



INCREASING DIVORCE RATE IN INDIA: A CRITICAL ANALYSIS FROM PSYCHOLOGICAL PERSPECTIVE

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Abstract: This study is based on the experiences in the legal and psychological counselling field. The experiences of the researcher in the counselling field has motivated for finding a solution to the increasing cases of divorces in India. The causes are many and varied. The solution for each case may be unique and it is difficult to find a common solution to the social evil especially influenced by western culture and the social media. In this study we have made an attempt to suggest few remedial and preventive measures in combating the menace of increasing burden of cases in the coming decades. The researchers have foreseen the issue is going to be grim and seriously affect the family system and would be main cause for many types of offences and it will be difficult to manage if it is continued like this. The psychologists suggest that the change is inevitable in all fields including the family culture in India but keeping tradition is also most important as it has been proved to be one of the best in all countries.

Index Terms – Divorce rate, Social evil, Culture Change, Psychological counselling.

I. INTRODUCTION

Marriage a sacred institution deeply ingrained in India's cultural and social fabric has long been regarded as a union meant to last a lifetime. However in recent decades there has been a notable shift in the dynamics of marriage and family life within the country. A topic of growing significance is the rising divorce rates in India which reflect not only changing societal values but also the evolving aspirations and challenges faced by its citizens.

The Concept of Hindu Marriage provides the bondage of men and women which starts in marriage and ends in a family till their last breath and the said bondage gives stability to the family including past and future generations and thereby ultimately to the country through the society. In recent years more and more married couples in India are walking away and abandoning their marriages. Pending Court cases and data from crime record bureau reveal that over the past decades divorce rate has doubled and in some cities even trebled. This trend is evident not just in metropolises but in smaller cities and semi-urban areas as well.

Alarming increase in divorce cases in Indian society in all the states of India and in almost all the cultures is the reason behind this study. The increasing divorce rates in India can be attributed to a combination of social cultural economic and legal factors. It's important to note that divorce rates can vary significantly across different regions and communities within India and the reasons for divorce may differ accordingly. The breakdown of marriages in the families around us and the agonies of the parents of these divorced the fate of children is of much concern and motivated the researcher to take up the study especially looking at the increasing figures in India year by year.

The Hindu matrimonial law ensures stability of marriage and also provides safety and security in conformity with the changes of family institution that was being transformed through several centuries in India. The Financial, Social and Psychological differences keeping married men and women in taking extreme decisions in their lives and lifestyles which interfere with smooth functioning of their family life.

The rate of divorces in India has been increasing over the past decades. Various socio-economic and cultural factors are mainly responsible in the shift. Changing social norms like increased acceptance of divorces has reduced the stigma associated with accepting of divorce, and women's empowerment and economic independence. Along with that the legal processes in obtaining divorces have been simplified in the recent times and also greater awareness about the legal rights and availability of legal assistance have empowered individuals to obtain divorces more easier than before.

Divorce a subject which was once a social stigma has become increasingly popular in recent years. It is seen that married couples are walking away from their marriages for varied reasons. Earlier there were very few cases of divorce and the main causes were adultery and domestic violence. In most cases the women continued with their broken marriage for the sake of fear kids and money. But nowadays women do not hesitate to call off their marriages. The rising trend is seen not only in the metropolises but also in the semi-urban and smaller cities including the rural areas where there may not be divorce in legal terms but women are seen living separately. Nowadays the more women are filing petitions for dissolution of marriage something that was unheard of in the 1970's and 1980's. However while women are becoming empowered to take charge of their lives even now and only women who are economically independent and have the backing of their families can afford to exercise the divorce option though divorce can have negative impact on families especially children who bear the brunt of failed marriages.

II. MARRIAGE SYSTEMS IN INDIA

The ancient and customary practices of Hindu marriage in older age provides sanctions on wife and she should oblige to the husband in spite of his ill-health cruelty and desertion which is undemocratic and discriminative and is not an accepting in a highly educated and democratic society in modern age the Sastric Law was modified and codified in order to suit changed conditions of democratic society of India. In India more divorces occur in love marriages than in arranged marriages. Hindu marriage concept was affected due to unequal treatment between men and women in the family.

