



The justified parity of right and obligation of divorce in India

Indrani Shaw

Research Scholar, Department of Economics, School of Management, Pondicherry University, Puducherry, India

Abstract

This paper is a study based on analysis of various census data about the potential positive relationship between divorce rate and the gender parity in India. In this study, we carried out the analysis state wise; moreover we also look at the possibility of divorce rate with women empowerment by using the female empowerment index given in the McKinsey global Institute report. Here we attempt to address the following issue; does increase in divorce rate can be seen as a yardstick of rise in Women's parity in society. In the study we find that the increase in divorce rate took place across ages and religion too. The state which depicts economic and socio-cultural parity, especially the later, has higher divorce rate. The socio-cultural acceptance is more importance for parity in society. The economic aspect of freedom provides only monetary security but the social acceptance can be the best way to bring parity for women's in society. This cannot be achieved without providing political parity in terms of proper representation in society. Though after economic liberalization the rise in income of middle class provide security to women's but socio-cultural phenomenon in most states has deprived large section of women's to achieve the long due parity for them in Indian society. Even though economic parity is somewhat achieved for women who are fortunate but social culture and political parity is far away from reach for most of the women. Divorce can never be a solution for parity but only provide soothing to the unspoken parity demand over the century.

Keywords: divorce, gender parity, female empowerment, social stigma, economic development, discrimination

1. Introduction

Marriage and Family are key structure of our societies. The combination of individual families makes up the society and so it makes marriage a social institution. Thus, marriage and family are the two important parts of society. In an organized society family started with Joint system along with higher degree of dependency. But with time, the development in political, socio-cultural and economic front and given the skewed as well as uneven development we see a rise in host of factors that leads to an increase in Nuclear families along with lesser dependency aspect. This host of factors causes both external as well as internal Institutional changes to society attitude and belief at large. In this study we take this host of factors to be exogenous, starting with Industrial revolution, following various social movement in India as well as around the world, Independence, skewed opportunities, aspiration for better livelihood, liberalization, privatization, globalization and so on; all these have created an indispensable environment for the progress of society in terms of inclusion of women right over time.

As discussed family system was divided in two part i.e. joint family system and nuclear family system. A joint family involves hierarchy of members such as the grand-parents, father, mother, uncle, aunty and their children; who stay together under one roof with every member makes some kind of contribution to the common functioning and share common rights within the family property. The Nuclear family system is a family consists of only one mother, father, and children. The concept of this family system gave tremendous freedom from the patriarchal system. The Nuclear family also included various type of family like single parent family; only one parent and one or more kids, blended family with two parents, one or both who have children from the previous relationship.

DIVORCE comes from Latin word divortium which mean separation. It is equal to word divort or divortere. Di means apart and verteri mean to turn to different ways. A divorce is a legal action between married people to terminate their marriage relationship. The legal dissolution of a marriage is done by the judge of the court. There are six stations of divorce 1) Emotional divorce, 2) Legal divorce, 3) Economic divorce –mean division of property, 4) Co-parental divorce- decision regarding child custody and visitation right 5) community divorce –change in friendship and intuitional ties that a divorce person experience, 6) Psychic divorce- focus on person attempt to regain self-esteem. Divorce is a consequence, but not a root. It is a sign, not the disease. In the ancient time, marriage was sacramental, there is no such word called "DIVORCE" or dissolution of marriage. But various social movements, Article 14 and the Hindu code bill played a major role in the transformation of Indian culture and society. All these developments gave several rights to women which included: - the dissolution of marriage, equal right in parent inherited property, the abolition of a barrier to inter-caste marriage, abolition of joint-family property system.

The enactment of widow remarriage act, 1856 and Arya samaj movement allow women to get married again thus improving their status overtime in this respect. In post-Independence era, the number of remarriages has continuously increased, which gave a positive outcome as widow remarriage is no more considered outcast in the society.

Article 14 of the constitution of India states that every citizen of India are equal in the eyes of law i.e. equal protection to everyone irrespective of sex, caste, and religion.

Ancient Hindu marriage had three aim first, Dharma (duty)

secondly, Praja (progeny) and thirdly, Rati (sexual pleasure), but recently sequence is just opposite at top level is Rati (sexual pleasure) and next Praja and then dharma.

Traditionally, selection of Marriage partner was decided by parents, which was based on some factor such as caste, religion, family background, and income. But now a day's among new generation process of companion selection has changed a lot and mostly in metropolis it's them who choose their partner rather than their parent. Pre-marital relationship notionally was not accepted in the traditional Indian society is given acceptance in modern society.

The Hindu marriage act 1955 leads to the abolition of rule of Varna, caste and sub-caste endogamy, gotra and pravara exogamy thus enabling marriage between different caste and religion thereby addressing the change in society acceptance through law. As a result, now the important factor consider for marriage also includes subject like; education, employment, ability to manage home, good character, good earning and so on.

