

A Study on Divorce and Broken Family Child's Wellbeing

Dr. P. SANTHAKUMARI

*Assistant Professor, Government Law College, Madurai
The Tamil Nadu Dr. Ambedkar Law University, Chennai. Tamil Nadu, India*

AMARNATH LL M

*Student / Advocate, Government Law College, Dharmapuri
The Tamil Nadu Dr. Ambedkar Law University, Chennai. Tamil Nadu, India*

Abstract

Marriage is an essential institution, and it is a life event that results in the formation of a couple and resultant offspring. Divorce is the dissolution of a social tie, but it is also possible that attitudes about divorce flow through social ties. In India, the scenario of family, marriage, and divorce are interconnected with religious rituals. Most weddings include religious rituals and customs. These customs are the essence of marital institution, thereby strengthening the significance, integrity, and faith in the same. There is both customary and religious depth and intensity in the institution. In India, Hindu marriage is considered as sacrament, but all other marriages are contract. Marriage is regarded as a sanctuary for childrearing, a refuge for adversity, and the basis of a successful culture modernization and urbanization have brought about changes in Indian families. An increasing number of families are nuclear in structure. Migrations and mobility have resulted in families living in places far from their hometowns. Families have been dispersed, often due to searching for jobs. These changes have been accompanied by increasing rates of divorce as well. Couples living and working in cities and metropolitan areas are exposed to more economic and relationship options, which prompt them to break out of unsatisfactory marital life.

Keywords: *divorce, children, effects, grounds, marriage, dissolution.*

Introduction

The Hindu religion marriage is sacrament and not a contract, hence divorce was not recognized before the codification of the Hindu Marriage Act in 1955. With the codification of this Act, men and women both are equally eligible to seek divorce. Hindus, Buddhists, Sikhs, and Jains are governed by the Hindu Marriage Act 1955, Christians are governed by the Divorce Act 1869, Parsis by Parsi Marriage and Divorce Act 1936, Muslims by the Dissolution of Muslim Marriages Act 1939 and Inter-religious marriages are governed by the Special Marriage Act 1954. Divorce means separation of husband and wife from a legally solemnized marriage in a legally and customarily prescribed way by which both acquire a right to remarry again legally. In ancient India there was not existence of word divorce because according to Hinduism the marriage is a sacrament known as "Sanskara" through which both husband and wife tie up themselves with each other in a divine knot for present life and upcoming life. Marriages. Although the incidence of divorce in India is on the rise, there is relatively little research carried out on the

causes of divorce among Indian young couples and effects of divorce. Their children's wellbeing are affected. This research reviews some of the survey conducted on the causes of the divorce among young Indian couples and the effects of the same on families and children. The researcher found that divorce can spread between friends, siblings, and co-workers, and there are clusters of divorces that extend two degrees of separation in the network. We also find that popular people are less likely to get divorced, divorcees have denser social networks, and they are much more likely to remarry other divorcees. Interestingly, we do not find that the presence of children influences the likelihood of divorce, but we do find that each child reduces the susceptibility to being influenced by peers who get divorced. Overall, the results suggest that divorce should be understood as a collective phenomenon that extends far beyond those directly affected.

Law and Divorce

The term Divorce came in India with the advent of Muslim and given legal shape by the Colonial Rulers. The first law on divorce was framed by Whitely Stokes. The Bill, after

remaining for seven years before the Council of the Governor- General, received the assent of the Governor-General, on 26 February 1869 the Indian Divorce Act 1869 was enacted. which later amended in 2001 through the Indian Divorce (Amendment) Act 2001. Once, India used to have one of the lowest divorce rates in the world. Being a society largely based on a traditional value system, couples were both legally and socially dissuaded from seeking a divorce. However, socio-economic changes complemented by legal reforms in the last half a century, have enabled partners, especially women, to opt out of unequal and abusive marriages.

The wave of globalization in the nineties ushered in further changes in the Indian social institutions, especially in urban areas. Couples living and working in cities and metros were exposed to more economic and relationship options, which prompted them to break out of unsatisfactory or unequal marriages. However, the divorce procedure in India continues to be one of the most protracted in the world, especially in cases where either party contests the divorce. Divorce is the legal dissolution of marriage. Since India is a land of varied religious communities having their own marriage laws, the divorce procedure too varies, according to the community of the couple seeking divorce. All Hindus as well as Buddhists, Sikhs and Jains can seek divorce under the Hindu Marriage Act 1955. The Muslim, Christian and Parsi communities, on the other hand, have their own laws governing marriage and divorce. Spouses belonging to different communities and castes can seek divorce under the Special Marriage Act, 1956. There is also the Foreign Marriage Act 1969, governing divorce laws in marriages where either partner belongs to another nationality.