In Vedic period women were highly knowledgeable and perfect scholars of Vedas women as daughters sisters wives and mothers had an equally honoured place in the family the marriage of girls used to take place in the age between 14 and 17 years and the educated girls had naturally an effective voice in the selection of their life partners and pre-puberty marriages were unknown.

Later there were remarkable changes in women's status due to various reasons such as a denial of education and the lowering of the marriage age widows were ordained to lead a strict ascetic life and the cruel custom of Sati was widely practiced. The provisions of the Hindu law before passing Hindu Marriage Act 1955 permitted plurality of wives but prohibited plurality of husbands which prescribed strict monogamy for women but uncontrolled polygamy for men. The women became dependent on men thereafter women's duty was only to produce son for offering pond to the deceased forefathers unjust social customs which turned as social evils such as Child marriage Sati and Polygamy reduced the status of women to the position of mere goods or cattle. Then the legislation was passed to eradication of polygamy and Clause (i) of Section 5 of the Hindu Marriage Act 1955 introduces monogamy which is essentially the voluntary union for life of one man with one woman to the exclusion of all others.

But according to Section 17 of the Hindu Marriage Act 1955 to prosecute the husband for the offence of bigamy it insists on the proof of solemnization of both the marriages. If the first marriage was void then the second marriage would not be a bigamous one. And if the second marriage was not validly solemnized then again the offence of bigamy would not be proved. "Solemnization" means observance of all the necessary customary and Sastric ceremonies by the parties. In practice the second marriage during the subsistence of the first marriage is rarely performed with the usual show. It will be done secretly mainly in the presence of those very near and dear relatives or friends who have been taken into confidence and are aware of the first marriage. At the time of prosecution the husband has himself taken the plea that the essential ceremonies were not performed and therefore the second marriage was void. It is difficult to prove bigamy and punish the guilty because of the application of this validity test of the marriage under the Hindu Marriage Act 1955. Therefore women hesitate in approaching the court and have no alternative but to live in a life of misery with the bigamous husbands or to obtain either divorce or judicial separation. This is so far one particular and major cause of divorce in India.

But as the time lapsed there established stringent laws in the hands of women since 1980s until recently on 13th September 2005 on which the Protection of Women from Domestic Violence Act 2005 was enacted. Since 1983 the wife can file a complaint throughout her life whenever she faces cruelty from her husband or a relative of her husband under Section 498-A which was brought into the Indian Penal Code 1860 with an

intention to stop cruelty to married women because of dowry. The psychological construct of the significant persons involved in marriage mainly wife and husband and the others in the relatives is dynamic and cannot expect to be the same. As such the differences arising in the regular practical life have to be resolved on daily or weekly basis so as not to accumulate them and form into a bigger one causing either of the life partners to opt or think about divorce. The major reason for the high number of divorces in love marriages is that there is no family involvement in it. The arranged marriages also fail in continuing family relations due to sporadic love affairs lack of commitment and lack of societal fear. It is important to understand here that entire world both eastern and western is looking towards our country and understanding the Indian marriage concept lifestyle concept yoga and Sanskrit Ayurveda etc. And it's important even they are trying to adopt these practices in their lives but in India young married couples and the youth are being much influenced easily by the western culture duly deviating from the institution of the marriage and contributing a major cause for divorce.

III. RESEARCH METHODOLOGY

The methodology adopted in the study is interview method and case study method only. The structured questionnaire will be designed to collect and interpret the statements assumptions beliefs in the proposed research as a part of thesis. The present paper is the outline and insight into the topic after which the detailed study will be taken up in due course. As such explorative method only used in the present introductory paper.

