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# Increasing Number of Cases of Divorce in India after Lockdown

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Momin Abdullah Sarfraz<sup>1\*</sup>, Ansari Shabnoor Bano Ajaz<sup>2</sup>

<sup>1\*</sup>Assistant Professor Bharat Ratna Dr. Babasaheb Ambedkar Law College, Bhiwandi, India

<sup>2</sup>TYBLS Student Bharat Ratna Dr. Babasaheb Ambedkar Law College, Bhiwandi, India

Email: <sup>2</sup>ansarishabnoor282@gmail.com

Corresponding Email: <sup>1\*</sup>mominbdba0301@gmail.com

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**Abstract:** *When a marital status is dissolved between a man and woman it is known as Divorce. After petition is filed by the women or man, the separation is granted by the court of law. It had been observed that about 7 out of the 10 calls received by an advocate in a day are about divorce. To be specific, it is noted that there is 20% growth in divorce cases after the court resumes after lockdown. Bill passed in the parliament in the mid-1950s provided for women property rights, outlawed polygamy and allowed partners to file for divorce. The laws were further twisted in 1976 to allow divorce by mutual consent. Divorce is one of the most horrible and painful encounters in an individual's life. Divorce is the end of a marriage, dropping the legal obligations and duties of marriage and dissolving the obligations of marital status among a couple. Divorce is perhaps the hardest situation a family can go through. Not so far in the past the word 'Divorce' was unimaginable. Individuals even delayed their enduring marriages to maintain a strategic distance from divorce but this situation isn't the same any longer. Everywhere throughout the world, the rate of divorce among couples is growing at a disturbing rate.*

**Keywords:** Law, Divorce, Separation, Women, Men.

## 1. INTRODUCTION

Divorce is always seen restricted by custom in India. Moreover, the long period of litigation and the lengthy process of hearing are very undesirable. Because of this Indians, avoid divorce to waste such hectic time consuming litigation process. It is seen that the pandemic is affecting many relationships. Lawyers, therapists and academics started survey to get a clearer understanding of the various factors influenced by the Covid-19 break-up boom and it can also be seen in 2021.

As the corona virus continues to break up lives, Daily facing new challenges this had become normal after lockdown. Other impact of Lockdown is on economy of country, Education system of the country and obviously the environment of the country. Apart from this Lockdown made a huge impact on marriages in India. It was felt that as soon as court will reopen the divorces will come with full fledge this was the talk between relationship experts and family attorneys. Most of the relationship ruined because maximum couple were stuck at home because of lockdown who are forced to interact and engage themselves in different ways which can be avoided if they were working in usual normal routine.

The relationship between couple is been destroyed because of lockdown. Stress of Financial, Emotional and physical are forcing hard look in between couples. Tensions are high, and there's nowhere to go. This in many cases leads to domestic violence. In a normal condition, the couple can get away from home to avoid fights but lockdown made the couples to stay at home which leads relationship on the way to divorce.

The COVID lockdown in India saw a simultaneous rise in divorce and child custody cases. During the lockdown period in India, Mumbai, which witnessed the highest number of COVID cases, also saw an equal swelling in the number of cases filed for divorce and subsequent child custody. Delhi is on number two.

### **Findings**

Here are some of the findings of the study:

- Approximately 1.36 million People in India are divorced. That is equivalent to 0.24% of the married population, and 0.11% of the total population.
- More highly, the number of people separated is almost thrice the number of people divorced - 0.61% of the married population and 0.29% of the total population.
- It can be seen that more women are divorced and separated than men.
- Divorce rates in north-east states are relatively higher than anywhere else in India: Mizoram has the highest divorce rate (4.08%), more than four times that of Nagaland, the state with the second highest rate (0.88%).
- Gujarat reports the maximum number of divorce cases among bigger states - with a population of more than 10 million - followed by Assam, Maharashtra, West Bengal and Jammu and Kashmir.
- Meghalaya has the most number of cases of separation, followed by Mizoram, Sikkim, Kerala and Chhattisgarh. Three of these five states are in north-eastern India.

### **What does this tell us about breakdown of marriages in today's India?**

For one, more people are separated than divorced in India because of stigma associated with divorce, and the time taken in resolving disputes in the slow-moving Indian courts.

It is seen often that more women choose for divorced than men in India. Women more rottenly plays a women card and ask for separation or divorce. Women also tells us the story of gender bias, age gap etc. As maximum time men needs to stay at home during lockdown which impacts the couple privacy and leads to fights which further goes to separation or divorce. "It is consistent with the bias that women face in India," "You have the right to

divorce, but remarriage remains tough because of prejudices against a divorcee." says MsChattopadhyay.

A big surprise is seen by researchers that the cases of cities and villages and town does not make a huge different. After seeing this It can be stated that residence does not make huge difference in dissolution of marriages.

### **Causes of Divorce**

#### **1. Domestic Violence:-**

Domestic violence is an act of violence committed by someone in the victim's usually a woman in her domestic circle. This can include spouse and ex-spouse, immediate family members of spouse, other relatives and family friends. It is known to be one of the main reasons for divorce. Maximum cases consist of domestic violence for dowry. As in lockdown maximum people became jobless, also had drop in their salary so it become big issue for argument and which leads to domestic violence which goes for divorce.