Throughout the history, the concept of marriage is an authoritative obligation between men and women to become husband and wife. But in present day society understanding of family and marriage has undergone accommodative changes. Nowadays it is easily to see lack of mutual bonding and adjustment between the couple as a result there is an increase in termination of marriage overtime, resulting as a consequence of the structure of present society. Divorce is becoming a general phenomenon in the society and it seems to be more socially acceptable as compared to old times and has become one of the most important and common issues in the world. The divorce rate is increasing continuously due to changes in the family system, the high expectation among couples, a breakdown in communication, Lack of commitment, Physical and mental abused and violence and so on. In this paper we will look at existing literature for the development of this phenomenon. Also, we will compare various indicators across Indian states to take hold of the fact that justified parity exist or not.

1.2 Methodology

Secondary data is used to fulfill the objective of the study. The data is collected from the Census of various years (1991, 2001, and 2011). Data from census is the base of the study. These data consists information of never married, married, widowed, separated and divorced for rural, urban and total with i) ages of all states in India ii) religion wise all states India. Another data is used from McKinney's global institution. Their data consists of information such as gender parity score (GPS) and FEMDEX female empowerment index. To calculate GPS they have used 15 indicators of gender parity of every country. In India due to lack of data they have used 10 indicators out of 15 to calculated FEMDEX of all states. These data used in combination as per need for the study.

1.3 Data Methods

1. Crude divorce rate is calculated as $(CRD) = \frac{\text{total number of divorce}}{\text{total population}} * 1000$.
2. Divorce to marriage ratio = $\frac{\text{total number of divorced}}{\text{total number of marriage}} * 1000$
3. Growth rate of divorce is calculated (here base year is consider as 1991) = $\frac{\text{total divorce in present year} - \text{total divorce past year}}{\text{total divorce in past year}} * 100$.

1.4 Literature Review from Hindu Society Perspective

Family is an institution made of households with different relation and one such relationship is between marriage couple. They are bind ritually together base on certain societal, cultural and religious norms establishing rights and obligations between them, between them and in-laws and between them and their children. The structure of family varies across culture as well as within culture. This in turn means variation in the definition of marriage based on the given norms. These norms are different across culture as well as in time and space. It has been well acknowledging that the right and obligation is skewed in our society in favour of gender-male from the beginning of civilization. There are various factors that lead to dissolution of marriage also known as Divorce based on certain norms across time and space. To discuss about this issue especially in India context, let look at women position in Hindu society. The history of Hindu Law can be sketched back from the Vedas. During the Vedic age (1400 BC- 1000 B C) Hindu Marriage was considered as eternal union and a religious ceremony. In Vedic periods the women worship was limited to literature only. The existence of binary; on one hand praise & idolized, on the other considering women as only child procreating machine exist which lead to sceptic on the honesty of women as a whole. Even certain verses of the Vedas state that the woman mind is uncontrollable and there can be no friendship with women for they have wicked hearts. Later works of "Sruti" the ancient religious texts which comprising the central canon of Hinduism has also described women as weak and inferior and no consideration or kindness should be shown to a woman. The point is, although, their exist claim of women enjoying equal status is all aspects of life but the falling status of women approximately around 500 B.C onwards clearly shows the hollow nature of the right given to women.

In the Vedic era, there is unequivocally no mention of divorce practice anywhere in the Vedas, but there are permissions of re-marriage but not exactly divorce. Both Atharvaveda (9.5.27-28) and Rigveda (10.18.8) have a proposal for this. In Atharvaveda (9.5.27-28) an Aja Pancaudana was held after which a remarried woman could stay united with her new husband forever. However this remarriage doesn't mention anything about divorce, it is supposed from the Rigveda (10.18.8) that the remarriage is for the woman whose husband is dead.

However, infidelity exists especially from Hindu man and the essence of monogamy in Hinduism is unilaterally violated from time to time, resulting in increase of polygamy. Also, the Smriti, Srutis and Scriptures unambiguously denied the right to divorce but exception aspect were also considered. As per Narada (vedic sage) and Parasara (Maharishi) under five circumstances women may abandoned her husband to remarry. These are; Husband Missing (for long time), death, impotent, an ascetic and out-caste.

On the other hand kautilya very clearly defined the concept of divorce. In most of the dharamasastra 8 types of marriages are mentioned; Brahma vivah, Prajapatya vivah, Arsha vivah, Daiva vivah, Paishache vivah, Asura vivah Rakshasa vivah, Gandharva vivah. First four are approved and next four are unapproved. According to Kautilya, there was no divorce in first approved group because it's pious marriage. On the other hand the unapproved group could have divorce if mutual dissatisfaction arises in the marriage.

