

CAUSES AND PREVALENCE OF
DIVORCE IN DHARWAD DISTRICT

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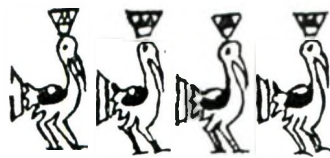
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Dedicated
To
My Parents



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(MANAVVA BADIGER)

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Introduction

I INTRODUCTION

The word "Divorce" is derived from Latin word "divortium", which is again derived from two words "dis" means "apart", "verture" means "to turn". So divorce is turning away of the partners from each other. It is truly a complete turn from the way of life the couple had so far. It is legal ending of marriage. In the legal language it might appear as a simple phenomenon, but in practical life its implications are massive. "Divorce represents the end of hopes, that two had so far about or regarding each other. It is the certificate that their relationship failed" (Pothen, 1986).

During the vedic period i.e., Rigveda (C. 2500 to C. 1500 B.C.) women enjoyed all the rights equally with men when divorce and re-marriages were common. In the age of later Samhitas, Brahmanas and Upanishads from C. 1500 to C. 500 B.C. divorce was permitted to wife, though the permission was not extensively availed of. As an instance according to Dharmashastra literature (C 400 B.C. to C. 100 A.D.) divorce was allowed on well defined grounds, and desertion not less than eight years as a ground for divorce. Kautilya (800 B.C.) reduced this period to ten months. He also permitted divorce for couples who were not able to get along with each other (Altekar, 1983).

At about fifth century B.C. a wave of asceticism passed over Hindu society, though there was a good deal of opposition to it. During the beginning of the Christian era, the ideal of renunciation and puritanism, which was constantly advocated became eventually very well grounded in the society. During 500 B.C. to C. 500 A.D. the Sutras, Epics and early Smritis influenced society by asceticism. As such the parents of the girls, who have not attained the age of puberty had to hurry for marriages of their daughters. Because, the parents who were not able to get their daughters married before puberty were looked down by the society. The matches arranged under such circumstances were often ill suited, and thus, women were often compelled to spend their lives with unsuitable or unworthy partners. During this period marriage became an irrevocable bond however, only so far as the wife was concerned (Altekar, 1983).

Lastly during the age of smriti writers which includes Manu, Atri, Vishnu, Yajnavalkya, Yama, Katyayan, Brihaspati, Vyasa, Parasara, Vashishta the extreme view that, the wife's marital tie and duty do not come to an end even if the husband were to sell or abandon her was emphasized most, especially by Manu the Hindu law giver (Altekar, 1983).

According to Smriti writers viz., Manu, Yajnavalkya, Narada, Vyas, etc., adultery was not considered as a reason

for divorce but impotency, asceticism conversion to the other caste, missing from many days were the grounds on which divorce was sought. Kautilya stated only mutual consent may be the ground for divorce (Pothen 1986). But, it was interesting to note that even Manu himself observed elsewhere in his Smritis that a wife is not to blame if she abandons her husband who is impotent, insane, or is suffering from incurable or a contagious disease (Choudhary, 1988). The rules made by Kautilya i.e., divorce should be sought by mutual consent and it should have judicial separation were however, applicable only to Asura, Gandharva, Rakshasa and Paishacha marriages. These were prevalent in lower sections of society. But divorce was also prevalent to some extent in higher sections of the society. During ninth century A.D. Peculiar forms of divorces were prevalent in some castes like Rajput and Nambudries (Choudhary, 1988).

The untiring efforts of social reformers and liberal minded men like Raja Ram Mohan Ray, Iswar Chandra Vidya Sagar, Ranade, Gokhale, Annie Besant, Sarojini Naidu, Mahatma Gandhi through various movements and organizations in the 19th and 20th centuries, resulted in adopting certain laws, which provided freedom and privileges to women. Divorce was made possible, within certain limits (Choudhary, 1988).

Kolhapur state enacted first legislation with respect to divorce in the 1920's and Baroda state in 1940's. The

grounds for dissolution of marriage were, untraceability of either party for seven years, recluse, conversion to another religion, cruelty, desertion for more than three years, addiction to toxicants, adultery. For a wife impotency, adultery, withdrawal without reasonable cause were the grounds on which she could claim for divorce under this law. The Bombay Government also passed a similar Act in 1947. Madras and Saurashtra followed the Bombay state in enacting the legislation regarding divorce. Under this Act impotency, lunacy, leprosy, desertion, bigamy and absence for seven years were the grounds on which divorce was allowed. Later, the special Marriage Act, 1954 and the Hindu Marriage Act 1955 were comprehensive Acts which made divorce easy by providing more grounds. These are adultery, desertion, cruelty, mutual consent (which was included only after amendment of the Hindu Marriage Act during 1976), bigamy, renunciation from world, conversion to other religion, suffering from venereal, chronic diseases, epilepsy, non-age and the like (Choudhary, 1988).

Apart from legislations impact of industrialization, urbanization has brought about change in norms, values, expectations and status of women. These forces loosened the grip of religion on individual's life resulting in the changes in role expectations and multiplicity of cultural norms and behavior patterns. This inturn resulted in weakening the family ties and family cohesiveness (Usha, 1986).

The reason, why divorce is not socially accepted is because of strong belief that marriage is indissoluble (Altekar, 1983). Even in other parts of world all societies try to keep marital dissolution at lower level. This is because divorce is accompanied with difficult moral choices and personal adjustments for the adults and children concerned. It breaks the bonds which once united two family lines. The pattern by which marital tensions and maladjustments are kept within some bounds are (i) getting married within same social backgrounds; (ii) by defining certain kinds of disagreements and difficulties as unimportant and not to be used as a basis for divorce and (iii) to lower the expectations about what marital life will bring by not giving importance to marital relation, but for extended family, the lineage (Goode, 1965). In a book on Jurisprudence (Lee's Historical Jurisprudence, p. 129), it is stated that there was little or no evidence for divorce amongst Hindus which was partly due to the expense of wedding which was always celebrated with the utmost pomp and partly to the possibility of polygamy (Mitter, 1984).

Sood (1990) in her study reported that, after independence, number of Indians are flooding the divorce courts to escape from unhappy marriages and assert their independence. This has drawn focus of media, and intellectuals on this vital problem of society.

The problems of divorce are multifaceted. First of all the roots of the problems of divorce, whether in Indian society or elsewhere calls for an examination of the level and extent of marital adjustment. Due to lack of adjustment both husband and wife may decide to live separately. This again needs an investigation of the emotional, psychological or economic causes of marital maladjustments, and or emotional psychological and filial consequences there of. However, only few studies have been conducted on the subject matter of divorce in Indian context.

Many personal laws in post independence era, which codified and made divorce easier than earlier were enacted due to the untiring efforts of social reformers and educationists. The latter increased the enthusiasm for female education and economic independence of women. These changes which directly and indirectly contributed to attitudinal changes toward marriage and divorce considerably (Pothen, 1986).

Despite all these legal and attitudinal changes regarding divorce and its increasing rate very few studies were conducted on divorce in Indian society (Fonseca, 1966; Mehta, 1975; Pothen, 1986; Choudhary, 1988). As such it was deemed necessary to probe into prevalence and causes of divorce in Dharwad district. Such an investigation was deemed to be of good social relevance and important as prevalence of divorce is considered by the family

sociologists as the most important and practical index of family disintegration for the purpose of research (Burgess and Locke, 1950). Present study aims at examining the prevalence of divorce. In addition, the research on reasons for divorce becomes important in the context of increased complexities in the present social setting, emphasizing family relationships as a challenging pattern and bring into play new forces which invite intensive research. This study also aimed at finding out the reasons which lead to divorce.

Legislations regarding marriage and family are relatively recent, especially the first comprehensive act i.e., Hindu Marriage Act, 1955, and its amendment in 1976, should stimulate researchers to seek answers to questions like, whether these laws are beneficial, whether they need any amendments, to whom they are beneficial and what are the effects of these laws on children of divorcees. Like wise the process of marital mal adjustment, family problems, etc., which lead to divorce and post divorce problem also merit indepth investigation. Research encompassing all these problem areas of family life comes under new discipline called sociology of family which is still in its infancy in India. As such, there is dearth of research data on the marital disruptions like divorce, separation, desertion, annulement in India. Hence, these vital subjects need to be studied exhaustively and in depth. The present study makes a small but a sincere effort in this direction

by attempting to study both the prevalence and causes of divorce.

The variables selected for the present study were socio-economic status of the spouses, residential background, presence of in-laws, age at marriage, dowry, duration of marriage and childlessness, etc. Study of all these were deemed to contribute to the knowledge regarding how these variables were related to the process of divorce. In most of the studies carried out in Indian context (Kapadia, 1958; Fonseca, 1966; Kapur, 1970; Mehta, 1975; Pothan, 1986; Choudhary, 1988), these variables were found to be the major factors in determining stability of marriage to a large extent. These studies also revealed that the changes in the family relations contribute to divorce.

Taking cognizance of all these factors the following objectives were set for the present study.

1. To findout the prevalence of divorces over half a decade from 1986-1990.
2. To study the socio-demographic profile of divorcees in Dharwad district.
3. To study the marital history of divorcees.
4. To findout the legal grounds for divorce on which divorce decree was granted.
5. To conduct case studies to obtain indepth knowledge of factors leading to divorce.

Review of Literature

II REVIEW OF LITERATURE

The impact of urbanization, industrialization, increased importance for education and the personalization of marriage are important among factors leading to increased number of conflicts among the marriage partners. The new legislations facilitated the partners who feel that they can't get along well with each other to seek the legal help to break the marriage and lead independent life. Still divorce in Indian society is not widely accepted. Moreover the legislations with regard to divorce are relatively recent. Thus, the research conducted on divorce in India is very meager and these studies were reviewed under the following headings.

- 2.1 HISTORY OF DIVORCE IN INDIA
- 2.2 LEGISLATIONS REGARDING DIVORCE
- 2.3 PREVALENCE OF DIVORCE IN INDIA
- 2.4 SOCIO-DEMOGRAPHIC BACKGROUND OF DIVORCEES
- 2.5 MARITAL BACKGROUND FACTORS
- 2.6 PROCESS OF DIVORCE
- 2.7 POST DIVORCE ADJUSTMENT

2.1 HISTORY OF DIVORCE IN INDIA

In Hindu society, marriage in vedic age (C. 2500 to 1500 B.C.) was a religious sacrament. This made the couples

joint owners of household. The old tradition that, the wife was the property of the husband, had not yet completely died down in the vedic age. Marriage in fact was a religious necessity to both men and women. Neither could reach heaven without being accompanied by his duly married consort. The position of the wife was an honoured one in the family. Monogamy was the rule during this period. The community as a whole was showing them considerable freedom in the different activities of the social and political life. However, there is no evidence of divorce during this period (Altekar, 1983).

During the age of later Samhitas, Brahmanas and Upanishads (C 1500 to 500 BC), gradually there was decline in women's position. Less importance to female education was given. Only in rich families girls were allowed to go to higher school. As a consequence of this, religious and secular training became possible only in rich class girls, and cultured families. Divorce was permitted to wife, though the permission was not extensively availed of (Altekar, 1983). But the writers of Dharmashastra (400 B.C. to 100 A.D.) laid down that, a Brahmana woman should wait for her husband who has gone out on a long journey for five years. Kautilya reduced this period to ten months. If the husband didnot return within the specified period and she was unwilling or unable to go out to join him, she could regard him as dead and unite herself with another member of the same family or Gotra. Kautilya also has mentioned about

judicial separation before contracting the second marriage. Parasara, another Smriti writer, allowed divorce on the grounds like impotency, religious reclusion or if the spouse was boycotted. Kautilya regarded incompatibility, mutual consent as grounds for divorce (Altekar, 1983).

Other conditions for divorce as mentioned by Kautilya were that, if the husband seeks divorce, he should return whatever presents he might have received at the time of marriage. If the divorce was sought by wife, she had to forfeit her property rights in the husband's family. However, all these rules were applicable only to Asura, Gandharva, Rakshasa and Paishacha marriages which were prevalent among lower castes. No divorce was permitted, if the marriage was performed by any of the four approved forms of marriage viz., Arsha, Daiva, Brahma, Prajapatya (Choudhary, 1988).

In the age of early smritis (C 500 B.C. to C 500 A.D.) the position of women deteriorated considerably. Yet society was permitting divorce and remarriage in exceptional cases. The husband could discard his wife for the grave offence of not being sufficiently submissive. The wife however, could not take a similar step and marry second time, even if her husband had taken to vicious ways and completely abandoned her. This differential treatment was due to the simple fact that, women were no longer able to effectively oppose these absurd theories and claims. This

is because, most of them were uneducated and quite ignorant of their former status and privileges (Altekar, 1983). However, there were many grounds on which divorce was sought. According to Yajnavalkya (100 - 300 A.D.) the wife who commits adultery could be forgiven if she had not become pregnant through adultery. Otherwise she should be abandoned. Mitakshara has interpreted Yajnavalkya by saying that, if a higher caste woman committed adultery with a sudra, but has not become pregnant could be received back after making remission. Leaving a wife did not mean throwing her out, but denying her rights to perform religious duties and cohabitation with her husband. Narada and Vyas (100 - 500 A.D.) also supported the same view during the period of early smritis (Choudhary, 1988). Thus, adultery was not a ground for divorce.

The Buddhist literature (500 B.C.) indicates that, divorce was rather unusual in the cultured sections of society. Thus, the women in higher caste were unwilling to take advantage of divorce, even when necessary (Choudhary, 1988).

The ninth century A.D. was a turning point in Indian history. There came a drastic change in social life. In this period there was a marked dominance of religion on marriage and divorce. From early times, marriage practices were governed by social custom. Marriage practice and marriage dissolution were beyond the perview of religion except in certain cases. Some peculiar forms of dissolution

of marriage were found prevalent in some castes like Rajputs and Nambudries. Rajputs dismissed the wife who was adulterous and she was made to go back to her parent's house and husband took another wife. Among Nambudries if wife was found to be guilty of her loose conduct, she was kept under restraint, and was ex-communicated.

Thus the above review reveals that, the divorce was prevalent in one form or the other, from the time of samhitas, Brahmanas and Upanishads from C 1500 to 500 B.C. It may also be pointed out here that, divorce was prevalent among remote classes than in the upper classes.

2.2 LEGISLATIONS REGARDING DIVORCE

During earlier period marriages were ruled by customs rather than rules enforced by government i.e., rules enacted by legislature. The first legislation regarding divorce was enacted in 1939 and its application was limited to christian community only. This was followed by the legislation regarding Muslim marriage which was passed in 1939 and was named as Dissolution of Muslim Marriage Act 1939.

In the first part of 1950's number of legislations regarding marriage and family were enacted. These laws mainly applied to Hindus the largest community of India. In the following review regarding legislations of marriage, legislations are reviewed chronologically.

2.2.1 Legislations among christians

Marriage is a sacred institution among the christians, whether Catholic or Protestant. In spite of the fact that, the holy scriptures of christians donot permit divorce, it was permitted in the course of time in the history of Church. After the division of church into the Eastern (Greek Orthodox) and Roman Catholic (843 A.D.), the Greek Church condoned the divorce for adultery and more recently for other offences. The basis of the principle of indissolubility was essentially religious, it is the idea of sacrament of marriage which was God made. Yet, the Church admits that the human will enters into the marriage. In India, the Church and the Christian community still maintain the view that, marriage is an indissoluble institution. The Roman Catholics and the Syrian Christians of South India are firm on this, while the protestants are relatively less firm. Factors which help to minimise the incidence of divorce among Christians in India are, prevalence of arranged marriages, performance of marriages by Church, freedom to raise legitimate objections before marriage, by anybody in their community, marriage is registered in the Church with the signature of bride, bridegroom, priest and witnesses, above all, the legislations concerning marriage is still old (1872) and the movement for uniform legislation for all religious communities has not yet yielded much fruit.

Contrary to this effort fundamentalist forces among christian and muslim religions have always frustrated the efforts to form a common civil code as applied to marriage and family matters.

The history of legislations regarding divorce goes back to the converters Marriage Dissolution Act, 1866. The Indian Divorce Act 1869, but these laws were not so popular. In the Indian Divorce Act 1869, provisions for Divorce applicable to Christian community are contained in section 10. Under this section, a husband can seek a divorce on the ground that the wife has been guilty of adultery, but a wife can seek divorce if the husband has converted to another religion or has gone through a marriage with another women or has been guilty of (a) Incestuous adultery, (b) Bigamy with adultery, (c) Marriage with another woman with adultery, (d) Rape, sodomy or bestiality, (e) Adultery coupled with such cruelty as without adultery would have entitled her to a divorce (g) Adultery coupled with desertion and without reasonable excuse for two years or more.

From this it is very clear that, Indian Divorce Act is heavily biased against wife as she has to prove adultery in addition to a matrimonial fault.

2.2.2 Legislations among Muslims

Muslim marriages are governed by Mohammadan Law prevalent in the country. With regard to divorce, a Muslim

wife has much restricted right to dissolve her marriage. Unwritten and traditional law tried to ameliorate her position by permitting her to seek dissolution of marriage under the following forms.

a) Talaq-i-Tafwid : This is a form of delegated divorce. According to this, husband delegates his right of divorce in a marriage contract which may stipulate that, Inter alia on his taking another wife the first wife has right to divorce him.

b) Khula : This is a dissolution of agreement between the parties to marriage on wife's giving some considerations. As to husband for her release from marriage tie. Terms are a matter of bargain and usually take form of wife giving up her Mehr or portion there of.

c) Mubarat : This is a divorce by mutual consent.

Further, by the dissolution of Muslim Marriages Act, 1939, a Muslim wife has been given right to dissolve marriage on these grounds, (a) whereabouts of the husband have not been known for a period of four years (b) desertion (c) imprisonment for a period of seven years (d) failure to perform marital duties for a period of three years (e) impotency (f) Leprosy or venereal diseases (g) non-age (h) cruelty.

Under the Muslim law, the Muslim women (protection of Rights on Divorce) Act 1986 protects rights of Muslim

women who have been divorced by or have obtained divorce from their husbands and provides for matters connected there with or incidental there to. Section 3 of the Act provide for the following three matters (a) Maintenance during the period of iddat (b) payment of mehr and (c) return of properties belong to the divorced woman. Under Section 4(1), maintenance to such a woman is payable "by such relatives in the proportions in which they would inherit her property". It seems to be clear that under the act, the claim of Maintenance of a divorced wife is not against one person; several persons have to pay it, and if it is not paid to her, she will have to sue not one person, but several. Another point to be noted down here is that, if a woman has got property enough for her livelihood, why she will claim for maintenance and why the relatives will have to inherit her property.

Sub Section (2) of Section 4 of the Act lays down that if a divorced woman fails to get maintenance from her relatives, the Magistrate may direct state Wakf Board established under Section 9 of the Wakf Act, 1954, functioning in the area in which woman resides, to pay such maintenance as determined by him.

But it is very unfortunate that such a measure should have been passed. It is still more unfortunate when it is claimed that the statute should be welcome as the first step towards codification. For first thing, it is not a first

step towards codification and secondly, it is a derogatory step. It is certainly not going to take the Muslim community to the 21st century (Diwan, 1990).

2.2.3 Legislations among others

There are special laws for the Parsi community in which some provisions for the Parsi community have been enlarged so as to bring them in line with the Hindu Marriage Act, 1955.

As regards to Matrimonial law of jews, there is no codified law in India. Even today they are governed by their religious laws.

2.2.4 Legislations among Hindus

The special Marriage Act, 1954, extends to whole of India except Jammu and Kashmir. Persons governed by this Act can specifically register marriage under the said Act even though they are of different religious faiths. The Act also provides that the marriage celebrated under any other form can also be registered under the special marriage Act, if it satisfies the requirements of the Act.

The Hindu Marriage Act, 1955, also applies to whole India except Jammu and Kashmir and all those who donot prefer to be Muslims, Christians, Parsis or Jews. But this Act does not apply to the members of any Scheduled Tribes unless the Government otherwise directs. An attempt has been made to codify customary law, which is prevalent among

the Hindus by enacting the Hindu Marriage Act, 1955. Provisions in regard to divorce are contained in Section 13 of the Hindu Marriage Act and Section 27 of the special Marriage Act. Common grounds on which divorce can be sought by a husband or a wife under these Acts fall under broad heads - Adultery, desertion, cruelty, unsoundness of mind, venereal diseases, leprosy, mutual consent one spouse being not heard of as alive for seven years and recently irretrievable breakdown of marriage.

Maintenance

Obligation of the husband to maintain the wife arises out of status of the marriage. Right to maintenance forms a part of personal law. In the Hindu Marriage act and the special Marriage Act, the wife has to claim for maintenance. Under the code of Criminal Procedure 1973, right to maintenance extends not only to the wife and dependent children but also to indigent parents and divorced wife.

Inclusion of right to Maintenance under the code of Criminal procedure has great advantage of making the remedy both speedy and cheap. However, divorced wives who have received money payable under customary law are not entitled to claim maintenance under the code of criminal procedure. It is interesting to note that, the marriage laws (Amendment Bill, 1981 which proposed irretrievable breakdown of marriage as a ground for divorce i.e., the relevant part of clause 13 D of Section 2 of the Bill provided) where the

wife is the respondent to a petition for the dissolution of a marriage by a decree of divorce under Section 13C. She may oppose the grant of a decree on the ground that, the dissolution of the marriage will result in grave financial hardship to her and that, it would in all the circumstances be wrong to dissolve the marriage. Further, unless the court is satisfied that adequate provision for the maintenance of children born to the marriage has been made consistently with the financial capacity of parties to the marriage, it shall not pass a decree (Sharma, 1989).

But the courts take long time to decide cases and it is expensive to get justice. If justice is such a complicated and expensive process how can a poor, uneducated person or a repressed woman ever hope to get it implemented.

Another law in this way was enacted in 1984 i.e., the Family Courts Act 1984. This act is to provide for the establishment of family courts with a view to promote reconciliation in and secure speedy settlement of disputes relating to marriage and family affairs".

By reviewing all these laws it is clear that, legislations are not effective in serving the needs of people. Hence, there is necessity to bring unified civil code which could be applied to all communities or otherwise the assisting laws should be amended.

2.3 PREVALENCE OF DIVORCE IN INDIA

Prevalence refers to the number of divorces per certain population. It is estimated usually from the census data which provides the number of divorces that have taken place over a certain period in a particular area i.e., its prevalence in that area. But it should be noted that most of the census figures with regard to divorce are not published in time and it will take few years to get the concerned tables based on census data.

Macro-analysis of census figures (1981 census) revealed that, Kerala had the highest divorce rate i.e., 34.94, followed by West Bengal with the divorce rate 16.13 and Haryana with least i.e., 1.19. Karnataka was in eighth position with the divorce rate of 8.29. These figures also revealed that, the incidence of divorce was more prevalent among southern states, rather than rest of the states in India i.e., 16.27 for southern states and 6.67 for Northern states. Divorce rate was 11.03 and 5.89 in urban area for both southern and northern states respectively. It was 18.05 and 6.83 in rural area for both southern and northern states respectively. For India as a whole it was 9.64 for rural area and 7.30 for urban area (Sureender *et al.*, 1992).

National Family Health Survey (1993) is another important source to findout the divorce rate. This survey is based on the interviews conducted with a nationally representative sample of 89777 ever married women aged 13 -

49 years. According to this survey divorce rate for women aged 15-49 was in urban, rural and for whole of India.

The divorce rate of different states according to same survey (NFHS, 1993) was 0.1 for Andhra Pradesh, Assam, Bihar, Delhi and Karnataka, while it was 0.2 for Madhya Pradesh, Punjab, Tamil Nadu and West Bengal. For Himachal Pradesh and Maharashtra divorce rate was 0.3, for Gujarat and backward districts of West Bengal it was 0.5 and 0.4, respectively, Kerala has highest divorce rate 0.9 and Goa with the least <0.05 per cent.

The results based on 20 per cent of 1981 census data, analysed by Family Planning programmes of India revealed that divorce rate for males was 0.23, for females 0.42. Where as it was 0.26 for males and 0.45 for females in rural area and 0.13 for males 0.32 for females in urban area. This data excludes Assam sample.

The analysis of 1981 census data of Dharwad district revealed that, divorce rate for males was 0.1021, for females 0.2510 in rural area. The divorce rate in urban area of Dharwad was found to be 0.069 for males and 0.2845 for females. The total divorce rate for whole of Dharwad district was found to be 0.0906 and 0.2627 for males and females, respectively (Kamat, 1995).

From the examination of census and National Family Health Survey, it may be concluded that divorce rate is more

in Southern states especially Kerala with the highest divorce rate than in the Northern States of India. It was more among females than their male counterparts. It was also found to be more in rural area compared to urban area. The divorce rate found to be more among females than males, as evidenced by both the census figures and National Family Health Survey. It could be due to the fact that divorced women are unlikely to remarry as compared to men, such divorced women who do not remarry inflate the number of females who remain in the divorced state.

2.4 SOCIO-DEMOGRAPHIC BACKGROUND OF DIVORCEES

Reviewing the literature on socio-demographic factors is very important as these background factors determine the grounds for divorce. Age, Socio-economic status, family profile of divorcees, etc., are reviewed here, under the following headings.

- 2.4.1 Age
- 2.4.2 Education
- 2.4.3 Occupational status
- 2.4.4 Income
- 2.4.5 Residential background
- 2.4.6 Religion
- 2.4.7 Type of family

2.4.1 Age

Researchers consistently find age at marriage to be one of the strongest predictors of marital disruption and divorce. Age at marriage in turn affects the duration of marriage, age at time of filing the petition, age at the time of decree. As such age as a socio-demographic factor was examined with an emphasis on (i) age at marriage and age difference between spouses and (ii) age at the time of filing the petition and age at the time of decree.

Age at marriage and disparity in the age of married couples are matters of importance in the study of various factors or problems connected with family life. In Fonseca's (1966) study of 894 cases of divorce from the court records, it was found that, the percentage of females who got married at the age of 14-18 was 39 per cent. In case of males, marriage mostly took place between the age of 19-23. With regard to age difference between the spouses it was noted that, highest percentage of couples had age difference of four years, followed by couples with five to six years age difference. In the same study, age at the time of application was 26 years for females and 31 years for males. The information with regard to age at decree was not available.

Results obtained by the study on environmental correlates of divorce with two hundred individuals residing in metropolitan city of Calcutta as a sample size in which

sample was divided into two equal parts, 100 divorced persons as an experimental group and 100 well adjusted couples as control group, revealed that early age at marriage was a predisposing condition for divorce (Kundu and Ghosh, 1977).

The reports of study conducted by Moore and Waite (1981) on marital dissolution, early motherhood and early marriage with a sample size of 5000 young women drawn from the National Longitudinal Survey of labour market revealed that, teen-age marriages were less stable than those contracted later and this relationship holds regardless of youthful Parenthood. Glenn and Supanic (1984) also showed that, the couples with younger age at marriage were prone to disrupt their marriages, if they were dissatisfied with their marriage.

In a study based on court records Pothan (1986) concluded that, the mean age at marriage was 24.83 for males and 19.13 for females. The wives with age group 16-20 had highest percentage of incidence of divorce. Where as the husbands with the age group of 21-25 had highest divorce rate. The mean age difference between the spouses was found to be 5.70 years.

