

## **Role of Counsellors in Marital Reconciliation: A Sociological Study**

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*Legal System is the sub system of Polity and family court system is the part of legal system. After post-independence much more social legislation are passed in Indian assembly for establish the gender equality. Such as- Sati custom prevention Law, dowry eradication law and many more social laws. Family court act-1984 is one of the important law for emancipation of women's from evil customs in India. Because of these laws gender discrimination decreased day by day. At that time of independence industrialization, Modernization, Secularization and especially Westernization these all processes had newly came and promote to family and marital Breakdowns in India. Because of this, social reformer durgabai deshmukh had went to china and after come back from there, she had took some efforts for prevention of breakdowns and speedy settlements in family and marriage system in India.*

*[Key Words: Family Court, Reconciliation Amicus Currie, Litigants, Speedy Settlements, Family System, Marriage System, Counsellor, Counselling, Decree, Counselling.]*

### **Introduction:**

It is said that, Sociology has studied a social institutions. Such as religion, economy, Polity, education, family, marriage and social stratification etc. Society is just like a human body (Organ), it depends on nervous system, digestion system, blood circulation system, reproductive system etc. On the basis of above mentioned system, family institution is considered as an important social system, because without help of family institution we should not make the ideal individuals.

In Indian society many changes have upcoming processes of social change. Such as industrialization, modernization, westernization secularization etc. It is impact of advancement of knowledge, science and technology.

When we think about family institution, many sub types have been emerged. Such as joint family, nuclear family or family, blood relative family,



neo-local family etc. Work also changed As per different types, for example before this the work such as socialization, education, upbringing of child has been done by family members but now days, this work is doing by social institutions such as balakmandir, anganwadi, sanskar shibir etc. For considering the need of people, the government had started the scheme ICDS on 21 October, 1972.

Change has been done in the way of working and structural form concern with family institution. These changes are drastic to the existence of society. These things are providing feeding material to breakdowns of society just like divorce, family issues and far more impact on the relationship of husband and wife, father- mother relation. For avoiding this impact on society the government had taken decisions time to time. Family court is the part of this law. This law has been implemented all over the India except Jammu and kashmir in the year 1986 and it is introduced in 1984. With the help of this act, the concept "family Court" has emerged. It is important to being a researcher, to know and to check the merit and demerits of this concept (Family Court).

#### **Emergence and development of family Court:**

At the end of 19th century the movement started in Western side regarding child rights. & the output of this is family court & child court.

The first juvenile court was started in Illinois (1899).

It has been accepted as an ideal in Japan & other eastern countries too. So impact of this there was a juvenile court was started, after some time it converted into family court. After that in 1992 in America (newjersey) child court had stated. In this act all sort of family issue will be solved that's why after some time that child court converted into family court.

After that collaboration of three national organization they made a draft. And after that. The first family court was established in America in 1960 in "Rhode Iceland". After that Newyork, (1977), Hawaii (1965), Colombia (1970), Delaware (1971), South Carolina, filadelfia, (1972), family court were established. On 1 January, 1923 one act has established in Tokyo & Osaka & it had been implemented in whole Japan. Many juvenile protection offices were established for the implementation of this act in the large context. After that in 1948 domestic relation act was passed & after that for domestic issue - "court" & after that "juvenile court" was established. Japan established family court for domestic health & to protect the right of child. At present time in Japan there are 203 family court are established in 50 different places in Japan.

Australian government has also passed the family law act, as per their construction it has included in their construction (as per part 3) after that in 2016 Federal court has established. Family court should preserved Conduct in procedures and judicial separation, they should improve in economical aspect too, these are some things behind the amendment bill.

In India also people migrated from village to city because of industrialization, that's why family become separated, they are in centered form.



Urban living style and Blindly Following of Western culture, it leads to divorce, family discord, and separation from family. To save the community from the disruption process, society activist Mrs. Durgabai Deshmukh visited China Tour I. 1953. After the study of Chinese Family court, she rendered about importance of family court at the first time.

With the help of judge Chhagala & Gajendradkar, she made a proposal & submitted to prime minister Pandit Nehru. After that first family court was established in Jaipur in 1987. After Bangalore & Madras in 1988, then in Maharashtra Pune (January 1989), Mumbai (oct. 1989) & In Kerala family court was established in 6 June 1992.

In this way the family was established in states and Union territories. At the end of 2005 there were 91 family courts were there. Out of these 16 family court was in Maharashtra. It raised up to 212 in the year 2012 & out of these 22 in Maharashtra.

After establishing the family court in Pune & Mumbai, it established in Aurangabad & Nagpur too & after that In Amravati, Solapur, Akola, Thane, Nasik, Nanded, Jalgaon, & ideal city for joint family i.e. Kolhapur family court is established in 2 March, 2013 (Lokmat 22-3-2016)

Maharashtra got first rank in family court, there are 24 family court in Maharashtra which is the highest one in India. This is not good thing in respect with social health. It is important to get an overview of the subject matter.