#### **2. Extra Marital Affair:-**

Relationships that happen outside of a marriage, between two people who aren't married to each other are known as Extra Marital Affair. An extra marital affair can lead to adultery which is one of the important grounds for dissolution of marriages.

According to survey, 55% married women have cheated on their spouses,

Through the data it is concluded that at least one time 55% of married couple have been unfaithful to their partner of which maximum are women, according to latest survey by Glenden.

#### **3. Financial Crises:**

**Nearly a quarter of all couples break up over finances** According to a Wealth of Geeks. It's an even more significant issue for couples between the ages of 35 and 49 (30%), with 28% of those ages 25-34 ending relationships because of money conflicts. As mentioned above that in lockdown maximum people became jobless, also had drop in their salary so it become big issue for argument and which leads to domestic violence which ultimately leads to divorce.

#### **4. Short Tempered Generation:-**

Too much anger can damage any marriage. Over time, it can cause contempt and resentment. When one or both partners express anger in uncontrolled ways, inevitably, this will cause hurt in one or both of you. Hurt feelings can discharge and become the underlying reason for fights and arguments

#### **5. Incompatibility:-**

When the couple finds differences between them in respect of thoughts, sex life, religious matters or who is more successful then it is known as Incompatibility. Where both men and women don't want to come to a conclusion and simply the differences grow which leads to divorce.

## **6. Addictions:-**

Addiction is anyways harmful. Alcohol, drugs or any other substance abuse is harmful for health as well as healthy relationship which can often lead to a divorce. If a man / women had drunk and cannot understand what he / she is saying or behaving it can lead to unhealthy relationship which automatically leads to separation or divorce. Such addictions hampers sleep pattern, family responsibilities, connection with family and friends. It leads to memory loss and without any doubt it is wastage of money all of this factors makes things difficult between couples which ultimately once again leads to divorce.

## **Effects of Divorce**

Divorce is unpleasant, not so happy and has negative effects on children. Children are most affected. Once they got disturbed with family issues it's hard for them to come back to normal which results in bad behavior and emotional problems. In some cases children get phobia about marriages they think if they will marry they will have future as separated or divorced. Children are the one to suffer between these not so happy situations which get created because of divorce.

On a period of divorce, it is advisable for children to seek counseling so they can come out from the changes in their life and parent life. Even the children were thought to cope up with the situation arises from divorce. In almost all cases parents forgets about the children as they are busy with their own problems and taking revenges with their partner. With all these they forget about the needs of their children.

## **Measures**

As a parent it is important to make their children's strong so they can handle the situation of divorce. Or parent can solve their matter because of the healthy growth of their children's. Parents should see the changes their children go at the time of their divorce.

## **Recent Trend of Divorce in India**

Lately, we can see an ever increasing number of wedded couples in India are ending their marriages. Figures and information derived from Courts record department shows that over the previous years, number of separation rates have multiplied. Usually in urban areas it can be seen that the same is even trebled.

Studies recommend that more individuals from white collar class and lower working class is quitting miserable coalitions.

A noteworthy consequence is that more women are recording petitions for disintegration of marriage something that was incomprehensible during the 70s and 80s.

**IT'S WORTH NOTING THAT THESE CHANGES ARE PART OF THE 2023 AMENDMENT!!!**

<b>Grounds for Divorce</b>	<b>Previous Law</b>	<b>New Law</b>
Adultery	Suffering party who is cheated can file divorce application.	Both parties can file the divorce application.
	It Include hurting any of the	It Include hurting any of the

Mental/Physical Cruelty	couple physically, harassment, and mental torture, Example. Husband asking to bring money from wife house or else he will go for suicide	couple physically, harassment, and mental torture and now it also includes financial support or denying access to their child. Example. Husband refuses to maintain wife financially.
Desertion	Living separately for almost 2 years without husband without any reasonable cause. Husband can file divorce application.	Living separately for almost 1 year without husband without any reasonable cause. Husband can file divorce application.
Conversion	Converting from one religion to another religion cannot be claimed for divorce.	Converting from one religion to another religion can be claimed for divorce.
Irretrievable Breakdown	Those couple who are incompatible cannot claim for divorce Under Hindu Marriage Act till 1955.	Those couple who are incompatible can claim for divorce, but it requires a one-year separation period

### SECTION 13B (2), 1955

According to section 13B (2), Court grants couple a Six month period to those who had moved to court for divorce for any chances in change in their decisions.

Court issue six month with intention to save the relationship / Marriage. After the completion of Six month couple can go for divorce or can cancel the application and reunite.

The recovery period of six months is mandatory. Now it is not mandatory it depends on the discretion of court

Recovery period of six month or else couple should be immediately allowed to divorce is decided by court as per facts and circumstances

This was observed in the Supreme Court ruling in the Akanksha vs Anupam Mathur case. The court was satisfied that there is no point in providing six months as the couple had taken a decision for divorce,

So therefore the court decided to cut the Six month period and ordered couple for dissolution

## 2. CONCLUSION

Lawyers and Judges should try to solve the problem between couples and make their minds for counseling. It became necessary to change the rules and regulation or to modify the



existing rules for divorce according to the need of society. Every small problem should be taken in consideration whether from male or female. Marriage is very important for life and divorce is life changing moment. The court plays a very important role in cases of divorce. To sum up with, Dissolution of a marriage is just not an end to a relationship but it ruins a healthy relationship environment created by the same. Dissolution of marriages should always be avoided.

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