

## **Growing incidence of Divorce in Indian cities: A study of Mumbai**

In the recent years, a steady increase in incidence of divorce has been noticed in Metropolitan cities of India. In Mumbai every year, almost 2000 to 3000 divorce petitions are filed and almost similar numbers are disposed off in the legal court. It is observed that there has been a consistent rise in the incidence of divorce, about 17 percent during 1991 to 1996, which further increased to 34 percent in 2001, indicating a rise of 56 percent during the decade. It appears that marital dissolutions in metropolitan cities are increasingly influenced by incompatibility among young couples and several other factors, thereby threatening marital bonds. The expectation of young couples from marriage is growing and their emotional and social problems are difficult to be met.

This paper is concerned with both exploratory as well as analytical goals; it is particularly concerned with investigating the structural dimensions of marital disruptions. It tries to explore the factors that have lead to divorce and to identify types of person who go for divorce. An attempt has been made to explore the reasons of divorce and its consequences and for this purpose following objectives were put forth.

1. To study the situation of divorce phenomena for Mumbai Metropolis for the period 1991-2001, from the court records.
2. To study the process and procedures of divorce, such as the interval between marriage and the petition for divorce, the time taken for the decision of the judicial court, etc.
3. To examine the socio-economic and cultural background of the divorcees, and to analyse the factors which lead to dissolution.
4. To examine the perceptions regarding divorce among males and females divorcee through in-depth interviews and to assess the social and legal difficulties in divorce.

Both quantitative and qualitative approach of data collection was carried out. Quantitative data were collected from the Family court of Mumbai through specifically developed Performa. The Performa contains information on judgement and decree on divorce; summons notice, custody of children and other documents. Data were collected from the family court in Mumbai for the year 1990,1995 and 2001. Few in-depth interviews were also conducted to examine the social acceptability of divorce and to study the role adjustment after divorce. Apart from this,

micro level analysis of a large-scale survey (NFHS-2) conducted in Mumbai, through the statistical tool of logistic regression was carried out to find out the factors explaining the divorce.

According to this study, it is revealed that more women than men have gone for filing the divorce petition, and majority among them belong to age group of 15-34, and particularly in 25-34 age group. This study finds that vast majority of the petitioners are literate, and more divorce case are reported with rise in education levels. Around four-fifth of the male petitioners and three-fifth of the female petitioners were having qualification of graduate and above but it is difficult to say that education hinders or promotes the incidence of divorce in the metropolis, as it is based on small sample of cases. Most of the male and female petitioners are from the service group; business and other type of occupation has relatively less impact on marital life. It can be said on the basis of present study that working group population (both male and female) are more vulnerable to go for filing divorce petition in Mumbai. It was also found that vast majority (around 80 percent) of the spouses lived in joint families. The study revealed that most of the divorcees were in young age group of 25-34 years, and marital dissolution took place within four years of marriage. However, couples on an average started living separately within 2 to 2.5 years of marriage.

The finding reveals that in 1990, the average duration between marriage and filing petition was 2.7 years, and between petition and getting divorce it was 1.5 years. Thus, on an average it took 4.2 years for obtaining legal divorce. There has been slight increase in later years; the average duration of getting divorce has gone up to 4.3 years in 1995, and 4.4 years in 2001. The trend over the period indicates a (between marriage and filing divorce petition) decline in the average duration of filing the petition by husbands for divorce; however, it shows a slight rise if the petitioner is wife. In case of Joint petition, there has been a slight decline in the average duration of filing petition for divorce, as the duration between petition and divorce on an average took about 1.5 years, but if the petition was of joint nature then it was, around one year.

It is revealed from the present study that dissolution of marriage starts in early years of marriage, as in a little less than a quarter of all cases, marriage ended within one year. However, in majority of the marriage it ended within 3 years of marriage (40 percent), and over the time it has increased, from 34 percent in 1990, to 50 percent in 2001.

There was no single factor which could determine the cause for divorce, but the study indicates that it is mainly outcome of host of socio-economic and biological factors. The study reveals that cruelty and desertion stands out to be the most important reasons for divorce which is followed by adultery by husband and wife. As reported by one of the female divorcees in the in-depth interview is reproduced verbatim in the following lines;

*“He (husband) was in habit of using cheap language, and tortured me both physically and mentally, he suspected that I was using some method to avoid pregnancy and once he thrust his finger into my vagina stating that he wanted to check up whether I have placed any physical substances to avoid pregnancy,”*

The findings also suggest that in metropolitan areas like Mumbai, due to lack of space and privacy in the joint family structure, conjugal relationships have been adversely affected. About 80 percent of divorce cases were reported from joint families which indicates a change in social structure and value system in the society. Temperamental and cultural differences between the couples, sexual dissatisfaction among the partners have been observed as important reasons for divorce. As reported by one of the female divorcees is reproduced below verbatim;

*“He (husband) never allowed me to visit my parent in festival and discouraged celebrating such occasions. I have one boy and one girl out of this marriage. I wanted to give them Muslim name but against my wish, he (husband) kept Hindu name, I really loved my religion but I am not against Hindu religion, but since he professed Islam I expected him to follow the same. He used to beat me and harass me on flimsy ground and many a times he alleged me of having illicit relationship with other person .....life with my husband became so intolerable that I forgot every thing. I was so exhausted physically and mentally that all I wanted was some peace of mind, I did not even think what I would do after he had left me.”*

Apart from this, age differences between the couples have also been noticed to have influence on marital adjustment. Partners with higher age difference have experienced greater adjustment problems culminating into marital dissolution.

Results of logistic regression analysis suggest that Muslim women are more likely to go for divorce and the likelihood of getting divorce is 2.5 times higher than hindu women. Working women are more at risk of getting divorce and the odds of getting divorce is four times higher

than non-working women, which could partly be attributed to increasing number of women with high education and training facing greater incompatibility problem with their partners.

There is a greater need for marital and familial counselling, which should include sociologists, psychiatrists, and social workers, doctors and priests. Courts as well as other agencies must make better and greater efforts for reconciliation. In other words, holistic approach is needed both by the government and society.