IV. CAUSES OF DIVORCE IN INDIA

The increasing divorces suggest that more couples from socio-economic classes are opting out of unhappy alliances, which is a reflection of India's changing socio-economic landscape and due to change in perspective and psychological behaviour of youth impinged by the parenting methods influenced by western culture and educated through social media. Incompatibility and adultery are among the most cited reasons by those filing for divorce a substantive number of young couples. A combination of factors -nucleolus family structure professional ambitions mismatched expectations and modern life styles is contributing to the increase in the number of couples that decide to part their ways. Youth today do not subscribe to the rigid notions and follow the sanctity of marriage as an institution. Innovation is their right in all spheres including the marriage system which the fifth generation feels they are more wise and intelligent than previous generations or ancestors.

Recent trends in divorces in modern societies were changed and Divorce is not looked down upon in the society today. While initially divorce was a hush-hush matter there is greater societal acceptance of divorcees in the modern families today. A divorced daughter is accepted with open arms by her parents and family. The very sanctity and importance of a relationship has gone down the drains. Young couples' attitude towards marriage has changed. They do not hesitate to separate as they do not have to worry on how the separation will impact children. Professional rivalry between the partners is another cause of divorce. Either the man files for a divorce due to ego issues when he sees his wife more successful than him professionally or a professionally successful woman files for a divorce when she sees that her husband's position is not at par with hers. Also there are chances of more extra-marital affairs in such cases and the end result is a divorce.

Lack of compatibility and sluggish marital life between the two are also major causes of divorce. Another major cause for divorce is women empowerment with economic prosperity and rising incomes with increased ego between the partners and professional competition the number of divorce cases is increasing in India. Today most young married couples have stopped giving value to marriages and for petty reasons their married lives fall apart.

V. REVIEW OF LITERATURE

One in every two marriages in USA leads to divorce. In European countries nearly 40% of marriages break into divorce. In developing countries like India and Iran, even though the rate of divorces are low in number, currently the cases are rapidly increasing due to shifts in socio-cultural and economic development (Mohammad Taghi Sheykhi 2020). Firadaus 2017, has published an article in which he has studied the mental well being of migrants in urban center in India with respect to social environment and broken homes.

Extensive empirical research on consequences of divorce-related relocation should be conducted, preferably longitudinal and including a comparison group. This could provide further insight into the short- and long-term consequences of divorce-related relocation for children and the possible interconnectedness of these consequences Loran Kostense (2024).

There are around 164 published articles obtained from the Web of science indexed journals, searched with the keywords 'divorces in India' in the topics. The data shows that the annual scientific growth is around 3.49% and shown in Figure 1.