Similar study was conducted by Choudhary (1988) on divorce in Indian Society with a sample size of two hundred divorced couples from Jaipur Court. Results revealed that, the mean age at marriage was 18.2 for husbands and 16.4 for

wives. It was also found from the same study that, 70 per cent of males and 67.2 per cent of females were married before attaining the legal age at marriage (18 for girls and 21 for boys). It was interesting to note that, the mean age difference between the spouses was 2.7 years. Age at divorce was below 25 years for 62.4 per cent wives and around 50 per cent of male divorcees were below the age of 25 years. However, age at filing the divorce petition in this study was not available.

Similar results were obtained by Guest and Philip (1992) while studying marital dissolution and development in Indonesia. The data from Indonesia Fertility Survey was analysed on 13551 marriages, out of which 4678 ended in divorce. They concluded that, increasing age at marriage for females was negatively related to the probability of divorce.

However, in a macro-level analysis of divorce rate using census figures, a positive association between divorce and age at marriage was observed (Surender *et al.*, 1992).

Thus, from the above reviewed studies one may conclude that, early age at marriage was predisposing factor for divorce, but the census figure analysis showed the contradictory results. Age difference of spouses did not have any significant effect on marital disruption, as it was found from (Fonseca, 1966 and Choudhary, 1988) above quoted studies that, lesser as well as greater age differences were

found among the divorced couples. As the literature was found to be inadequate with regard to age at the time of filing the suit and age at decree, no conclusions could be arrived at. These factors were mentioned only in one study each based on court records.

2.4.2 Education

Regarding the educational aspect of divorcees in Fonseca's (1966) study it was found that, large number of female divorcees were found to have remarkably low education. These results also revealed that, 70 per cent of the husbands were graduates as against 19.2 per cent of wives, who were graduates and 61.6 per cent of women had secondary school education. Lower educated women were more prone to divorce. But worse still was prevalent among the couples who had an equal educational level.

While discussing impact of college education on marital stability Lantz and Snyder (1969) concluded that, the divorce rate for college graduates was lower than the divorce rate for any other educational level. According to the authors this result may be due to education received or it may mean that college attendance caused marriage to occur at a later age.

Mehta (1975) selected 50 divorced women and interviewed them for analysing the reasons for divorce. But since she had purposely selected all educated, divorced

wives, any conclusion can't be drawn based on this study. Similarly in another study of 50 western educated Hindu women all the respondents supported the view that divorce right should be given to women. Here also the author has not applied any statistical method. So no conclusion could be drawn.

Glenn and Supanic (1984) found that, the divorce rate increased as the education increased. But, after four years of college education divorce rate was found to decrease.

The results of Pothen's (1986) study supported the view of Glenn and Supanic (1984). She observed that, graduation or post graduation of wives was negatively correlated to the divorce, i.e., divorce rate decreased with higher education of females.

Choudhary (1988) concluded that, not only illiteracy, but greater educational difference of partners, as well as equal educational level affected their marital stability, and ultimately the decision of divorce. The marriage duration decreased as the level of education of wives increased. It was also found that, marital disruptions appeared more among the couples where the husbands were less educated than their wives and also among the educated couples who had greater educational difference.

Surender *et al.* (1992) showed that, higher education of females and divorce rate were positively correlated. Contrary to these results above reviewed, Guest and Philip

(1992) observed that, higher educational level of female partner than their male partner was negatively related to the probability of divorce.

Thus, from the above literature reviewed, one may arrive at a conclusion that, lower educational level as well as greater educational difference leads to divorce. Especially if the wife is more educated than husband.

2.4.3 Occupational status

Occupation is one of the indicators of socio-economic status of an individual as well as that of his/her family. It is one of the influencing factors leading to divorce, owing to fluctuations in the income, occupational demands, etc.

The marital discord in the clerical, skilled, business, unskilled occupation and unemployed classes had more divorces than among professionals (Fonseca, 1966). But Moore and Waite (1981) found that occupational level has little or no significant association with marital stability. However, they found that, the probability of divorce or separation increased substantially with the proportion of family income earned by the wife. These conclusions were drawn from the National Longitudinal survey of labour market with the sample size of 1447 respondents, who were married at the time of interview.

In another study conducted by Fergusson *et al.* (1984) on a proportional hazards model of family breakdown in Newzealand with a sample size of 1002 children in a birth cohort during the period from birth to five years, derived a conclusion that, the children from low socio-economic status experienced 99 per cent risk of family breakdown.

Glenn and Supanic (1984) in their study of a sample size of 1500 divorces found that, the rate of divorce increased as the education increased, but after four years of college education divorce rate decreases. Authors attributed this to the fact that, the occupational level, occupational prestige and earnings from the principal occupation increases as the educational level increases.

According to Leslie and Korman (1985) occupation was inversely related with divorce i.e., as the occupational level increased the divorce rate decreased. The reports of the study by Krishnakumari (1987) revealed that, low occupational status was one of the predisposing factors leading to divorce.

Choudhary (1988) opined that the trend observed in the case of wives indicated their desire to become more and more independent, at least economically i.e., higher occupational level of wives increases the divorce rate. He also stated that, if husband fails to perform economic role obligations, such as providing money with which to support the household, helping to manage that money with some regard

for the needs and desires of family members lead to divorce. These results would be due to the fact that, in his study more than 50 per cent of the respondents were from middle class and very low percentage from high social class.

Trent and South (1989) derived a conclusion that, women's participation in labour force and divorce trend were more closely and positively related. While studying marital disruption and the employment of married women with a sample size of 5159 women aged 14 to 24 years, Greenstein (1990) found out that, the women with premarital work experience, women with lower income and women who worked about more than 30-40 hrs/week were estimated to be at the greatest risk of marital disputation.

Sureender *et al.* (1992) showed from their macro-analysis on divorce in India that, female occupation i.e., women who are employed in non-manual work seem to play a significant role in marital instability, in both rural and urban areas, as well as nation as a whole.

According to the reports of the study conducted by Carver and Teachman (1993) on female employment and first union dissolution, revealed that, female employment was generally associated with a high risk of union dissolution. However, this effect was significant only for women, who worked for wages or salary.

Prakash (1992) from analysing many studies concluded that, financial adjustment was one of the major correlates of marital adjustment.

From these studies reviewed, one may conclude that, lower income level increases marital disruption. Especially if wife's income level is more than husband, among such couples conflicts are more.

2.4.4 Income

Divorce usually is not the consequence of a single factor. It is the result of interaction of various factors. Among these factors the financial problems contribute to a greater extent by causing inability in spouses to fulfill certain materialistic needs.

A study conducted by Mohan (1970) on the cohesiveness and dissolution of the marital relationship revealed that, in marriage one of the most important factors associated with divorce was husband's low income. On the contrary Moore and Waite (1981) found that, the husband's income is only slightly and not significantly associated with marital stability, however, the probability of divorce or separation increased substantially with the proportion of family income earned by wife. Wives from families of relatively high socio-economic status also had less stable marriages.

Leslie and Korman (1985) concluded that, income level has inverse relationship with divorce rate, i.e., as the income level increased the incidence of divorce decreased.

In another study Pothan (1986) reported that, 9.5 per cent of female respondents complained that, their husbands had no regular job and thus had no substantial source of income. Among divorced working woman 48 per cent were below poverty line. The financial position of non-working group was not very sound. From these results she concluded that husband's low income level was one of the pre-disposing factor leading to divorce.

Choudhary (1988) observed in his study that, about 3/5th of the respondents had their income below Rs. 800, 14 per cent of the respondents had their income from Rs. 600 to Rs. 1000 and 19.2 per cent had moderate income (Rs. 1000-1400), about 10.4 per cent had from Rs. 1400 and above. This suggested that, marriage disruptions could decline in lower class families, if they could control poverty.

Thus, from the above studies one may infer that low income level i.e., poverty is one of the major factors leading to divorce.

2.4.5 Residential background

The residential background of couple has an influence on their life style. If the person gets married to a person of different residential background then some times spouses

may fail to come upto the expectations of new social setting, thus leading to strained marital relationship.

Leslie and Korman (1985) stated that, the divorced persons were over represented in urban area and under represented in rural area. They attributed this to a tendency of divorcees in rural areas to migrate to urban areas, during or after divorce. The same results were supported by Choudhary (1988). Majority of respondents in his study were from urban areas. The author said that, this type of result may be due to higher marital expectations and individualistic nature of couples leading to higher marital frustrations.

A macro-level analysis of divorce in India based on 1981 census revealed that, rural areas were found to have high divorce rate than their urban counterparts in both southern and rest of the states in India as well as India as a whole (Surender *et al.*, 1992). According to National family Health Survey (1993) divorce rate was higher in rural areas compared to urban areas.

Thus, one may infer that, divorce is more prevalent in urban areas. But census reports based on survey of women aged 15-49 years and an analysis of divorce rate by using census figures for divorce rate (only of females) revealed divorce was more prevalent among rural areas. The previous two studies viz., Leslie and Korman, 1985 and Choudhary, 1988 were conducted in city areas. Hence the sample mostly

consisted city population which might have accounted for higher divorce rate in urban areas. Thus, there is a research gap in this area, which needs to be studied.

2.4.6 Religion

Each caste follows different traditional values in the Indian cultural milieu. People are confronted with the conflicts of traditional, orthodox and conservative forces on one hand and contemporary, progressive and evolutionary forces on the other. Due to impact of various cultures on India and on one another and of the external forces which run counter to established tradition, there lurks a constant threat to the traditional pattern of living which is likely to be sharply disrupted (Fonseca, 1966).

The cultural heritage of India was passed from generation to generation through the help of women. When women lose touch with a tradition, embodied in the way of life and lose faith in it due to alien influences, a threat is presented to the survival of traditional values. This could endanger the cohesion and stability of society until something equally valid replaces the old (Mehta, 1970).

Fergusson *et al.* (1984) studied a proportional hazards model of family breakdown in Newzealand. The study was based on a cohort of 1002 children from birth to five years. The results revealed that regular church attendance

was one of the factors in holding the family intact. Such couples experienced lesser risk of family breakdown.

The same results obtained by Glenn and Supanic (1984) revealed that, the persons with no religion or those who less frequently or never attended religious services were more prone to divorce.

The results of earlier quoted study by Pothan (1986), revealed with regards to religion that, the highest number of divorces were from Brahmin caste followed by other castes. Brahmins were found to be more religious compared to other castes. It was also found that, in Brahmin caste there were more number of divorcees especially females, due to higher education. The religious training given to women trains them to be submissive. Where as husbands inspite of being highly educated were influenced by the patriarchal values. In most cases, it was found that sentiments like equality of sexes, freedom for women, women's rights, etc., did not actually penetrate into the hearts and minds of those men. Most of them were unwilling to accept modern values. Women on the other hand, with the advent of higher education had started realizing their advantages in the new system and were making efforts to achieve it. Thus, there was a conflict of interests and attitudes between the males and females. This was responsible for a good number of marital disruptions and dissolutions among Brahmins.

There was a strong pattern of positive relationships among dimensions of religiosity and marital adjustment in a study conducted by Wislon and Filsinger (1986). The pattern was most closely related with ritualistic experiential and belief dimensions. The higher the ritualistic involvement, the higher the reported religious experience. The more conservative the beliefs the greater the dyadic adjustment.

Another survey of 66 countries revealed that Roman Catholic Church bans divorce altogether. Hence, countries with large catholic populations will have lower divorce rate (Trent and South, 1988). Carver and Teachman (1993) reported that low religiosity was positively related with union dissolution.

Thus one can infer that divorce among couples with low religiosity and those belonged to higher caste was higher. But in western countries couples being highly religious reduced probability of divorce.

2.4.7 Type of Family

Living in a joint family insists a lot of adjustments to be made newly on couples. Because of personalization of marriage institution, sometimes interference of in-laws and other members of family may become a hazard for marital stability. On the other hand couple who live in a nuclear family will be deprived of guidance of elders which sometimes works wonders.

Fonseca (1966) concluded that, 45 per cent of the sample lived within the joint or extended family environment and rest (55%) of the respondents lived within the nuclear family structure. However, the contradictory results were obtained by Pothan (1986). Who found that, an overwhelming majority (70%) of the respondents lived in a system of joint family.

Choudhary (1988) opined that, around 58.4 per cent of the respondents were from nuclear families i.e., size of the family was inversely proportional to marital dissolution.

In an analysis of various studies on marital adjustment Prakash (1992) concluded that, joint family imposes on couples obligations towards in-laws. Some important factors that influence the adjustment to in-laws are (i) stereotype of typical mother-in-law or daughter-in-law (ii) desire for independence (iii) family cohesiveness (iv) social mobility (v) Care of aging persons (vi) financial support to in-laws.

Thus from above studies it cannot be concluded that, which type of family exactly influences marital stability, since both type of family appear to be equally responsible for marital breakdown.

2.5 MARITAL BACKGROUND FACTORS

2.5.1 Duration of marriage

The success of family life depends very much upon marital and familial factors. Marriages in our country are mostly arranged and are generally governed by set of rules and regulations. These rules and regulations have made marriage a sacrosanct. Any variation in these rules which govern marriage and family have an impact on marital stability. But studies on divorce has mainly investigated two marital factors viz., type of marriage and duration of marriage. As such these studies were reviewed under as follows.

Fonseca (1966) taking into account of the duration of marriage of divorcees observed that, very high percentage of respondents had led married life less than a year.

Devinder Kumari (1977) explained in her study of 24 divorced Hindu women that, out of 24 divorced women 23 had arranged marriages and four had taken advantage of matrimonial column. The duration of marriage was two to three years for three cases, three weeks for three cases, ten months to three years for ten cases, four to six and half years for eight cases.

While explaining the family in social context Leslie and Korman (1985) stated that, divorce rates were higher in the early years of marriage and highest among those who

marry at young age. They also stated that, first year of marriage was peak year for separation, and the third year for divorce. In this study the mean length of marriage was found to be six years.

Pothen (1986) found in her study of divorces that, 91.5 per cent of the respondents had arranged marriages. Duration of marriage was found to be five years among 55.5 per cent of respondents, five to ten years for 25 per cent of respondents, beyond ten years for 19.5 per cent of respondents. The same researcher also found that most of the marriages were already broken during the first year of marriage, but the spouse were hesitant to go to court.

In another study conducted by Wilson and Filsinger (1986) it was found that, the mean length of marriage was 16.5 years for 80 per cent of husbands and 82 per cent wives. While, in a comparative study on divorced/separated working and nonworking women Krishnakumari (1987) found that, 82 per cent of the respondents were married traditionally and 18 percent had intercaste marriages.

The report of results obtained by Choudhary (1988) suggested that, majority of the respondents in his study had undergone arranged marriages and 30.4 per cent of the respondents had a marriage duration of one to three years, 28 per cent had less than five years, followed by 13.6 per cent respondents who had marriage duration of three to five years.

Thus, it can be concluded from the above studies that, marriage breaks down in earlier years of married life. It rarely exceeds 10-15 years. In the Indian cultural context most of the marriages are arranged marriages, hence incompatibility might lead to strained marital relationship. But only few intercaste marriages which are disapproved by parents result in divorce and thus by reducing duration of marriage.

2.5.2 Number of children

It is an established fact that children enrich the parental bonds and also the interspousal relationship. Many times spouses try to remain in wedlock and they donot want to break the deadlock because of children. Hence, presence of children is one of the important factors which influences marital stability.

Fonseca (1966) foundout that, 40.4 per cent of couples in her study didnt have children, couples having two, three and four children comprised 14.3 per cent, 13.4 per cent and 6.4 per cent of the respondents respectively. It was not clear that, whether children contribute to marital happiness or just keep them away from seeking divorce. It appeared that, the failure to have children induced divorce and family instability, especially where there were other disruptive factors.

Leslie and Korman (1985) interpreted that, it was believed previously that, most of the divorces take place among childless couples. But now both the childlessness and divorce are most common early in marriage. Because the relationship between the spouses might be spurious and proportion of divorces granted to couples with minor children in the home has been increasing rapidly.

Rankin and Manekar (1985) tried to find out the impact of children on duration of marriage. The demographic data of 58 countries was analysed and it was proved that, the presence of children was positively related with the longer duration of marriage.

Pothen (1986) observed that, 58 per cent of the respondents in her study were not having children. She concluded that, among the childless couples divorce was not a solitary ground for divorce.

The results of study conducted by Choudhary (1988) revealed out that, 70 per cent of the respondents did not have children. From this results he concluded that, the birth of the children serves to inhibit marital disruption by imposing legal, financial and emotional barriers against divorce and for that matter even separation.

Thus, it was concluded that, childlessness serves as a supporting factor for divorce rather than as a solitary ground.

2.6 PROCESS OF DIVORCE

The process of divorce is a complicated one. It starts from the time when the spouses start thinking about the other spouse that both can't get along each other, and finally end in taking decision of divorce and going to court. In between many factors play an important role viz., interference by in-laws, friends, dowry, complaints alleged by both the spouses, legal grounds for divorce, maintenance to both themselves and children, child custody, etc. These factors are reviewed here under the following headings.

2.6.1 Initiation in filing divorce petition

Initiation in filing divorce is also one of the factors associated with divorce. Even if one party is not interested, once the other party has filed for divorce, unwilling party has to go to court. But, studies based court records are few.

Fonseca (1966) showed that, out of 894 cases, 528 cases (59.06%) were filed by husbands, 240 cases (26.84%) were filed by wives, and only 14 (1.4%) cases were of joint petitions. The results of Pothan's (1986), study revealed that, both male and female respondents almost equally (43.5% males, 41% females) took courage to file the petition for divorce.

Thus, by looking at the results of two studies with a gap of two decades, one may infer that, in earlier study it

was the husband who took initiative in filing the suit. But in the latter study males and females took equal initiative in filing the divorce suit. It may be noted that, before the amendment of Hindu Marriage Act, during 1976, mutual consent was not a ground for divorce. As such petitions filed by both the partners were not to be found.

2.6.2 Interference by in-laws

Impact of urbanization has brought change in joint families, so more and more families are becoming nuclear. The relatives and friends play an important role in the marital life.

According to Mace (1966), the sociological studies have shown that, the movement from a simple agrarian society to a modern urban society has gone a long way towards breaking up the close knit cohesion of the patriarchal type of family by replacing it with a more fragmented and individualized democratic pattern. This has brought into family life, new strength and weaknesses. One of the greatest weaknesses has been decline of family counsel which a kinship group undertook a deal with domestic difficulties of its individual members. In a study of counselling for marital happiness with a sample size of 367 couples, which contained 26.2 per cent divorced couples. The researcher (Fonseca, 1966) found that, ill-treatment by in-laws and other members of family were the complaints quoted by most of the female divorcees.

In another study by Pothan (1986) many of the wives complained about interference of in-laws. These complaints were making the daughter-in-law work too hard, not providing physical comforts, instigating husband against wife, physical cruelty, mental torture, interference in privacy, persuading husband to leave wife, enforcing strict purdah, forcing to have immoral sex relation with others.

Krishnakumari (1987) discovered that among working women there was no ill-treatment by in-laws for dowry or for any other reasons. But among non-working women physical as well as mental torture by husband and in-laws was the reason for the strained marital relationship.

Choudhary (1988) from his sample of 125 divorced couples found that, majority of the wives didnot have harmonious relationship with their in-laws. The relationship with father-in-law was good in most of the cases. The relationship was bad in half of the cases. The results of this study also revealed that, the relationship with females within the family was not good and it was explained as intolerable and bad. In another study Nishi (1992) concluded that, about 45.5 per cent of the respondents emphasized in-laws relations as a major cause of marital disagreements.

Thus, it was obvious that, interference by in-laws in the marital life affects the marital stability. Especially

interrelationship between mother-in-law and daughter-in-law was found to be the major cause for marital disruption.

2.6.3 Dowry

Dowry many a times leads to strained marital relationship and conflicts well as between two families. This is especially the case if the girl is uneducated, and when parents want their daughter to be the wife of highly educated and rich husband. This situation demands for more and more dowry. There are many studies supporting the view that, dowry becomes one of the major factor in marital disruptions.

About 18 per cent of working and seven per cent of non working women in Fonseca's (1966) study were ill-treated by their mother-in-law and husband for dowry and this finally ended in divorce.

In a study based on case studies on marriage conflicts, causes and cures, by Manocha (1984) revealed that, in almost all the case studies, greedy demands on the part of husband for T.V., Scooter, bank balance, etc., lead to divorce.

In an interview based study on divorced women Devinderkumari (1977) found that, among 24 divorced women five cases were of dowry harassment associated with cruelty. Pothan (1986) observed that, in 18 per cent of cases dowry was major problem leading to divorce. Specially

among higher castes. Same results were obtained in Krishnakumari's (1987) study that about 11 per cent of non-working respondents were harassed for dowry and this finally ended up in divorce. Choudhary (1988) opined that, dowry was the main cause of conflicts between two families.

From the above studies reviewed it was clear that, inspite of many legislations regarding dowry, it still persists and has become one of the major reasons for strained marital relationship leading to divorce.

2.6.4 Complaints alleged by spouses in court

The legal grounds for divorce might not be the real reasons for divorce. Cruelty for example depends upon the circumstances of each case. Several factors like environmental status of spouses in society, education, cultural development, local custom, social condition, physical and mental condition of both the parties are to be considered. When deciding question of cruelty, serious charges of unchastity against the other constitute mental cruelty falling within the ground of legal cruelty.

Fonseca (1966) found that, complaints alleged by male petitioners were different from that of female petitioners. An overwhelming majority of the husbands complained that, their wife deserted them for no reason. Sex defects, personal defects, incompatibility of wives, infidelity, conversion to other religion, etc., were some of the other

major complaints from male petitioners. Whereas wives mostly complained about ill treatment by in-laws and husband, followed by complaints of financial problems, vices, personal defects, sex matters, desertion by their husband without reason.

While, Pothan (1986) showed that, cruelty, husband's interest in other women, husbands having no regular job and substantial sources of income, and interference by in-laws were the complaints frequently quoted by wives.

Results obtained by Choudhary (1988) revealed that, illicit relations, impotency, barrenness, role conflicts physical defects, chronic diseases, family structure, wide age disparity, poverty, dowry, wife's career, irritative nature and domineering nature were the complaints for filing the divorce suit.

Thus, from the above three studies it is clear that, desertion, cruelty, poverty and interference by in-laws were the main complaints made by divorcees, where as sex defects infidelity, irritative nature, domineering nature, etc., were less frequently alleged by the spouses.

2.6.5 Legal grounds for divorce

The provision of legal grounds in the Hindu Marriage Act, 1955, and its amendment in 1976 includes adultery, cruelty, impotency, desertion, unsound mind incurable, venereal diseases, conversion to other religion, mutual

consent, renunciation of world and spouse not being heard as alive for seven years, irretrievable breakdown of marriage. Very few studies investigated the grounds for divorce from actual court records and these were reviewed here.

Fonseca (1966) found that, out of 894 cases 8.27 per cent of cases were granted divorce on ground of impotency, 20 per cent of cases claimed divorce on the basis of adultery. Only 1.5 per cent of the cases were filed on mutual consent. Divorce was claimed on the grounds of impotency by four per cent husbands and 4.25 per cent wives. Adultery was the legal ground for 12.30 per cent of male petitioners and 8.27 per cent female petitioners. The other grounds like desertion, desertion with cruelty and miscellaneous were main grounds for divorce for 42.72 per cent husbands and 24.84 per cent wives.

Contrary to Fonseca's (1966) study in which 1.5 per cent of divorce cases were decreed on the basis of mutual consent, Pothan (1986) found that, about 26 per cent of the divorce cases were decreed on the basis of mutual consent, 14 per cent on ground of adultery, 12.50 per cent on continuous desertion for many years, 6.80 per cent on non-compliance of decree of restitution of conjugal rights and later divorce, 3.5 per cent on the ground of non-consummation of marriage, 3.5 per cent on impotency, three per cent on unsound mind, 2.5 per cent on exceptional hardship, two per cent on bigamy and customary divorce later

confirmed by court, zero to five per cent each on epilepsy and venereal diseases.

On the whole, from the two studies it may be inferred that, divorce is granted on almost all grounds. But before 1976 there were less number of divorces based on grounds of mutual consent as it was not included in the Hindu Marriage Act, 1955. Further, it may be noted that, adultery and desertion were the two main grounds for divorce in both these studies which were conducted with a time gap of two decades.

2.6.6 Custody of children

Bringing up the children is a very expensive affair in modern times. In several homes in urban areas, both the husband and wife earn and try to support and educate the children. After divorce the care and economic support of children becomes important but difficult. According to the Hindu Marriage Act, the court may from time to time, pass with interim orders and make such provisions in the decree as it may deem just and proper with respect to the custody, maintenance and education of minor children; consistently with their wishes whenever possible". But, many studies revealed that, the mother usually took the custody of her children. This is because, she is considered as the natural guardian of children till they reach seven years of age.

Mehta (1975) observed in her study that, out of 50 divorced Hindu women most were having child's custody and they sought financial help either from their parents or in-laws. Some were dependent on their own earnings.

Pothen (1986) discovered that in 79.5 per cent cases the mother kept the children, 14.1 per cent cases the father kept the children. 3.8 per cent cases joint custody by both father and mother. The analysis of results by the author revealed that, children were with mother because, the children were too young, they were close to their mother, children were usually under the care of mother, father was not interested. Similarly, small percentage of children were with their father. Because, wives didnot care for the children, father didnot allow them to go with their mothers, children chose to be with father, father kidnapped children.

According to results obtained by Choudhary (1988) in 66.7 per cent cases mother obtained the custody, 25.6 per cent cases father obtained the custody while in 7.7 per cent cases custody was obtained jointly by both the father and mother. The results also revealed that, the average father lacks in appropriate child care skills, because socialization in male role has (i) led him to depreciate such skills (ii) required to have little practice in him and (iii) permitted him to hand the appropriate duties over to his wife. The role of husband and father, moreover was defined particularly as breadwinner.

Thus, it is obviously concluded that, mother has the custody of children in majority of the cases because of her care giving nature or too young children whose custody legally comes to mother.

2.6.7 Maintenance

The new section of 125 of Criminal law includes wife, divorced as well as undivorced, minor children, legitimate or illegitimate, father and mother who are unable to maintain themselves are entitled for maintenance (Diwan, 1990).

Mehta (1975) noticed that, among the respondents from lower middle class families nobody was getting maintenance or legal relief and it was expressed that most of the respondents were financially fully dependent on their parents. They could not claim any help from their parents. The help they received was supportive only and temporary in nature. Among the respondents from higher middle class were working in one or the other job, they need not be dependent on maintenance provided by their former husbands. Some of them had received alimony as a legal relief.

In DevinderKumari's (1977) study it was found that, out of 24, 21 wives abstained from seeking maintenance primarily because of its nuisance value. In the three cases where the wives applied for maintenance the husband didnot make an appearance after the maintenance order was passed.

In another case wife was somewhat lucky and had recovered the ordered amount for a few months, but since April 1981 wife had not received any.

Results obtained by Pothen (1986) revealed that, 45.5 per cent wives were granted maintenance or/and court expenditure during the trials. Similarly in 12.5 per cent cases the wives were granted alimony on a permanent basis. No husband was granted maintenance or alimony, nor did they apply for the same.

In a similar study conducted by Choudhary (1988) the results pointed out the fact that, only 12.8 per cent of the total couples arrived at a compromise to provide alimony to the wife. Of them 8.8 per cent had urban and four per cent had rural background. However, in practice court had granted alimony to 19.2 per cent of total divorces.