This reflects a picture where a woman has right of happy and satisfaction marriage life. But the rising rate of polygamy coupled with nil rate of divorce undermines mutual disaffection. This clearly voice out an imbalanced and ill-fated marriage right for women in the ancient period. In the medieval period women's position in society further deteriorated with the acceptance of child marriages and a ban on remarriage by widows in some communities in India. The Muslim conquest of the Indian subcontinent brought purdah to Indian society. The participation of women in various fields was well documented, In political field Razia sultan, Durgavati, Chand bibi, and Nur Jehan role was well recognised. In south India few villages were administered by women too. But the existence of "Jauhar" self-immolation by women in Rajput kingdom of Rajasthan in India and its expansion in the form of sati lead to deterioration in the status of women in the medieval India. There are kingdom where devdasis were sexually exploited and practice of polygamy especially among Hindu Kshatriya was common during this period.

In 1811, Raja Rammohan Roy watched his brother's widow being burned alive on her husband's funeral pyre. Three years later, he retired and focused on protest against the exercise of women dying as Satis. He was the first Indian to protest against this tradition. In spite of protests from orthodox Hindus, he carried on his propaganda against the custom. Finally, he won the cause when Lord William Bentick, the Governor General of India passed a law in 1829 abolishing the custom of Sati. According to this law the custom of Sati became illegal and punishable as culpable homicide. Raja Rammohan Roy also opposed child-marriage and supported widow remarriage. This can be termed as the intermediate-modern era, sati abolishment by British in 1829 being the starting point.

Keshab Chandra adopted a program of social reform such as the abolition of child marriage and polygamy, widow remarriage, and inter-caste marriage. Finally, the native marriage act was passed in 1872 it banned polygamy. Then Sarda act 1930 gave a marriageable age for boy 18 and for girl 17 which was further improved to 18 for a girl and 21 for a boy under child restraint act 1978. The Hindu widow's remarriage act of 1856, enacted in response to the campaign of pandit Ishwar Chandra Vidyasagar. Raja Ram Mohan Roy supported widow remarriage and opposed child marriage. (Abhishek Sharma 2013)

Position and status of women stated to improve after 1947 i.e. just after India independence. Indian women started to mark their place in the governor, cabinet minister, and ambassador. Indira Gandhi was the first women Indian Prime Minister, Rajkumari Amrit Kaur was the first cabinet minister, Sarojini Naidu was the first female governor of India and C B Muthamma was the first Indian women ambassador and list goes on. After 4 years of India independent, in 1955 under the prime-ministership of Jawaharlal Nehru India constitution has guaranteed equal right and the opportunity to women through Hindu code bill, which was divided into 4 segments 1) Hindu marriage act 2) Hindu succession act 3) Hindu minority and guardianship act 4) Hindu adoption and maintenance act.

Hindu marriage act 1955 was based on two theories fault theory and mutual consent theory. Along with these theories, there was another theory like Indissolubility of marriage theory – before and after death both parties will never get separated with each other. Divorce at will theory -

one can give divorce to his /her spouse at their own will. Fault/guilty/offense theory –this is 19th -century concept if one commit marital offense another party can give divorce. This theory means petitioner should be innocent. The Frustration of marriage theory – if a party is not guilty of any marital offense or changed religion or disappear for a long time, the innocent can take divorce. Consent theory of divorce- according to this theory both party mutually ready to dissolved marriage. Breakdown theory of divorce - when both parties try to give their best to make a marriage successful but due to some issues like selfishness, indifference and etc. lead to the breakdown of marriage. Irretrievable breakdown of marriage theory- when marriage is not able to put on the right path it can be dissolved, with no fault of any parties. (Ranga,partima devi 2014).

1.5 Divorce Law in India and ground for divorce

All religion has their own law that governs the divorce within the community.

1. Hindu marriage act 1955-This was Hindu law which also included Jains, Sikh, and Buddhist
 2. Parsi divorce act 1936- by Parsi
 3. Dissolution of Muslim marriage act 1939- by Muslim
 4. India Divorce act 1869-by Christians.
- (Vikaram shah 2016)

Grounds for Divorce under all Religions

Ground on Hindu divorce –a) Adultery, b) Cruelty, c) Desertion, d) Conversion, e) Unsound mind, f) Leprosy, g) Venereal disease, h) Renunciation of the world i) Unheard of for seven years or more j) Wife ground of divorce- i) Bigamy, ii) Rape, sodomy or bestiality, iii) Reputation of marriage, iv) Non-resumption of cohabitations after passing and order of maintenance. k) Divorce by mutual consent.

Ground on Muslim Talaq (divorce)- a) By the death of the spouse) Talaq –lu-sunnat c) Talaq Ahsan, d) Talaq Hasan, e) Talaq-ul-Biddat, f) Ila, g) Zihar h) Talaq by wife- talaq tafweez i) Talaq by mutual consent- i) Khula, ii) Mubarat J) Independent right to divorce of the wife i) li'am, ii) Impotency, iii) Insanity-leprosy-virulent disease iv) Cruelty, ill- treatment, desertation, v) Apostasy from Islam.