Annual Scientific Production

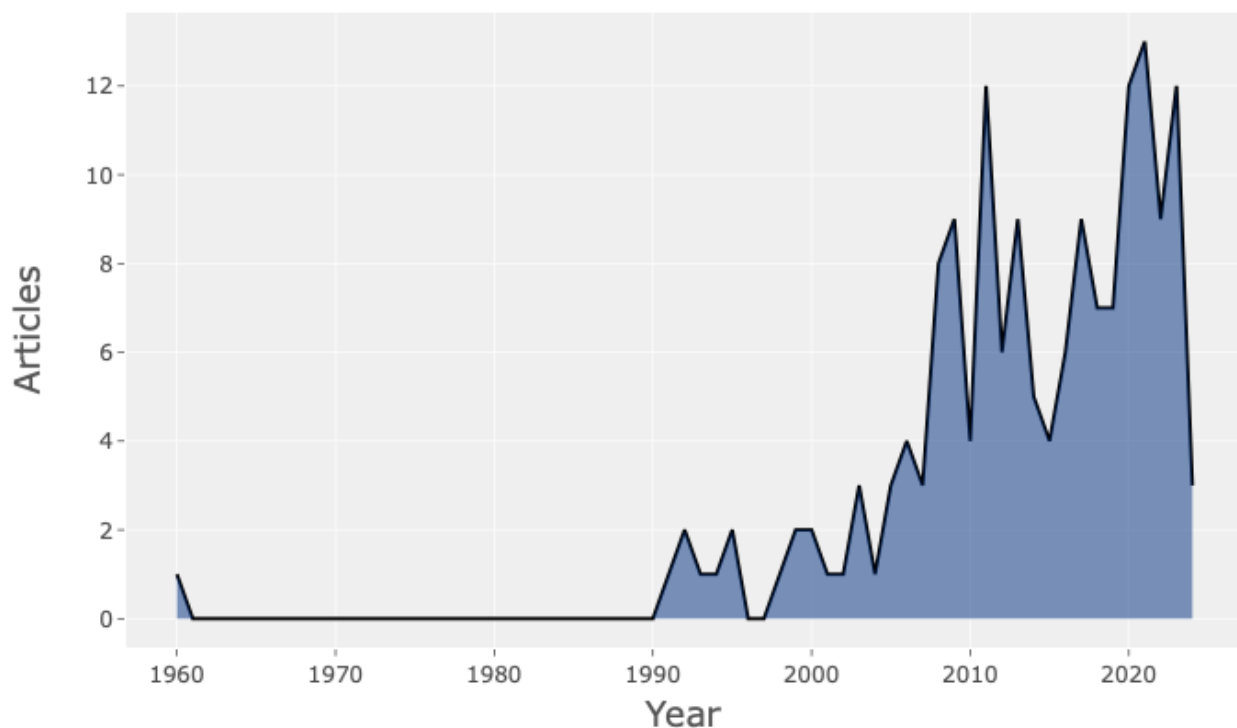


Figure 1: Annual scientific production in research on divorces in India

It is also observed that since 1990 only the divorce based articles are being publishing, indicating its prevalence and also since 2020 the number of articles are increasing vis –a-vis cases.

The Trauma History Questionnaire (THQ) is one of the most widely used traumatic event inventories. Items like ‘adultery’ and ‘mental illness’ were reworded to ‘extramarital affair’ and ‘mental health problem’ respectively, and used to find a divergence in views on tool acceptability between user-survivors, who felt empowered to voice their experiences, and mental health professionals, who were concerned for patient well-being (Gilmoor et al., 2021).

The rising divorce rate in developing nations is a cause of concern among social scientists. Though women’s ability to dissolve marriages in response to domestic violence can be observed as an agency, it has long been perceived as undesirable for society. The paper examines the complex association between domestic risk factors, violence, and the likelihood of marital dissolution. Using the fourth round of Demographic and Health Survey data, we unravel these relations in India, where domestic violence is extremely high compared to the divorce rate. We find that divorce incidences are rising among Indian women as a protest against domestic violence towards them. Marital dissolution is more common among the victims of severe physical violence and sexual violence than those of emotional violence or less severe violence. Economic empowerment in terms of land ownership and employment has helped the process of dissolving abusive marriages (Maiti, 2024).

Oldroyd, (2022) study aimed to identify the prevalence and physical health consequences of family structure transitions among children in Ethiopia, India, Peru, and Vietnam. In many high-income countries, family structure transitions are common, and research suggests that they can lead to worse physical health for children.

VI. PSYCHOLOGICAL ASPECTS OF DIVORCE

Gone are the days when women stayed in-door and tolerated all kinds of maltreatment inflicted upon her by her husband and in-laws. Women then did not walk away from their marriage for the fear of society and want of financial support. Their parents even won’t accept them to look after the kids if any. Things have changed now thanks to the women empowerment schemes women education and reservation and other extraordinary facilities at the cost of exchequer and especially due to technological advancement the manpower word is now changed as human-power only the ease of doing the work and the need of muscular energy is also decreased. In the recent generations it has become usual to even going for suicide attempt in getting their demands whether just or unjust thus emotional blackmailing the spouse, parents and other significant persons. The respect for elderly experience has diminished completely and the younger generations are depending only on social media peer group and the transformation of culture from generation to generation is weakening and it has reached to alarming stage due to increase in nuclear families both spouses working and the wide availability of internet based electronic media so also the culture being spoiled through certain movies and serials being scanned in OTT and TV channels.