By reviewing these studies one may conclude that, maintenance provisions under the various enactments are only of decorative value and fail to fulfill their avowed objective. Besides further dragging the litigation for another six to eight months, maintenance provisions are not coupled with effective implementation machinery. Moreover at times the wife is in no position to know the income or salary of the husband. And in case of remarriage, reconciliation, if the husband is of lower income category, if the wife is economically independent there will not arise any question of maintenance or alimony.

2.7 POST DIVORCE ADJUSTMENT

Goode (1956) explained post divorce adjustment with an old phrase it is not the impact of tragedy that is surprising, but the deadly insistence with which the old, habitual rounds continue to make its demands afterwards. There are no fixed norms for the divorcees as to where they have to live after the divorce. Particularly, the female divorcees have to face more problems than the men. However, it doesnot reduce men's problems as well.

In a village study of Maharashtra, Vlassoff (1982) reported that, out of 29 divorced/deserted women only one village women had taken her case to court and she alone was receiving alimony. Since remarriage was taboo some deserted women took prostitution as a means of livelihood.

Devinderkumari (1977) found that, majority of the divorced women were staying with parents. Pothan (1984) discovered from her study that majority of the divorced husband (70.5%) got remarried at the same time majority (65%) of the wives could not get remarried. Thus, it was very clear from this study that, the percentage of women divorcees remarrying (35%) was just half of the male divorcees (70.5%). The author attributes this factor to the care of children, emotional disturbance due to failure in the first marriage, non-availability of proper male parnter, social stigma etc., were some of the important factors hindering the remarriage of female divorcees.

Choudhary (1988) compared post divorce adjustment of both male and female divorcees. From this study he concluded that, three fourth of the husbands and wives lived with their respective parents. While 23.4 per cent of the husbands and 15.2 per cent of the wives lived separately. Four per cent of the wives and 1.6 per cent husbands lived with the prospective new spouse.

From the examination of the results from the above studies regarding post divorce life, it may be concluded that, most of the divorcees go to parents, followed by divorcees living separately. Only little percentage of divorcees were found to be remarrying and sought help from in-laws.

Materials and Methods

III MATERIAL AND METHODS

This is an exploratory study entitled "Causes and prevalence of Divorce in Dharwad district". The material and methods used in this study are presented under the following headings.

- 3.1 UNIVERSE AND LOCALE THE STUDY
- 3.2 SELECTION OF THE SAMPLE
- 3.3 OPERATIONAL DEFINITIONS
- 3.4 INSTRUMENTS USED FOR DATA COLLECTION
- 3.5 COLLECTION OF THE DATA
- 3.6 CLASSIFICATION OF DATA
- 3.7 STATISTICAL ANALYSIS

3.1 UNIVERSE AND LOCALE THE STUDY

All the matrimonial cases which were disposed from the year 1986-1990 i.e., over half a decade from the District Civil Court, by the Principal Civil Judge, Dharwad formed the universe.

Whole of the Dharwad district served as the locale of the study.

3.2 SELECTION OF SAMPLE

Since the source of data was court records, with the help and co-operation of experienced Judges and the

Principal Civil Judge, Dharwad, the researcher was able to obtain information regarding the prevalence of matrimonial cases by referring to the register of matrimonial cases in which the entry of the cases filed were made over a period of five years from 1986-1990. Purposive data sampling was used to collect five years case records from 1986-1990, in which the actual decree of divorce was obtained. Thus all the 69 divorces decreed during 1986 to 1990 were selected as the sample. A subsample of ten cases were selected for case study on the basis of the willingness of ex-couples to cooperate and participate in case study.

3.3 OPERATIONAL DEFINITIONS

Since this study was based on court records, it was decided to adopt legal definitions as expressed under various laws for the legal terms used in this study. These legal operational definitions used in this study were for terms viz., matrimonial cases, legal separation, desertion, maintenance, child custody and restitution of conjugal rights.

3.3.1 Legal operational definitions

i. Matrimonial cases :

These include all the cases related to marriage and family.

ii. Legal Separation :

Whenever this term was used with reference to court decree it was exclusively defined as follows.

As mentioned in the subsection (1) of Section 10 subs by the Marriage laws (Amendment) Act, 1976. Where a decree for judicial separation has been passed, it shall no longer be obligatory for the petitioner to cohabit with the respondent, but the court may on the application by petition of either party and on being satisfied of the truth of the statements made in such petition, rescind the decree if it considers it just and reasonable to do so.

iii. Desertion :

The two essential conditions which must be there before the spouses can be held guilty of desertion (i) the factum of separation and (ii) intention to bring cohabitation permanently to an end.

iv. Maintenance :

Hindu Adoptions and Maintenance Act defines maintenance to include,

- a. in all the cases, provision of food, clothing, residence, education and medical attendance and treatment.

b. in the case of an unmarried daughter, also the reasonable expenses of an incident to her marriage.

v. Custody :

According to the Children Act 1975, the "legal custody as" so much of the parental rights and duties as relate to the person of the child". In contrast "actual custody" means the mutual possession of the child.

vi. Restitution of conjugal rights :

When either the husband or the wife has without reasonable cause/ excuse withdrawn from the society of the other the aggrieved party may apply by petition to the District court for restitution of conjugal rights and the court, on being satisfied of the truth of the statements made in such petition and that there is no legal ground, why the application should not be granted, may decree restitution of conjugal rights accordingly.

vii. Divorce :

Any marriage solemnised, whether before or after the commencement of the Hindu Marriage Act may on a petition presented by either the husband or the wife be dissolved by a decree of divorce on the ground that the other party has been found to be adulterous, cruel, deserted for more than two years, converted to other religion, or has been incurably of unsound mind or has been suffering

continuously, intermittently from mental disorder of such a kind and to such an extent that, the petitioner can't reasonably be expected to live with the respondent.

3.3.2 Other operational definitions

For terms other than legal terms operational definitions were formulated by the researcher to suit the context of this study.

i. Duration of Marriage

The interval or period from the time of consummation of marriage to the period of separation before a divorce decree is granted.

ii Type of family :

a) Nuclear family : It is the small family unit with the married couple with their unmarried children.

b) Joint family/Extended family : Two or more married couples staying together who are related through kinship bond.

iii Temple marriage

This type of marriage refers to the marriage conducted in absence of the parents of bride and bridegroom, sometimes without the knowledge of parents conducted in temple with a simple ceremony of Tali being tied around the neck of the bride by bridegroom.

iv. Joint custody

This is defined as giving both the parents an equal voice in the children's education, upbringing and general welfare (Sharma, 1989).

v. Unilateral separation

This is irresponsible separation by either of the spouse without the consent of other spouse. In this case there may or may not be an intention of bringing cohabitation to an end.

vi. Exparte divorce

This is a divorce decree granted with one spouse not being represented through the legal advisor.

3.4 TOOLS FOR DATA COLLECTION

The tools used for data collection were

3.4.1 Case data sheet

Data was collected by using self structured case data sheet. It was constructed based on the information available in the case records and pre-tested for its suitability and was scrutinized by the experts and advisory committee of the researcher (Appendix 1).

3.4.2 Interview schedule for the case study

A pretested interview schedule was used for conduction of case studies to arrive at an indepth understanding of factors leading to divorce (Appendix 2).

3.4.3 Observation

The researcher visited the families of the respondents and from the home environment, first hand and requisite information could be gathered. This also afforded an opportunity to meet the children, relatives and other associates of the respondents. In some cases the researcher visited the place of work (School, Office) and observation could be made there too, about the behavior of the divorcee and relationship with the people with whom he/ she was in daily contact. Observation carried out was limited to only those who were covered by case study.

3.5 COLLECTION OF DATA

Data were collected by using the self-structured case data sheet by going through each divorce case file, in the court premises with the permission of the court. Much time, energy and patience were needed to locate, segregate and to examine the individual case files. The information regarding legal divorce cases from the year 1986 to 1990 was collected.

From the court records, ten cases were selected for the case study on the basis of availability of the ex-

couples and their willingness to disclose their marital history. The case studies were conducted by personally interviewing the respondents (i.e., ex-couples) their relatives, office colleagues, children, lawyers who dealt with the particular case.

3.6 CLASSIFICATION OF DATA

3.6.1 Dependent variables

* prevalence of divorce (number of divorces decreed from the year 1986 to 1990 i.e., five years).

* Causes of divorce (as found from the case files from 1986-1990 and as found from the case studies of divorcees).

3.6.2 Independent variables

1. Age of the respondents

a. Age at marriage, age at the time of filing the suit and age at the time of decree was classified as, the

<20

21-25

26-30

31-40

41-50

51 and above

Age not given

b. Age difference between the spouses (years)

< 1

1-5

6-10

11-15

Age not given

2. Occupation

Agriculture

Service

Business

Unemployed/housewives

Students

Coolie and Self employee

3. Type of family

Nuclear family

Joint/extended family

4. Duration of marriage (years)

2-5

6-10

11-15

16-20

21-25

5. Type of marriage

Traditionally arranged marriage

Civil marriage

Temple marriage

6. Type of separation preceded by divorce

i. Legal separation

ii. Informal separation by mutual consent

iii. Unilateral separation

7. Previous residential background

Both the spouses from urban area

Both the spouses from rural area

Husband urban wife rural

Wife urban husband rural

8. a. Number of children

Number of divorcees with one child

Number of divorcees with two children

Number of divorcees with more than two children

Number of divorcees with no children

8. b. Place of residence of divorcees with children

1. Staying with parents and siblings

2. Staying with parents

3. Staying alone

4. Staying with friends

5. Not known

9. Place of residence of divorcees at the time of decree

1. Staying alone

2. Staying with other spouse

3. Staying with children

4. Staying with parents

5. Staying with parents and siblings

6. Staying with relatives

3.7 STATISTICAL ANALYSIS

Since the data were highly qualitative and the relative sampling was purposive, the data were analysed using only percentages and frequencies.

Results

IV RESULTS

Results of this study entitled "Causes and prevalence of Divorce in Dharwad district" are presented under the following headings.

4.1 PREVALENCE OF DIVORCE IN DHARWAD DISTRICT

4.1.1 Yearwise prevalence of divorce cases

4.1.2 Prevalence of divorce cases by type of adjudication

4.2 SOCIO-DEMOGRAPHIC CHARACTERISTICS OF DIVORCEES

4.2.1 Age

4.2.2 Occupation

4.2.3 Type of family

4.2.4 Residential background

4.3 MARITAL HISTORY OF DIVORCEES

4.3.1 Type of marriage

4.3.2 Duration of marital life

4.3.3 Duration and type of cohabitation

4.3.4 Period of complete separation

4.3.5 Type of separation preceding divorce

4.4 PROCESS OF DIVORCE

4.4.1 Initiation of divorce proceedings

4.4.2 Duration of divorce proceedings

4.4.3 Complaints of divorcees

Table 4.1.1.1. Yearwise prevalence of divorce cases in total matrimonial cases

	1986		1987		1988		1989		1990		Total	
	MC	DC	MC	DC	MC	DC	MC	DC	MC	DC	MC	DC
34	15	43	23	41	30	47	25	57	42	222	135	
	(*44.11)		(53.49)		(73.17)		(53.19)		(73.68)		(60.81)	

* Figures in parentheses indicate the percentage of divorce cases in the total matrimonial cases

MC - Matrimonial cases

DC - Divorce cases

- 4.4.4 Legal grounds for decree
 - 4.4.5 Maintenance
 - 4.5 CHILDREN AND DIVORCE
 - 4.5.1 Number of children
 - 4.5.2 Custody of children
 - 4.5.3 Present residence of divorcees with children
 - 4.6 EXPARTE DIVORCE
 - 4.6.1 Prevalence of exparte cases
 - 4.6.2 Gender and residential background
 - 4.6.3 Reasons for exparte divorce
 - 4.7 PLACE OF RESIDENCE AT THE TIME OF DECREE
 - 4.8 CASE STUDIES
-
- 4.1 PREVALENCE OF DIVORCE IN DHARWAD DISTRICT
 - 4.1.1 Yearwise pervalence of divorce cases in total matrimonial cases

Table 4.1.1 clearly reveals that, there is a steady increase in the matrimonial cases. Among these matrimonial cases the percentage of divorce cases was also found to be increasing steadily over a period of five years. This increase was from 44.11 per cent in the year 1986 to 73.68 per cent in the year 1990. Highest number of matrimonial cases were filed during the year 1990. The highest percentage of divorce cases were filed during the year 1990 only i.e., 73.68 per cent and least percentage were filed during the first year (1986) of this five year study. There

Type of adjudication	Prevalance of divorce cases by type of adjudication						
	1986	1987	1988	1989	1990	Total	Total*
Decreed	9 (13.04)	10 (14.49)	18 (26.09)	13 (18.84)	19 (27.54)	69 (100.00)	69+ (51.01)
Withdrawn	2 (25.00)	1 (12.50)	1 (12.50)	2 (25.00)	2 (25.00)	8 (100.00)	8 (5.93)
Dismissed	4 (40.00)	-	2 (20.00)	-	4 (40.00)	10 (100.00)	10 (7.41)
Compromised	-	2 (40.00)	-	1 (20.00)	2 (40.00)	5 (100.00)	5 (3.70)
Dropped	4 (11.43)	5 (14.29)	6 (17.14)	8 (22.86)	12 (34.28)	35 ¹ (100.00)	35 (25.92)
Pending	1 (12.50)	2 (25.00)	1 (12.50)	1 (12.50)	3 (37.50)	8 (100.00)	8 (5.93)
	20	20	28	25	42	135	135

Note : Figures in parenthesis indicate percentages

* Indicates figures and percentage of different types of adjudication over the five years period

+ Out of 69 divorce cases, 26 cases were decreed on the ground of mutual consent.

was a steady increase during five years from year to year. A slight decrease was observed in divorce cases during 1989.

4.1.2 Prevalence of divorce cases by type of adjudication

Table 4.1.2 reveals that, there were—135 divorce cases over the five year period. Of these 135, in 51.11 per cent of the cases divorce were decreed. One fourth (25.92%) of the cases were found to be dropped i.e., the court has closed the cases for want of presence or attendance and interest on the part of the petitioner. Of the remaining cases 7.41 per cent cases were dismissed due to the reasons viz., immaturity of the age of petitioner, flimsy grounds on which divorce was claimed, and a very short duration of married life (before one year of marriage was completed).

When the number of cases where divorce was decreed over this five year period was examined it was found that, highest number of the cases were given divorce during the years 1988 and 1990. The least number of divorces were found to be decreed during the initial year i.e., 1986.

Regarding the cases which were dismissed by the court over a period of five years, the highest percentage (40.00%) of the cases were dismissed in 1986 as compared to the percentage (13.04%) of the cases dismissed during 1990. However, when an year wise comparison was made regarding the percentage of cases dropped, the highest cases were found in the year 1990 (34.28%). During the rest of the period, the

percentage of cases thus dropped ranged from 11 to 23 per cent. It should be noted here that out of 135 cases only five cases ended in compromise. Of these, two cases each were found during the year 1987 and 1990. Only one case was compromised during 1989.

4.2 SOCIO-DEMOGRAPHIC CHARACTERISTICS OF DIVORCEES

4.2.1 Age

4.2.1.1 Distribution of divorcees by age variables

Results presented in Table 4.2.1.1 clearly reveal the inadequacy of information available from the court records regarding age at marriage of the divorcees. The age at marriage of 40.57 per cent male divorcees and 47.83 per cent female divorcees was not given in the court records. Highest number of both male (52.17%) and female (28.98%) divorcees were married when they were between 21-30 years of age. A small percentage of females (2.9%) and males (5.8%) were married between the age range of 31-40 years. Among the 18 persons who were married before 20 years of age, 17 were females and only one was male.

In a comparative examination of the age at marriage of male and female divorcees, it was found that, 21.74 per cent of female divorcees were married between the age of 20-25 years. Two were married after 25 and one each were married at 30 and 33 years. But 15.94 per cent and 36.23 per cent of male divorcees were married between 21-25 years and 26-30 years respectively. Thus it is apparent that more

Table 4.2.1.1. Distribution of divorcees by age variables

Age in years	Age at Marriage		Age at filing		Age at decree	
	Husband	Wife	Husband	Wife	Husband	Wife
20 and less	1 (1.45)	17 (24.63)	-	1 (1.45)	-	-
21-25	11 (15.94)	15 (21.74)	3 (4.35)	17 (24.63)	3 (4.35)	12 (17.39)
26-30	25 (36.23)	3 (2.89)	16 (23.19)	12 (17.39)	12 (17.39)	14 (20.29)
31-40	4 (5.79)	1 (2.89)	19 (27.54)	5 (7.25)	21 (30.43)	9 (13.04)
41-50 and above	-	-	3 (4.35)	1 (1.45)	5 (7.25)	1 (1.45)
Age not mentioned	28 (40.57)	33 (47.83)	28 (40.57)	33 (47.83)	28 (40.57)	33 (47.83)
Total sample	69	69	69	69	69	69

Note : To get a clear picture the age group of 21-30 has divided into two age groups as majority of divorcees belonged to this age period only.

women married below 25 years as compared to men and more men married above the age of 25 years as compared to women.

The Table 4.2.1.1 reveals that, in case of 40.57 per cent males and 47.83 per cent of females age was not mentioned in the case records. The results also reveal that 42.02 per cent of female divorcees were found to be in the age group of 21-30 years when their divorce suit was filed. In case of males majority of them were found to be equally distributed in the two age groups i.e., between 21-30 years age group (27.54%) and 31-40 years (27.54%) age group.

One female divorcee each was found to be in the age group of below 20 and above 40 at the time of their divorce case being filed. None of the male divorcee were found to be below 20 years at the time of their divorce case being filed. From results obtained, it is very apparent that, the information available in the court records clearly reveals that, most of the divorcees were in the age groups of 21-30 years and 31-40 years at the time of divorce decree.

A close observation of the Table 4.2.1.1 also reveals that, again about 50 per cent of divorcees age was not mentioned (40.58% males and 47.83% females) in the court records with regard to age at the time of decree. Among the rest majority of the wives (20.29%) were within the age range of 26-30 and 17.39 per cent were within the age range of 25-30 years when they got the divorce decree. Where as majority of male divorcees were between the age range of 31-

Table 4.2.1.2. Distribution of divorce cases by age difference between ex-spouses

Age difference	1986	1987	1988	1989	1990	Total
< 1	-	1	1	-	-	2 (2.90)
1-5	3	2	3	2	7	17 (24.64)
6-10	1	1	4	4	4	14 (20.29)
10-15	1	-	-	1	-	2 (2.90)
Age not given	4	6	10	6	8	34 (49.27)
Total	9	10	18	13	19	69 (100.00)

Note : Figures in parenthesis indicate percentages

Table 4.2.2. Distribution of divorcees by occupation

Occupation	1986	1987	1988	1989	1990	Total
Husbands						
Agriculture	-	2 (20.0)	6 (33.33)	4 (30.77)	3 (15.79)	15 (21.74)
Service	6 (66.67)	4 (40.00)	9 (50.00)	5 (38.46)	11 (57.89)	35 (50.72)
Coolie	2 (22.22)	2 (20.0)	-	-	2 (10.53)	6 (8.70)
Business	-	-	-	2 (15.38)	2 (10.53)	4 (5.80)
Unemployed	1 (11.11)	1 (10.00)	2 (11.11)	2 (15.38)	1 (5.26)	7 (10.14)
Student	-	1 (10.0)	1 (5.56)	-	-	2 (2.90)
Total	9 (100.0)	10 (100.0)	18 (100.0)	13 (100.0)	19 (100.0)	69 (100.0)
Wife						
Agriculture	-	-	-	-	-	-
Service	2 (22.22)	3 (30.0)	7 (38.89)	-	8 (42.11)	20 (28.99)
Coolie	-	-	1 (5.56)	1 (7.69)	-	2 (2.29)
Business	-	1 (10.0)	-	1 (7.69)	-	2 (2.90)
House wife	7 (7.78)	5 (50.0)	10 (55.56)	10 (76.92)	10 (52.63)	42 (60.87)
Student	-	1 (10.0)	-	1 (7.69)	1 (5.26)	3 (4.35)
Total	9 (100.0)	10 (100.0)	18 (100.0)	13 (100.0)	19 (100.0)	69 (100.0)

Note : Figures in parenthesis indicate percentages

40 years (30.43%). Next highest percentage of male divorcees (17.35%) belonged to age group of 26-30 years and One of the female divorcees was between the age group of 41-50 years at the time of decree. A small per cent (4.35%) of the males were of 21-25 years when they received the decree.

4.2.1.2 Distribution of divorcees by age difference between the spouses

Table 4.2.1.2 clearly shows that half of the respondents age was not mentioned in the case records. About one fifth of the divorcees had age difference of one to five years. These were followed by 20.29 per cent of divorcees who had six to ten years difference. A small per cent (2.90%) of divorcees had 10-15 years difference. Similarly in case of small per cent (2.9%) of divorces were having less than a year of age difference. Majority of these spouses with six to ten years and 10-15 years age difference were from rural area.

Thus, it is obvious from the results obtained that, among those respondents in whose case information about age was available majority had either one to five years age difference.

4.2.2 Distribution of divorcees by occupation

Table 4.2.2 clearly reveals that, among the male divorcees the principal occupation was service (50.72%) either in government or private sector. A very small per

Table 4.2.3. Distribution of divorcees by type of family

Type of family	1986	1987	1988	1989	1990	Total
Nuclear family	4 (44.44)	7 (70.00)	11 (61.11)	10 (76.92)	10 (52.63)	42 (60.87)
Joint family	5 (55.56)	3 (30.00)	7 (38.89)	3 (15.79)	9 (47.37)	27 (39.13)
Total	9 (100.00)	10 (100.00)	18 (100.00)	13 (100.00)	19 (100.00)	69 (100.00)

Note : Figures in parenthesis indicate percentages

Table 4.2.4. Distribution of divorcees by residential background during their married life

Background	Years					Total
	1986	1987	1988	1989	1990	
Husband and wife urban	4	4	4	5	12	29 (42.03)
Husband and wife rural	3	4	8	4	4	23 (33.33)
H - Urban W - Rural	-	-	2	2	-	4 (5.80)
W - Urban H Rural	2	2	4	2	3	13 (18.84)
Total	9	10	18	13	19	69 (100.00)

Note : Figures in parenthesis indicate percentages

cent (2.9%) of the male divorcees were still students when they had applied for divorce and 21.74 per cent were agriculturists. It was interesting to note that, 10.14 per cent of male divorcees were unemployed. About 8.70 per cent were coolies followed by business men (5.8%).

Of the 69 female divorcees, the highest percentage (60.87%) were housewives. The divorced women engaged in coolie and business comprised 2.9 per cent each. One third of them were working i.e., they were wage earners in service either government or private followed by 4.35 per cent students.

4.2.3 Distribution of divorcees by type of family

Table 4.2.3 summarizes that, the highest majority (60.87%) of the divorcees belonged to nuclear family. Rest were (39.13%) from joint family. The same trend was observed throughout five years of this study except during 1986 in which highest (55.56%) per cent of divorcees belonged to joint family.

4.2.4 Distribution of divorcees by residential background during their married life

A cursory glance at the results Table (4.2.4) clearly reveals that, the majority of the divorce cases (42.03%) were having both the ex-spouses from the urban area. This was followed by divorce cases both the ex-spouses hailed from rural area (33.33%). It must be noted here that one third of total cases of divorce contained both the ex-spouses from

Table 4.3.1. Distribution of divorcees by type of marriage

Type of marriage	No. of cases
Traditionally arranged marriage	58 (84.06)
Temple marriage	7 (10.14)
Civil marriage	4 (5.80)
Total	69 (100.00)

Note : Figures in parenthesis indicate percentages

Table 4.3.2. Distribution of divorcees by duration of marital life till filing the suit

Duration (in years)	1986	1987	1988	1989	1990	Total
2-5*	4	6	10	8	12	40 (57.97)
6-10	2	1	6	5	2	16 (23.19)
11-15	3	2	1	-	3	9 (13.04)
16-20	-	1	-	-	1	2 (2.89)
21-25	-	-	1	-	1	2 (2.89)
Total	9	10	18	13	19	69 (100.00)

Note : Figures in parenthesis indicate percentages

* Figure indicates the duration of marital life exactly from the completion of 18 months to two years

the rural area. When different residential background of the rest of the ex-couples were taken into consideration it was found that, divorces were more among ex-couples where wife was an urbanite and husband was from rural back ground as compared to urban husband and rural wife ex-couples.

4.3 MARITAL HISTORY OF DIVORCEES

4.3.1 Distribution of divorcees by type of marriage

The results presented in Table 4.3.1 show that 84.06 per cent of divorcees had traditionally arranged marriage. 10.14 per cent of divorces had temple marriage followed by 5.8 per cent of petitioners had civil marriage.

4.3.2 Distribution of divorcees by duration of marital life till filing the suit

The critical examination of results presented in Table 4.3.2 clearly reveals the different durations of marital life of divorcees till the time of filing the suit. It was found that, the highest percentage (57.97%) of divorcees led a married life only for a short duration i.e., upto five years. These were followed by 23.19 percentage of divorced couple who led married life upto ten years. It was found from the results that, only two couples each were found to have lead the marital life of 16-20 years and 21-25 years respectively. Only one divorced couple were found to have lived together for less than a year. Thus, the majority of the ex-couples were found to have led the married life only for a period of one to five years.

Table 4.3.3. Distribution of divorcees by duration and type of cohabitation

	Period of continuous cohabitation					Period of intermittent cohabitation			Total (B)	A+B
	<1	1-5	6-10	Total (A)	<1	1-5	6-10	11-15		
1986	1	2	-	3	2	3	1	-	6	9
1987	-	2	-	2	3	3	-	-	6	8
1988	-	5	1	6	6	6	-	-	12	18
1989	4	5	-	9	-	3	-	-	3	12
1990	6	6	1	13	-	3	2	1	6	19
Total	11	20	2	33	11	18	3	1	33	66*
	(33.33) (60.60) (6.06)				(33.33) (54.54) (9.09) (3.03)					

Note : Total doesnot add upto 69 as in 2 cases there was no mention of cohabitation and in one case the couple stayed together even after decree. Intermittent cohabitation is calculated by subtracting period of complete separation in duration of marriage.

Figures in parenthesis indicate percentages

Table 4.3.4. Distribution of divorcees by duration of separation prior to divorce

Duration in years	1986	1987	1988	1989	1990	Total
<1	1	1	1	1	0	4 (6.06)
1-5	5	6	14	11	14	50 (75.75)
6-10	1	1	2	1	3	8 (12.12)
11-15	2	-	1	-	1	4 (6.06)
Total	9	8	18	13	18	66* (100.00)

* Total doesnot add upto sample size of 69 as two of the ex-couples had not mentioned the duration of complete separation and are ex-couple still staying together even after divorce

Note : Figures in parenthesis indicate percentages

4.3.3 Distribution of divorcees by duration and type of cohabitation

A perusal of Table 4.3.3 indicates that 50 per cent of divorced couples had cohabited continuously and the other 50 per cent couples cohabited intermittently. Here continuous cohabitation refers to the period during which the couple cohabited continuously and who once separated never lived together. Among 33 couples who cohabited continuously, majority (60.60%) had cohabited for a period ranging from one to five years.

The highest percentage (54.54%) of intermittently cohabited couples had cohabitation period upto five years. None of the ex-couples cohabited continuously to ten years. Only one couple were found to cohabit intermittently upto 15 years.