Grounds on Christian divorce-a) Ground of divorce for husband- adultery by the wife is one of the most important factors b) Ground of divorce for wife – husband adultery and cruelty c) Divorce by mutual consent.

Grounds on Parsi divorce are- a) Wilful refusal to consummate b) Unsoundness of mind c) Adultery, Fornication, Bigamy d) Cruelty.

Grounds on Jewish divorce- a) Ground of divorce for husband- (i) immoral department, (ii) Apostasy, (iii) Refusal to have marital intercourse, (IV) Unjustified refusal to follow husband to another domicile, (v) Violation of ritual law in the management of her household, (vi) Incurable disease rendering cohabitation dangerous, (vii) Insulting her husband or her father-in-law in the public, (viii) Barrenness after ten years of marriage., b) Ground of divorce for wife - (i) Cruelty, (ii) Apostasy, (iii) Chronic disease rendering cohabitation dangerous, (iv) Licentiousness, (v) Repulsive occupation, (vi) Refusal to support, (vii) Refusal of marital Intercourse, (viii) Physical impotence. c) By the court against wishes of the parties d) Divorce by mutual consent. (Ranga,partima devi 2014)

In India, the word divorce came as laws to protect the right of both men and women. The Hindu marriage act 1955 and

new marriage law (amendment) act 1976 which added mutual consent divorce, gave a much needed change to Hindu society by allowing dissolution of marriage to both parties based on some factors. Factors which lead to divorce are as follows;

1. Adultery: - Which means when one partner cheats on another partner.
2. Financial difficulty: - When expectation never met what they plan for future due to uneducated of finance lead to problems such as argument, fighting and etc.
3. Work stress and obligation: - Different work timing like night shift, or lot of work pressure at office also become reason for divorce.
4. Addiction: - This is one of a most important factors due to the addiction of drinking, gambling and etc. lead to violence at home, financial crisis and etc. (Bari Z Weinberger, 2012),
5. Another factor: - i) When you've lost your individual identity ii) Depend on paternal income iii) Not the same way of thinking different vision iv) Bad sexual life v) Lot of expectation vi) Can't fix the problem without a fight vii) You're interested in the different thing. viii) No showing of physical affection between both (Lisa L. Payne, Kim Olver, 2016) ix) Children from previous relationship x) Intrusive parents xi) Privacy problem xii) Communication differences xiii) Mother- in- law and daughter-in-law conflict. xiv) Conspiracy against the boy and his family xv) Misconception that second or third marriage would bring more happiness in life (Elsa vulliamy, 2016)
6. Recent important factors like; Women education which allowed them to know their Constitutional rights, Women becoming financial independent, Marriage against the wishes of man and women. (Dr A.S Kalra, 2014).

1.6 Impact of Divorce

Divorce also played a vital role in the change of the family system which causes different impact such as;

1. Effect on children: - Children whose parents dispute is less there is fewer adjustment issues, happy, healthy, better self-esteem rather than children who have high conflict parents, their children develop more anxiety, depression, anger issue and etc. Children lack love support care from parents, children age between 9 to 12 they blame themselves for the cause of their parent divorce. The impact of divorce on teenage children is more because they can understand thing among parents and due which they mind get distracted from the study, they start to think they have to take care own by themselves.as a result they take wrong decision in their life like they leave their parents, or they addicted to alcohol. Children of divorce parents need to face many news changes in their life like single parents bought up style, food style, and a different rule to stay at home. (Reinier bloem 2013)
2. Financial effect: - Women and children experience financial decline upon divorce while men's are relatively less. Divorce procedure is one main reason for the financial crisis for women because it required a good amount of money to get a divorce. After separation mother and children have to live in poverty, no good education for children, no proper shelter and etc. due to lack of `household budget, women never

receive full payment for child support, man loses their good standard of living just after divorce. (Drs linda J.waite & Maggie Gallagher)

3. Effect on family: - Family structure is changing from joint family to nuclear family. The family is no more like family which uses to include father mother sister, brother, grandmother and father.
4. Effect on society: - Increased in young crime rate due to absent of father. Society suffers when very few people are getting married and many people are getting a divorce. It creates a situation where people choose single parenthood rather than double parenthood. (Michele vrouvas 2007)

To conclude, So far it have be seen that women in India to some extent, had achieved parity due to enactment of (law) Hindu marriage act 1955, abolition of polygamy, abolition of child marriage, permission to widow marriage, marriage among different caste and religion and freedom to choose a mate. These are the positive sign of the progress. In spite of evolution of women status, India is still a male dominating country. There are laws which ensure equals rights to women, but they are not strongly enforce. They are always a part of discrimination, oppression and deprivation; these can be seen in India's caste system, social structure, social norms, which have made women more unsafe but with the development of host of exogenous factors, as discuss earlier we see the position of women in society is getting its due voice.