Divorce by Mutual Consent

Seeking a divorce in India is a long-drawn out legal affair, where the period of prosecution takes a minimum of six months. However, the time and money required to obtain a divorcee can be considerably shortened if the couple seeks divorce by mutual consent. In this case, estranged spouses can mutually agree to a settlement and file for a "no-fault divorce" under Section 13B of the Hindu Marriage Act 1955. All marriages which have been solemnized before or after the Marriage Laws (Amendment) Act 1976,

are entitled to make use of the provision of divorce by mutual consent. However, to file for a divorce on this ground, it is necessary for the husband and wife to have lived separately for at least a year.

Object of the Study

1. To study the reasons and causes for divorce, and with the effects of divorce how the children are affected
2. To find out how the children face the long-term consequences, particularly, psychological well-being, education, and family faming.

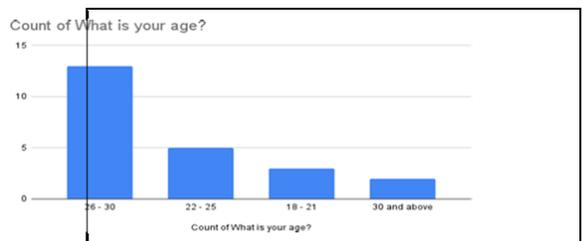
Hypothesis

1. The family (parents) wellbeing and their child wellbeing both are associated.
2. The child from a broken family (divorce) changes the child's education and other facilities and developments are associated.

Research methodology

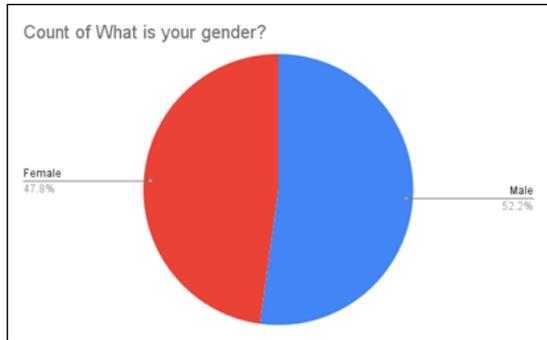
The present study is confined to the divorcees with reference to Krishnagiri district, Tamil Nadu. The study is based on both the primary and secondary data, the data collected based on the sources of questionnaires through google form, and the secondary data collected from information via the internet sources and articles, books, Acts. etc., and percentage method is used to frequency distribution and other Analysis.

Frequency Distribution Age of the Respondent



The results shows that age of the respondents. The are most of the Respondents belong to the category of 26 – 30 age group.

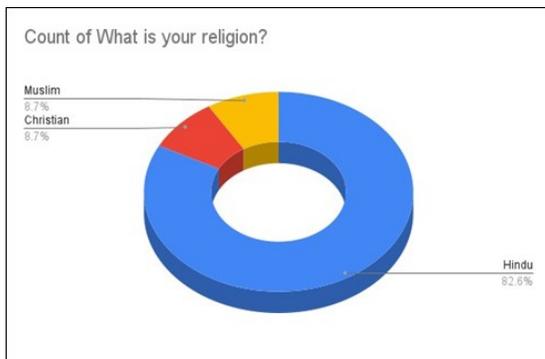
Gender of the Respondents



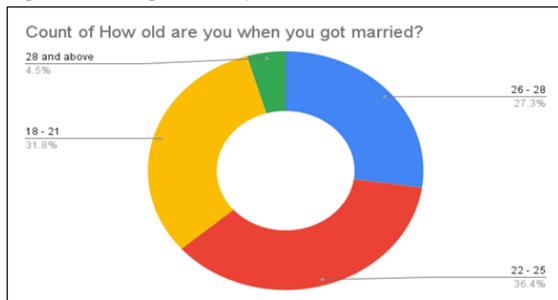
The results shows that gender of the respondents. Most of the respondents 52.2% respondents are male. There are 47.8% respondents are female.

Religion of the Respondents

Religion also plays a major role in the concept of divorce. The results show the religion of the respondents Most of the respondents are from Hindu religion. Muslim and Christian respondents are equal smaller than Hindu respondents.

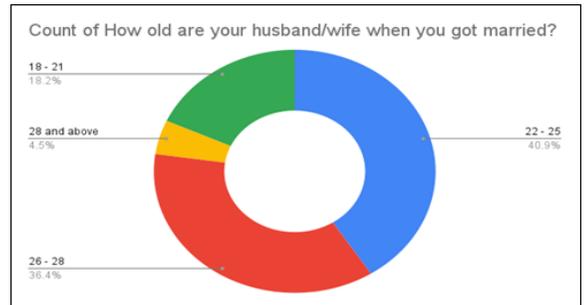


Age of Marriage of Respondents



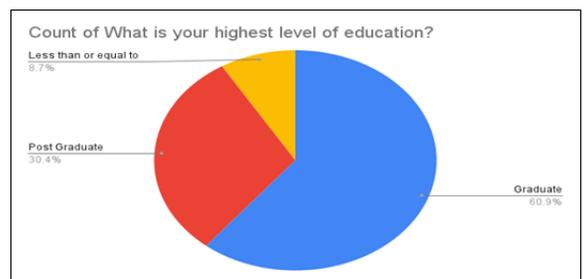
The result shows that marriage age of the respondents, the high rate of the respondents fall under the category of 36.26% of the responds from 22 – 25 age group. 31.8% of respondents from the 18 – 21 age group the low rate of respondents from the 28 and above marriage age group respondents.