4.3.4 Distribution of divorcees by period of complete separation

Table 4.3.4 depicts that, an overwhelming majority (75.75%) of the ex-spouses were staying separately for a duration of one to five years prior to divorce. Next 12.12 per cent of the ex-spouses were staying separately for six to ten years. These were followed by couples (6.6%) who were separated prior to divorce for a period of less than a year and an equal per cent of couples who were separated for a period of 11-15 years and less than one year separation.

Table 4.3.5. Distribution of divorcees by type of separation preceding to divorce

Type of separation	1986	1987	1988	1989	1990	Total
Unitateral separation	8	8	14	11	12	53* (77.94)
Separation by mutual consent	-	2	4	2	6	14 (20.59)
Legal separation	1	-	-	-	-	1 (1.47)
Total	9	10	18	13	18	68 (100.00)

Note : Total doesnot add upto 69 as one ex-couple didnt separate.

Figures in paranthesis indicates percentages

* Includes 46 unilaterally separated wives and 7 husbands.

Table 4.4.1. Initiation of divorce proceedings; Distribution of petitioners by gender

Petition by	1986	1987	1988	1989	1990	Total
Wife	1	3	2	3	3	12 (17.39)
Husband	3	2	12	6	9	32 (46.38)
Both with Mutual consent	5	5	4	4	7	25* (36.23)
Total	9	10	18	13	19	69 (100.00)

Note : Figures in paranthesis indicate percentages

* Of these 25 cases 15 couples were educated and one or both of the spouse/s were working either in government or private sector

Thus it is obvious that very few ex-couples had either less than one year separation or a lengthy separation ranging from 11-15 years. Most of the ex-couples were separated for a duration of one to five years, prior to their divorce.

4.3.5 Distribution of divorcees by type of separation preceding to divorce

The results reveal (Table 4.3.5) that among the divorced couples in majority of the cases (78%) either wife or husband unilaterally separated from the spouse. It must be noted that such unilateral separation is informal and doesnot have legal sanction and as such is not a legal separation. About one fifth of the couples were found to be separated by mutual consent without going to court to get legal separation. Only one couple separated through legal procedures.

4.4 PROCESS OF DIVORCE

4.4.1 Initiation of divorce proceedings; Distribution of petitioners by gender

It is clear from Table 4.4.1 that, the highest percentage (46.38%) of the divorce petitions were filed by husbands. Next highest per cent (36.23%) of petitions were filed by both the spouses on the ground of mutual consent. The least per cent (17.39%) of cases were filed by wives.

An yearwise observation of the same table reveals that, the similar trend in filing the divorce suit was

Table 4.4.2. Duration of divorce proceedings to completion

Duration (in years)	1986	1987	1988	1989	1990	Total
<1	2	7	6	3	8	26* (37.68)
1-2	4	1	10	10	9	34 (49.27)
3-4	3	2	2	-	-	7 (10.14)
5-6	-	-	-	-	1	1 (1.45)
7-8	-	-	-	-	1	1 (1.45)
Total	9	10	18	13	19	69 (100.00)

Note : Figures in parenthesis indicate percentages

* 25 out of 26 cases granted decree on the ground of mutual consent

Table 4.4.3. Complaints alleged by petitioners against their spouse

Sl. No.	Complaints	Wife	Husband
1.	Physical or verbal abuse	27	2
2.	Ill-treatment by the spouse	12	-
3.	Demanding nature of spouse	10	-
4.	Poverty and unemployment of the husband	10	-
5.	Ill-treatment by in-laws	9	-
6.	Dowry	6	-
7.	Childlessness	4	3
8.	Irritative nature of spouse	4	7
9.	Communication gap	3	6
10.	Adultry	3	4
11.	Working career of the spouse	3	1
12.	Incompatibility	2	5
13.	Interference of friends	1	1
14.	Educational difference	1	-
15.	Wider age disparity	-	3
Total		95	32

Note : The couples who filed divorce on mutual consent claimed only difference of opinion and difference in mutual interest hence didnot have any complaints. Total number of reasons refers to reasons given by 44 couples (i.e., 88 persons both husbands and wives. The reasons donot add upto 88 as many gave more than one reason for divorce

observed throughout the five years of this study except in 1987.

4.4.2 Duration of divorce proceedings to completion

An observation of results presented in the Table (4.4.2) reveals that, nearly about 50 per cent of the cases were decreed within two years after filing. More than one third (37.68%) of the cases were granted decree within a year after filing the divorce suit. These were followed by 10.14 per cent of the cases which took upto four years to be completed. In case of two divorces (1.45% each) the proceedings took five to six years and seven to eight years to be completed.

When an yearwise examination of distribution of cases was done, it was found that, during 1987, 7 cases were granted decree within a year after the suit was filed. It may be noted that almost all cases of divorces were decreed within two years of filing the suit during 1989. During first four years of the study there were no cases kept pending beyond four years. But in the year 1990 legal proceedings continued upto eight years in one case and upto six years in another.

4.4.3 Complaints of divorcees as found in case records

Table 4.4.3 points out the complaints by spouses against their ex-spouse. It was observed that, physical and

verbal abuse was the most frequent reason quoted by wife. Twelve wives complained ill-treatment by husband, 10 wives complained demanding nature of their spouse. Unemployment of the husband was the reason quoted by ten wives followed by ill-treatment by in-laws. Demand for dowry was complained by six wives. Communication gap, adultery, career of husband which required him to be away from his family frequently and suspicious nature of the husband were quoted by three wives each. Incompatibility was complained by two female divorcees. Only one wife each gave educational difference and interference by friends as the reasons for divorce.

Among the complaints by male divorcees more frequently quoted were irritative nature of wife (7), communication gap between spouses (6), incompatibility (5), adultery (4), wider age disparity (3) and childlessness (3). Two male divorcees complained physical/verbal abuse by their ex-spouses. One male divorcee each complained about suspicious nature of spouse and interference by friends. Only one husband complained against his wife's working career.

4.4.4 Legal grounds for divorce decree

An analysis of Table (4.4.4) reveals that, in the rank order of legal grounds for divorce the highest number of divorcees got decree on the basis of mutual consent (25) and desertion (21). These were followed by decree on

Table 4.4.4. Rank order of legal grounds for divorce decree

Grounds for divorce	1986	1987	1988	1989	1990	Total
Mutual consent	-	1	4	6	11	25
Desertion	1	4	7	6	3	21
Cruelty	4	3	2	4	5	17
Desertion with cruelty	4	1	2	-	-	6
Incompatibility	-	2	-	1	2	5
Childlessness	-	-	-	1	-	1
Incurable disease	-	-	1	-	-	1
Dowry	1	-	-	-	-	1
Adultery	-	-	2	-	-	2

Note : Total will not add up to 69 as in some cases divorce was granted on more than one legal ground

Table 4.4.5. Maintenance obtained by ex-wives

Obtained maintenance	No maintenance	Total
4 (17.50)	65 (82.50)	69 (100.00)

No ex-husband claimed or obtained maintenance from his ex-wife

Table 4.5.1. Distribution of divorcees by presence and number of children

Number of children	Number of couples
One	12 (17.39)
Two	6 (8.69)
More than two	3 (4.35)
Total	21 (30.43)
None 48	48 (69.57)
Total	69 (100.00)

Note : Figures in parenthesis indicate percentages

cruelty. Desertion with cruelty. Incompatibility either mental or physical was quoted by five divorcees as a legal ground. Two divorce decrees were granted purely on adultery basis. One each couple got decree of divorce on childlessness with cruelty, incurable disease and dowry (Childlessness was not a sole ground for divorce but accompanied with cruelty the decree was granted).

4.4.5 Maintenance obtained by ex-wives

From Table 4.4.5 it is obviously be noted that, out of 69 ex-wives only four of them were granted maintenance. An overwhelming majority (94.20%) of the wives didnot claim for maintenance. None of the husband were granted maintenance. It may be noted here that all the four ex-wives who claimed maintenance were granted the same. The rest didnot claim and didnot get maintenance.

An indepth examination of these spouses who were granted maintenance revealed that, of these four ex-wives who were granted maintenance three had children and two out of four wives were granted divorce decree on mutual consent.

4.5 CHILDREN AND DIVORCE

4.5.1 Distribution of divorcees by presence and number of children

By Table 4.5.1 it is clear that an overwhelming majority (69.57%) of the divorced couple didnot have children. Only 4.35 per cent of divorcees had more than two children. The ex-couples with one child and two children

Table 4.5.2. Distribution of divorcees by custody of children

Mother's custody	Father's custody	Joint custody	Custody not mentioned	Total
17 (80.95)	2 (9.52)	1 (4.76)	1 (4.76)	21 (100.0)

Note : Figures in parenthesis indicate percentages

Table 4.5.3. Distribution of divorcees with children by present residence

Presently residing with	Ex-wife	Ex-husband	Total
Parents and siblings	1 (4.76)	-	1 (4.76)
Parents	11 (52.38)	1 (4.76)	12 (57.14)
Alone	5 (23.81)	1 (4.76)	6 (28.57)
Friends	1 (4.76)	-	1 (4.76)
Not known	1 (4.76)	-	1 (4.76)
Total	20 (90.47)	2 (9.52)	21 (100.00)

Note : Figures in parenthesis indicate percentages

comprised 17.39 and 8.69 per cent respectively. Thus nearly 70 per cent of the couples were found to be childless.

4.5.2 Distribution of divorcees by custody of children

The examination of Table (4.5.2) reveals that, among 69 divorced couples who formed sample, only 21 were the couples with children. In these 21 cases child custody was given to the divorced wife i.e., mother in 81 per cent of cases. Only two fathers got the custody of their children. Joint custody was awarded in one case and in another, there was no mention of child custody in the case records.

4.5.3 Distribution of divorcees with children by present residence

Table 4.5.3 indicates that, of the ex-couples having children, 90.47 per cent of children were under the custody of mother. Only 9.52 per cent of children were under the custody of father.

More than half (57.14%) of divorcees with children were staying with parents and 28.57 per cent of them were staying alone with children. Of the total divorcees 52.38 per cent who stayed with their parents were females as compared to only one male divorcee (4.76%). Of the total six divorcees who stayed alone five were females and only one was male. Among the two male divorcees with his children one was staying alone with children and the another one was staying with his parents along with his children.

Table 4.6.1. Prevalence of exparte cases among total divorce cases

Years	Divorce cases	Exparte divorce cases
1986	9	4 (18.18)
1987	10	2 (9.09)
1988	18	5 (22.73)
1989	13	7 (31.82)
1990	19	4 (18.18)
Total	69	22 (100.00)

* Figures indicate percentage of exparte cases from total divorce cases

Table 4.6.2. Distribution of exparte cases by gender and residential background

Gender and Residential background	1986	1987	1988	1989	1990	Total
<u>Wife</u>						
Rural	2	-	5	3	2	12 (54.54)
Urban	1	2	-	3	2	8 (36.36)
<u>Husband</u>						
Rural	1	-	-	-	-	1* (4.55)
Urban	-	-	-	1	-	1* (4.55)
Total	4	2	5	7	4	22 (100.00)

* Both the exparte husbands were reported to be adulterous.

Figures in parenthesis indicate percentages.

4.6 EXPARTE DIVORCE

4.6.1 Prevalence of exparte cases among total divorce cases

Table 4.6.1 reveals that, out of 69 divorce cases 31.88 per cent were exparte cases. The maximum per cent and number of exparte cases were found to be decreed in the year 1989 and the least per cent was found to be decreed during the year 1987. About 18.18 per cent each of the exparte cases were decreed during the year 1986 and 1990. These were followed by 22.73 per cent during the year 1988. On the whole nearly one third of the divorce cases were exparte cases.

4.6.2 Distribution of exparte cases by gender and residential background

Table 4.6.2 depicts that, an overwhelming majority of exparte spouses were found to be the wives (90.90%). Of the total 22 exparte divorces 54.54 per cent and 36.36 per cent were rural and urban wives respectively. Thus among the female exparte divorcees 60 per cent were from rural area and rest were from urban area.

Only 9.10 per cent of total exparte spouses were husbands.

4.6.3 Reasons for exparte divorce

It is obvious from the Table 4.6.3 that, out of 22 exparte cases most (90.90%) of exparte spouse were women,

Table 4.6.3. Rank order of reasons given by the petitioners in exparte divorce cases

I	Reasons given by husbands	Frequency (percentage)
1.	Staying in parental home without any justifiable reason and didnt respond to the legal notice	11 (55)
2.	Staying with another man and didnt care to deny the allegations of adultery	4 (20)
3.	Didnot return from parental home as husband and in-laws insisted her to quit the job	2 (10)
4.	Wife staying in her parental home insisted that her husband should join her	1 (5)
5.	Wife very much attached to her parents and didnt want to come back	1 (5)
6.	*Wife completely unaware of divorce	1 (5)
II	Reasons given by wives	
1.	Husband leading an adulterous life	1 (50)
2.	Husband got married to other women	1 (50)

* See case study no. 3 for details

and only two were men. In the rank order of reasons given by male divorcees the most frequently (55%) quoted reason was that, the wife has not responded to the legal notice and didnot respond to the efforts made by the husband to bring her back to his home. Thus, for 55 per cent of the husbands the wife's non-response to legal nōtice/s and her refusal to come back from parental home to marital home served as justifiable and convenient grounds for claiming divorce.

Next highest (20%) quoted reason was that, the wife was adulterous. This is followed by ten per cent of husbands who claimed divorce on the ground that, their wife refused to return from her parental home to her husband's home as both the husband and in-laws insisted that she should quit her job.

In the rest of the three cases the following were the reasons. In one case wife was greatly attached to her parents and as such couldnot separate from them to live in her husband's home. In another case the wife insisted that, husband should stay with her in her parental home. The third case was a tragic case, where the wife was found by the researcher, to be living in her ex-husband's house blissfully unaware of being a divorced wife as her husband manoeuvred to get an exparte divorce by somehow keeping his wife in the dark and keep this as a secret continued to.

Table 4.7.1 Place of residence of divorcees at the time of decree

Years	Staying alone	Staying with a new spouse	Staying with children	Staying with parents	Staying with parents siblings	Statying with relatives	Total
Husband							
1986	3	1	1	2	1	1	9
1987	2	-	-	6	-	2	10
1988	8	1	-	8	-	1	18
1989	4	-	-	8	1	-	13
1990	6	1	-	9	1	2	19
Total	23	3	1	33	3	6	69
	(33.33)	(4.35)	(1.45)	(47.83)	(4.35)	(8.69)	(100.00)
Wife							
1986	1	1	-	6	-	1	9
1987	2	-	-	7	-	1	10
1988	3	-	2	10	1	2	18
1989	-	-	1	10	-	2	13
1990	4	1	-	13	-	2	19
Total	10	2	3	46	1	7	69
	(14.49)	(2.90)	(4.35)	(66.67)	(1.45)	(10.14)	(100.00)

Figures in parenthesis indicate percentages

4.7 PLACE OF RESIDENCE OF DIVORCEES AT THE TIME OF DECREE

The apparent outcomes of Table 4.7.1 reveal that, residential background of divorcees at the time of decree. It was observed that, the highest percentage (66.67%) of the female divorcees were staying with parents as compared to 47.83 per cent of male divorcees. It is also obvious to note that, about 1/3rd of male divorcees and only 14.49 per cent female divorcees were staying alone. Only one male divorcee was staying with children against 4.35 per cent (3) female divorcees. One female divorcee (1.45%) was staying with parents and siblings compared to 4.35 per cent male divorcees staying with parents and siblings. About 8.69 per cent and 10.14 per cent male and female divorcees were staying with relatives and children respectively. The percentage of male divorcees staying with new spouse was more (4.35%) than that of female divorcees (2.90%).

4.8 CASE STUDIES

Ten case studies of divorced couple were carried out to get indepth knowledge of the factors and processes which lead to divorce. Each divorce case in this study was different in the sense that the factors leading to divorce were in different combinations. To understand the intricate problems of human adjustment and maladjustment in the most intimate relationship i.e., husband-wife relation. Ten such case studies were carried out and presented here under. All the names used were fictitious.

Case Study No. 1

Personal and family background

Siddappa is an employee of Life Insurance Corporation of India. He is a graduate serving as a president of SC/ST Cell and belongs to upper middle class family. He has two brothers and three sisters and all of them are married. Siddappa is a social person and has good social contacts with all his colleagues. He is obese and average in looks. He got married at the age of 30.

Parvati is a pretty woman, she has one brother who is unmarried. Both her parents are working. She comes from a lower middle class family. Though educated upto high school, she is very social and likes to move around with the people as much as possible. Parvati got married at the age of 22.

Process of marital disruption

Siddappa was not interested in marriage from the beginning as he wanted to serve poor and involve himself in a social service. But just to please his father and siblings he got married. The marriage was arranged by the elders of both the sides.

According to the account of both Siddappa and Parvati their marriage was never consummated. They were found to have cohabited only for three months. Both reported that there were plenty of conflicts during these three months.

According to Siddappa's account, in the first place he has married only to please his widowed father. However, he tried to cohabit with his wife. But non-cooperation from Parvati caused him mental torture. In addition to the non-cooperation to consummate the marriage. She used to be very rude to his married siblings whenever they visited them. Siddappa during the interview pointed out that, because of her rude behaviour and ill treatment his siblings used to stay in the hotel during their visit to Siddappa's home. Siddappa also alleged that, his ex-wife is a woman of loose morals and had several male friends. While she stayed in his house he found her sending his money to her parents. Siddappa complained during the interview that, he had forgiven her many times for these lapses in her behaviour.

Finally by the end of the third month of their marriage Parvati quarrelled with her husband and left for her parent's place. Siddappa stated that her illicit relation with other men increased after she returned to her parental home. He also stated that, he had several proofs to prove her illicit behaviours which made him not only to loose interest in her but decide to divorce her. According to Siddappa, meanwhile she tried to come back to his home by filing a suit for restitution of conjugal rights, as her other efforts outside the court to return to her conjugal home failed. This account of information is corroborated by the court records.

However, his ex-wife's account of events presented different picture. She stated that, she was not interested in this marriage because of the husband's average looks. She could not resist the decisions taken by her parents, who otherwise had to pay a lot of dowry to get her married.

After the marriage, Parvati went to her husband's house which contained only a widower father-in-law and her husband. Their house was often visited by the married brothers and sisters of Siddappa. Parvati denied the complaints made by her ex-husband that she ill-treated his siblings. Such a thing never arose, as Siddappa was from a well to do family and there were servants to do all the house work and she didnot have to object for any thing. She denied the misuse of money as alleged by Siddappa. The true fact according to Parvati was that, she didnot allow him to cohabit with her.

She says that, because of her refusal to consummate the marriage Siddappa beat her many times. Siddappa's sisters used to tattle against her and Siddappa became all the more wild. One day she quarelled with Siddappa and left for her parents house. In her parents house, she didnot get expected respect. Parvati's parents were not in a position to keep her in their house because they had to look after their son's future and neighbours used to gossip about her. Finally Parvati was convinced by her parents and so she was ready to go. Meanwhile Siddappa refused to take her back. This is why she went to court and filed a suit of

restitution of conjugal rights. But Siddappa did not care about that suit and as he was not interested in marriage he made some false allegations and rejected her.

In the end her marriage ended and was decreed on the ground of mental cruelty to husband by the non co-operation to husband. However, Siddappa even though alleged that Parvati was adulterous, could not prove his allegation and had to give her Rs. 10000 lumpsome amount as alimony.

Comments

It may be concluded that, non-consummation of marriage was the root cause of all problems which led to divorce. It may be noted from the case study that Siddappa was not really ready for marriage and married to please his father. Parvati never liked to marry Siddappa, but married him under the force of circumstances. After marriage it appears that, Parvati could not bring herself to allow her husband to consummate the marriage as she frankly told the interviewer that she had developed an emotional and physical aversion towards Siddappa. Thus, the unsatisfied sexual desires on the part of both the husband and wife had created number of problems in other areas of marital adjustment viz., adjustment with in-laws, management of home, and money and problems in wife's socializing with others. It also appears that, Parvati who came from a poor family even though left her husband's house to live in her parents house made a determined bid to come back to her marital home which

was strongly resisted by Siddappa which shows the irretrievable breakdown of marital relations. This effort on the part of Parvati was due to social and economic pressures, which reflect the helplessness of a woman.

But however she got a lumpsum alimony of Rs. 10000. She still remains unmarried because of social prejudices. Even Siddappa has not remarried and appears to be embittered by the previous marriage and probably the fear of further rejection by another wife if he married again.

Thus it also appears that, the wide differences in socio-economic status of Siddappa and Parvati points out probably to the fact that, Siddappa and his family could not get a bride from their socio-economic status class due to below average looks and obese body of Siddappa. These very factors created aversion in Parvati which could have led to divorce.

Case Study No. 2

Personal and family background

In this case both the ex-spouses Gouravva and Chinnappa were from the rural background. They were from the same village and were neighbours. Gouravva is a woman with average looks from a lower class nuclear family, where both her parents work as agricultural labourers. She is educated upto seventh standard with some training in

tailoring. She is the first child of her parents and has eight years old brother and four years old sister.

Chinnappa was her next door neighbour and comes from a comfortably well off joint family, consisting of his parents, married brothers, brother's children and wife and a divorcee elder sister. Brother works in the bank and the sister is an Anganwadi worker. Chinnappa is the last son of the family.

Premarital dynamics

Beginning from the first standard right upto seventh standard both Gouravva and Chinnappa were classmates. After she finished seventh standard she could not continue her education due to poverty. Her parents withdrew her from school as they needed her to look after her younger siblings and other household work as they had to go out for work as coolies. Thus, this girl remained unsupervised during the day and continued her friendship with Chinnappa. When Chinnappa was studying in S.S.L.C. he was made to study in a separate room which was little away from his parental house. This provided a very good place for Gouravva to meet Chinnappa clandestinely. This state of affairs continued for nearly three years by the end of which some villagers came to know about their affair. This gave rise to a lot of gossip and rumour unbearable to parents of both the boy and the girl. Then parents of the girl were warned by the parents of the boy to control their daughter. Parents of

the girl knew that, due to socio-economic class and caste differences this marriage cannot take place. Hence, they imposed strict restrictions on their daughter's movements. However, believing that, she is completely under their control, they sent her to a wedding in another village along with other villagers and specially accompanied by her younger brother. By using this opportunity Gouravva eloped with Chinnappa from this wedding. Both came to Dharwad and stayed in a lodge. At the time of this elopement neither his PUC results were out nor he was employed. As soon as the parents came to know about this they brought both of them to village. Chinnappa's father offered to extend financial help to the father of Gouravva to arrange her marriage with some other boy. However, girl's father didnot agree to accept this offer and insisted on performing marriage of his daughter with Chinnappa only, as the girl had eloped and stayed with the boy. Father of the girl argued that as such she could not be possibly be married to anybody. Even though Chinnappa's family members were against this marriage, they had to agree for the same. Without any ceremony this marriage was registered in the Sub Registrar's office.

Process of marital disruption

Thus, the girl entered her husband's house where the family members except her husband were not ready to accept her into the family. All the female members in the family

especially the mother-in-law and sister-in-law started torturing her by making her do all the household work and giving her very little food. According to Gouravva they used to insult her very much thus harassing her both physically and mentally. To make the things worse the husband was sent to city to continue his studies to acquire a diploma. Thus, Gouravva stayed nearly three months in her in-laws place, during which time she was made to suffer harassment and humiliation at the hands of her in-laws and separation from her husband. When things become intolerable she left his house. She went to one of her relatives house. Before she left his house she dashed off a letter to him about harassment and torture. Chinnappa immediately returned home and consoled his wife and brought her back to his parental home. As Chinnappa was economically dependent on his parents and highly fearful of his parents, he never dared to enquire about the treatment meted out to his wife. However, he stayed for two weeks with his wife consoled her and again left for the city to continue his studies, due to pressure from his parents and brother.

Since again harassment and humiliation increased Gouravva this time went to her parental home. Parents accepted her as there was no alternative for their daughter. After that Chinnappa's parents started convincing him that his wife's character is not good and she is a misfit in their family. They made it very clear to their son that they can never accept her. They also threatened their

daughter-in-law, if she ever became pregnant they would never accept the forthcoming child as their grand child. In addition they offered Rs. 10000/- to the girl's parents as a price for breaking the marriage. The parents of Gouravva being poor and helpless were forced to accept this money and joined hands with the parents of Chinnappa and prevented young husband and wife from meeting each other. Thus, whenever Chinnappa came to village during holidays, he was never allowed to meet his wife. Thus, within two years of marriage Chinnappa's father was able to pressurize his helpless and dependent son to file a petition seeking divorce. However, this petition was rejected as the petitioner has not completed the 18 months of his marriage which is a compulsory condition to apply for divorce. It was also rejected because the divorce was claimed on the flimsy grounds of unilateral desertion by wife. But this didnot defer Chinnappa's father who made his son again file a petition seeking divorce on the grounds of desertion, after completion of two years of marriage. Then the divorce was granted. Gouravva and her parents were so demoralised and they did not even ask for any maintenance.

Post Divorce Adjustment

At present Gouravva who is now in her mid twenties stays in the same village and she is planning to conduct tailoring classes. Her parents are planning to get her married if they find a suitable match.

Chinnappa still continues to be a student and staying in Dharwad. He could not complete his diploma due to the disruptions in his married life. However, at present he is doing his B.A. in this city.

Comments

This case study clearly reveal that, eventhough the concerned boy and girl were very much in love from the childhood dared to elope and marry and faced opposition from both their families, they were unable to sustain their marriage. It was very clear that, the boy's family was against this marriage before the marriage could occur and when the marriage could not be prevented they made a determined effort to break the marriage and succeeded in it.

Thus, the interaction between the factors like, economic dependency of husband on his parents, inability to protect and support his wife, the enormous opposition of his family members, sheer poverty of wife's parents and the differential family backgrounds in terms of caste and class finally led to inevitable breakdown of the marriage.

Case Study no. 3

Personal and family background

Krishna is working as a headmaster of high school drawing a handsome salary of Rs. 6000/- per month. Now he is 52 years old and nearer to the retirement age. He is a pretty social and well known figure in a small town. He is

from a village having two brothers and two sisters all of whom are married except a widowed sister. Krishna completed his primary education in his village and went to another city for graduation. Later he got a job as a head master of high school. After one year after he got married at the age of 26. The marriage was arranged by elders from both the sides. The girl had lots of property in her name. So there was no question of dowry. The girl's (Kavita's) age was 20 at marriage.

Kavita was educated upto S.S.L.C. The couple stayed together for a period of five to six years after marriage. During that period one boy and two girls were born. The point to be noted here is after marriage the couple stayed in wife's parental home, as nobody was there to take care of her widowed mother and small brother. When the couple's male child was around nine years old, Krishna was transferred to another town, where he was posted as an head master of a Girls' high school. He left his in-law's home for job and Kavita stayed back with her mother, brother and children. Krishna brought his widowed sister to cook food for him.

Process of marital disruption

Gradually Krishna was attracted to his student called Suma studying in his school. Since that girl was too young, she could not really understand the real meaning of the

extra attention she received from her teacher to attract her. Krishna encouraged her in studies and assisted her financially. As Suma was in need of financial help, Krishna extended his sympathetic hand to such an extent that, he helped her in completing her P.U.C. and helped her in getting M.B.B.S. seat. All this took about 10-12 years. Meanwhile Kavita came and started staying with Krishna because her brother was grown up and was capable of looking after his mother. Krishna's two children were studying in high school and one female child was at middle school. Krishna's widowed sister had gone back to her native place. According to Kavita she knew about this affair of her husband with Suma even then she kept quiet, because he was a good husband and a good father.

