

Marital Breakdown in India*

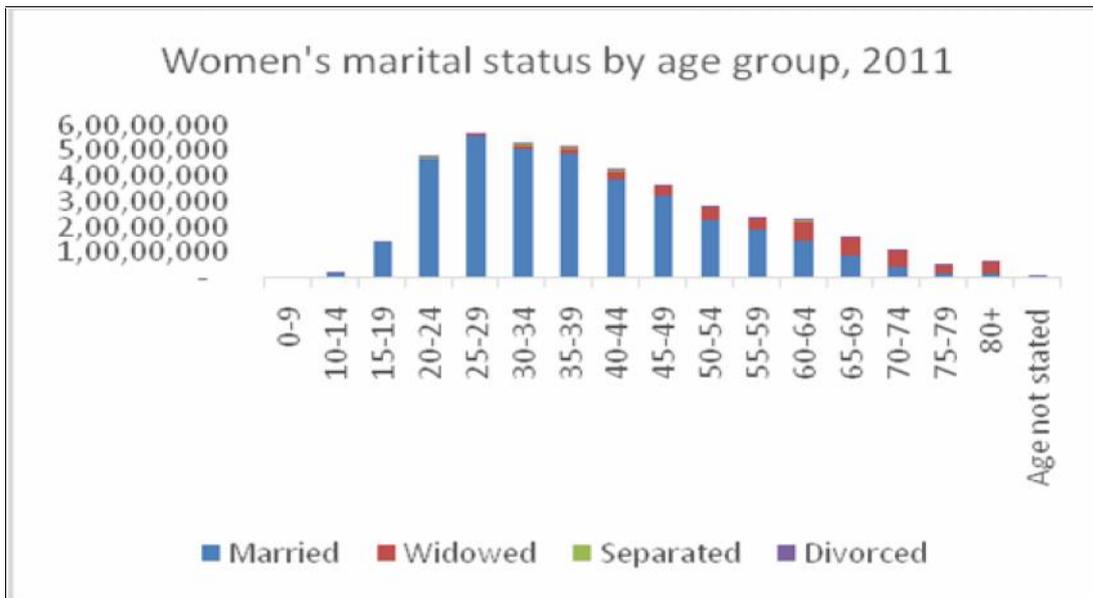
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India is not known as a society with high rates of divorce or separation. This reflects the very nature of marriage in India, which is still highly constrained by patriarchal socio-cultural norms and tends to be determined by families rather than the individuals who enter into the marriage. Marriage is near-universal, with only a tiny minority remaining unmarried. Caste endogamy still dominates in choice of partner (remarkably, even across different religious communities, most of which recognise particular castes within the community). Women only very rarely have any autonomy in spouse selection, typically in more urban, “westernised” or more “modern” social settings, but even among such women, real and effective agency in choice of marriage partner is not that common.

So in general, marriage is often seen as socially determined and not something the partners themselves – particularly the women – can control as they please. This obviously affects the likelihood of divorce as well. There is still very little social and cultural acceptance of divorce, particularly when initiated by women. In fact, there are numerous instances of women being encouraged to stay with an abusive and violent partner, even by their own natal families, rather than exiting the marriage. Separation or divorce, when it occurs, is more frequently initiated by men, also because the low work participation rates of women and inheritance patterns that are still gender-unequal provide very little options for women who choose to leave even an unhappy or abusive relationship.

As a result, most marriages end because one of the partners dies. This is evident from the Census data for women’s marital status by age in 2011 described in Chart 1, which shows that widowhood is much more likely for adult women than being separated or divorced. This chart also reveals a somewhat striking fact: the still-high incidence of child marriage and therefore the continuing prevalence of girl children with dissolved marriages, as considered in more detail below. Nevertheless, while the rates of marriage dissolution may be relatively low compared to other societies, they result in large absolute numbers: across India, more than 4.2 million women (4,225,940) were either separated or divorced in 2011, and the numbers would only have increased since then.