1.7 Analysis of Divorce in Rural and Urban India

In this part we will look at the various aspect of divorce in rural and urban areas as well as across Age's in the Indian states. Firstly, we will look at the crude divorce rate, than we will look atdivorce to marriage ratio for both urban and rural areas. Also, we look at growth in divorce rateover theb years, and this is evident for all age's groups (table-1.4).

Table 1: Crude divorce rate of India

Year	Total Population	Divorce / Separated	Crude Divorce Rate
1991	Total	838567936	2119340
	Rural	622796324	1704705
	Urban	215771612	414635
2001	Total	1028610328	3331025
	Rural	742490639	2483776
	Urban	286119689	847249
2011	Total	1210854977	4897518
	Rural	833748852	3232865
	Urban	377106125	1664653

Source: Census of India, author-compilation

Above table 1.1 indicate crude divorce rate of India from 1991 – 2011 i.e. number of divorce per thousand. According to censuses, it is observed that over 20 years there is a rapid increase in divorced rate. There is notable variation in divorce rate in rural and urban India. In 1991 the divorce rate was 2.5 per thousand which increases to 3.2 per thousand in 2001 and later increases to 4.4 per thousand in 2011 census. In post liberalization era, we could see an increase in divorce rate in each census for rural and urban India both. All the three-census show increase in divorce rate but the percentage increases in divorce rate is higher in

urban India than in rural India. Thus, the impact of economic development on divorce is more observable in urban India than rural India.

Table 2: Divorce to marriage ratio of India

Year	Married	Divorced / Separated	Divorce to Marriage Ratio (1000)
1991	Total	380418921	2119340
	Rural	284562282	1704705
	Urban	95856639	414635
2001	Total	468593016	3331025
	Rural	336894950	2483776
	Urban	131698066	847249
2011	Total	579584783	4897518
	Rural	393025961	3232865
	Urban	186558822	1664653

Source: Census of India, author-compilation

This table 1.2 present another measure of the divorce rate in India i.e. divorce to marriage ratio, which is the ratio of crude divorce rate to crude marriage rate. In the census 1991, the ratio was 5.5 per thousand which increases to 7.1 per thousand in 2001. It has further increased to 8.4 per thousand in 2011 census. The divorce to marriage ratio shows increasing trends in both rural and urban India in all censuses. Similar, here also we could see an increase in divorce to marriage ratio is higher in urban India than rural India.

Table 4: India age wise crude divorce rate

	1991	2001	2011
All ages	2.53	3.24	4.04
0-14	0.08	0.14	0.20
15-29	3.40	3.52	3.41
30-44	2.11	6.90	8.37
45-59	4.05	5.49	7.33
60-74	3.55	4.24	5.10
75+	3.67	3.69	3.92

Source: Census of India, author-compilation

The above table show age wise crude divorce rate in India i.e. Number of divorce per thousand in India. In the above table it is seen that there has been an increases in divorce rate for all age's group. The increase is seen to be highest among people aged 30-44 in the period 1991-2011.

1.8 Divorce and Religion

In most of the religion divorce is not encouraged. Traditionally in Hinduism there is no concept of divorce. Marriage is a sacraments, it is sacred relationship between two people. After the civil law was guarantee by Indian constitution to protect the right of men and women, practice of divorce came into Hinduism society. In Muslim marriage is a contract known as nikaahnama, it is signed not only by the couple but also by walises and the maulvi. In Muslim religion, husband can dissolve marriage tie at his will but wife cannot divorce her husband without his consent. Dissolution of marriage under Muslim marriage act 1939 allowed getting divorce to both husband and wife and also mutual consent. In Christianity marriage is one of the sacraments and is indissoluble. Indian divorce acts 1896, allowed christen men and women to get divorce. In Buddhism, marriage is considered as a personal and individual concern, not as a religious duty. In Buddhism

Table 3: Growth rate of Divorce in India

Total	Total Population	Divorced / Separated	Divorce Growth Rate	Population Growth Rate
1991	838567936	2119340		
2001	1028610328	3331025	57.2	22.7
2011	1210854977	4897518	131.0	44.4
RURAL				
1991	622796324	1704705		
2001	742490639	2483776	45.7	19.2
2011	833748852	3232865	89.6	33.9
URBAN				
1991	215771612	414635		
2001	286119689	847249	104.3	32.6
2011	377106125	1664653	301.5	74.8

Source: Census of India, author-compilation

The above table shows the growth rate of divorce in India for the three censuses. We considered 1991 census as a base year for calculate growth rate over the census period. First we calculate divorce growth rate of 2001 census considering 1991 census as base year, it is 57 percentages over ten year and yearly divorce growth rate is 5.7 percentages. Next 2011 census when we calculate divorce growth rate considering 1991 census as a base year, it is 131 percentages over twenty years and yearly divorce growth rate is 6.5 percentages. Thus, over the period we could see that divorce growth rate has increased.

marriage is a secular affair and it is not sacraments as a result in Buddhism there is no restriction in divorce. For divorce purpose they follow same Indian constitution law.