After the completion of M.B.B.S. studies Suma secured a job and Krishna started forcing her to marry him. Two of his colleagues were supporting him in this effort. Since Suma felt that she was indebted to Krishna, she couldnot say no. But she planned to avoid this marriage by forcing him to divorce his first wife Kavita, which she thought he would never do. But, Krishna was not ready to leave Suma at any cost. So he filed a divorce suit without his wife's knowledge. Meanwhile, Kavita suffered from paralysis. Krishna tried to get divorce on medical grounds but he couldnot do so. Later Krishna alleged in the court that Kavita is not performing marital duties and thus he was subjected to cruelty. Since Kavita was staying in his house

and his children were also capable of reading, Krishna manoeuvred to see that the legal notice served to his wife never reached. After three such legal notices, the court declared the decree and wife was exparte.

Krishna was of 44 years when he applied for divorce in 1989 and got decree within a year in 1990. During the same year when he was granted decree he got married to Suma at a temple with only his friends as witnesses. However, there was no evidence like photoes, vedio or wedding invitation. This news did not reach the ears of his now ex-wife Kavita. In the home communication with Kavita was completely stopped and children were the only means of communication. But Suma was working far away from Krishna's place. He used to visit her twice a week. Krishna's second wife (Suma) decided to marry a doctor who was her colleague, as Suma felt that, there was no evidence of marriage and marriage was not registered. There arose conflicts between Krishna and Suma. After Suma got married to her colleague, Krishna was left in lurch. He divorced his first wife and the second one ditched him. Now children of Krishna's first marriage know about this and feel miserable about their father's behaviour. They are in dilemma whether to tell their mother or not who is blissfully unaware of her divorced status.

Post divorce adjustment

Kavita stays at Krishna's home with children as she is unaware of her divorced status. The interviews with Krishna's children, colleagues and relatives revealed that, they are searching for a suitable partner for him, as he is petted by them for having a paralytic wife.

Comments

In this case study it appears that, separation during the early years of married life and the inability of married man to stay loyal to his wife were the main factors leading to divorce. Support from colleagues was also of great importance in persuading the husband to divorce his wife and marry the girl student clandestinely.

Case Study No. 4

Personal and family background

Malati is a lady with a physical handicap in her right leg and works as a lecturer in a college drawing a handsome salary of Rs. 7000-8000 per month. She is the first child of her parents born with a physical handicap. She has two sisters and two brothers all of whom are well settled. She belongs to a middle class educated family.

According to Malati's account she was never really accepted and loved by her parents. She felt that she was never encouraged to study well and instead given lots of

heavy household work to do. Since she was handicapped, her parents felt that she is going to be with them all her life. According to Malati's account, she fought against all these odds and completed her degree with the help of her father's friend who pitied and encouraged her. She was able to study her Masters degree in commerce. After she completed her Post Graduate studies she secured a government job as a lecturer.

Malati's husband Ram comes from a poor family, consisting of two sisters and one brother. He is not educated as Malati and holds a diploma in Mechanical Engineering. Prior to marriage and for few months after marriage he was working as a mechanic in a watch company. He is the eldest son of the family, which even now reside in the same rented house. According to Malati's account Ram was very close to his parents and siblings.

Premarital dynamics

As Malati crossed the age of marriage i.e., crossed 30's and physically handicapped. Her parents were frantically looking for a match. Malati's parents approached the parents of Ram, even though the Ram's family was not of the same socio-economic status as their own. According to Ram's account Malati's parents promised a big fat dowry of Rs. 30000/- at the time of marriage and a partnership to him in the business of Malati's father.

According to Malati, Ram agreed to marry her because he simply obeyed his parents and because of the dowry. Thus, it appears from the account of both Malati and Ram that the marriage took place because of other considerations than mutual attraction or love.

Process of marital disruption

Thus Malati came to her husband's house with a dowry of Rs. 30000 which she alleges was the amount she has saved from her salary. However, the in-laws and husband were not satisfied and gradually started demanding money. She also found that, Ram was an alcoholic. She tried to meet the demand for money from her own savings. Simultaneously she was asked to do lot of household work also. Malati thought her condition in family and Ram's behaviour would improve if they separate from Ram's parents. Thus, they started living in a separate house. However, the Ram's behaviour didnot change. He continued to demand money and continued to drink. Whenever money was denied to him he would become violent and would physically abuse her. He also started borrowing money in her name. Mean while, Malati had a male child, which increased her difficulties in managing husband, work and home.

According to Malati Ram was caught in his factory while stealing some machine parts. He was suspended and handed over to police. Later he was made to resign. But Ram denied this during interview and stated that, he resigned on

his own as to make Malati's father to give him partnership in Malati's father's business. Thus, Ram was unemployed and became more violent and took to heavy drinking. To add to these woes their male child was found to be slightly mentally retarded. According to Malati, her father tried to help to improve the Ram's condition by trying to make Ram to work again. As Ram was basically a goldsmith Malati's father brought him instruments of goldsmithy and some amount of gold and silver to continue his goldsmithy. But Ram sold everything and blew up the money for the bottle. This was the last straw for Malati. After this she went to court and filed the divorce petition on the ground of dowry demands and physical/mental cruelty.

According to Ram's account he had told Malati before marriage only that, he is earning less than her as he is educated only upto diploma and that he wanted to stay with his parents and siblings. After marriage she didnot keep her word of adjusting with in-laws and husband, and started looking down at him and insulted when he resigned and whenever he demanded money. Inspite of this, he used to help her in the household work. After they separated from Ram's parents, his father died within a short period of time and his mother followed his father. By that time both his sisters were already married off.

The information mentioned in this case study was cross checked with Malati's brother, friends and relatives.

It was found that, Malati was not adjusted even before marriage and is an egoistic person. Her brother who is a lawyer has filed a criminal case against her, claiming that, she stole money and jewels from her own mother and built a house on the plot which belonged to her parents' family. Thus, there appears a strong evidence that, Malati had unhappy family relations from her childhood and continue to suffer maladjustment even during marriage and after divorce.

Post divorce adjustment

Malati stays alone with her slightly mentally retarded child, who is going to school. Ram is still unemployed and stays in his sister's house which appears to be a good proof of his traits of dependency and lack of responsibility. He is planning to file a maintenance case. He doesnot have any plans of remarriage as he can't earn. Malati is also not having any plans of remarriage as she is a divorcee with a child and suffers from a physical handicap.

Comments

From the above case study it is clear that, dowry, difference in socio-economic status, short temper of both the spouses, alcoholic and abusive behaviour of the husband were the factors which led to divorce.

Case Study No. 5Personal and family background

Kumar is a handsome man now in his early forties and works as a stenographer in the University. He comes from a middle class, Lingayat family having an unmarried brother and a widowed mother. Kaveri is from a middle class Brahmin family. She is a very good looking lady. She works at the same University as Kumar and six to seven years older than Kumar. She is in a post higher than Kumar's. Kaveri is staying with her mother and brother. Other two brothers of her are married and settled elsewhere.

Premarital dynamics

When Kaveri saw Kumar, she was attracted by him even though she was six to seven years older than him. Gradually their friendship turned to love and they both decided to get married. Both of their family members didnot know about this. Kumar's mother was very orthodox. When she came to know about her son's affair with Kaveri, she opposed it, very strongly. Even Kaveri's mother and others opposed it. Kumar's mother wanted a girl from her own caste as the daughter-in-law who could bring lots of dowry. The widowed mother also expected her would be daughter-in-law to shoulder all her household responsibilities. But all her hopes were dashed to ground as Kaveri and Kumar carried their decision to marry. Kaveri's mother and brother agreed for marriage after lot of convincing. At last they got

married without taking into consideration of permission from Kumar's family members. Kumar's age at marriage was 33 and Kaveri's was 4 . The marriage was performed at Kaveri's home without any solid witness except her mother and brother.

Process of marital disruption

After marriage this couple stayed for four months at Kaveri's house. But Kumar used to visit his mother often. Slowly his visits to his mother increased. According to Kumar's account as Kaveri was six to seven years elder to him. He couldnot go out anywhere with her. During the course of cohabitation also he couldnot cooperate. Gradually he started loosing interest in her. He now complains that Kaveri had done something to him, so that he could be attracted to her. Otherwise he couldnot have married her with such a wide age gap.

When Kaveri was deprived of her marital rights she couldnot tolerate. According to Kumar's account she was attracted by another person who was her boss. As the intimate relationship between Kaveri and Kumar reduced the closeness between Kaveri and her boss increased. Soon after hearing this news Kumar's mother got wild. She took this chance and arranged a suitable bride for her son. Kumar's second marriage was arranged by elders. While the wedding ceremony was going on Kaveri came and objected. But the invitees who had gathered for marriage insulted her by

pointing out the age difference between Kaveri and Kumar. Moreover, there was no solid witness for their marriage. Hence, Kaveri had to come back. But she had gone with a person (her boss) with whom she was in love with, which was an another mistake. Her mother and brother didnot come to support her. Soon after that Kaveri decided to marry. She went to court and applied for a divorce suit. When lawyer contacted Kumar, he also agreed, hence the divorce was granted on mutual consent.

Post divorce adjustment

Both Kaveri and Kumar felt relaxed after the decree was granted. Kaveri got married to her boss and she doesnot have any issues. Kumar is happy with his second marriage and has a female child.

Comments

From the above case study it may be concluded that (1) This marriage of a woman with a man younger than her is not the accepted norm of marriage in our society and as such it has to face strong opposition from all the relatives and family members. The husband himself felt that he had committed a mistake (2) Non-acceptance of daughter-in-law older than the son (3) Marriage appears to be based on physical attraction and as such broke as soon as this attraction wore out. The non-cooperation of husband even to be seen together with his wife older than him at social

parties and functions was another strong factor which had led to divorce. The wife's affair with her boss and her remarriage with the boss confirms the dilemma she and her ex-husband had to face which led to divorce.

Case Study No. 6

Personal and family background

Nagaraj is an illiterate aged 32 years who stays with his two married brothers in a village. He is a Hindu Lingayat and belongs to a financially very poor, joint family. He lost his father when he was very young. His mother brought up all her children by working as a vegetable vender. Kanta is a far relative of Nagaraj. She has two sisters and one brother and belongs to a poor family. Both her parents are working as coolies. Now both her sisters are married and brother is still a bachelor.

Nagaraj's first brother was married long before. When the second brother's marriage was arranged, elders decided to perform Nagaraj's marriage also, because of the belief that youngest son's marriage should not be performed separately. Hence elders fixed marriage between Kanta and Nagaraj. She was very young i.e., 8 years old and Nagaraj was only 13 years old. After the marriage Kanta remained with her parents till she reached puberty.

Process of marital breakdown

Kanta doesnot remember exactly when her marriage has taken place. After eight years of marriage she reached her menarche. By this time she was attracted by a young bachelor in her village. According to Kanta he was very nice to her. So when Nagaraj's mother sent some elders to bring Kanta, she went with them unwillingly. Kanta never had any feelings towards Nagaraj. She didnt co-operate with him in any of the matters related to marital life. She didnt talk to him properly. Nagaraj thought that Kanta might improve gradually. Hence, he didnt take non-cooperation of his wife seriously. Even the time was also not adequate to adjust with each other. Only for a week she stayed for the first time and returned to her parent's village.

According to Nagaraj's account, when he went to bring her back, Kanta repeated the same behaviour and illtreated him. She was not at all interested in him, but elders forced her to go with her husband and she went with him. Her in-laws treated her very nicely. She was adjusted well with every body at home except her husband. Especially in the matter of cohabitation she used to become depressed. When this behaviour continued for about two months Nagaraj lost his patience, he forced her for cohabitation. He started beating her whenever she resisted and resented his sexual advances. One fine day Kanta ran away from husband's home to her lover's home. This incident created a lot of gossip in the village.

According to Kanta's account she and her lover were in love from childhood. As such Kanta was not ready to accept Nagaraj as her husband and hence didnot cooperate with him. According to Kanta's account Nagaraj was a good man and so also his relatives. After listening the news that, her daughter-in-law has eloped with somebody Nagaraj's mother expired.

Now Nagaraj was depressed by his mother's death and by the damage to his prestige in the eyes of society as a person rejected by his wife. He loved his wife very much, but there was nothing he got in return. She has already gone and after some days he filed a petition claiming divorce on the grounds of adultery.

Since Kanta didnot have any objections she represented herself through lawyers saying that, she does not have any objections for divorce. Hence, the decree was granted soon on the grounds of adultery. He was 26 years when he got the decree and it was granted in 1990.

Post divorce adjustment

After the decree was passed Kanta married her lover and staying near her parental house in the same village. Now she has a baby boy. But, Nagaraj on the other hand has no plans to remarry. He stays in a small house. He works as a coolie and goes to his elder brother's house for food.

Comments

From this case study one may conclude that, divorce was mainly due to child marriage and the previous childhood love affair on the part of the wife.

Case Study No. 7Personal and family background

Rita is a Christian working as an attender in a high school in Dharwad, aged about 35 years. She was the only child of her parents. Her father was employed in a factory. She is educated upto S.S.L.C. and belongs to a lower class family. After four years of completing S.S.L.C. she secured a job of an attender.

Ramesh is an orphan, belongs to Christian community. He is a ITI student brought up by his far relatives. He doesnot have any siblings. After he completed his ITI training he was appointed as a mechanic in Railway service at Hubli and was staying alone. Rita's parents in their search for a marital alliance for their daughter found Ramesh. Both Ramesh and Rita agreed to marry. The marriage was arranged in a Church according to Christian rituals. Ramesh was 24 and Rita was 21 years when they got married.

Process of Marital breakdown

Since Rita was working at Dharwad, Ramesh got himself transfer red from Hubli to Dharwad. They both stayed in their new house hold for a year. According to Rita's

account, during this period she came to know about husband's vices like alcoholism, gambling and extra-marital affairs. When she objected, Ramesh started ill-treating her. Meanwhile she became pregnant. But Ramesh continued ill-treating her. Three months prior to delivery when the couple quarrelled Ramesh cut her hair. When she resisted this he told her that he could do anything to his wife. According to Rita's account the baby was stillborn because she was physically abused during pregnancy. Ramesh was a sort of hysteric and always used to beat her without reason. He always suspected her behaviour. After this incidence of cutting hair Ramesh told Rita to quit his house and since it was a first delivery parents had to take care of their daughter. Rita went and stayed for five months in her parents house (i.e., 2 months prior to still birth of her baby and three months after that). Later Ramesh came and convinced his wife that he would behave properly and accordingly Rita went with him. But, Ramesh continued to behave in the same manner. When Rita couldnot tolerate him any more, she left him in June 1983.

According to Ramesh's account he didnt ill-treat her. Rita was a quarrelsome and egoistic woman. She used to threaten him by saying that, she would leave him and lead an independent life. He also states that his wife never liked him. When she left for her parents home, she never came to his home even when Ramesh tried to bring her back. Thus they stayed separately for a period of three years.

During the interview he accepted the fact that, he was leading an adulterous life. He even admitted that he had an affair and before his marriage. Rita filed a divorce case. The decree was passed within a year on the grounds of adultery and cruelty on the part of the husband.

Post divorce adjustment

Soon after the decree was passed Ramesh married again. He continues to be a drunkard and his second wife is somehow managing him. Rita's parents started looking for a suitable partner after the decree was passed and finally found a childless widower. Rita is remarried and has a daughter from her second marriage. They are happy and she says that she has forgotten the previous marriage as a bad dream. She continues to work as an attender in the same school.

Comments

This case study supports the notion that, orphans are likely to have less marital stability as they lack the proper role models. Marital violence coupled with adulterous behaviour and alcoholism of the husband were clearly the main reasons for the divorce.

Case Study No. 8

Personal and family background

Jyoti is a good looking, Lingayat woman. Now she is aged 35 years and works as an attender in a college. She

lost her parents when she was too young and thus, she has been brought up by her relatives in a village. She has one elder sister who was married while their parents were alive. She is educated upto seventh standard. As she had reached the age of menarche she was made to discontinue her education. She has one maternal uncle Basu who was one year younger to her. Jyoti was very close to Basu and they were in love with each other from the beginning. But Jyoti's relatives didnot know about their affair.

Her relatives got her married to Ashok who was her remote relative. The age at marriage was 16 for Jyoti and 22 for Ashok. He was from a poor rural family and worked as a peon in a high school. He is the only issue for his parents. The marriage was arranged by elders and there was no demand for dowry.

Process of marital disruption

According to Ashok's account he looked after Jyoti very nicely since she was young and an orphan. The couple stayed together for two to three years in Ashok's house. In-laws also treated her well, because she was the only daughter-in-law. But Jyoti's intentions were different. She wanted to continue her love affair with Basu. Even Basu wanted to meet her often. But it was impossible as the parents of Ashok stayed with Jyoti and Ashok. According to Ashok, because of her evil designs she started picking faults and quarrelling with parents in-law and husband and

she insisted on separating from his parents. Parents of Ashok, In view of their son's comfort permitted their son to stay separately with his wife. They thought their son and daughter in-law will be happy if they stay separately. This separate house created a good meeting place for Jyoti and Basu. This all took about five years. Basu had finished his PUC and was working as a water supplier in a college campus. In the absence of Ashok, both Jyoti and Basu used to meet and kept this as a secret for four years. Since Ashok most of the day time used to be engaged in work and only for food and sleeping he used to go to home. During this period they got two children (one male and one female). Ashok didnot know that Jyoti was interested in Basu. Once he caught them both together, this incident caused lots of tension between husband and wife. After witnessing his wife's affair with Basu, Ashok lost his temper and became an alcoholic and started abusing her physically as well as verbally. This gave her a reason to go and stay at Basu's house by saying that, her husband drinks and beats her and doesnot look after the children. Thus, even parents of Basu sympathesized her and allowed her to stay at their house for two years. Meanwhile Basu searched a job for Jyoti in the same campus where he was working.

Later Ashok filed a case for divorce by alleging that, his wife has deserted him for more than two years and leading an adulterous life with Basu. Jyoti didnot deny the allegations filed by Ashok and said that she is not

interested in leading marital life with Ashok. The decree was granted soon on the grounds of adultery. It was decided in the court that one child should be given to the custody of father and one child to the custody of mother. Accordingly children are staying with their parents. The decree was granted when Jyoti was 26 years and Ashok was 32 years old.

Post divorce adjustment

After the decree Basu and Jyoti got married and the marriage was registered. They never went back to Basu's house which is at a village, because of her lost social status in the eyes of his parents. They are staying at Dharwad. Jyoti has got a female child from second marriage.

Ashok also remarried and has a male child from second marriage. He is also shifted his residence from his village to city and seems to be mentally upset.

Comments

This case study reveals that, (i) Unplanned and unthought marriage against the wishes of girl (ii) marriage at an early age of the orphaned girl who was unable to express her unwillingness to get married (iii) loss of parents at any early age (iv) continuation of premarital affair by the girl even after her marriage.

Case Study No. 9**Personal and family background**

Narayan is an agricultural coolie educated upto S.S.L.C. staying in a village in a joint family, consisting of four brothers who are married. His parents are also working as agricultural coolies. He belongs to Lingayat caste and comes from a poor family. All his married and unmarried brothers stay together in a mud house.

Gangamma is a good looking woman and belongs to a rural family with about 12 acres of landholding. She has studied upto third standard. She has only a widowed mother and a sister who is married. Since nobody was taking interest in searching a groom for Gangamma when Narayan's parents approached Gangamma's mother and brother-in-law easily agreed for marriage. After six months of engagement the marriage was arranged by elders and there was no demand of dowry.

Process of marital breakdown

Thus, Gangamma entered her marital home and stayed for few days. As Narayan was from a poor family everybody in his home had to work at field. But Gangamma was not interested either in working or in her husband. But she was of shy nature and didnot speak a word in front of anybody. As the couple were staying in a small mud hut with 12-13 members they were deprived of privacy. After some days of

marriage Gangamma had to work at fields along with her in-laws in addition to the hectic job of cooking for everybody at home.

During the interview, it was found that, Gangamma had a negative attitude towards sex. Hence, during her stay at her husband's house she didnot allow her husband to have sex with her. Narayan claims that, their relation as a husband and wife was not good from the first day itself. But Narayan used to force her for cohabitation. This led to the great difference of opinion between them. They didnot tell this to anybody. Like this they stayed for four years. Narayan started abusing her physically for non-cooperation for cohabitation. As the time rolled on Gangamma grew silent and didnot speak a word to anybody about her sufferings. She became depressed and used to sit quietly at home. All members of the family started abusing her verbally for sitting quiet. They used to demand for property of her share from her mother's house.

But according to Narayan there was no demand for property. He claimed that, his wife was an egoistic female and always wanted to show and talk about her parent's property and wealth. He tolerated this behaviour for six years in the hope that, she might improve. Meanwhile he had tried all the means to have normal relationship with his wife but in vain. As a result they didnot have any issues. According to her she went to her parent's house since she could not tolerate physical abuse and aversion towards sex

with husband. Then she didnot return. According to Narayan she was so resentful that she sent her Brother-in-law to beat and teach a lesson to Narayan.

Thus their relationship worsened and both the husband and wife turned into enemies. The relationship between by their respective families also deteriorated. All the efforts to bring her back to husband's home were in vain. Then Narayan filed a case claiming divorce on the grounds of desertion for more than two years and physical cruelty caused by voluntary withdrawl from marital life. She didnot have any abjections to the allegations made by her husband and soon the decree of divorce was given.

Post divorce adjustment

After the divorce, Gangamma's mother and brother-in-law got her married to a widower with a child and she stays at her parents house. Narayan is also remarried and has a baby girl from his second marriage. He continues to stay in a joint family and says that his second wife is adjusted with his family.

Comments

This is a typical example of marriage ending in divorce due to forcible marriage against the wishes of the girl who had nothing but aversion to sex with her husband which was the main reason for divorce.

Personal and family background

Nirmala is working as a nurse in Dharwad city who is of 44 years old at the time of interview. She was from a middle class nuclear family which resided in North Kanara. She has one brother and one sister. Both of them are married. Her father was working in social welfare department. After the completion of her S.S.L.C. she applied for a training course in nursing. After the completion of this course she was appointed as a nurse in K.M.C. Hubli in the year 1975.

Subhas is a doctor working in Government Hospital. He is from the same district as Nirmala but belonged to a different caste. He comes from a lower class family consisting of his parents, two brothers and a sister. His father was a clerk. Eventhough they were poor, Subhas's parents gave medical education to their son as he was an intelligent student he got admission to M.B.B.S. on merit.

Premarital dynamics

While studying, Subhas met Nirmala. Since they were from the same place they became good friends. Gradually after listening to Subhas's financial condition she sympathized and helped him financially. Later this sympathy was converted to love. All those years of his studies they were in good terms and soon after the completion of his studies they decided to get married.

Parents and relatives of Subhas came to know about the affair of their son and they didnot want a nurse as their daughter-in-law. But Subhas and Nirmala were firm in their decision. Nirmala's father agreed for marriage. But Subhas's parents demanded that Nirmala should leave the job as a pre-condition for the marriage. Accordingly Nirmala resigned and a simple ceremony of marriage was arranged at Bhatkal. The marriage was registered, ~~Nirmala~~ was 24 years old and Subhas was 23 years old when they got married.

Process of marital disruption

Thus they entered marital life and led a married life for seven years. Meantime Subhas was appointed as a doctor in a small town. Two children were born to them and third child was still born. After this third child was still born Subhas was transferred to an other place. Gradually Subhas developed unfavourable attitude towards Nirmala as his friends and relatives used to make fun of him as he is married to a nurse. It came to light while interviewing that Subhas had an affair with a woman. Nirmala knew nothing about this affair for a long time as he used to act as a good husband. So when Nirmala came to know about this extra-marital affair of her husband she applied for the job. By now as the rift between husband and wife was too big, Nirmala stayed in Dharwad only and did not make any effort to join her husband who was posted in another town. Thus they stayed in different towns for ten years. The other

woman forced Subhas to marry her. Thus, after a decade Subhas came to Nirmala and told her that he is going to divorce her. After a long gap of ten years they felt that there is no chance for reconciliation and hence she also agreed for divorce. Till then children were with Nirmala. Their divorce case was filed on the ground of mutual consent. As per the direction of the court they reappeared after six months of filing and the decree was granted. The custody of children was awarded to Subhas.

Post divorce adjustment

Subhas married his lover and is staying with his children and second wife. Both the children are grown up. Nirmala still continues as a nurse. She stays alone in Dharwad but her in-laws are very close to her and they visit her often. She says that, in-laws also are against this second marriage and their contact with Subhas is severed.

Comments

From the above case study it is clear that eventhough the divorce was granted on the ground of mutual consent it was clear that the real reason was adultery on the part of husband. Inability of the husband to stay loyal to his wife and the social stigma attached to wife's nursing career were the secondary reasons which led to marital breakdown.

Table 4.8.1. Distribution of case studies of divorces by age variables

Age (years)	Age at marriage		Age at filing		Age at decree		Age at remarriage	
	H	W	H	W	H	W	H	W
20 and less	1	5	-	1	-	1	-	-
21-25	5	3	1	4	1	3	-	2
26-30	2	-	1	1	1	2	1	2
31-40	2	2	6	3	6	3	4	-
41-50	-	-	1	1	1	1	1	1
Total	10	10	10	10	10	10	6	5

Note : To get a clear picture the age group of 21-30 has divided into two age groups as majority of divorcees weremarried during this age period only

4.8.1 Distribution of case studies of divorcees by age variables

From the examination of Table 4.8.1 it is clear that the women were married at a relatively younger age when compared with men. Out of ten women five were married before the age of 20. Only one male was married below the age of 20 and in this particular case decree was passed on the ground of non-age. Most of the males were married at the age of 21-25 years, these were followed by 26-30 and 31-40 years. These results are similar to the results obtained in macro-data(69 cases from court records).

When age at the time of filing the case was observed it was clear that the highest number of males were between the age range of 31-40 and the highest number of females were between 21-25 at the time of their divorce case being filed. These were followed by females between 31-40 years. The same trend was observed for age at the time of decree except one female who got decree in the age range of 26-30 years. Thus the results of the case studies are supportive of the results obtained from the macro-data.

Regarding age at remarriage only five females and six males got remarried. All the females remarried were between 21-30 except one woman. Among six males who remarried four were between 31-40. These results found from case studies couldnot be compared with the results from macro-data as

Table 4.8.2. Post divorce marital status of case studies by caste, class and residence

	Remarried		Not remarried	
	H	W	H	W
<u>Caste</u>				
SC/ST	1	-	2	2
Lingayat	4	3	1	2
Brahmin	-	1	1	1
Christian	1	1	-	-
<u>Class</u>				
Middle class	2	2	3	3
Lower class	4	3	1	2
<u>Residential background</u>				
Urban	4	3	2	4
Rural	2	2	2	1

H-Husband

W-Wife

information regarding remarriage was not available in the court records.

4.8.2 Post divorce marital status of case studies by caste, class and residence

A cursory glance at the Table 4.8.2 reveals that of the ten cases, six ex-husbands and five ex-wives were remarried and the highest number of them belonged to Lingayat caste, rest of the castes were meagerly represented in the case studies.