Due to increased urbanisation, more families have converted into nuclear family format where there is less familial pressure to continue to stay in an unhappy marriage. Moreover, due to highly urbanisation many

people have to modify their lifestyle that has increased stress and unhappy in marital relationships. Career aspirations and higher educational levels among women and men contributed to work-related stress and conflicts. Due to modernisation, the expectations among the couples of mutual respect, equality, and emotional fulfilment have gone higher. Prioritisation of individual happiness and personal fulfilment can also be attributed to discord in marital relationships. Children of divorced parents have been found to score lower on several psychological-, relational-, behavioral-, financial-, physical health- and educational consequences in the long- and short-term (e.g., Douglas, 2020).

Role of global exposure and media is also significantly influential in societal acceptance of divorces and changing perceptions of marriage and divorce. Data from National Family Health Survey (NFHS) indicate that a gradual rise in divorce and separation rates have been recorded in India. Further, the rates have been reported higher in urban areas compared to rural areas, reflecting the influence of urbanisation. The psychological aspects of divorce in India are multifaceted, influenced by cultural, social, and economic factors. Understanding and addressing these psychological challenges through support systems, counseling, and societal change can help individuals navigate the emotional complexities of divorce more effectively.

VII. SOLUTIONS FOR REDUCING THE DIVORCE RATE

From the analysis of the opinions expressed by the experts from the fields of Psychology Law, Sociology and also from the recent judgments on the legal provisions relating to divorce under Hindu Law on the topic of divorce related issues the following suggestions are proposed.

Pre marital counselling is of primary importance in avoiding the possible disputes through the marital life. All issues be discussed and the doubts be cleared about the Acts and the both the families should be ready to unite and bond together to lead a happy and fruitful life. A marriage should not become irretrievably broken soon after the ceremony within a period of five years. If parents or parties from both side are unable to continue the relationship for atleast a considerable time it clearly shows either party has not verified the other in full and has taken a hasty step in decision. At least the registrar of marriages should arrange a pre registration counselling on line with pre-marital counselling covering the responsibilities they are going to assume the duties and issues.

Family Court has to make the possible efforts to settle the matrimonial disputes and in these efforts with the help of the Counsellors in restoring the petitioners' matrimonial life. If the Counsellors fail in their efforts then they can be directed to mediation centers where trained mediators are appointed to mediate between both the parties. Being trained in the skill of mediation they produce good results and to give satisfaction to the litigants for their reunion of matrimonial life with the best available solutions to the problems. If the problems are unsolved they are likely to be repeated or reoccur. If all mediation centres set up pre-litigation help desks / Psychological clinics duly giving sufficient publicity through electronic and social media and then the matrimonial disputes may reduce by clarifying their doubts with regard to disturbances in their marriage life.

Separate Lok-Adalath to deal with family cases to be created in the juncture of increasing cases in matrimonial disputes including complaints under Sec.498-A of I.P.C. because wife can withdraw the allegations against husband if they are petty in nature and does not attract the legal action. Police officials can be trained and a full time counselor should be posted to decide whether a criminal case be booked or referred to the mediation centre or to family court. This Counseling Cell comprising of Social Workers members from NGOs Law experts should be set up in every Mandal and District Headquarter in order to find solutions in the conflicts outside the legal proceedings by inviting suggestions from general public. Those parties to the marriage including bride bridegroom and parents of either side or elders should understand the binding nature of the marriage before selecting spouse with the consent and after taking the consideration of education financial status etc. as a part of premarital counselling.

The Family Courts may consider appraising the field situations in helping the law be amended regularly and frequently according to the changing needs of society and to incorporate the technological advances thus making legal provisions upto date. The outdated and unwanted. Reconciliation should be done by qualified experts who are well conversation if required with psychiatric counselling who are experts in their field to give advantage to the sufferer petitioners.