Table 5: Divorce rate of India by religion

Religion	YEAR 2001			YEAR 2011		
	Total Population	Divorced / Separated	1000	Total Population	Divorced / Separated	1000
India	1028610328	3331025	3.24	1210854977	4897518	4.04
Hindu	827578868	2618865	3.16	966257353	3833495	3.97
Muslim	138188240	450521	3.26	172245158	654347	3.80
Christian	24080016	125917	5.23	27819588	192330	6.91
Sikh	19215730	38599	2.00	20833116	82291	3.95
Buddhist	7955207	44004	5.53	8442972	63123	7.48
Jain	4225053	9144	2.16	4451753	15455	3.47
Other	6639626	41002	6.17	7937734	46661	5.88

Source: Census of India, author-compilation

The above table shows the divorce rate in India by religion. Comparing two censuses, it is seen that the divorce rate for all religion has increased over the years. The 2001 and 2011 censuses show the highest divorce rate religion in Buddhism and Christianity as compare to other religion. Buddhist has

the highest divorce rate of 5.5 per thousand in 2001 which increases to 7 per thousand in 2011 census. In 2001 census Christian was 5.2 per thousand which increases to 6 per thousand during 2011. There had been increases in divorce rate for Hindu and Muslim but not as much compared to other religions in the above table. The interesting point to note here is that, the category other in the religious table mention above shows a decline in divorce rate.

1.9 Divorce and Gender Parity

‘Gender parity refers to equal contribution of women and men to every dimension of life, whether private or public’*. The word Gender parity is associated with several developmental aspects with respect to time over the period. According to Mckinsey Global institute world report. The India global gender parity score is 0.48, where 1 is the ideal score. Thus, India represents a high level of gender inequality. This report has developed index called FEMDEX i.e. female empowerment index which show gender parity variation within the geographical boundary of India. FEMDEX-is a state level female empowerment index. Gender inequality in India can be seen as social economic, political, and cultural aspect. Women statuses have never been equal with the men from the beginning. They have not been allowed to take part in public life, such as political, employment, participation in decision making and other

profession. Larger part of India still lack this equality due to prevailing of patriarchal system, dowry, high social stigma, domestic violence, different social crimes such as rape, molestations, prostitutions, and female infanticide. Some part of India has better equality for example, in some part of Northeast India gender parity is much higher compared to other states. They have matriarchy society, high women participation rate in decision making resulting in authentic women empowerment, higher female literacy, lower gender gap in literacy rates, and no social stigma and so on. The role of women has constantly changed all over the world in the 20th century. Women participation has been seen as a positive aspect all over the world. As women participation started to gain pace, it is seen that the presence of Indian women in various filed, such as prime minister, cabinet minister, governors, Nobel Prize winner(Mother Teresa), Oscar winner Bhanu Athaiya for costume design, IAS, miss universe Sushmita Sen and many more are coming up at an increasing rate over the period of time. Many women have outperformed males in various fields. So far women in India to some extent had achieved economical parity. More of the females have acquired education and employment resulting in financial independence. When women is empowered and she is not financially dependent on her husband, then after marriage there is a higher chance of divorce as compared to women who is dependent on her husband.

*<http://eige.europa.eu/rdc/thesaurus/terms/>

Table 6: Divorced rate and Gender parity

States	Divorced rate of (2011)	Gender Parity rate of (2012)
MIZORAM	2.66	0.7
MEGHALAYA	1.54	0.69
SIKKIM	1.00	0.64
KERALA	0.83	0.67
NAGALAND	0.75	0.52
CHHATTISGARH	0.73	0.55
PUDUCHERRY	0.71	0.59
TRIPURA	0.65	0.51
TAMIL NADU	0.63	0.6
ANDHRA PRADESH	0.58	0.59
MAHARASHTRA	0.55	0.59
MANIPUR	0.55	0.55
GUJARAT	0.55	0.56
WEST BENGAL	0.52	0.54
ARUNACHAL PRADESH	0.50	0.5
KARNATAKA	0.47	0.59
ODISHA	0.42	0.51
PUNJAB	0.41	0.59
MADHYA PRADESH	0.40	0.49
ASSAM	0.38	0.47
CHANDIGARH	0.34	0.60
HIMACHAL PRADESH	0.31	0.63
GOA	0.30	0.64
NCT OF DELHI	0.29	0.56
JAMMU & KASHMIR	0.28	0.55
RAJASTHAN	0.25	0.52
UTTARAKHAND	0.23	0.57
JHARKHAND	0.23	0.46
HARYANA	0.19	0.53
UTTAR PRADESH	0.17	0.49
BIHAR	0.09	0.42
	Corelation Cofficient	0.63***
*** Significant at 1%		

Table above indicates relationship between divorced rate and gender parity. It is observed from the above table that the states like Mizoram has the highest gender parity score (0.70) in 2012 also has high divorce rate (2.66), and state like Bihar which has the lower gender parity score (0.42) has the lower divorce rate (0.09). The result of correlation coefficient (0.63) shows that there is positive relationship between divorced rate and gender parity. The relationship is statistically significant at 1 percent.