It is very clear from the results that, none of the respondents whose cases were studied belonged to higher class. Majority of the remarried females belonged to lower class and majority of not remarried females belonged to middle class. Among the 11 remarried respondents seven were found to be staying at present in the urban area and rest stayed in rural areas. It must be noted that one male and one female respondents who are remarried, migrated to urban area. In the post divorce period those who were not remarried stayed in almost equal number in both urban and rural areas. Thus it was obvious that among those who remarried most were Lingayats belonged to lower class and were found to be presently staying in urban areas. Among those who were not remarried highest number belonged to SC/ST caste. Majority of those who were not remarried belonged to middle class.

Table 4.8.3. Reasons and legal grounds for divorce as found from case studies

Sl. No. of case study	Real reason	Legal ground/s
1	Forced marriage and aversion of wife towards sex	Mutual consent
2	Marriage against the wishes of parents and economic dependency of husband	Desertion
3	Extra-marital affair of husband	Exparte divorce
4	Dowry, short temperament, alcoholism, unemployment of husband	Dowry, incompatibility
5	Marriage to a woman older than husband and aversion towards sex with her.	Mutual consent
6	Premarital love affair continued as extra-marital affair by wife	Adultery
7	Marital violence coupled with adulterous behaviour by husband	Adultery
8	Childhood affair continued as extra-marital affair by wife	Desertion and adultery
9	Aversion towards sex	Desertion
10	Extra-marital affair by husband	Desertion Mutual consent

4.8.3 Reasons for divorce as found from the case studies

A clear examination of case studies for the legal grounds and reasons which led to divorce from Table 4.8.3 reveal that, each divorce case is unique in nature but still one find some common factors which led to divorce such as adulterous life, premarital love affair and difference in socio-economic backgrounds of spouses when the real reasons for divorce were examined it was evident that, in majority of cases (5) adultery was the cause and in three cases the reason was an aversion to sex or sexual incompatibility. In two cases the adultery on the part wife was because of premarital love affair which continued as extra-marital affair even after the marriage was the real reason. In three cases of adultery, extra marital affair of husband was the real reason for divorce. The short temper of both the spouses marital violence coupled with adulterous behaviour, marriage against the wishes of parents when the husband was still economically dependent on parents led to divorce in rest of the cases.

From the Table 4.8.3 it is also clear that the real reasons for divorce are different from the legal grounds on which decree was granted. It is obvious that, the decrees which are passed on mutual consent, desertion, exparte divorce donot reveal the real picture. Only four cases the real reasons were used as the grounds for divorce. In the cases studied it was found that adulterous behaviour either as a single ground or coupled with other ground were the main reason for divorce. Only in two cases the divorce was granted on other grounds apart from the adultery.

Discussion

V DISCUSSION

The results of this study are discussed under the following headings

- 5.1 PREVALENCE OF DIVORCE IN DHARWAD DISTRICT
 - 5.1.1 Yearwise prevalence of divorce cases
 - 5.1.2 Prevalence of divorce cases by type of adjudication
 - 5.2 SOCIO DEMOGRAPHIC CHARACTERISTICS OF DIVORCEES
 - 5.3 MARITAL HISTORY OF DIVORCEES
 - 5.4 PROCESS OF DIVORCE
 - 5.5 CHILDREN AND DIVORCE
 - 5.6 EXPARTE DIVORCE
 - 5.7 RESIDENCE AT THE TIME OF DECREE
 - 5.8 CASE STUDIES
-
- 5.1 PREVALENCE OF DIVORCE IN DHARWAD DISTRICT
 - 5.1.1 Yearwise prevalence of divorce cases in total matrimonial cases

The examination of results (Table 4.1.1) reveals a steady increase in matrimonial cases. Matrimonial cases include all the cases concerned with marriage and family such as maintenance, child custody, separation, divorce restitution of conjugal rights, alimony, null and void and these matters in different combinations.

The plausible reason for this increase in matrimonial cases could be due to increase in nuclear families. On the basis of census of India 1981, if lineally extended and collaterally extended families are pooled together (which fit into the classical definition of the joint family) one in five households can be considered the joint family (Gulati, 1995). Thus, one of the main reason could be the disappearance of joint family where family support and advice were available to the couples whose marriage was in trouble.

Marriage bond which was once considered as an eternal, indissoluble bond and as such even when this bond became an insufferable bondage, the concerned couple especially the spouse who was most affected used to suffer in silence. With the increase in women's education, employment economic independence and a gradually increasing general liberal attitude towards divorce there is an increase in the number of couples resorting to divorce. The same finding that, increase in divorce rate with increase in the indicators of status of women viz., age at marriage education and economic independence was observed in studies conducted by Choudhary (1988) and Surender *et al.* (1992).

The women are now slowly realizing their roles and rights, they donot want to suffer like as their sisters in the past. Initially there were only few grounds in the Hindu Marriage Act, on the basis of which the party could claim divorce but the amendment to the Hindu Marriage Act in

1976 provided some more grounds like incompatibility and mutual consent. Increased awareness of legal relief available to the affected spouse, laws relating to maintenance and child custody are made more favourable to the really affected spouse. The divorce laws are also making the divorce much easy. This has led to increased rate of filing the divorce petitions.

This trend is also in confirmity with the divorce trend observed by Goode (1975), where in the divorce rate was increased more than double from 1910 to 1956, for countries like USA, Germany, England and Wales, Australia, France and Sweden.

5.1.2 Prevalence of divorce cases by type of adjudication

Table 4.1.2 clearly depicts that, there is a constant increase in the number of divorce cases filed from year to year irrespective of the type of adjudication. The probable reason is that, legislations with regard to divorce have made divorce process easier and more grounds for divorce have been added to the amendments to Hindu Marriage Act. It may be noted here that from court records it was found that out of total 135 cases filed during the five years period in only two cases the couples belonged to Christian community.

It is not just the legal provisions of Hindu laws that have permitted to take the stand of demanding freedom

from an unhappy domestic situation, but the overall socio-economic changes in the society. The fact that more and more women are become educated and working might have contributed to this process (Mehta, 1975).

Increased legal awareness facilitates divorce rate. At the same time lack of proper knowledge about the same results in dropping and dismissal of the cases. In this study these both categories of adjudication together comprised one third of the total divorce cases. Divorce creates serious adjustment problems for the adults and children concerned. Many societies in the world do not accept divorce because they attempt to conduct marriage of youngsters from same social background. Secondly all societies define certain kinds of marital disagreements and difficulties as unimportant and not to be used as a basis for divorce. Another pattern by which marital tension and unhappiness are kept within some bounds is simply to lower the expectations about what marital life will bring. The focus of family life is not on the marital relation but rather on a large extended family. Consequently, even if the two spouses do not get along well together, that is not judged to be important as long as their behaviour toward their more extended kin is rated proper and they carryout their parental tasks adequately (Goode, 1965).

About eight per cent of the cases in the present study were dismissed because most of them had filed before

the completion of 18 months of marriage. It must also be noted that if the allegations made by both parties are not proved or if the parties are below legal age for marriage i.e., below 18 years for wife and below 21 years for husband the court has authority to dismiss the case.

However, out of the total 135 cases filed more than 50 per cent have been granted decree. Majority of them were granted on the ground of mutual consent. It may be noted here that, the process of reconciliation i.e., the efforts to reunite the partners was successful only in making 3.70 per cent of the spouses to compromise. The spouses who think that they can get along again and also who think that their childrens' future is important, tried to withdraw the cases by giving an application through their respective legal advisor. Eight such applications were with drawn in the present study.

Overcrowding of the cases, non-availability of either of the party on the day of court hearing and non-availability of the witnesses if any were the important matters which usually lead to pending of cases (5.93%). It is credible that in Dharwad civil court only five per cent of the divorce cases were pending. It is to be noted that there was an increasing trend in passing decree of divorce from 1986 to 1990 except during 1989. But the same trend was also observed in dropping the cases. However, the present result can't be discussed in comparison with other

studies, as there were no studies which investigated the fate of divorce petitions in the courts.

On the whole it may be concluded that, more than 50 per cent of the cases were granted decree of divorce. One fourth of the cases were dropped, only five per cent of cases were pending and the rest of the cases were found to be dropped, dismissed or compromised. The two trends that strongly emerged were that, firstly there was an increase in the number of cases decreed and secondly there was a steady decrease in the cases withdrawn.

5.2 SOCIO-DEMOGRAPHIC CHARACTERISTICS OF DIVORCEES

5.2.1 Age

When the age as one of the major socio-demographic factor was examined it was found that, in case of about half of the petitioners the age was not found in the court records which was the main source of data. If any one of the age variables i.e., either age at marriage or age at the time of filing the suit was recorded in all decrees of divorce or in the concerned case files, it would have helped the calculation of age difference between the spouse and age at the time of decree. Hence, the conclusions drawn regarding age in this study are only tentative and partial.

From the available data on age in 50 per cent of the case records it was found that majority of males were married after the age of 21 years, especially between 26-30 years. This is probably due to the ideal age period for

marriage of males was considered to be from 26-30 years. On the contrary majority of the females were married below 21 years, and the next highest number of females were married between 21-25 years of age. This is because in Indian context the parents of females who are unable to get their daughters married at proper age are subjected to some sort of social criticism. Hence, the highest number of females were married when they were 20 years and below. These results were corroborated by the results of the case studies, where it was observed that, out of ten divorce cases in five cases females were married at a tender age i.e., below 18 years of age. So it may be inferred that the females who are married at an younger age are likely to have less stable marriage.

The results obtained by this study are in confirmity with the results obtained by many researchers (Fonseca, 1966; Kundu and Ghosh, 1977; Glenn and Supanic, 1984; Pothen, 1986 and Choudhary, 1988). These researchers reported that age at marriage for female divorcees was less than the legal age for marriage. Such women who enter the marital life without preparation will face the problems arising out of early marriage. Their inability to express their refusal or unwillingness to marry the partner selected by parents or elders can lead to marital problems with the consequence of divorce. This result is also supported by the case studies conducted (see case study No. 6, 8 and 9). In these cases the girls were too young and they were not

prepared to accept their marital life which they felt was very difficult.

Regarding age at filing the suit also 50 per cent of the case records were found to be inadequate. Of the remaining respondents majority of the wives were in the age group of 21-30 years and majority of the husbands were in the age group of 21-30 and 31-40 years. Equal per cent (27.5%) husbands belonged to the age group of 21-30 and 31-40 years at the time of filing the case.

The fact that majority of the females in whose case information on age was available were married below 20 years of age and the highest number of petitioners filed the divorce between 21-25 years of age. The next highest number of cases were filed by the female petitioners of 26-30 years of age. This clearly revealed a time gap of one to five years between marriage and filing the petition for divorce. This fact is also borne out by another result found in this study where it was observed that 56.5 per cent of the respondents both male and females were found to have led one to five years of married life before filing the case (See Table 4.3.2). It may be noted that less than two per cent of females and less than five per cent of males were in the age range of 40-50 when they applied for divorce. This indicates that, very few individuals having many years of married life. This could be due to the fact that with the increase in years of married life the couples may experience

good understanding and mature affection with the partner and other members of the family. This contributes for good adjustment in marriage.

From the results (Table 4.2.1.1) obtained on the age at filing the case and the age at decree it was obvious that most of the cases were granted decree within two years.

Thus, it may be inferred that the information with regard to age was inadequate in the court records. Regarding the divorce cases where the information was available it was observed that, the highest number of females who were married below 20 years of age had less stable marriages, they led a short period of married life and the first decade of marriage was found to be the most crucial in determining the stability of marriage. Similar findings were observed in the studies conducted by Fonseca, 1966; Pothan, 1986 and Choudhary, 1988.

5.2.1.2 Distribution of divorcees by age differences between the spouses

A perusal of Table 4.2.1.2 clearly reveals that the petitioners age was not mentioned in the 50 per cent of the court records. Of the rest the highest number of couples had the age difference of one to five years, these were followed by couples with six to ten years age difference. This is due to the prevalent social norm that husband should be older to wife and there should be at least four to five years of age difference between the spouses.

It was obvious from the results that majority of those with an age difference of six to ten years and 10-15 years were from rural areas. In the rural areas, most of the bridegrooms usually belong to the close circle of relatives. As such the parents may not consider the age difference even when the age gap is wide. In such cases there may be difference of a decade in age between husband and wife. This could be a reason for the age difference of six to ten years in one fifth of the divorce cases.

The reason for only three per cent of spouses with age difference of 10-15 years are less being represented in the present sample because, such couples are likely to follow husband dominant and wife subordinate roles in their marriage. Only less than three per cent of couples (2 Nos.) were found to have less than one year age difference. This could be probably due to the fact that both these couples had civil marriage and because of same age they are likely to have same values and aspirations in marriage.

However, studies conducted on divorce (Fonseca, 1966; Choudhary, 1988) revealed that there was no significant relationship between the age difference of partners and marital maladjustment.

5.2.2 Distribution of divorcees by occupation

The close examination of results of Table 4.2.2 reveals that, half of the male divorcees were serving either

in government or private sector. These results could be due to the fact that such males are better educated more knowledgeable regarding legal proceedings for divorce and financially they are in a better position to bear legal expenses as compared to other men in other categories of occupation like agriculture, coolies, businessmen. This may also be due to the fact that, the official tensions with regard to work load, promotion, travelling involved in the job, non cooperation of other workers, insufficient pay scale, transfer problems may add up to the marital tensions, Eg., in case study No. 3 transfer of husband separated the spouses for five to six years where wife had to stay at her parental home. The husbands who were agriculturists comprised more than one fifth of total sample. The present results couldnot be discussed in detail as there were no studies which investigated the affect of occupation on divorce in both urban and rural areas.

One tenth of male divorcees were unemployed. As they were unable to maintain their wife economically there were conflicts between the spouses. In three cases, the divorcees were still students when they got the decree. This may be attributed to the fact that economic dependency of husband. For e.g., it was witnessed in case study No. 2 that even though the spouses were interested in leading marital life it was economic dependency of the husband which made him to yield to the demands of his relatives and parents to divorce his wife. In other two cases the

divorcees were married by civil marriage and still were students and thus they could not endure the economic demands of the married life, as they had married against the wishes of elders. Pothan (1986) stated that eight per cent of males in her study were unemployed. Some of them were students. Even in Choudhary's (1988) sample, 16 per cent of the males were unemployed at the time of marriage and because of unmet demands of household, they divorced.

Regarding wife's occupation majority (60.87%) of them were housewives. It should be noted that household chore doesnot have any value as it is considered as unpaid work. Even in villages many of the housewives share equal work with their husbands in fields even then they are considered as housewives only without any independent income. Nearly 30 per cent of wives were working either in government or private sector. This fair representation of working women among female divorcees can be explained by examining the sociologists' views (Kapadia, 1958 and Kapur, 1970). It was felt that working women want to be independent and want the decision making powers. As they are independent economically they are less dependent on their husbands and have a modern and nontraditional attitude towards marital roles.

5.2.3 Distribution of divorcees by type of family

A perusal of the Table 4.2.3 shows that the highest percentage (60.87%) of divorcees were from nuclear family

system and rest were from joint family system. This may be attributed to the preponderance of nuclear families in both urban and rural areas as indicated by the census reports (Gulati, 1995).

However, the present results could be due to the fact that in today's nuclear family marital expectations and marital differences along with lack of elders' presence and guidance which can act as checks in conflicts between husband and wife can crystallize marital conflicts into divorce. This finding is in disagreement with the findings of the study conducted by Pothan (1986) where the vast majority (70%) of the spouses lived in joint family system.

5.2.4 Distribution of divorcees by their residential background during their married life

The residential background of divorcees during their married life, was clearly showed that, those belonging to urban area were more among divorcees (42.03%). It may be noted here that among the female divorcees from urban area next to house wives majority were working women (Appendix 4). As such these female divorcees are likely to be subjected to the stress and strain of urban life and demands of both the career and family life which could have contributed to the process of divorce. The insistence of husband that, the working woman should give her salary to him and perform the wifely duties perfectly was found to be the main reasons for divorce in one of the case study (Case study No. 4).

The contempt of the husband towards the occupation of his wife and the demands of husband and in-laws that she should resign the job initiated the process of divorce in another case (Case Study No. 10). In the previously quoted case study the unemployment of husband and his demand for money were the additional factors which contributed to divorce. Thus the interaction of all these factors in the urban context could have contributed to the preponderance of divorcees from urban areas. It may also be noted that even the majority of male divorcees were from urban areas. The tensions of the urban life and interaction of various familial and social factors could have contributed to the process of divorce.

The results of present study are supported by studies conducted by Pothen (1986) and Choudhary (1988) where they found that, the divorces were overrepresented in urban areas.

Next highest majority of the ex-couples were from rural areas, (husband and wife from rural area). The possible reason could be that in rural families the parents-in-law have more hold on the lives of young couple and the daughter-in-law who is married into family has to be very obedient to all the family members and has to work both in field and home. In rural are the girl and boy were least likely to be consulted regarding their own marriage. In such a context there is more likelihood of dominance and

interference by the in-laws and many marriages being conducted without the complete willingness of the concerned parties. In two case studies conducted by the researcher (Case Study No. 2 and 6, see chapter No. IV). This reasons were found to break the marital tie.

In case of one fifth of the ex-spouses, wife was from urban and husband from rural areas. The probable reason for divorce among these couples could be difference between them in viewing the things. The wife brought up in an urban background is likely to view marital life from a different angle. She is likely to have stereotype concepts of in laws, and she may want to live separately. But many times rural husbands are tied down by the norms of village which demands that they live with their parents. Even the in-laws from rural area are likely to look at the daughter in law from urban area with suspicion.

Divorce was less among the ex-couples in which husband was from urban and wife from rural area. This might be due to the fact that husbands are more dominating, and wives from rural area play a subordinate role if they marry a spouse from urban area. Moreover it is the wish of parents from rural area that, their daughters should be happy at any cost, hence they keep fulfilling the demands of the urban son-in-law.

In total one may infer from the above discussion that divorce is more among couples from urban areas.

5.3 MARITAL HISTORY OF DIVORCEES

While examining the marital history of divorcees five variables which were analytically discussed are viz., (i) the type of marriage, (ii) the duration of marriage (iii) the period and type of cohabitation they had with their spouse (iv) duration of separation preceding divorce (v) type of separation.

When the type of marriage was examined it was clear that, majority of the divorcees had traditional arranged marriage. This result is expected as traditional arranged marriage is the norm in India and more so in district places like Dharwad. When this fact is viewed in the background of age at marriage of female divorcees and also in the background of case studies conducted it becomes clear that specially in case of female divorcees there was less likelihood of young girls being consulted for their consent while arranging the marriage. Instead more importance is usually given to family cohesiveness without giving much attention to compatibility of concerned boy and girl. Gulati (1995) explains that Indian society is preoccupied with marriage followed by birth of children within marriage, and subscribe to the universality of marriage for all its members men or women able bodied or disabled. Moreover, marriage, particularly in case of girls has to be arranged early and within the same caste groups. This may result in

forced, marriages which are likely to break during the earlier period of married life.

It is evident from the results that even small per cent of love marriages (both civil and temple marriage) didnot endure for a longer time because of non acceptance of bride by the in-laws and economic dependency of groom on his parents. Goode (1965) stated that most of the love marriages fail because the close emotional tie between mother and son in India which it has not been subjected to any ideological attack.

Regarding duration of marrage it was clear that majority of the ex-spouses lived only for a short period of one to five years (Table 4.3.2). Especially early days of marriage are very crucial to marital adjustment as spouses enter into close physical and emotional relationship. Several matters concerning adjustment/ maladjustment in life may be found right in this period. These may later determine the chances of stability or instability in marriage. Kenkel (1973) has rightly said that, despite of romantic notion during early years of marriage it is during these very years that the chances for divorce are the greatest.

Less than one fourth of divorcees had a marriage duration beyond five years. But it was observed (Table 4.3.3) that they didnot stay continuously together. Of course there were marital conflicts and elders used to patch

those conflicts thus they lived together or cohabited intermittently. But it was found from the results that there were very few divorcees who lived with their spouse more than ten years prior to divorce. This could be due to the fact that with the increase in the years of married life they may experience good understanding and mature affection with partner and other members of the family. Birth of children and responsibility of child rearing might also lead to good adjustment.

Next the variable of period and type of cohabitation was examined. The period and type of cohabitation are good indicators of the kind of marital life lead by divorcees. Hence, these variables were analysed in this study. When the period of cohabitation was considered, it was almost coincided with the period of marital life. It was found that, the majority of the ex-spouses had cohabited for a period upto five years. Once the partner lose interest in the spouse he/she will not cooperate in the cohabitation. Satisfactory sexual life is an essential factor for a happy marital life. It is the sex relationship in its emotional as well as physical aspects that play a major part in married life. Once the person is deprived of sexual life he is frustrated and forces the other spouse for sexual life. Such instances were observed in case studies with serial number 1 and 3. In both these cases one of the spouses was deprived of sexual relations which lead to cruelty to the other spouse. It was observed from case studies that even

with the parental pressure to adjust with the spouse there was no improvement. In many cases advice and pressure from parents lead only to intermittent cohabitation. It must be noted that, 50 per cent of divorcees had intermittent cohabitation. This shows that, the elders/parents even now play a crucial role in patching up marital discord in India. However, it should also be noted that, majority of divorcees who lived together intermittently did so only upto five years of period.

In the present study almost all the divorcees experienced separation period. This period is the one during which all the conflicts will aggravate and the marital disputes becomes intense. If the spouses are not interested they separate from each other and some other factors like ill-treatment, cruelty, will add up to this sexual deprivation which lead to extreme hostile attitudes towards each other. All this eventually lead to the decision to divorce.

It was observed from the case studies that except case study No. 3 all the couples had experienced separation period i.e., majority of them had separated for a period of five years. There could be two probable reasons for separation prior to divorces. Firstly it may be noted that divorce is granted easily if the period of separation is at least two years. In this case divorce can be obtained on the ground of desertion. Secondly if one of the spouse is

in a hurry to remarry he/she can file divorce suit soon after two years of separation period.

Type of separation is also an important factor. In the present study an overwhelming majority of the ex-spouses were separated unilaterally. Out of 69 couples in case of 66 couples the separation was unilateral. In case of 46 couples it was the wife who separated unilaterally and only in seven cases it was the husband who separated unilaterally. The probable reasons for majority of wives to separate unilaterally could be (i) physical and verbal abuse by their husbands, (ii) ill-treatment meted out to them by their husband and in-laws and (iii) demanding nature of their husband. These were the reasons given by many of the wives who unilaterally separated (See Table No. 4.4.3).

Among the spouses who got decree on mutual consent grounds they separated by mutual consent. In one case couple were separated legally because of differences of opinion and difference in mutual interests.

Similar results were obtained by Kapur, 1970; Pothan, 1986 and Choudhary, 1988. These researchers found that, almost all divorcees in their study had experienced period of complete separation. And they all had short duration of cohabitation so also duration of marriage. Mantri (1993) showed that, there was a positive correlation between length of marriage and marital adjustment. However, there is no evidence in previous researches to show the effect of

different types of separation like unilateral separation, separation by mutual consent and legal separation on marital adjustment or divorce.

From these results it is concluded that, divorcees had short duration of married life and cohabitation. They separated unilaterally and had experienced separation period prior to divorce in their marital history.

5.4 PROCESS OF DIVORCE

Marital adjustment requires tendency in spouses to resolve conflicts and an overall feeling of happiness and satisfaction with marriage and with one another. Failure to make such adjustment gives rise to conflicts and these conflicts precipitate into divorce. The legal process of divorce involve many steps like filing the suit, duration of the suit to be disposed, complaints of each spouse against the other, legal grounds for the decree and maintenance obtained by the spouse.

Regarding the initiation of divorce proceedings or initiative in filing the suit, the results showed that (Table 4.4.1) the highest number of petitions were filed by husbands (46.38%). These results could be due to the prevalent stereotype of Indian husband which expects husband to make very little effort to adjust to his wife and expects him to be in full control of his wife. It should also be noted that, it is easy for divorced men to get remarried. All these factors would have made more husbands than wives

to initiate divorce proceedings. Another reason could be that husbands have more authority in taking divorce decision and they are likely to take maladjustment factors seriously. It is also a fact that husband will not lose much respect in the eyes of society for taking the decision of divorce (Choudhary, 1988). On the contrary if a wife takes initiative in filing the case she may have to face many adverse consequences. Divorced women might not get regular maintenance and she also loses her share in husband's property. She will be looked down by the society and will be deprived of moral support by relatives and friends (Pothen, 1986). Another reason may be that many of the women were aware of the tedious and lengthy legal procedure but they lack knowledge about the legal facilities. This was very obvious in the present study as very few i.e., only four female petitioners claimed maintainance.

Next highest number of petitions were filed by both the spouses on the basis of mutual consent. This could be due to quick and easy method of getting a divorce decree if it is filed on the ground of mutual consent. In the rest of the cases one spouse went to court and alleged some complaints but the other spouse even though was interested in the divorce denied such allegations. But after realizing the futility of dragging the case they decided to file the case finally on mutual consent and then decree was passed.

The results obtained in this study were in contradiction to the findings of Pothen (1986) and Choudhary (1988). In both these studies the petitions were filed equally by husband and wife and a very small number of petitions were filed seeking custody of minor children and still fewer petitions were filed on the grounds of mutual consent.

Regarding the duration of divorce proceedings it was found that, most (half) of the applications were decreed within two years of filing the suit. The legal procedure starts with efforts at reconciling the spouses. If the spouses fail to reunite then the divorce proceedings begin with the presentation of the case which includes complaints or allegations. This is followed by serving legal notice/s to the opponent party. Sometimes the opponent party may or may not represent himself/herself through the lawyer. If the concerned party is represented by the lawyer in the court the party files the objections to the allegations made by the other party. This is followed by presentation of witnesses to prove the allegations. Then the court will decide about the custody of children to be awarded (if any) and maintenance to be awarded to the wife/ husband, this all will continue upto two years or beyond that. If the petitions are filed on mutual consent, there will not be much complications. There were 26 cases (37.68%) which were granted decree within a year. Out of these 26 cases 25 were granted decree on mutual consent.

Of the two cases which dragged for more than five years, one was extended beyond four years and the other case beyond seven years. Both these cases were decreed in 1990. In these particular cases the legal proceedings delayed because, in one case the husband was living abroad and the case was filed by the wife. In another case the petition was filed by the husband aged more than 55 years on the ground of mental cruelty. His wife fought the case for nearly seven to eight years and lost it.

The complaints given by spouses were examined in detail as these complaints reflect the real reasons for divorce. When the complaints of spouses were analysed it was found that, majority of the wives complained about physical abuse or and verbal abuse by their husband and also ill-treatment by spouse and in-laws. In contrast only two male spouses complained about physical/verbal abuse by wife. None of the males were subjected to ill treatment either by wife or in laws and also none of them complained about unemployment and demanding nature of the spouse. Ten wives complained about demanding and bossy nature of their spouse. In these cases the wife, inspite of earning and looking after the household responsibilities, she had to fulfill the demands of her husband by giving money and also had to respond to his demanding nature. Out of these ten cases in seven cases the husband was unemployed (see Table No. 4.2.2).

A considerable number of wives complained about ill-treatment by in-laws who used to harass them for dowry. Childlessness was complained by four wives due to which they had to tolerate irritative nature of spouse i.e., they had to constantly bear the irritative and insulting taunts from their spouse for being the childless woman. This indicates that women suffered more. This could be because in Indian context women are trained to be subordinate to men (Gulati, 1995).

Working career of the wife led to separation of spouses which was mentioned as the communication gap by three wives in their petitions. Three wives complained about the adultrous nature of their spouse.