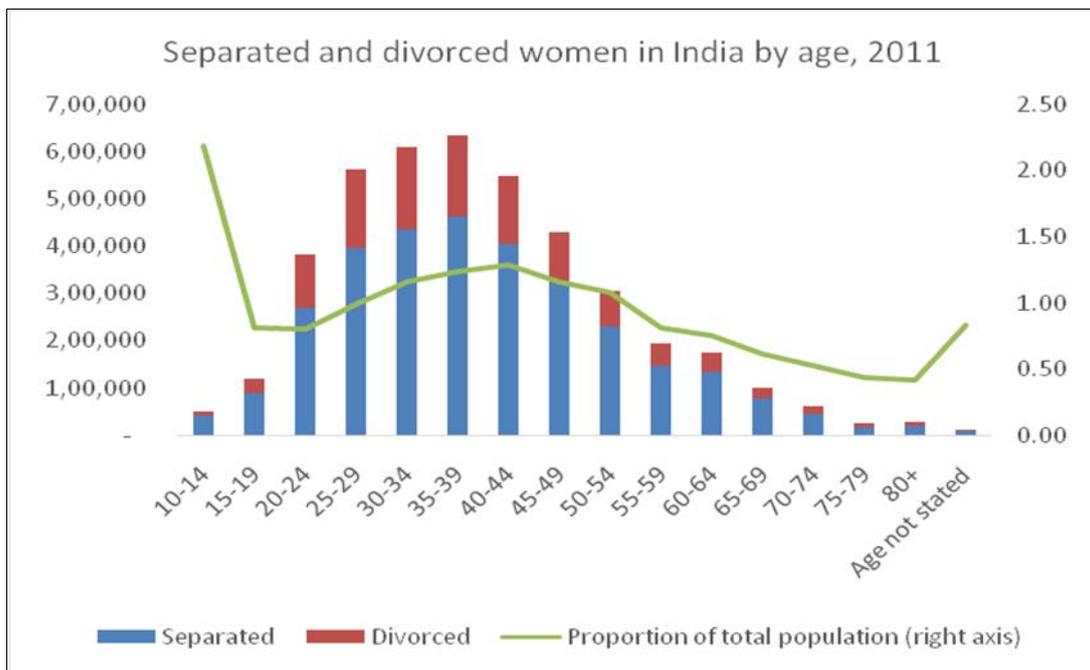
Chart 1



Source: Census of India 2011

Chart 2 describes how such women were dispersed across age groups in 2011, according to the Census. Unfortunately, the Census data do not allow us to establish the age at which the marital dissolution occurred; however, the age distribution of such women does suggest that this occurs among women who are relatively mature but not yet past working age. The highest rates of marriage dissolution among women are found in middle age, peaking in the age group 35-39 years.

Chart 2

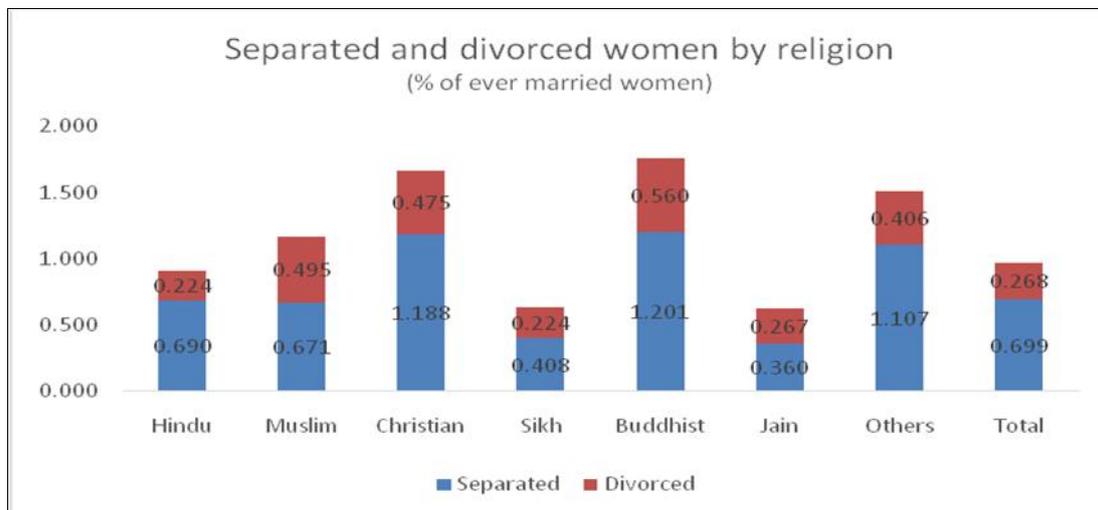


Source: Census of India 2011

The most striking fact that emerges is that separation is clearly the dominant form of marriage dissolution for most women in India, accounting for 63 per cent of all separated and divorced women. This is significant because most separations are informal arrangements that do not provide any kind of legal recourse or status or rights to the affected women, and the various different legal systems in India that cover marriage do not really have specific ways of dealing with it. Most cases of separation tend to be of abandonment by the male spouse, which can occur in a variety of ways, but which typically imply that the spouse has also abandoned all material responsibility towards the upkeep of the woman and her children. In the Indian social context, which is relatively restrictive of women’s freedom and agency in most parts of the country, and where paid work participation remains very low, it often implies that the women are forced to take recourse to their natal families for residence and support. It can also be a significant factor in pushing such women into poverty, an aspect that is explored in more detail below.

However, India is an extraordinarily heterogenous society, differentiated across states and regions, by religion, by caste, by ethnic group and by location of residence. Religion obviously plays an important role in determining the socio-cultural norms of marriage and the ending of marriage, and in India, as we shall see below, it also governs the legal framework within which much marriage dissolution takes place. Therefore, it is not surprising that rates of marriage dissolution vary quite widely across different religious groups, as indicated in Chart 3. Buddhist, Christian and “Other” women show the highest incidence of divorce and separation. However, Muslim women also show a higher rate of marital dissolution than Hindu women, while Sikh women show the lowest rate. (It is worth noting that the Census classification of a person’s religion does not necessarily mean that the person was married under that particular marriage law, since the option of the Official Marriages Act is available; however, there does tend to be a strong overlap.) It is evident that separation is the major form of marital dissolution experienced by women across religions, but is slightly less evident among Muslim women, probably because of the greater ease of divorce in this community; however, it is also slightly lower in significance among Jains (although still more than half for both).

Chart 3



Source: Census of India 2011

It is worth noting that there is hardly any difference across rural and urban areas in terms of rates of marital dissolution for women, at least according to the 2011 Census. The perception that urban life could generate different and possibly less rigid social patterns and norms that would therefore encourage higher rates of divorce does not appear to have been borne out thus far by the Indian experience.

What is more depressing is that rates of separation and divorce still tend to be strongly influenced by son-preference, and women who are mothers of only daughters (whether a single child or more) have a higher probability of marriage dissolution than those with even one son. This tendency is similar across different castes and religious communities, and across rural and urban locations. It is surprising to find that such a tendency persists regardless of other factors that should reduce it, such as the level of education of the woman and her husband. Son preference is only one indicator of extreme patriarchy, but its impact even in affecting something like the viability of marriages is yet another indicator of the continuing low status of women in Indian society.

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