1.10 Findings

1. Finding suggests that there is a significant positive relation between divorce rate and gender parity.
2. The finding validates that gender parity difference is an important reason for higher divorce rate in Mizoram and lower divorce rate in Bihar.
3. Finding showed that middle aged group has the highest divorce rate in India.
4. Finding shows higher divorce rate in urban India as compare to rural India

1.11 Limitation

1) Lack of data availability such as i) financial condition of family ii) 1991 religion wise
iii) education qualification of divorced person as a result research was restricted to analysis which section of society are able to get divorced, divorce growth rate by religion, relationship between education qualification and divorced rate.

Even though economic parity is somewhat achieved for women who are fortunate but social cultural and political parity is far away from reach for most of the women

1.12 Conclusion

Mostly the role of women had been traditionally confined to taking care of family's and household work. So, the socio-cultural environment i.e., a set of beliefs, customs, practices and behavior pushes these activities as an assign duty for women. Over the period these duties were taken for granted and any deviation from these duties considered as disrespect and mostly leads to violence towards women. Though the changing role of women in terms of participation is realize in terms of opportunity cost for her age-old era duties vis-a-vis market participation with rise in living standard and cost. As the participation of women expanding both in urban and rural India (In rural India mainly due to skewed development that leads to migration of male from rural to urban area), there is some sort of economic empowerment women were able to achieve in most part of India. In the three censuses, the growth and development along with better settlement structure after divorce for the Hindu marriage women provide the argument from economic empowerment front for the issue of women's status in marriage and the consequences as a form of divorce. This parity from economic front is somewhat misleading due to lack of socio-economic consideration and political consideration from parity perspective. Even though there is rise in economic empowerment but that is limited to few fortunate sections, as more than 90 per cent of workforce in India is part of the unorganized sector. Nevertheless, the three censuses show the rise in divorce rate across India in all age groups, clearly showing the status of rise in discontent in the marriage. As the women participation

started to gain pace, we can see the presence of women in various field but In spite of all changes taking place, India is still a male dominant society. There are laws which ensure equals rights to women, but they are not strongly enforce. There are always a part of discrimination, oppression and deprivation; these can be seen in the India's caste system, social structure, social norms and customs, and this enforcement have made women more unsafe over the period. The parity can be achieved in real sense when socio-cultural equality can be achieved too alike north-eastern state of India where there is no social stigma is associated to unmarried women or divorcee. The political participation is also necessary for proper representation of women from parity perspective. The economic empowerment in itself can be seen as only the weak link for parity achievement and hardly reflect women position vis-a-vis male in the case of divorce, but a ray of hope is somewhat there and divorce can never be a solution for parity but only provide the soothing to the unspoken parity demand over the centuries.

References

1. Reddy Krishna. Indian History", Chapter VII Post Mauryan India (BC 200- AD300), Tata McGraw-hill education, 2006.
2. Sagar CK. Foreign Influence on Ancient India", Chapter XII Foreign Influence, Northern Book Centre, 1992.
3. Acharaya Bala Ram. Sociological Analysis of Divorce; A Case Study from Pokhara, Nepal", Dhulagiri Journal of Sociology and Anthropology, 2008, Vol 1.
4. Das Ira. Status of Women; North Easter Region of India Versus India", 2013.
5. International Journal of scientific and research Publication, volume 3, issue I, January.
6. Jonathan Woetzel, Anu Madagavkar, Rajat Gupta, James Manyika, Kweilin Ellingrud, Shishir Gupta, Mekala Krishnan. The Power of Parity Advancing Women's Equality in India", Mckinsey Global Institution, November, 2015.
7. Godwin J, Prem Singh, Sheena Rajan Philip. A Study on Increasing The Divorce Rate In Kerala", IOSR Journal of Humanities and Social Science (IOSR-JHSS), 2014, 19(6).
8. Kannabiran KG. Outlawing Oral Divorce Reform Through Court De cree?, 1994.
9. Economic and Political Weekly, June 18.
10. Mullatti Leela. Families in India: Belief and Realities", Journal of Comparative Family Studies, Vol. 26, No. 1, spring, 1995.
11. Fonseca MB. Family Disorganisation & Divorce in Indian Communities", 1963.
12. Sociological Bulletin, 1963, 12(2).
13. Subramanian, Narendra (2010) „Making Family and Nation: Hindu Marriage Law in Early Postcolonial", The Journal of Asian Studies, vol.69, No. 3 August 2010.
14. Mehta, Roma (1949) „The Changing Status of Women and Divorce", Economic weekly,
15. may 21.
16. Sahay, Ragini (1998) „Divorce in Muslim Society, Law and Reality: A Study among Telis in Delhi", Indian Anthropologist, Vol. 28, No.2 December, 1998.
17. S.Pothen (1989) „Divorce in Hindu Society", Journal of Comparative Family Studies, Vol.20, No 3 autumn