Husbands' complaints were mainly about the irritative nature of wife. The other factors like incompatibility leading to communication gap, adultery and childlessness also precipitated the process of divorce. Wide age disparity was also a reason for strained marital relations as complained by three husbands. This view is supported by Choudhary (1988) who found that biological reasons were main reasons for divorce.

Regarding the legal grounds on which the decrees were granted it was found that, mutual consent was the major ground for divorce in many of the cases. It could be due to the fact that divorce is easily and quickly granted if it is claimed on mutual consent. The ground of mutual consent was

followed by desertion. It is evident from the results obtained (Table 4.3.4) that almost all the divorcees experienced separation period. Some of them claimed divorce on grounds of desertions by their respective spouses. Thus unilateral separation was conveniently named as desertion, which proved to be an easy ground for claiming divorce. Cruelty was next frequently quoted ground for divorce. The results obtained in the previous Table (4.4.3) indirectly form a grounds for divorce i.e., cruelty e.g., Physical/verbal abuse, ill-treatment, demanding nature of spouse put together either formed physical cruelty or mental cruelty. Cruelty followed by desertion was the main legal ground on which decree was passed in six cases. As witnessed from case studies Sl.No. 4 and 10 physical cruelty to wife followed by separation and mental cruelty caused by the husband led to divorce in the cases respectively.

Incompatibility either physical or mental which includes irritative nature of the spouse, moodiness, non-cooperation of the spouse in the sexual and other matters initiated and sustained the process of divorce. It must be noted here that, of the spouses who claimed divorce on the ground of incompatibility of the spouse, five were decreed on the same ground accompanied with some other grounds.

Incurable diseases and childlessness were the grounds for divorce decree in two cases. In one case the husband had the heart trouble which was incurable.

With regard to dowry and adultery, the wives and husbands complained about these less frequently. This would be due to the fact that these grounds were very difficult to prove. Because unless it is proved in the court of law, the petitioner is not allowed to get a decree on these grounds. It was observed that the harassment for dowry and adultery usually will be associated with some other acts like cruelty and ill treatment by the spouse. If this becomes a serious matter this alone account as a ground for divorce. These results were not in accordance with results of case studies as it was found that, women when contacted personally will disclose their marital history but not in court and even the harassment for the dowry can't be claimed as a ground for divorce unless it is proved. The results obtained by Pothan (1986) with regard to grounds on which divorce was granted revealed a different picture. The cruelty, adultery and unemployment were the frequent causes on which divorce was granted in Pothan's study (1986).

With regard to maintenance it was found that out of 69 only four ex-wives were granted maintenance. This indicates that rural women were completely unaware of their right to claim maintenance. Many of the ex-wives with children did not have any source of income. However only two wives claimed the maintenance. The court had ordered the ex-husband to pay maintenance in one case. In another case the ex-husband voluntarily gave maintenance even prior to the court order.

Of course in some other cases where wives were working there was no question of maintenance as they were economically independent. When the results of microdata (i.e., case study data) was explained, it was found that 50 per cent of the female divorcees were remarried. Among the rest some were working and some were staying with their parents. Out of 10 cases studied, except one, none claimed maintenance. A lumpsome amount of alimony was granted to the wife in one case (Case study No.1). Thus from the results it was obvious that out of 69, only four wives claimed maintenance and all got it. These results are not in confirmity with results of studies conducted by Pothen 1986 and Choudhary, 1988. In Pothen's (1986) study 45.5 per cent and 12.5 per cent wives were granted temporary and permanent alimony respectively. In Choudhary's (1988) study also 12.8 per cent ex-wives were granted alimony. This could be because of the fact that, both of these studies were conducted in comparatively bigger cities than Dharwad, where the people were much educated and were aware of their rights to claim maintenance. Where as Dharwad is a rural based district. As such there is a need for creating legal awareness about these aspects especially in rural areas of Dharwad district.

It must be noted here that if a wife claims maintenance along with divorce decree it will be a easier process. But some female divorcees file a case only for maintenance and in some cases the females file maintenance

case after legal separation. In both the above said conditions it is difficult to follow the procedure from the beginning and it will be a difficult task.

Thus, it is concluded that in many cases husbands were the initiators of divorce proceedings. A large number of cases were granted decree within two years of filing. The wives complained mainly about cruelty by their husband and in-laws. Where as many husbands complained about irritative nature and physical incompatibility of their wife. Mutual consent and desertion were the frequently quoted legal grounds for divorce. Only four ex-wives were granted maintenance and the rest of the wives didnot claim for maintenance and didnot get it.

5.5 CHILDREN AND DIVORCE

Divorce is more likely to occur in childless couples. Children are considered as an insurance against family breakdown. In the present study it was obvious that an overwhelming majority (70%) of the couples didnot have children (Table 4.5.1). This could be due to the fact that during the earlier years of marriage childlessness and divorce go hand in hand. Other researchers also found that among divorcees childless divorcees predominate (Fonseca, 1966; Pothen, 1986; Choudhary, 1988 and Leslie and Korman, 1989;).

The conflicts during earlier years of marriage induce the couple not to have children or to have less number of children, this presence of children again imposes emotional obligations and legal and financial barriers against marital disruption. This might be the plausible reason for the fact that, chances of divorce are less among couples with children. Sometimes failure to have children induces family instability, especially where there are other disruptive factors. Thus childlessness is one of the important factors contributing to the process of divorce.

Among the ex-couples with children it was mostly (80.95%) mother who kept the children. This may be because children were of minor age and as such usually the custody of children is awarded to the mother by the court. Father usually donot get child custody. Because in the Indian context the main role of father is that of the bread winner. Consequently men lack child rearing skills and ultimately it is the mother who takes care of her children legally father is usually not given the legal custody of the minor child unless the mother is proved to be unfit to take the custody of the child.

An interesting point to be noted here is that, out of 18 female divorcees with children eleven were staying with parents, sans siblings. Female divorcees didnt go to their parents where there were siblings staying with the parents. These results indicate that, divorced women with children

might have found that her parental home more congenial to stay especially when her parents were not obliged very much to their sons and daughters-in-law. In such cases they were ready to stay alone with their children.

Friends usually maynot extend their helping hand to especially a female divorcee. Among the two male divorcees with children, one was staying with his ex-spouse only, as he had managed to get divorce without intimating his wife. As such his ex-wife was unaware of the fact that, she is divorced by her husband hence children were getting affection and love from both the parents. While another male divorcee with children was staying with his parents so he didnt have any problems but the children were deprived of mother's love and affection. In this study it is to be noted that many female divorcees with children faced more problems because they were unaware of their right to claim maintenance even for minor children. Out of 17 divorcees who were granted custody of children, only four divorcees were granted maintenance. From the case records it appeared that not many of them claimed maintenance either for themselves or for their children.

The findings of this study were in confirmity with the results obtained by Fonseca (1966), Leslie and Korman (1985), Rankin and Manekar (1985), Pothan (1986), Krishnakumari (1987) and Choudhary (1988). These researchers reported that the presence of children contributed to a longer duration of marriage. Majority of

the children were under the custody of mother and it was mother's parents and relatives who supported the children morally and financially. Only in few cases financial supporting was shared by both the parents side and even by the step parent also.

5.6 EXPARTE DIVORCE

Exparte divorce is one where one party remains absent or doesnot represent himself/herself through a lawyer. The exparte divorce may be decreed in both these contexts.

With regard to prevalence of exparte divorce it came to the light that, such cases comprised about one third of total divorce cases in the present study. There was no particular increasing or decreasing trend observed in exparte cases. Since, these cases form one third of total number of divorce cases it was deemed necessary to study them, in detail. When these cases were examined, it was found that in majority of the cases (90.90%) exparte spouses were women specially from rural areas. In only nine per cent of exparte divorce cases husband was the exparte spouse.

The reason why most of the women from rural area were exparte spouses may be that, first of all they were unaware of legal procedures and the process of divorce. Secondly they think that going to court is viewed as something criminal by the village people. In some other cases the

parents and relatives didnot want their daughter to be exposed to the court proceedings. In some other cases where they wanted their daughter to get married again they simply kept quiet and did not respond to the legal notice/s. But there were some cases where wives were so innocent that they didnot know what to do when they received the legal notice/s. Those who stay with a new partner whether married or unmarried didnot respond to the legal notice/s. These plausible reasons for preponderance of women among exparte spouses were pointed out by the lawyers during the discussions the researcher had with the lawyers (lawyers who were handling the matrimonial cases).

It was found that the two ex-wives who obtained exparte divorce provided witnesses to prove that their husbands were leading an adultrous life and hence the decree was granted on adultery. One of the husbands was already living with an other woman and was no more interested in his wife. In another case ex-husband used to threaten the spouse by saying that if she doesnot allow him to continue the illicit relation with other woman he would divorce her and marry his mistress.

When the socio-demographic profile of exparte divorcees was examined it was found that, the majority of exparte spouses were rural housewives. Most of them were married at an early age. Many of them didnot have children and were uneducated. As such they didnot know the legal procedures, rights and privileges they were entitled to in

the divorce case (Appendix 3). They didnot have any source of information or person which/who would convince them and guide them to take right decisions. Hence, these women mightnot have known the consequence of divorce i.e., loss of maintenance for themselves, maintenance for their children if any and loss of their right to husband's property. Thus they were deprived of their actual rights and previleges. The findings of the present study cannot be subjected to any comparative discussion as there were no studies on exparte divorce cases.

Coming to the reasons given by the spouses in getting decree where the other spouse being exparte it was obvious that, according to the allegations made by the husbands more than half of the ex-wives didnot respond to legal notice/s and were staying with their parents. From this one can't draw any conclusions unless each case of exparte divorce is studied in depth. This is because the true reason/s could be something different than the one quoted in divorce petition/s. As found from a case study of exparte divorce conducted by researcher the reason (Case study No. 3) was something different from what was presented in the case file.

Whatever reasons that were quoted by ex-husbands against their wives were all one sided. There was nobody to object to their allegations. The laywer representing the petitioner as his duty serves the legal notice/s and if the

concerned spouse doesnot seem to respond, the court considers that the opponent party is not willing to lead marital life. As such the decree will be granted.

It was found from the case records of the exparte divorce cases that, four husbands had alleged that their wife is interested in other men. Out of these four, two were married at a very young age. In other two cases both the husbands had a job which required them to travel frequently.

In other two cases husbands complained that their wife wanted to work outside the home and they didnt allow her to work. In rest of the two cases husbands alleged that, their wife was too close to her parents and refused to stay with husband, instead she forced her husband to join her at her parental home.

As mentioned earlier, based on these one sided allegations one cannot come to any conclusion regarding the real cause of exparte divorce. There is dearth of supporting literature with special emphasis on exparte divorce. As such these results obtained in the present study cannot be compared with the results of other researches.

5.7 PLACE OF RESIDENCE OF DIVORCEES AT THE TIME OF DECREE

When the place of residence at the time of decree was examined, results proved that the parental family is still

the bed rock for even married children. But the parents played an important role in supporting their married children even when they were in the fag end of the marital relationship. This was found from the present study that, highest per cent of the divorced females (66.65%) as well as males (48.53%) were staying with their parents at the time of decree.

Regarding residential background of the spouses who were staying with the new spouse only three males and two females were found to be living with new spouse. All these five were married to the new spouse either in the temple or married without any solid witness like photographs, video camera, invitation card, etc. So these could be considered as illegal marriages. This indirectly indicates that remarriage is difficult for both males and females. The reason could be that, spouses feel obligated toward their children if any. Remarriage is considered as a taboo. Emotional disturbance due to failure in the first marriage and non-availability of proper spouse for the second marriage were the barriers for remarriage (Pothen, 1986).

A considerable number of females were staying alone at the time of decree. This could be due to many reasons. Firstly because they didnot have anybody to support them. Secondly, their economic independence must have made them not to go and stay with relatives. Thirdly, they might not want to be indebted to their relatives. Finally, some relatives hesitate to support the divorced woman. A little

more than 10 per cent females were staying with the relatives.

The results revealed that only 1.47 per cent of female divorcees were staying with sibilings in their parental home . This could be due to the fact that, if the sibilings are staying with parents the female divorcees may hesitate to stay with parents. Rather they may prefer to stay alone. But sibilings and parents are comparatively more sympathetic towards male divorcees. This could be the reason for 4.35 per cent of male divorcees staying with parents along with sibilings.

These results from macro-data when compared with the results of case studies conducted, it was clear that, more than 50 per cent of the divorcees (in case studies) were remarried legally. This information was not available in the court records as the legal procedure of divorce end as soon as the decree is granted, and sometimes upto order of maitenance is given. In the case studies conducted bearing serial No. 1, 9, 5, 8, 10 all the male divorcees were remarried. In case study No. 5, 6, 7, 8, 9 the female divorcees were remarried. In all these cases both male and female divorcees remarried after legal divorce.

When the results of present study compared with the results obtained by Pothen (1986) and Choudhary (1988), it was found that majority of the divorcees were staying with their parents at the time of decree.

It may be concluded that parents and relatives support the divorcees at the time of decree and male divorcees stayed alone if they are not staying with the parents.

5.8 CASE STUDIES

5.8.1 Distribution of case studies of divorcees by age variables

Results obtained (Table 4.8.1) revealed that in about 50 per cent of the cases males were married in the age range of 21-25 because it is considered as the ideal age for males to get married. On the contrary females age at marriage in most of the cases was below 20. This clearly indicated that, the parents of daughters were in a hurry to get their children married as soon as possible. This result supports the results obtained by macro data (from court case records). Regarding the other age variables in these ten case studies namely age at marriage, age at filing age at decree are almost similar to the results obtained by the analysis of the macrodata. The discussion presented already in this chapter (Table 4.2.1.1) holds good for the case study data also.

Regarding age at remarriage it was observed that, males were remarried at the age of 31-40 years. Since the age for females was below 20 years, their age of remarriage was between 21-30. One male and one female got divorce decree in the age range of 41-50 and remarried in the same

decade. These results cannot be discussed with other studies as there is dearth of information in this area.

5.8.2 Post divorce marital status of case studies by caste, class and residence

Regarding the remarriage about 50 per cent of ex-spouses were remarried (Table 4.8.2). Among the males who got remarried, majority belonged to lower class. In the middle class the divorcees remain unremarried which could be probably due to the social prestige they lose in the eyes of the society. Only two divorcees one male and one female were shifted from rural area to urban area after they were granted the decree of divorce. This was due to the fact that, the rural society didnot accept the remarriage of divorcees. Of these ten cases two were married out side their caste (one couple SC/ST male and higher caste female another coupled Brahmin female and Lingayat male).

The results obtained also make it clear that remarriage was more among the divorcees from Lingayat caste and lower class than among divorcees who were from middle class and other castes. It must also be noted that the majority of remarried divorcees lived in urban area.

5.8.3 Reasons for divorce as found from case studies

A clear observation of table 4.8.3 reveals that, the main reason for divorce was extramarital affair either by husband or by wife. The younger age at marriage was found

to make the young girls to accept the spouse selected by parents, who later were unable to enter the marital life. In most of the cases it was either the forced marriage or child marriage. The female divorcees married either in their teens or before puberty. As such they couldnot express their affair and later it was difficult for them to adjust with the spouse selected by parents or elders (case study No. 1, 3 and 10).

The sheer poverty of either of the families of spouses was also one of the main factor for difference of opinion between both the families. This difference in socio-economic and caste status lead to non-acceptance of daughter-in-law by the elders.

Thus it is necessary that parents should be aware about their child's choice and they should consult the concerned boy and girl before contracting the marriage. Lack of knowledge about sex is also an important factor. When, it is not given or understood properly it leads to an aversion towards sexual life. This indicates there is a need for sex education for youth.

From these discussions, the following conclusions may be drawn :

1. There was increase in number of divorces over the five year period reflecting socio-economic and educational changes in the families of Dharwad district.

2. Only partial and tentative conclusions could be drawn regarding the age variables as there was no proper documentation of the age of petitioners in fifty per cent of the Court records pertaining to divorce.
3. Majority of the male divorcees were found to be serving either in private or Government sector and majority of the female divorcees were found to be house wives. It may be inferred that this occupational picture of the divorcees is highly representative of the population of married couples. Similarly majority of the divorcees were found to be from nuclear families. This may be attributed to the preponderance of nuclear families in both rural and urban areas. On the basis of census of India 1981, if lineally extended and collaterally extended families are pooled together (which fit into the classical definition of the joint family) one in five households can be considered as the joint family (Gulati, 1995).
4. Majority of the divorced couples were found to be from urban areas, followed by couples from rural areas. The former was attributed to the interaction of familial and social factors accompanied by the tensions of the urban life and demands of the career. The latter was explained by the dominance and oppression of husband and interference of in-laws in the marital life of rural women.

5. Regarding the marital history of divorcees the picture that emerged was one that revealed where the majority of the divorcees had arranged marriage and lived with their spouse for only a short period of one to five years and lost interest in their respective spouses. Finally majority of them separated unilaterally due to physical/verbal abuse, ill-treatment by the in-laws and the demanding nature of the spouses. Thus, the history of marital life revealed that, divorcees had arranged marriage; had a short duration of married life and cohabited for a short period. Most of them separated unilaterally and all of them experienced separation prior to divorce.
6. With regard to process of divorce it may be concluded that, in many cases husbands were the initiators which is attributed to the prevalent stereotype of Indian husband which expects husband to make very little effort to adjust to his wife and expects him to be in full control of his wife. A large number of cases were granted decree within two years of filing. The wives complained mainly about cruelty by their husband and in-laws. While many husbands complained about irritative nature of their wife and incompatibility. Mutual consent and desertion were the frequent grounds for divorce. Only four ex-wives were granted maintenance.
7. Majority of the divorcees were childless which indicated that childlessness is one of the important factors

contributing to divorce. Among divorcees with children, it was found that in majority of the cases children stayed with their mother and majority of such mothers were found to stay in their respective parental homes. These results reflect the social and legal expectations that the minor children should be in the custody of mother. It was but natural for the female divorcees with children to take shelter in their parental home especially in a parental home sans siblings. This is in confirmity with social expectations for a divorced women to stay with her parents.

8. One of the major findings of the study was that a considerable number of cases were exparte cases and the ex spouse was wife. It was found that majority of the exparte women were illiterate and from rural areas. These results indicate the need for legal education for rural women. They require the legal awareness to erase their apprehensions regarding court and legal procedures in general and in particular to educate them regarding their rights and privileges in divorce cases and the loss of their rights and previleges in case of becoming exparte.

Summary

VI SUMMARY

Divorce is considered as a legal ending of marriage. It has tremendous impact on divorced couple and their children and there by on the society. The main objective of the present study was to findout "Causes and prevalence of divorce in Dharwad district". The study also aimed at findingout the process of divorce i.e., to obtain indepth knowledge of factors leading to divorce in addition to finding out the legal grounds for divorce.

All the 69 divorce cases which were decreed from 1986-1990 (5 years) were taken as the sample from the Principal Civil Judge Court. Out of these 69 divorce cases ten cases were selected as subsample for case studies on the basis of the availability of divorcees (both the ex-spouses) and their willingness to co-operate with the researcher. The sample was selected by purposive sampling method. Self structured data sheet based on the information available in the court records and the pretested personal interview schedule were the tools used in this study. The former was used for recording the data available from court records and the latter was used for the case study. Data were analysed using simple percentage and frequency.

A birds-eye-view at the results of present formed the following picture.

From the court records it was clear that, number and per cent of divorce cases being filed increased steadily every year from 1986-1996. Since the investigator couldnot get the court permission to go through the case records pertaining matrimonial cases from case records after 1991 onwards the recent picture can't be obtained. The divorce cases during 1986-1990 formed a Lion share (60.81%) of the total matrimonial cases filed. Of these total divorce cases filed half were decreed and the other half were found to be dropped/ withdrawn/ dismissed/ compromised and pending. All the 69 cases which were decreed during this period formed the sample and the data from the court records of these cases formed the macrodata for the present study.

Results with regard to socio-demographic characteristics of divorcees showed that, the information about the age was found to be inadequate in the case records, because in 50 per cent of cases the age of petitioners either at marriage or at the time of decree was not mentioned hence the conclusions drawn are tentative and partial. Of the rest (50%) of the cases majority of the females were married below the legal age of marriage.

Results also revealed that, about half (50%) of males and nearly one third (30%) females were serving either in private or government sector. These were followed by the

husbands who were agriculturists. Majority (60.87%) of the female divorcees were housewives. Other occupations were rarely represented in the sample. One tenth of husbands were unemployed.

Results regarding residential background and type of family revealed that majority (60.87%) of the sample belonged to nuclear family and highest number of divorcees were noticed among the couples where both the spouses were from urban areas. But among the rest of the couples majority of the spouses were from rural areas.

The results with regard to marital history revealed that, a large majority (84.06%) of the couples had arranged marriages. A higher per cent of ex-couples found to have led a marital life only upto five years. It must be noted that, the period of cohabitation coincided exactly with the period the spouses stayed together. This indicated that, maladjustment in physical relationship was one of the important factors contributing to the process of divorce. Mainly because of the efforts of elders and parents aimed at patching up the broken relation the couples cohabited intermittently. An overwhelming majority (75.75%) of the couples experienced separation period ranging from the to five years. Separation was unilateral in 77.94 per cent cases. Among these 53 cases of unilateral separation in 46 (81.13%) cases unilateral separation was by wives.

The results revealed that, a highest percentage (69.57%) of divorcees didnot have children. This indicated that, even though childlessness is not a sole ground for divorce, it surely contributed to divorce decision when accompanied by some other marital conflicts. In many cases (80.95%) mothers were awarded custody of the children. Of these mothers who had the custody of the children majority stayed in their parental homes. It must be noted that, majority of female divorce^es with children opted to stay with their parents, only when their parents are living without their sons or daughters married or unmarried. These results indicate divorced woman with children might have found that, her parental home more congenial to stay especially when her parents were living by themselves and were not obliged very much to their sons and daughters-in-law.

When the process of divorce was examined it was clear that, majority (46.38%) of the cases were filed by husbands. These results could be due to the prevalent stereotype of Indian husband which expects husband to make very little efforts to adjust to his wife and expects him to be in full control of his wife. It should also be noted that, it is very easy for divorced men to get married. All these factors would have made more husbands than wives to initiate divorce proceedings. Next highest per cent of cases were filed by both the spouses on the ground of mutual consent as it is easiest and quickest method of getting decree. Least

(17.39%) cases were filed by wives. This revealed that, women were hesitant to take decision of divorce and go to the court. It may also be noted that a highest number of cases were granted decree within two years.

From the court records it was found that, the reasons quoted for seeking divorce by wives were physical/verbal abuse, ill-treatment by husband and in-laws, demanding nature and poverty in that order. Husbands mainly complained about the irritative nature of spouse, communication gap due to separation, incompatibility, etc. Many spouses who were granted decree on mutual consent didnot complain against each other. This calls for an examination of indepth study about the cases in which decree was granted on mutual consent.

Regarding the legal grounds on which the divorces were decreed, the two main grounds were mutual consent and desertion followed by desertion with cruelty.

With regard to maintenance it was observed that out of 69 divorced women nearly one third were economically independent and as such didnot ask for maintenance. Among the rest of females only four claimed for maintenance and all of them were granted the maintenance. The rest didnot claim and didnot get the maintenance, even though they found to be only housewives. From this result it is very clear that there is a need for legal awareness among the

women in general and those women in particular who were exparte in divorce case.

An interesting point revealed by the results was that, of the total divorce cases decreed, nearly one third were exparte decree. It must also be noted that, majority of these exparte spouses were females from rural area, uneducated and were married at an age much below the legally prescribed age for marriage. Husbands in the exparte divorce cases alleged that the wife was staying with her parents and didnot respond to the efforts to bring her back. Another reason quoted by the husband was that, wife leading an adulterous life. Wives mainly gave extra-marital affair of husband as the main reason for their husband being exparte.

The results revealed that, most of the divorcees were staying either with their parents or alone at the time of decree. Majority (66.65%) of the females and nearly half (48.53%) of males were staying with parents. These were followed by one third of males and a meager per cent of females who stayed alone respectively.

The results from micro-data obtained in ten case studies corroborated with some of the results from the main data with regard to (i) background factors (ii) In three cases legal grounds were the real reasons for divorce (iii) When desertion was closely examined it was found that in most of the case studies wife unilaterally deserted the

husband either due to adulterous behavior and or cruelty by the husband. In few cases the wife had aversion towards sex with husband or had extra-marital affair.

The specific implications and recommendations based on findings are as follows.

1. The results of present study revealed that, there is a study increase during the study period in matrimonial cases in general and divorce cases in particular. As such there is a need for family court. The civil judge court done deals with all other matters in addition to increasing matrimonial cases. According to the Family Courts Act 1984 there should be one family court for 10,000 population. But Dharwad with 2945487 population (1991 census) is still deprived of this facility. Thus these results imply the necessity for creation of family court in Dharwad.
2. The several results of this study imply the need for legal literacy among the rural folk in general and women in particular. These results were
 - i) Age at marriage for majority of the female divorcees was very much below the legal age. The case study results also revealed not only very young age at marriage for women but also at an age when they were unable to express their preferences or unwillingness to marry.
 - ii) In most of the exparte divorce decrees it was found that the exparte spouse was the wife. Majority of

husband either due to adulterous behavior and or cruelty by the husband. In few cases the wife had aversion towards sex with husband or had extra-marital affair.

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 - ii) In most of the exparte divorce decrees it was found that the exparte spouse was the wife. Majority of

these exparte wives were from rural areas and were found to be uneducated.

- iii) The results revealed that except four women none claimed for maintenance even though majority of them were housewives. None of the divorced wives have claimed for child maintenance.
3. The results from micro data revealed that, aversion towards sex was one of the important factors next to adultery, which led to non-acceptance of the spouse. This clearly imply the need for sex education. This can be imparted by joint collaboration of department of Adult Education and Social Welfare department, through folk media and nonformal educational methods.
 4. Registration of marriage should be made compulsory which helps the researchers and policy makers and administrators to have necessary information regarding accurate marital status of population. This is also needed to estimate exact prevalence and to study the trends in divorce.

Limitations of the study

1. The sample size is limited to 69 cases of legal divorces which were granted decree over a period of five years from 1986-1990 in Dharwad district.
2. The divorce case files were the main source of data, but were inadequate with regard to caste, income and

References

VII REFERENCES

ALTEKAR, A.S., 1983, The position of women in Hindu Civilization, Motilal Bonarsidass, Delhi, 83-85.

BURGESS, E. W. AND LOCKE, H.J., 1950, The family from institution to companionship, American Book Co., New-York.

CARVER, K.P. AND TEACHMAN, J.D., 1993, "Female Employment and first union dissolution in puertorico", Journal of Marriage and Family, 55(3): 686-698.

CENSUS INDIA, 1981, Distribution of Dharwad population by their current marital status in KAMAT, S., 1995 (Ed.), Gozetteer India, Karnataka State, Dharwad district, p. 181.

CHOUDHARY, J.N., 1988, Divorce in Hindu Society, Print Well Publishers, Jaipur.

DEVINDERKUMARI, 1977, Some findings and redivorced Hindu women (Seminar paper) in DIWAN, P. AND KUMAR, V. (Ed.), 1984, Law Towards Stable marriages, Seema Publications, Delhi, pp. 107-112.

DIWAN, P., 1990, Dowry and protection to married women. Deep and Deep Publications, New Delhi. p. 252.