#### Review:

Anupma Keskar presented a paper in Pune University entitled as ("beyond the family law: a Sociological study of family court Pune with special ref. to marriage divorced family relationship") in this paper she has come to the point after the precise study of socio & cultural background. According to the research presented, it is found that about divorce, we cannot think in one direction because it has so many reasons, result & process.

1) Emotional isolation divorce: If the love and affection between the couple completely ends then this divorce is taken.

2) Economical breakdown divorce: This is a serious and very general divorce. This is one of the main reason behind the divorce. It is seen from research carried out that Family Court is unable to provide financial security to the couple who belongs to low economical background.

3) Community oriented divorce: it's a forth type of divorce, here there is a lack of support of Family, Ethnic community, religious community etc. It is cleared that on the basis of study of intercaste & interreligious marriage.

Madhavi Shashikant Desai She presented a paper in 2010 in Mumbai University, entitled as "Sociological aspects of divorce in Hinduism- changing format. It is concluded that from this research, marital discord it's growing day by day. Unfortunately divorces becomes a need in society. It raises the question on the existence of society. Violence and abandonment are being used as means of divorce. Discrimination and mental balance also show cause for divorce. In Maharashtra every year approximately 2170 claims are taking place



for mutual consent divorce. As per researcher, 40.4% claims are regarding divorce, if there is mental and physical persecution for the dowry or any other cases, the number of people going to the police has increased. Family court in Varanasi: a case study 2007; it is concluded that from this research. The office is so small, it has only 4 sections. It runs in old building which was built in 1891. That's why here there is not enough space for the person to explain their views. In this court counselling room is also small & narrow. There is not enough space for visitors & clients to sit there. That's why it is recommended that to Uttar Pradesh government that it should be shifted to another healthy place which will help to specially lady clients to share their views. Without this & settle their marital problem.

D. S. Kore there are some findings from this research are as follows: home visits of counsellor are being used well. Experienced counsellor meet often. Before lodging a claim, they will file criminal and civil claims on one another. The no. of claims are as per family members in Family. The claims of daughter in law & mother-in-law have been high.

Research plan for the research presented here, study has been done in different places from Maharashtra such as kolan, Marathwada, vidharbh passim Maharashtra, Uttar Maharashtra. Study has been done through sample selection method. Here snow ball method is used. Interview method is used for collecting Data.

### **Result and Discussion:**

Researcher has discuss on various relevant Findings from data analysis and interpretation and concluding remark as following. The pride of couple & their respective parents & doubt of their respective family & interference of maternal home. These are the main reason of marital conflict. Counsellor is counselling in every respect & he tries to council both the family. (Exception of 20%) counsellor is succeeding in most cases in resolving the claims. Counsellor is succeeding in most cases in resolving the claims. Patriarchal mentality of husband In established cast system & their family members. The self-esteem that came to the women of that caste, these are the main reasons of marital conflict. Counsellor is trying his best to solve the problems of marital conflict in society. Counsellor is succeeding in many cases to solve the marital dispute. Counsellor is trying to resolve the social cause of the marital conflict / dispute. Political reasons also there in some instances, counsellor is trying to get there & trying to resolve this too. We can say that, counsellor is succeeding in resolving the problems of marital dispute & positive changes have been seen in respective person. Most of the counsellor is succeeding in resolving the psychological problems in marital conflict. The most of the counsellor have been trying to resolve the problems of marital dispute/ conflict/ Miscommunication. The possibility of adjustment is shown in 51% (Litigants) by respective family members & by 60% counsellor side. Counsellor is succeeding in resolving the marital problems. Solving the problems of marital dispute / conflict / miscommunication the counsellor is trying to reconcile the respective families.



### Conclusion:

It would have guessed the reason, Girls Mother's intervention was widely available.

To solve family dissonance counsellor has suggested the disadvantages of intervention of their relatives in their life. It has been shown that the upbringing of couple, if they came from different environment & social class it also affects their lives, for that purpose it is found that generally counsellor suggest them to respect their mutual family members. In some cases miscommunication happened because of their different rituals. It's a part of different culture. At that time it is found that the counsellor suggest them to give importance to relation also. It is found that Different educational background (came from different stream) is also responsible for miscommunication in family. Most of the cases counsellor is doing fantastic job to remove the miscommunication in between the family. Most of the cases they feel safe when they communicate with counsellor. Some says that counsellor has not visited their home but after the research it is found that increasing the number of cases are responsible for that. It is found that in number of cases miscommunications happened because of scepticism (doubt) & different personality such kind of mental diseases are responsible for that. It is found that Religious misbelief is also responsible for miscommunication in family. Extramarital affairs are also responsible for miscommunication.

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