Age of the Spouse



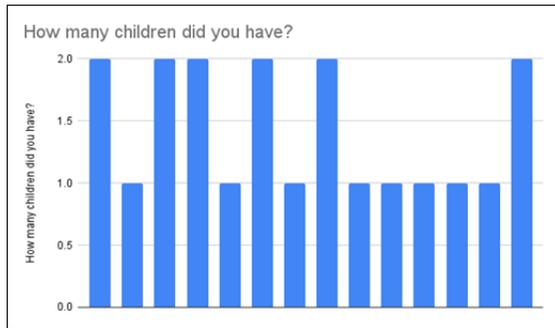
The results show the age of the respondent's spouse husband/wife during their marriage, most of the people fall under the category of 22 – 25 age group. 26 - 28 age group spouses are 36.28% 18.2% of age group spouses from the 18 to 21 age group. There are very lesser percentage of age group spouses from 28 and above age group. The researcher concluded based on this study the Krishnakri district's maximum age of married people's spouses is from 22 to 25 age group.

Educational Qualifications of the Respondents



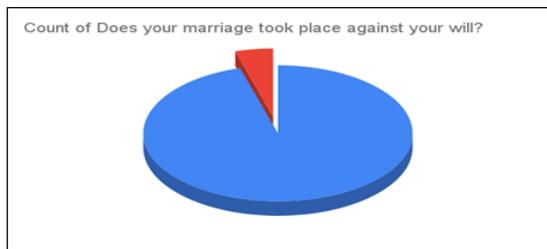
The results show that the highest level of education among the respondents. Most of the respondents are graduates. Most of the respondent's husband/wife are graduates. Therefore, education also plays a major role in the divorce concept.

How Many Children the Respondents Have



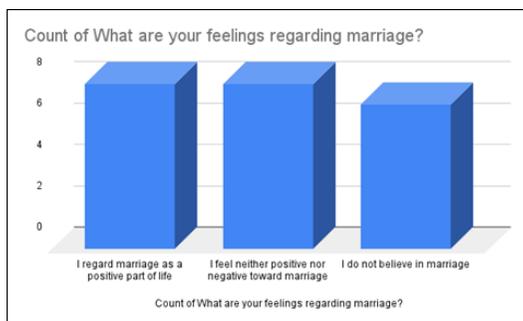
The results show the children of the respondents. Only 14 of the respondents bear child/children. Therefore, this also plays a major role in the study.

Does Your Marriage take Place against your will?



The results show the consent of marriage of the respondents. There are some respondents whose marriage took place against their will.

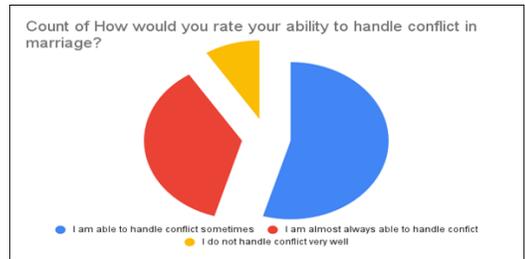
Respondent's Opinion about Marriage



Feelings regarding Marriage

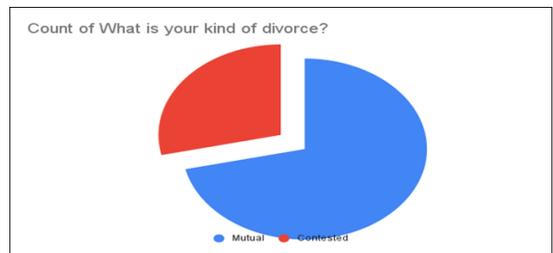
The results show the feelings regarding marriage of the respondents. Most of the respondents consider marriage as a positive part of life.

