

Marriage Dissolution In India

What is the issue?

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- India is known as a society with **low rates of divorce or separation**.

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- This also reflects that the marriages are still highly constrained by **patriarchal socio-cultural norms** and tends to be determined by families rather than the individuals who enter into the marriage.

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What are the features of Indian Marriage System?

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- **Caste endogamy** still dominates in choice of partner.

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- Women only very rarely have any autonomy in spouse selection.

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- There is still very little social and cultural acceptance of divorce, particularly when initiated by women.

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- There are even numerous instances of women being encouraged to stay with an abusive and violent partner, even by their own natal families, rather than exiting the marriage.

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- Separation or divorce, when it occurs, is more frequently initiated by men, also because the low work participation rates of women and inheritance patterns that are still gender-unequal provide very little options for women who choose to leave even an unhappy or abusive relationship.

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- As a result, most marriages end because one of the partners dies.

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What the Census Data say?

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- The Census data for women's marital status by age in 2011 shows that widowhood is much more likely for adult women than being separated or divorced.
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- The rates of marriage dissolution are relatively low compared to other societies.
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- But they are large in absolute numbers i.e more than **4.2 million women (4,225,940) were either separated or divorced in 2011.**
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- The highest rates of marriage dissolution among women are found in middle age, peaking in the age group 35-39 years.
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What are the causes of marriage dissolution?

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- **Separation, not divorce, is the dominant form of marriage dissolution** for most women in India
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- Separation accounts for 63% of all separated and divorced women.
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- This is significant because most separations are informal arrangements that do not provide any kind of legal recourse or status or rights to the affected women.
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- Most cases of separation tend to be of abandonment by the male spouse, which typically imply that the spouse has also abandoned all material responsibility towards the upkeep of the woman and her children.
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- This often implies that the women are forced to take recourse to their natal families for residence and support.
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- It can also be a significant factor in pushing such women into poverty, an aspect that is explored in more detail below.

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What are the reasons for it?

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- Religion obviously plays an important role in determining the socio-cultural norms of marriage and the ending of marriage.

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- In India it also governs the legal framework within which much marriage dissolution takes place.

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- Buddhist, Christian and “Other” women show the highest incidence of divorce and separation.

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- However, Muslim women also show a higher rate of marital dissolution than Hindu women, while Sikh women show the lowest rate.

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- Separation is slightly less evident among Muslim women, probably because of the greater ease of divorce in this community.

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- There is hardly any difference across rural and urban areas in terms of rates of marital dissolution for women.

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- The rates of separation and divorce still tend to be strongly influenced by son-preference.

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- Women who are mothers of only daughters have a higher probability of marriage dissolution than those with even one son.

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- This tendency is similar across different castes and religious communities, and across rural and urban locations.

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- It is also surprising to find that such a tendency persists regardless of other factors that should reduce it, such as the level of education of the woman and her husband.

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- Son preference is only one indicator of extreme patriarchy, but its impact even in affecting something like the viability of marriages is yet another

indicator of the continuing low status of women in India society.

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Source: Business Line

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