- FAMILY WELFARE PROGRAMMES in India, Year Book, 1992-93, p. 43.
- FERGUSSON, D.M., HORWOOD, L.J. AND SHANON, F.T., 1984, A proportional hazards model of Family breakdown. Journal of Marriage and Family, 46(3): 539-549.
- FONSECA, M., 1966, Counselling for marital happiness, Manaktala and Sons Pvt. Ltd., Bombay.
- GULATI, L., 1995, "Women and family in India; Continuity and change", Indian Journal of Social Work, 56(2): 141.
- GOODE, W.J., 1965, The Family. Prentice Hall of India Pvt. Ltd., New Delhi, pp. 89-94.
- *GOODE, W.J., 1956, After Divorce, The Free Press, Glencoe, New York, p. 203.
- GLENN, N.D. AND Mc LANAHAN, S., 1983, "Children and Marital happiness, A further specification of the relationship". Journal of Marriage and family, 45(3): 813-823.
- GLENN, N.D. AND KRAMER, K.B., 1987, "The marriages and divorces of children of divorce". Journal of Marriage and Family, 49(4): 811-825.

- FAMILY WELFARE PROGRAMMES in India, Year Book, 1992-93, p. 43.
- FERGUSSON, D.M., HORWOOD, L.J. AND SHANON, F.T., 1984, A proportional hazards model of Family breakdown. Journal of Marriage and Family, 46(3): 539-549.
- FONSECA, M., 1966, Counselling for marital happiness, Manaktala and Sons Pvt. Ltd., Bombay.
- GULATI, L., 1995, "Women and family in India; Continuity and change", Indian Journal of Social Work, 56(2): 141.
- GOODE, W.J., 1965, The Family. Prentice Hall of India Pvt. Ltd., New Delhi, pp. 89-94.
- *GOODE, W.J., 1956, After Divorce, The Free Press, Glencoe, New York, p. 203.
- GLENN, N.D. AND Mc LANAHAN, S., 1983, "Children and Marital happiness, A further specification of the relationship". Journal of Marriage and family, 45(3): 813-823.
- GLENN, N.D. AND KRAMER, K.B., 1987, "The marriages and divorces of children of divorce". Journal of Marriage and Family, 49(4): 811-825.

- GLENN, N.D. AND SUPANIC, M., 1984, The social and demographic correlates of divorce in United States. An Update and reconsideration. Journal of Marriage and Family, 66(3): 551-561.
- GREENSTEIN, T.N., 1990, "Marital disruption and the employment of marital women". Journal of Marriage and Family, 52(3): 657-676.
- *GUEST AND PHILIP, 1992, "Marital dissolution and development in Indonesia", Journal of Comparative Family Studies, 23(1): 95-113.
- KAMAT, S., 1995, Gazetteer Indi, Karnataka State, Dharwad district.
- KAPADIA, K.M., 1958, Marriage and Family in India, Oxford University Press, Bombay.
- KAPUR, P., 1970, Marriage and the working woman in India, Vikas Publications, Bangalore.
- KENKEL, W.F., 1973, The family in perspective (3rd Ed.), Appletan Century Crafts, New York.
- KRISHNAKUMARI, N.S., 1987, Status of Single Woman in India, Uppal Publishing House, New Delhi.
- *KUNDU, R. AND GHOSH, R., 1977, "Environmental correlates of divorce". Indian Journal of Social Work, 38(1): 9-13.

- LANTZ, H.R. AND SNYDER, E.C., 1969, Marriage (second Edition). John Wiley and Sons Inc. New York.
- LESLIE, G.R. AND KORMAN, S.K., 1985, The Family in Social Context (6th Edition). Oxford University Press, New York, PP. 510-516.
- MACE, D.R., 1952, Marriage; The art of lasting love. Doubleday and Co., New-York in POTHEN, S., 1986, Divorce its causes and Consequencies in Hindu Society (end Ed.), Shakti Books, New Delhi.
- *MANAHAN, T.P., 1953, "Does age at marriage matter in divorce". Social Forces, 32(1): 81-87.
- MANOCHA, B.L., 1983, Marriage conflicts causes and cures, Sterling Publishers, New Delhi.
- MANTRI, P., 1991, "Psycho-social correlates of marital adjustment among working women". M.Sc. Thesis University of Agricultural Sciences, Dharwad.
- MEHTA, R., 1970, The Western Educated Hindu Women, Asia Publishing House, Bombay, pp. 140-141.
- MEHTA, R., 1975, Divorced Hindu Women, Vikas Publishing House, Bangalore.
- MITTER, D., 1984, The position of women in Hindu Law, Inter-India Publications, New Delhi. pp. 342-344.

MOHAN, R.P., 1970, "The cohesiveness and dissolution of the marital relationship". Indian Journal of Social Research, 11(1): 51-57.

MOORE, K.A. AND WAITE, L.J., 1981, "Marital dissolution, early motherhood and early marriage", Social Forces, 60(1): 20-37.

NATIONAL FAMILY AND HEALTH SURVEY, India, 1993.

PRAKASH, N., 1992, "Marital adjustment motives". Indian Journal of Social Research, 32(4): 305-309.

NISHI, P., 1992, "Marital maladjustment, its dimensions and correlates". Indian Journal of Social Research, 33(1): 50-59.

POTHEN, S., 1986, Divorce its causes and consequences in Hindu Society, (2nd Edition), Shakti Books (Division of Vikas Publishing House), New Delhi. 1987.

RANKIN, R.P. AND MANEKER, J.S., 1985, "The duration of marriage in a divorcing population, the impact of children". Journal of Marriage and Family, 44(1): 43-51.

SHARMA, B.K., 1989, Divorce Law in India. Deep and Deep Publications, New Delhi.

SOOD, S., 1990, Violence against women, Arihant Publications, Jaipur, p. 178.

- SUREENDER, S., REDDY, G.C., BABURAJAN, P.K., 1992, "Divorce in India a Macro level analysis", Social Change, 22(2): 3-8.
- TRENT, K. AND SOUTH, S.J., 1989, "Structural determinants of divorce rate; A cross so cietal analysis". Journal of Marriage and Family, 51(1-2).
- USHA, A., 1986, "Family welfare and counselling services". Social Welfare, 9-11.
- *TERMAN AND LEWIS, M., 1938, Psychological factors in marital happiness, McGraw Hill Book Company, Inc. New York, p. 33.
- VLASSOFF, C., 1982, The status of women in rural India. A village study. Social Action, 32(4): 380-407.
- WILSON, M.R. AND FILSINGER, F.E., 1986, "Religiosity and Marital adjustment; Multidimensional interrelationship". Journal of Marriage and Family, 48(1): 147-157.

* Originals not seen

Appendices

APPENDIX-1
CASE DATA SHEET

Sl.No.

Date :

Details regarding the cases

1. Petition by husband/wife :
2. Year of filing the case :
3. Year of decree allowed :

Husband

Wife

4. a) Age :
- Education :
- Occupation :
- b) Type of family : Nuclear/Joint/Extended/Any other
- c) Location of residence : Slum/Rural/Semi rural/Urban

5) Residential background

Before divorce

- a) Period of cohabitation after marriage
- b) Period of intermittent cohabitation/separation
- c) Period of complete separation from each other
- d) Specify whether the separation was by -
 - i) Legal separation
 - ii) Separation by mutual consent
 - iii) Unilateral separation

Place of residence at the time of divorce

Husband

Wife

1. Staying alone
2. Staying with other spouse
3. Staying with children
4. Staying with parents

5. Staying with parents and siblings

6. Staying with relatives

6. Marriage

a. Act under which marriage has taken place

b. Year of marriage

c. Duration of marriage

d. Type of marriage

i. Civil/Traditionally arranged/Temple marriage

ii. Love marriage/Arranged marriage/In the caste marriage

e. Age at marriage of Husband _____ and Wife _____

7. Number of children Age Gender

8. Custody of children

a. Before divorce Husband/Wife

b. At the time of divorce Husband/Wife

c. Pleaded for the child custody Husband/Wife

d. Got/did not get the child custody Husband/Wife

9. Maintenance

a. Pleaded for maintenance Husband/Wife

b. Got or did not get maintenance Husband/Wife

10. Ground/s on which divorce is granted

1. Dowry

2. Poverty

3. Adultery

4. Mental incompatibility

5. Wife's working hours

6. Drug addiction

7. Differences in opinion

8. Differences in mutual interest
 9. Suspicious nature of spouse
 10. Wider age disparity
 11. Ill-treatment of husband by wife
 12. Ill treatment of wife by husband
 13. Ill treatment of wife by in-laws and other members
 14. Infidelity of husband
 15. Irritative nature of spouse
 16. Educational inferiority complex
 17. Employment of women
 18. Physical abuse/verbal abuse
 19. Inadequate income
 20. Epileptic spouse
 21. Unemployment of husband
 22. Too demanding nature of spouse
 23. Childlessness
 24. Communication gap between the spouses
 25. Interference of friends
 26. Sexual matters
 27. Mutual consent
 28. Voluntary withdrawal
-
11. Any other information available from data

APPENDIX 2

Interview Schedule for Case Study

Sl.No.

Date :

- 1) Name of the respondent :
- 2) Age :
- 3) Education :
- 4) Occupation :
- 5) Present residence : Slum/Rural/Semi rural/Urban
- 6) Present type of family : Nuclear/Joint/Extended/Other
- 7) Present residential background :
 - a) Staying alone
 - b) Staying with relatives
 - c) Staying with parents
 - d) Staying with friends
 - e) Remarried
 - f) Any other specify
- 8) Type of marriage :
 - i) Civil/Traditionally arranged/Temples marriage
 - ii) Love marriage/Arranged marriage/Mixed marriage/
In the caste marriage
 - iii) Act under which marriage has taken place
 - a) Year of marriage
 - b) Duration of marriage
 - c) Age at marriage

9) Family composition before divorce (Husband)

Number	Relation with respondent	Age	Gender	Education	Occupation
--------	--------------------------	-----	--------	-----------	------------

Family composition before divorce (Wife's)

Number	Relation with respondent	Age	Gender	Education	Occupation
--------	--------------------------	-----	--------	-----------	------------

HusbandWife

10) Family income before divorce

- a) Total earnings of your job
- b) Income from lands approx/year
- c) Income from other sources

Business

Rent

Others

Total

11) Marital status of parents

12) Marital status of in-laws

13) Who arranged your marriage

14) What did they demand in marriage

- 15) What was the duration between your marriage and engagement
- 16) How did your marriage ceremony take place
- 17) Where did it take place
- 18) For how many days did you stay together soon after marriage
- 19) Employment details of your spouse and yourself
- 20) How did the tensions between you and your spouse begin
- 21) What was the first event that caused both of you to turn away
- 22) How did you lose interest in your spouse
- 23) How did you behave with your spouse whenever you/he used fight
- 24) For how many days you were living with your spouse without communication
- 25) How often did you attend religious/ social functions together
- 26) When did you stop co-operative efforts i.e., working together for family
- 27) Who was more egocentric or proud
- 28) When did you feel that the relation between both of you are no longer defined
- 29) What was the event which made you feel that you are looked down by society and your family is also looked down by the society
- 30) What were the emotional attitudes about your spouse when you striking
- 31) When did you decide to give ask for divorce
- 32) What was the event that made you to give divorce
- 33) Who all tried to abort your divorce
- 34) Did you try to aver divorce? Yes/ No
If Yes/No why

- 35) For here many times did you decide to give divorce and then withdraw
- 36) Before coming to a final decision did you think of the following persons :
 - a) Small children
 - b) Adolescent/grown up children
 - c) Unmarried brothers/sisters
 - d) Parents
 - e) Other close relatives
- 37) Who helped you in going to the court and who gave you suggestions to give divorce
- 38) How did you come to the lawyers (with whom)
- 39) Who were supporting you at the time of divorce
- 40) What was your spouses reaction after you started thinking about divorce
- 41) Finally on what ground did you get divorce
- 42) Do you think the truth behind the divorce were different and the ground on which you got decree were different
- 43) Do you have children? Yes/No
 - a) If Yes, under whose custody they are
 - b) Was the custody according to your wishes
 - c) Did your spouse emotionally use the custody of children as an issue to get him advantage in court?
- 44) What was the reaction of your family members
 - a) Before divorce proceedings began
 - b) After divorce proceedings began
 - c) After you got decree

- 45) What was the reaction of your children
- a) Before divorce proceedings began
 - b) After divorce proceedings began
 - c) After you got decree
- 46) How did divorce affect you? What is your experience after divorce in society
- 47) How do you manage now?

APPENDIX-3

Distribution of exparte spouses (women) by age at marriage, age at divorce, type of family, number of children, occupation

Age at Marriage	Age at divorce	Type of family	Presence of children	Occupation									
			Yes	No	HH	Service	B	Coolie					
<25	25	30	<20	25	30	N	J	9	11	12	6	1	1
5	4	1	-	5	4	9	11	9	14	14	6	1	1

APPENDIX-4

Distribution of female divorcees by occupation and residential background

Occupation	Rural	Urban	Total
House wife	20	22	42
Service	5	15	20
Coolie	2	0	2
Business	-	2	2
Student	1	2	3
Total	29	42	69

 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17
 1 1 2 3 1 2 1 1 2 1 2 3 1 2 Y M Y M Y M Y M Y M

25	Y	N	N	87	88	1	30	M	NA	NA	A	C	Y	N	N	R	R	0	2	2	0	1	0	iii	Alone	Parents
26	Y	N	N	88	88	<1	32	24	NA	NA	A	HH	N	Y	N	R	R	0	5	0	0	4	0	iii	Parents	Parents
27	Y	N	N	84	88	4	32	26	NA	NA	A	HH	Y	N	N	R	R	3	0	0	0	4	0	iii	Alone	Alone C C
28	N	N	Y	87	88	1			M NA	NA	S	S	Y	N	N	R	R	5	0	0	0	2	0	ii	Alone	Alone
29	N	N	Y	87	88	1			M NA	NA	S	S	Y	N	N	U	U	1	0	1	0	8	0	ii	Alone	Alone
30	Y	N	N	87	88	1	33	26	NA	NA	S	HH	N	Y	N	R	U	3	0	0	0	2	0	iii	Parents	Parents & S
31	N	N	Y	87	88	1	29	28	NA	NA	ST	S	Y	N	N	U	U	1	6	2	0	1	6	iii	Parents	Parents
32	Y	N	N	86	88	2	40		M NA	SSLC	S	S	N	Y	N	R	R	0	6	4	0	5	0	iii	Alone	Parents & C
33	N	Y	N	87	88	1	35	28	NA	SSLC	A	S	N	Y	N	R	U	0	0	2	0	4	0	iii	Remarried	Parents
34	N	N	Y	88	88	<1			M MBBS	MBBS	S	S	Y	N	N	R	U	8	0	0	0	14	0	ii	Alone	C Children
35	Y	N	N	88	89	1	35		M NA	NA	NA	HH	N	Y	N	U	R	0	2	0	0	5	0	iii	Parents	Parents
36	Y	N	N	88	89	1	35	30	NA	NA	A	HH	Y	N	N	R	R	4	6	0	0	0	5	iii	Parents	Parents
37	Y	N	N	87	89	2			M NA	NA	S	HH	N	Y	N	U	U	0	7	1	8	2	0	iii	Parents	Parents & C
38	Y	N	N	89	89	<1	32	25	NA	NA	B	C	Y	N	N	R	U	2	0	0	0	3	0	iii	Alone	Parents & C
39	Y	N	N	89	89	<1			M NA	NA	S	B	Y	N	N	R	U	0	2	0	0	4	6	iii	Parents	Parents
40	N	Y	N	87	89	2	40	26	NA	NA	NA	HH	Y	N	N	U	U	0	2	0	0	4	6	iii	Parents	Parents
41	Y	N	N	88	89	1	27	24	NA	NA	NA	HH	Y	N	N	U	U	0	5	0	0	2	6	iii	Parents	Parents
42	N	N	Y	88	89	1	27	21	NA	NA	B	HH	Y	N	N	U	U	0	0	0	0	2	0	iii	Parents	Parents
43	Y	N	N	88	89	1			M NA	NA	A	HH	N	Y	N	U	U	0	6	0	0	3	6	iii	Parents	Parents
44	Y	N	N	88	89	1			M NA	NA	S	HH	N	Y	N	U	R	1	0	1	0	2	0	iii	Parents&S	Parents
45	N	Y	N	88	89	1			M NA	NA	S	HH	Y	N	N	U	R	2	0	2	0	2	0	iii	Alone	Parents
46	Y	N	N	88	89	1	38	30	NA	NA	A	HH	Y	N	N	R	R	4	0	0	0	6	0	iii	Alone	Friends
47	N	Y	N	87	89	2	29	22	NA	NA	S	ST	Y	N	N	U	U	1	0	0	0	0	9	iii	Parents	Parents
48	N	N	Y	88	89	1			M NA	NA	S	HH	Y	N	N	R	R	3	0	0	0	4	0	ii	Alone	C Children
49	N	N	Y	89	89	<1	26	22	NA	NA	A	HH	N	Y	N	R	R	2	0	0	0	5	0	iii	Parents	Parents

1	18	19	20	21	22	23	24	25	26	27	28									
				1	2			1	2	1	2									
1	1955	1972	12	YrSTAM	NA	NA	0	0	0	0	0	26	24							
2	1955	1980	4	YrSTAM	26	A	1	0	M	0	1	12	13	16	22					
3	1955	1978	4	YrSTAM	26	21	0	0	0	0	1	12	12	18	22					
4	1955	1968	14	YrSTAM	NA	11	0	0	0	0	0	3	6	12	18	23				
5	1955	1975	9	YrSTAM	33	NA	0	0	0	0	0	1	12	13	18	22	23			
6	1955	1974	12	YrsTemple	M	23	23	2	9.5	0	1M1F	0	1	0	0	6	12	18	18	22
7	1955	1973	9	YrSTAM	NA	17	1	0	2.5	0	M	1	0	0	0	3	27			
8	1955	1983	2	YrSTAM	26	NA	0	0	0	0	0	0	0	0	17	28				
9	CMA	1982	4	YrSTAM	NA	21	0	0	0	0	0	0	0	0	2	3	12	14	18	4
10	1955	1977	7	YrSTAM	29	NA	1	0	1.2	0	M	0	1	0	0	12	13	15	18	
11	1955	1985	2	YrSTAM	NA	29	0	0	0	0	0	0	0	0	11	18				
12	1955	1975	11	YrSTAM	NA	NA	0	0	0	0	0	0	0	0	1	12	18	22	23	
13	1955	1979	12	YrSTAM	29	NA	0	0	0	0	0	0	0	0	2	12	18	21		
14	CMA	1986	1	YrSTAM	NA	19	0	0	0	0	0	0	0	0	3	4	15	26		
15	1955	1986	1	YrSCivil	M	NA	NA	0	0	0	0	0	0	0	27					
16	1955	1962	20	YrSTAM	29	13	0	0	0	0	0	0	0	4	8	22				
17	1955	1986	1	YrSTAM	23	NA	0	0	0	0	0	0	0	0	27					
18	1955	1964	3	YrSTAM	NA	18	0	0	0	0	0	0	0	0	9	21				
19	1955	1984	3	YrSTAM	30	NA	2	0	NA	0	2	F	1	0	0	7	15	17	24	
20	1955	1986	2	YrSTAM	30	30	0	0	0	0	0	0	0	0	17	2				
21	1955	1983	5	YrSTAM	NA	NA	0	0	0	0	0	0	0	0	11	15	19	21		
22	1955	1986	2	YrSTAM	NA	NA	0	0	0	0	0	0	0	0	11	24	7			
23	1955	1986	2	YrSTAM	27	NA	0	0	0	0	0	0	0	0	12	15	24	13		
24	1955	1977	8	YrSTAM	27	22	0	0	0	0	0	0	0	0	2	21	24			

	18	19	20	21	22	23	24	25	26	27	28								
25	1955	1984	3	YrstAM	27	NA	0	0	0	0	0	11	18						
26	1955	1983	5	YrstAM	25	19	0	0	0	0	0	7	24						
27	1955	1977	7	YrstAM	NA	19	2	8.1.5	M	1	1	0	0	3					
28	1955	1980	7	YrstAM	NA	NA	0	0	M.	0	0	0	7	8	23				
29	1955	1977	10	YrstAM	28	NA	0	0	0	0	0	7	8	12	24				
30	1955	1982	5	YrstTemple	M	24	21	1	2	0	0	0	15	18	11				
31	1955	1982	5	YrstAM	29	21	0	0	M	0	1	0	1	7	8	17			
32	1955	1975	11	YrstAM	29	NA	1	6	0	0	0	0	7	8					
33	1955	1981	6	YrstAM	NA	22	0	0	M	0	1	0	12	13	3	18	15	16	22
34	1955	1965	23	YrstAM	29	NA	2	18.15	0	0	0	0	7	8					
35	1955	1982	6	YrstAM	30	NA	0	0	0	0	0	12	18	15	21				
36	1955	1984	5	YrstTemple	M	NA	25	0	0	0	0	0	7	23					
37	1955	1984	3	YrstAM	28	NA	1	2	F	0	1	0	0	25	3				
38	1955	1984	5	YrstAM	NA	21	1	2	F	0	1	0	0	7	8				
39	1955	1984	5	YrstAM	35	NA	0	0	0	0	0	0	7	8	17				
40	1955	1982	5	YrstAM	24	22	0	0	0	0	0	1	18	19	21	22			
41	1955	1985	3	YrstCivil	M	25	21	0	0	0	0	0	7	8	21				
42	1955	1986	2	YrstAM	NA	19	0	0	0	0	0	0	7	8					
43	1955	1984	4	YrstAM	NA	NA	0	0	0	0	0	0	7	8					
44	1955	1984	4	YrstAM	NA	NA	0	0	0	0	0	0	7	11					
45	1955	1982	6	YrstAM	28	NA	0	0	0	0	0	7	8	12	23	25			
46	1955	1978	10	YrstAM	28	20	1	2	M	0	1	0	0	7	8	24			
47	1955	1987	1	YrstCivil	M	NA	21	0	0	0	0	0	4	7	22				
48	1955	1981	7	YrstAM	19	NA	1	4	M	0	1	0	0	7	8				
49	1955	1982	7	YrstAM	NA	15	0	0	0	0	0	0	7	8	12	13	18		

	1	18	19	20	21	22	23	24	25	26	27	28											
					1	2			1	2	1	2											
50	1955	1981	7	YrsTAM	25	NA	0	0	0	0	0	0	7	9	23								
51	1955	1980	10	YrsTemple M	21	NA	0	0	0	0	0	0	7	8									
52	1955	1971	19	YrsTAM	NA	16	3	NA	0	2M.1F	0	1	0	0	9	12	18	15	22				
53	1955	1971	14	YrsTAM	NA	NA	2	10.9	0	M,F	0	1	0	0	12	18	17	6					
54	1955	1985	4	YrsTemple M	NA	NA	0	0	0	0	0	0	0	0	23	26							
55	1955	1964	25	YrsTAM	24	NA	1	23	NA	23	0	1	0	1	8	9							
56	1955	1989	1	YrsTAM	22	20	0	0	0	0	0	0	0	7	8	10							
57	1955	1986	3	YrsTemple M	27	19	0	0	0	0	0	0	0	7	8	9							
58	Sp1.a	1985	4	YrsCivil M	37	19	0	0	0	0	0	0	0	7	8	17							
59	1955	1959	13	YrsTAM	25	33	3	22.19.13	NA	F.M.F	0	1	0	0	4	7	8	15	17				
60	1955	1987	3	YrsTAM	28	24	0	0	0	0	0	0	0	7	8	17							
61	1955	1986	2	YrsTAM	38	NA	0	0	0	0	0	0	0	4	23								
62	1955	1986	4	YrsTAM	NA	28	1	1	0	F	0	1	0	0	6	18	15						
63	1955	1987	2	YrsTAM	26	19	0	0	0	0	0	0	0	8	9	21							
64	1955	1985	4	YrsTAM	29	18	0	0	0	0	0	0	1	7	8								
65	1955	1980	9	YrsTemple M	NA	19	2	7.3	0	M.F	0	1	0	0	7	8	9	12	17				
66	1955	1974	15	YrsTAM	26	NA	3	13.12.10	0	M.F	0	1	0	0	1	4	9	11	18	15	7	24	25
67	1955	1987	3	YrsTAM	26	23	1	NA	0	F	0	1	0	0	7	8							
68	1955	1985	4	YrsTAM	NA	21	0	0	0	F	0	0	0	7	8	11							
69	1955	1985	4	YrsTAM		NA	0	0	0	0	0	0	0	1	5	13	12	17	22				

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1. Serial number
2. Petition by (1) Husband (2) Wife (3) Both
3. Date of application
4. Date of disposal
5. Duration of the case
6. Age of the divorcees at the time of filing
(1) Husband (2) Wife
7. Education of spouses (1) Husband (2) Wife
8. Occupation of husband (S) Service (B) Business
(A) Agriculture (St) Student (Nil) Unemployment
(C) Coolie
9. Occupation of wife (HH) Household work (B) Business
(S) Service (St) Student (C) Coolie (A) Agriculture
10. Type of family (1) Nuclear (2) Joint (3) Other type
11. Previous place of residence (1) Husband (2) Wife
12. Continuous cohabitation after marriage
13. Intermittant cohabitation
14. Continuous separation
15. Type of separation (i) Legal separation (ii) Separation
by mutual consent (iii) Unilateral separation
16. Present place of residence of male divorcees
17. Present place of residence of female divorcees
18. Marriage Act (HMA) Hindu Marriage Act
(CMA) Christian Marriage Act
19. Year of marriage
20. Duration of marriage in years till filing the suit

21. Type of marriage (TAM) Traditionally Arranged Marriage
(Temple M) Temple Marriage (Civil M) civil Marriage
22. Age at marriage of (1) Husband (2) Wife
23. Number of children
24. Age of children
25. Gender of children
26. Custody of children (1) Husband (2) Wife
27. Miantenance to (1) Husband (2) Wife
28. Causes for divorce
 - (1) Dowry
 - (2) Poverty
 - (3) Adultry
 - (4) Mental incompatibility
 - (5) Wife's working hours
 - (6) Drug addiction
 - (7) Differences in opinion
 - (8) Differences in mutual interest
 - (9) Suspicious nature of spouse
 - (10) Wider age disparity
 - (11) Ill treatment of husband by wife
 - (12) Ill treatment of wife by husband
 - (13) Ill treatment of wife by in-laws and others
 - (14) Infidelity of husband
 - (15) Irritative nature of spouse
 - (16) Educational inferiority complex
 - (17) Employment of wife
 - (18) Physical/verbal abuse
 - (19) Inadequate income
 - (20) Epileptic spouse
 - (21) Unemployment of husband
 - (22) Too demanding nature of spouse
 - (23) Childlessness
 - (24) Communication gap between the spouses
 - (25) Interference of friends
 - (26) Sexual matters
 - (27) Mutual consent
 - (28) Voluntary withdrawl of spouse

ಕೆ.ಆರ್. ವೆಂಕಟೇಶ್ವರಯ್ಯ
ವಿಶ್ವವಿದ್ಯಾಲಯ ನಿರ್ದೇಶಕರು
ಗಾ.ಆರ್.ವಿ.ಸಿ., ಬೆಂಗಳೂರು-65

28 MAY 1997

ಅನುಷ್ಠಾನ ಸಂ. **Th. 4517**

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