagging behaviour.

v. Indifference and frigidity.

vi. Denial of company.

vii. Filthy language and verbal abuse.

viii. False allegations.

Commenting on this verdict, the activist and writer Madhu Kishwar said, 'The verdict reveals that the institution of marriage is under crises …. The squabble at the level of the mind reflects the increasing complexity of man-woman relationship that challenges the very idea of marriage.

So how different is divorce in the new millennium?' 'The essentially private nature of modern marriages makes it difficult for those outside to understand, legislate, prove or judge what's going on inside,' says Andre Beteille, the eminent Indian sociologist.

'But it's increasingly clear that saying good bye to a spouse is no longer the dismal climax to protracted misery that it once was. The shift expresses the increasing recognition of men and women as individuals' (India Today, April 16, 2007).

Impact of Divorce:

Divorce may be seen as a personal misfortune for one or both spouses in any society. It may happen at any time in the life of the family—even within a week or month after the marriage. It makes deep impact on the lives of marital partners, their children and the society as a whole.

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It is difficult to draw up a balance sheet of the social advantages and costs of divorce. More tolerant attitudes towards divorce mean the couples can terminate an unrewarding relationship without incurring social ostracism.

(In India, however, such tolerant attitude has not yet developed.) On the other hand, marriage breakup is almost emotionally stressful for all the parties involved, i.e., husband, wife, children and other members of the family. (In India, the members of in-law family are also involved.)

Emotional disturbance may lead to personality disorganization. (Sometimes people become mad, lunatic or mentally derailed.) Old values, old definitions, old schemes of life organization all shatter and lose their validity.

Divorce may also create financial hardships for one or both parties. When a man divorces his non-earning wife, it seriously jeopardizes her life along with children. It brings many economic problems to women especially those depended on their husband. It forces her either to find work for herself or send children at the tender age for earning. Women and children who have never worked before often face severe economic hardships.

Divorce leads to the formation of single-parent family, usually mother household family, since the wife usually obtains custody of the children following a divorce. Because of economic hardships, some divorced women take to an immoral life (prostitution).

They may sometimes contract illicit sexual relationships just to earn a livelihood. This situation further may lead to many other associated problems like child labour, juvenile delinquency, disorganized personalities, neurotic disorders, depression and so on.

Disruption of family life caused by divorce affects the children very badly. Children reared in a happy home are more likely to grow up happy and psychologically healthy themselves. Psychiatric studies emphasize the difficulties experienced by people who as children lived in 'broken homes or 'chaotic families'.

At many times, after divorce children face the very first problem and that is of custody. Many children become the custody of a single parent. Not only do they lose the regular company of one parent, they may also have to move away from friends and family surroundings.

Living with one parent means losing other parent's love and affection. For balanced personality development, supervision of both parents mother and father is essential. If parents remarry, children often face the problem of step parenting treatment.

The stepmother or stepfather cannot take the place of a real mother or father. They will always be fundamentally a stranger. Whether it is a single parent going it alone, or the remarrying parent creating a new household, such new living arrangements require new forms of parental relations to children as well as new problems.

Researches indicate that children do often suffer emotional anxiety after the separation of parents. Life in the single-parent family is extremely difficult, stressful, insecure and unhappy for them. The children of the divorced couple often face the social criticism when they are condemned, teased or taunted by their playmates.