



Major Cause Of Women Divorce In India With Special Reference To Kashmir Valley

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Abstract

The present study was an attempt to observe the impact of divorce Muslim Women and Kashmiri pundit women in Kashmir irrespective of their dwelling, work status and motherhood. The study shows that the majority of divorcee women are careless about themselves after divorce. Greater number of divorcee women is overburdened as a single parent. Most of the divorcee women's children are rejected by father.

Key words: Divorce, impact, Kashmir

Introduction

Divorce or Talaq means to break a bond between two souls who earlier were combined through Nikah. the Word Talaq existed in pre Islamic period also and in present days also it is prevalent. Talaq is permitted only when woman's virtues, character and morals aren't upto the mark and despite trying every legal means she isn't in a position to correct herself Talaq is illegal when pronounced without a solid reason. Remember Talaq invites the wrath of Allah. Like in Nikah there are well defined rules in Talaq as well. Nikah isn't the children's game that you break whenever you wish instead it is a kind of worship. Very few people are pleased with the better relationship between husband and wife. Majority of the people add fuel to the relationships when these are strained. Divorce is the legal dissolution of socially and legally recognized marital relationship that alters the obligations and privileges of the two persons involved. It is also a major life transition that has far reaching social, legal, personal, economic and personal consequences In common terms it is considered as the ending of a marriage. A breakup in relationship is obviously the most awful situation for a person that results into emotional setback. The mental health indicators which are affected by divorce relate to depression, anger, low self-esteem and anxiety. The person affected may

blame himself/herself for such a blunder. There is no doubt, adapting to divorce can be a tedious process despite seeking relief of termination of problematic marriage. Many a times proceeding in a disparaging and dissatisfied marriage has had greater effect on the psyche of spouse and children rather than opting to be parted amicably or through court. Divorce usually takes place due to the disparity in gender roles, when the rewards for maintaining a relationship are lower and the costs higher than those available in another relationship or by living alone then it results in divorce. Divorce has achieved remarkable attention in many developed, least developed and under developed countries because of its visible effects on individuals and society. Its impact is not equal for both men and women but varies according to gender, ethnicity, life style, social support, social network, continued attachment to ex-spouses and institutional arrangements of a country. In regions where there is more disapproval of divorce, both men and women experience greater decline in friends, relatives and neighborhood contact after divorce

Objectives

The present study is based on the following objectives:

1. To study Divorce among Muslim Women in Kashmir.
2. To explore major causes of Divorce among Muslim Women in Kashmir
3. To highlight that how Children sufferer in each case of divorce

Research Methodology

The methodology undertaken in this research work includes historical and analytical methods. The historical records and official document were examined: primary as well as secondary sources that are available on the subject have been used. A primary source includes documents, reports, official statements and interview of divorced women. In the secondary sources, the major works of different distinguished authors in the field have also been included and analyzed.

Discussion

Divorces in the Indian Society

In recent years, the concept of marriage has shown a tremendous change. It is believed in India, especially in the majority Hindu community, that the Muslim community has highest incidences of divorces and thus it maintains the highest divorce rate in the country. This proposition is explained in terms of pro-divorce role of their religion, practice of polygamy,

discriminative views about women, declaration of divorce by men and other related factors. However, the Muslim community in India neither stands as the only 'divorce declaring community nor shows the character of declaring highest number of divorces' in the country. Actually, there are many other communities, even in the religion of Hinduism, which practices the act of divorce and in some cases their rate of divorce is higher than the rate of divorce among Muslims.

Under the various Muslim divorce customs and acts, divorce among the Muslims is an option available to either of the spouses. The process of divorce is usually lengthy and hazardous, often starts with misunderstanding and issues related to child care, dowry etc in which both the parties have to suffer mental and at times physical assaults, this ultimately ends with the separation through the process of divorce. However, traditionally it has been seen that the practice of divorce among Muslim grants more opportunities to men than to women. Woman of course can seek divorce in cases where the husband deserts her, fails to maintain her, abjures her or if he is impotent. Various rules and procedures exists which deals with the obligation of marriage partners in general and the husband in particular in case divorce may occur.

Over the years, it has been found that among Muslim the word 'triple talaq' (se talaq) and its meaning has been misunderstood resulting its misuse especially among the middle class Muslim communities. It was essentially in this context, that the All India Muslim Personal Law Board had to frame a revised Nikah Nama, which among other things put a restrictive implication on the prevailing practice of tripletalaqamong Indian Muslims. It is important to note here that the divorce problem among Muslims in India is not only a religious problem but a social problem too. It is in this context that lower class and illiterate Muslims in general have higher incidences of talaqthan the upper-middle class and educated ones. Thus the practice of divorce among Muslims establishes socio-economic co-relation between this practice and many other factors.