Periodical awareness programs like essay writings/elocutions/seminars/workshops to be conducted in Degree College and P.G Colleges and in University level and also in local community halls marriage halls to educate the youngsters in order to know the concept spirit and importance of the marriage and divorce law for improving the knowledge of prevailing law under family disputes. Family Courts Mediation cell NGOs and District Legal Services Authority may conduct seminars and workshops to train the aged parents community and religious elders other social workers to disseminate the information and skills so as to deal with the petty disputes between wife and husband in their community and locality. This help young and newly married couples resolve their budding disputes without widening much the differences and thereby preserve the institution of Marriages in India.

Law should be amended and enacted in respect of the appointment of expert counsellors i.e. Psychologists Psychiatric Doctors Arbitrators Mediators to deal with the family matters with sufficient statutory benefits so that they will concentrate and work full- time towards their assigned task. Government should bring the suitable legislation to enlist the gifts and “Sthree Dhan” and its compulsory disclosure for marriage registration which is useful as accountability of property given to the wife at the time of divorce if takes place unfortunately.

Indian parents are known to maintain a sense of control and order their child around in life without giving much thought to it (Marwaha, 2020).

Divorce is having an adverse effect on their children who were not there when the marriage was solemnised and they were procreated to continue the generation. Both the parents are collectively responsible to look after the bounty of God so that these buds may not wither away before blossoming into flowers. Children brought up in broken homes are deprived of parental love and affection and further they cannot be humane and good citizens as per previous studies. Injury cannot be caused to the third element of the family who is not a party to the mutual assurance given to each other amongst the spouses to discharge their duties

honestly and earnestly. Aftermath of Divorce is very cruel to the Society to bear when the women and children being uncared for would be seeking shelter in the streets. It is felt that every law is a divine law and the concept of divorce caused a tremor in the society and consequently happiness in the homes will be lost. Hence divorce is not advisable and desirable in any religion - Particularly in Hindu Religion - as the institution of Marriage being an indissoluble tie binding generation after generation to continue even beyond death. Divorce provisions of the Hindu Marriage Act 1955 will be a great assistance to Hindu couple when the provisions are used only in the rarest of the rare cases to make free the sufferer spouse from the clutches of autocratic atrocious and authoritarian spouse.

As many respondents opined the matrimonial matters are delicate human and emotional relationship. It requires mutual trust regard respect love and affection with sufficient play for reasonable adjustments with the spouse for a harmonious and cordial relationship which has to conform to the existing social norms as well. The matrimonial conduct has now come to be governed by statute framed keeping in view such norms and changed social order. It is sought to be controlled in the interest of the individuals as well as in broader perspective for regulating matrimonial norms for making of a well-knit healthy and not a disturbed and porous society. Public interest demands not only that the married status should as far as possible as long as possible and whenever possible be maintained but where a marriage has been wrecked beyond the hope of salvage public interest lies in the recognition of that fact. The human mind is extremely complex and human behavior is equally complicated. Similarly human ingenuity has no bound; therefore to assimilate the entire human behavior in one definition is almost impossible. What is cruelty in one case may not amount to cruelty in other case.

The concept of cruelty differs from person to person depending upon his upbringing level of sensitivity educational family and cultural background financial position social status customs traditions religious beliefs human values and their value system. The institution of marriage occupies an important place and role to play in the society in general. The Court dealing with the petition for matrimonial disputes on the ground prescribed under statutes has to bear in mind that the problems before it are those of human beings and the psychological changes in a spouse's conduct have to be borne in mind before disposing of those petitions. Indian society stands on foundation of the marriage system as it is a sacrosanct and the age old elders has contributed their efforts to keep up the spirit of the marriage and its concept. It is further opined that Indian marriage concept its values family system is one of the great examples to all the countries.

It is suggested that the newly married couple should start their matrimonial life to constitute a family and should maintain the spirit and concept of the marriage by avoiding mere trivial irritations quarrels between them which they should understand will happen in day-to-day married life and these are part of the life. It is further suggested that the parents elders and other significant well wishers of the new couples should encourage motivate and ensure to maintain the proper and happy married life by observing periodically taking advantages of the festival and other family occasions.

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