Ability to Handle Conflict in Marriage



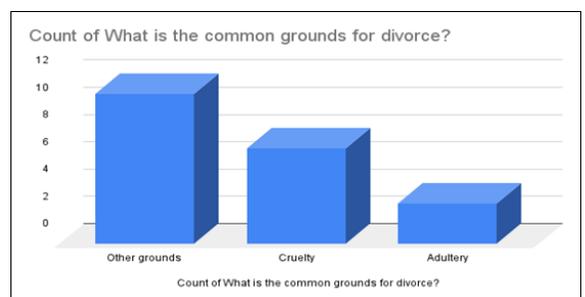
Most of the respondents can manage the family conflicts, very limited respondents are unable to solve the family conflicts. The results show the ability to handle conflict in marriage of the respondents. Most of the respondents say they can handle conflicts only sometimes and not all the time.

What is your Kind of Divorce?



Based the primary data result Most of the respondents come to the category of mutual divorce.

What are the Common Grounds for Divorce?

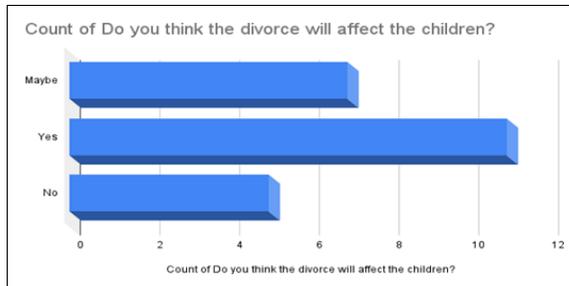


The results show the common grounds for divorce of the respondents of the study. Apart from the mutual consent of divorce Cruelty plays a major role. There are divorces which take place other than cruelty and adultery.

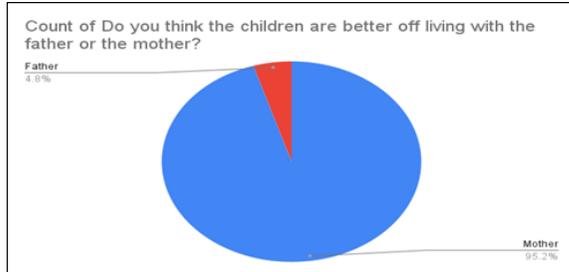
What Statement Best Describes Your Feelings Regarding Divorce?

The results show the feelings regarding divorce of the respondents under the study. Most people have an opinion that they think people should divorce if they feel that marriage is not working. This opinion plays a major role in all conflicts.

Do you think Divorce Will Affect Children's Lives?



The results show the divorce effect on the children of the respondents. Most people say divorce will affect the life of the children and their wellbeing.



Do you think the children are better off living with the father or the mother the results show the opinion of the respondents from the study that the children are better off living with the father or the mother. Most of the people say that the children are better off living with the mother than the father.

Custody of the Child

Mostly the mother will have the child's custody. For some specific reasons the father may get the child's custody.

Findings and Causes for the Divorce

There are diverse reasons that have been cited for increasing divorce rates in India, such as increasing

violence, cruelty, alcoholism, problems of adjustments in a joint family, growing individualism, extramarital affairs, and the undesirable impact of the outside world regarding values and lack of role models and so on. This study suggests that unreasonable expectations might be one of the major hindrances in happy married life. Sometimes spouses had high expectations from their partners when those expectations were not fulfilled, then they opted for divorce.

Outcomes and Effects of Divorce

Research findings shows that divorced women experienced more depression, anxiety, stress, loneliness, social interaction anxiety, and a high level of state anger, anger outbursts, and total anger as compared to married women. Subjective well-being of divorced women was significantly lower as compared to married women. There is a significant relationship between emotional and social problems in women. And divorce affects the broken family child wellbeing, both mentally and physically.

Conclusion

As to conclude, Human relationship education during the school years poor skills in communication, problem solving and conflict resolution, and which encourages self-esteem, may also prepare young people for mature relationships as partners, parents and community members. Since relationships are dynamic and family circumstances alter over the life course (birth of a child, dealing with teenagers, a change in employment, illness of a family member), couples may benefit more from ongoing opportunities for a range of education and counselling options across the different stages of marriage and family life than from brief pre-marriage education sessions. A range of programs and services can be made available to develop understanding and skills in interpersonal relationships and parenting competence. Based on counselling and discussion we can resolve the family conflicts and can reduce the rate of divorce.

References

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6092131/>
<https://www.surveymonkey.com/r/MCQZMBW>

<https://sites.google.com/site/quincieller/research-questionnaire>

<https://theprint.in/talk-point/does-indias-low-rank-on-global-divorce-rate-indexes-mean-happy-marriages-or-social-pressure/187180/>

<https://www.latestlaws.com/did-you-know/divorce-fact-sheet-india-stands-world/>

IOSR Journal of Humanities and Social Science (IOSR-JHSS) Volume 19, Issue 6, Ver. I (Jun. 2014), PP 58-60 e-ISSN: 2279-0837, p-ISSN: 2279-0845.

Divorce, Families and Adolescents in India: A Review of Research Article in Journal of Divorce & Remarriage · March 2019, DOI: 10.1080/10502556.2019.1586226