Divorces in the Kashmiri Society

Traditionally speaking, marriage in Kashmir is governed by rule of kinship rather than courtship and is considered as a matter of inter-families and not inter-personal concerns, though Kins play a vital role during the mate selection. Exogamy is the dominant feature of this society but certain castes maintain the endogamy. However, the forces of modernization, westernization, modern education, and economic empowerment of women have changed the institution of marriage in over the past few decades. In fact, these developments have also been responsible for the increasing rate of divorce in the state. According to various sociologists and feminists groups operating in Kashmir including 'Women Commission, there has been an alarming increase in the number divorce cases in the state. According to the officials of the 'Matrimonial Court' of Jammu and Kashmir State, there has been 3540

percent increase in the divorce petitions filed in the court. Most of these petitions have been filed by the Kashmiri Pandit community living in Jammu for the past twenty years. According to the records available in the court, in the year 1995, 250 divorce petitions were filed in the state court, of which 30 applications came from Kashmiri Pandits. In 2001, the number increased to 976 petitions of which Pandits accounted for 300. In 2002, out of the 600 divorce petitions filed in the state, 200 were from Pandits mostly in the age group 25 to 40 years. The remaining applications for divorce came from the Dogra, Punjabi and Sikh communities. Further, according to the officials in the court there has been an "unprecedented increase" in the number of petitions filed by women.

The State Women's Commission (SWC) maintained that over the past several years, the number of post-marital issues has seen an alarming surge particularly from the Kashmir valley. Of the 1820 cases registered with the commission since last few years, 1333 were from Kashmir and just 487 from Jammu region. The number of cases filed in the Srinagar branch on daily bases is around 20. This huge influx of cases has put the commission on toes. There is no specific reason for this tremendous increase in marital disputes but mostly the nature of the cases is issues related to dowry, lack of understanding between the couple, intolerance employment etc. Similarly the large numbers of cases are filed by lower income groups. Most of the time misunderstanding over small issues proves fatal and leads to divorce quite often despite our persuasion to negotiate the conflict peacefully. And contrary to the earlier trend the cases of coercion and torture has been decreasing. Ms. Shameema Firdous

Reason to blamed for the unsuccessful marriage:

Women are becoming independent: One of the main reasons why divorce rates are getting increased is because Indian women have grown a lot in the past few years financially, socially, and economically. There is no great dependency on the other person for these things. Earlier they used to remain in a relationship even if it was an abusive one, such as a dependency. Today, women are educated and smart enough to take care of them self in anyone's favor.

Infidelity and trust: Since we have grown up listening that the foundation of any relationship is trust. Once the thread of trust is broken, it never gets back to normal or usual. Infidelity is rising at such a high pace in India. People get emotionally or physically disinterested quite early, and the reason behind it is they have not emotionally surrendered themselves to other people. This is the reason why they keep shifting from people to people for their temporary needs.

Lack of intimacy- Intimacy in a relationship is a vital thing to sustain a relationship for a longer period of time. Now intimacy is not about sexual pleasure, not is also about emotional pleasure, which is just deep conversation, holding hands, and spending more quality time

with each other. And, in the 21st century, most couples are struggling to find that connection with each other. To fulfill each other's physical and emotional needs and that's where the problems start.

Taking for granted- We have listened enough to the complaints of couples that during the initial phase of their relationship he/she gave more time, and used to put in more effort. But, now they have stopped doing everything which made them feel special at that point. Relational or marriages also come to an end when there is a lack of attention and time, not listening or letting talk to your partner.

Families or friends interference- Today women and men have no longer living with an old-fashioned lifestyle or thoughts. But, we still cannot disagree with the fact that we are still living in a practical society where marriage should be in a certain way. Where couples should know their so-called limits. And a woman is still not allowed to put her opinion. We understand this is a problem and we have a long way to go when it comes to a beat this problem.

But with this, there is one more problem with the newer generation that is they are less tolerant and more aggressive. The newer generation doesn't believe in compromising or adjusting with the families which leads a problematic marriage.

Causes of Increasing Divorce rates

1) It is the story of every household that when husband treats his spouse as per sunnah, either his father or mother or both feel displeased. It is strongly prohibited for the men of faith to provoke husband or wife against them each other.

2) Sometimes wife demands more than what the husband can afford, in such conditions relations get weakened. Instead of one's demands it is better to prioritize spouse's aspirations in order to strengthen the relations.

3) Black magic is still prevalent in our society. Many fake faith healers have opened the devilish shops of black magic only to loot the people. Satan's biggest achievement is to separate a wife from her husband. In order to live a happy and contented life, it is necessary to be glued to truthfulness and reality instead of using fake and deceitful tactics. For smooth functioning of the home it is necessary to help each other even in domestic affairs.