- 1989.
18. Ranga, Pratima Devi (2014) „Divorce Under Personal Law in India a Comparative Study“, Shodhganga @ Inflibnet, Shodhganga.inflibnet.ac.in/handle/10603/39005.
 19. Dr. Mukesh Garg, Dr. Nareshlata Singla (2013), „Marital rape under Indian law; A study“, International Journal in Management and Social Science, vol.01 Issue-02, June 2013.
 20. Kumari, Arunima (2016), „Increasing rate of divorce: a social stigma“, International journal in Social Science and Humanities Research, vol. 04, Issue 01, January – March 2016.
 21. Krishnaraj, Maitreyi (2016), „The Indian Women: On inequality and power discrimination“, Economic and Political Weekly, volume 51, issue 8, Feb. 20, 2016.
 22. Bhakoo, Radhika (2016), „Dissertation as a ground for divorce – a critical study“,
 23. Journal of contemporary issues and law’, march 2016.
 24. Government of India (2008), „law on registration of marriage and divorce – a proposal for consolidation and reforms“, Law commission of India, Report no 211.
 25. Domaraju, Premchand (2016), „Divorce and separation in India“, Population and Development Review, volume42, issue 2, May 2016.
 26. Patrick F Fagan, Aaron Churchill (2012), „The effects of divorce and children“,
 27. „Marriage and Religion Research Institute’ January 2012
 28. Chawla, Anil (2014), Legal status of foreign decree of divorce for Hindu couple married in India“, www.indialegalhelp.com, April 15, 2014
 29. <http://www.yourdictionary.com/divorce>. Accessed on 16-11-2016 <http://phillyesquire.com/history-of-divorce-meaning/> Accessed on 16-11-2016
 30. <http://divorcesupport.about.com/od/propertydistribution/f/propertydistr.htm> Accessed on 22-11-2016
 31. <http://www.urbandictionary.com/define.php?term=divorce> Accessed on 16-11-2016 <https://prezi.com/xjslqcz1s-/theories-of-divorce/> Accessed on 20-2-2017 <http://info.legalzoom.com/origin-divorce-20686.html> Accessed on 20-2-2017
 32. <https://ramanan50.wordpress.com/2013/07/24/divorce-widow-remarriage-allowed-by-vedic-hinduism/> Accessed on 12-03-2017
 33. <http://myweddingwebsite.com/8-types-of-hindu-marriages-according-to-manusmriti/> Accessed on 20-11-2016
 34. <http://www.yourarticlelibrary.com/essay/divorce-meaning-stations-causes-and-impact-of-divorce/31309/> Accessed on 25-03-2017
 35. <http://www.lawctopus.com/academike/divorce-under-hindu-law/> Accessed on 29-11- 2016
 36. <https://www.slideshare.net/abhishek1104/2reform-movementshistoryabhishek-sharma> Accessed on 25-11-2016
 37. <https://sites.google.com/site/indiandivorcelaws/home> Accessed on 1-12-2016
 38. <http://www.yourarticlelibrary.com/marriage/5-main-aims-of-a-hindu-marriage-essay/4365/> Accessed on 3-04-2017
 39. <http://www.importantindia.com/10488/condition-and-status-of-women-in-india/http://www.yourarticlelibrary.com/marriage/recent-changes-in-hindu-marriage/47621/> Accessed on 19-11-2016
 40. <http://www.yourarticlelibrary.com/marriage/recent-changes-in-hindu-marriage/47621/> Accessed on 5-2-2017
 41. <http://www.bbc.com/news/world-asia-india-37481054/> Accessed on 12-1-2017
 42. <http://indianexpress.com/article/explained/how-india-ranks-on-gender-parity-and-why/> / Accessed on 22-11-2016
 43. http://www.ideasforindia.in/article.aspx?article_id=105/ Accessed on 21-1-2017
 44. <http://timesofindia.indiatimes.com/india/Acid-attacks-highest-in-patriarchal-societies-Delhi-among-worst-states/articleshow/28692801.cms/> Accessed on 13-3-2017
 45. https://en.wikipedia.org/wiki/Divorce_demography#cite_note-13/ Accessed on 2-1- 2017
 46. <http://timesofindia.indiatimes.com/city/ahmedabad/Census-finds-divorce-rate-higher-in-Christian-Muslim-communities/articleshow/53855212.cms/> Accessed on 2-2-2016
 47. https://www.researchgate.net/publication/301284623_Divorce_and_Separation_in_India/ Accessed on 11-3-2017
 48. <http://www.children-and-divorce.com/effects-of-divorce-on-children.html> /Accessed on 24-11-2016