4) Extramarital relationship is another evil which is burning our homes. Some people marry a virtuous, simple and unfashionable woman. But outside the home they spent time and enjoy with beautiful, fashionable and good looking woman. So at the time of tying nuptials if Islamic perspectives are kept into consideration, thousands of families are saved from getting shattered. It is strongly prohibited for us to adopt the satanic way in order to save ourselves from his nefarious designs.

5) Our brides aren't our maids but the queens. Prophet (PBUH) says "Daughters are the part of our liver ". When our daughters become the wives or daughters in law and instead of treating her humanly when they are tortured by domestic violence, it proves our beastly nature at that time.

6) Mehar is the exclusive property of wife. Sometimes selfish husbands demand huge dowries from wife and even grab the Mehar as well. This is another evil.

7) Though Talaq is a curse, sometimes it becomes a blessing also. You aren't bound to follow your parents too incase they order something unislamic. So is the case Nikah as well. If husband compells his wife to do unislamic things, it is preferred for the wife to seek separation from her husband.

8) If the impotency of the husband is proved after the two are married, it is allowed for the wife to seek divorce.

9) Misunderstanding between husband and wife is biggest cause of divorce. It is better for both the individuals to respect each other's aspirations, tastes, likes and dislikes. Talaq pronounced hurriedly without giving enough time to individuals for mutual understanding often proves a catastrophe for both the individuals. Instead of using the convective words if humanistic environment is synthesized, it can prove a blessing. In order to live a happy and contended life, it is necessary to be glued to truthfulness and reality instead of using fake and deceitful tactics. For smooth functioning of the home it is necessary to help each other even in domestic affairs.

Divorce its impact on children

The increasing trend of divorces is a grave issue that needs immediate restriction. The excuses given in this regard are unsatisfactory. Divorces affect the mental health of women and their children. Whenever a woman returns to parental home as a divorcee, she is not welcomed there by her sisters-in-law so the adjustment problem begins from here. This adjustment problem provokes many women to take harsh steps like suicide. It should not happen in our society because daughters or sisters are part of our family. It is not in their hands to stay with the in-laws who force them to leave without caring about their life. It is the moral obligation of brothers to treat divorced sisters nicely and give them due love and respect. Besides, every woman must understand the problems of another woman and help in difficult times. It has been observed that in most cases it is the woman in the form of a mother-in-law or sister-in-law who constitutes the main cause of trouble for a woman. The age-old rivalry between mother-in-law and the daughter-in-law is even shown in films and serials. This depicts the gravity of conflicts between them. Men in the hands of women play an instrumental role in the agonies of women. To nip this evil in bud, women have to change

their attitude. There should be a spirit of unity among them. Every woman should feel the pain of other woman. They should come to rescue each other. I am of the firm belief that if mothers-in-law change their negative attitude most of the issues will be solved and the number of divorces would come down. Children are the worst sufferers in each case of divorce. They don't even know the cause of their suffering. The separation of parents makes them psychologically sick. Their growth shows retardation and nervousness grips them. They are deprived of shared love and mutual respect. Mothers' love and affection boost the morale of children and add joy to their lives. However, in the absence of mother, children don't develop properly. They are shocked and unable to communicate their pain. Mother's love has always been a sustaining force for her children, and one of their greatest joys is seeing her integrity, her compassion, and her intelligence reflected in her children. Separation destroys the joyful lives of children. It turns out that the harm is much more widespread than we imagine. Compared to children whose parents stay married, children of divorced couples are more likely to suffer. Such children are soft targets of bodily maladies, including asthma, headaches, speech obstructions, and even cancer, strokes, and cardiac crises. Psychological issues in terms of single-parent and blended families are highly vulnerable and more likely to need psychological help. Higher rates of clinical depression are found in these children. Children of divorce are twice as likely to attempt suicide like that as others. Mental development hampers. Other miscellaneous issues like attachment issues, substance abuse, sexual promiscuity, and obesity are also overwhelming them. Stepmother or stepfather cannot replace mother or father. It has also been seen that many children become drug addicts or criminals because of parental separation. In short, men have to mend their ways, and women, particularly mothers-in-law, should change their attitude. Divorces should be discouraged and emphasis should be given to reconciliation. It is better to forgive than to punish. A woman after marriage has the same rights as that of a daughter. Divorces are permitted but disliked by God. Divorce disrupts families and other relations as well. So abstain from divorces to help blooming buds bloom.

Conclusion

It is found that majority of divorcee women are distressed about opinion regarding divorcee. Clearly, the results of the study, indicates that the divorcee women are overburdened as a single parent. Greater number of divorcee women faces difficulties in social contacts. Society needs to understand the problems of divorcee's rather than to criticizes her and blaming her on her decision of divorce. So there is need for awareness and conversion in the minds of people to do not stress her, recognize her condition and must embolden her to begin her life again.

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