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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

GENDERED EXPERIENCES OF DIVORCE: THE DISPROPORTIONATE IMPACT ON WOMEN AND CHILDREN

AUTHORED BY - GYANVI VERMA

ABSTRACT

“There are complex social, legal, and psychological aspects of divorce in India, with women and children disproportionately suffering. This research seeks to look into ways in which legal pluralism, cultural ethos, and weak enforcement of rights exacerbate their vulnerabilities. Women face economic hardship because of weak enforcement of alimony, disruptions to their career, unequal property rights, and the absence of marital property laws. They suffer due to mental trauma, social ostracism, and loss of scopes for remarriage. On the other hand, children have to experience emotional and academic turmoil, often aggravated by bitter custody disputes. In contrast to the Western systems, where divorce laws are more balanced, the fragmented system of personal laws in India creates confusion and gender bias. The study recommends reforming laws to achieve the Uniform Civil Code, an improved regime for enforcement of alimony and child support, recognition of marital property as net joint, and boosting mental health assistance—that is, decreeing divorce from a lifetime burden to a potential for stability and dignity.”

Keywords: Legal Pluralism, Gender Inequality, Economic Vulnerability, Child Custody and Welfare Psychological Impact of Divorce, Uniform Civil Code

INTRODUCTION

Evolution Of Divorce

Thus, divorce has evolved through the ages into a legal institution as well as a social institution in forms that were culturally and religiously different from one another as well as by legal precepts. Up to a generally former period, marriages were made indissoluble; anciently, this imperative requirement was existent in predominantly established religious systems such as Catholicism, where divorce was simply outlawed by law. Likewise, divorce in ancient civilizations could legally occur under certain conditions, as is found in many of the conditions

by which one could divorce among the people of Mesopotamia and Rome. Likewise, in the case of Roman law, divorce was a matter of either husband or wife because marriage was merely an established contract with further disposition for mutual consent or selected grievance to be dissolved. Actually, it should be, because divorce reflects the alterations between the institution of law and society through the ages indeed to culture, religion, and law. Marriage, in the past, was the bond unbreakable, especially in the religiosities of the Catholics, where divorce was forbidden. But societies, such as those in Mesopotamia and ancient Rome, practiced divorce under certain conditions. According to Roman law, marriage will be termed a contract, and dissolution shall be done by agreement between them or on certain grounds qualifying grievances that will allow either man or woman to file for divorce.

Since the Enlightenment, especially during the 18th and 19th Centuries, the entry conditions to divorce have seen fascinating alterations. Practically on the heels of these reforms, nations like France and England passed secular divorce laws permitting legal separation on grounds ranging from cruel designs and desertion to outright adultery. The civil codes, including Napoleon's Civil Code of 1804, contained rules concerning divorce but were biased against women.

However, though biased toward men in the application, those laws tended to provide some legal protection for wives concerning divorce. Divorce law and practice went through many changes in the Enlightenment and even more so in the 18th and 19th centuries. Countries such as France and England even had secular divorce laws allowing for legal separation based on grounds of cruelty, desertion, and adultery. Urbanization and industrialization ushered in new transformations in attitude and laws surrounding the gender role marriage and divorce. In the Western world, there was increasing activism for women's rights in marriage and property, leading to activism for legal reforms that would provide women with more equity in divorce. By about the late 1800s and early 1900s, the United States, the United Kingdom, and other European countries enacted laws to permit a broader range of circumstances of divorce. The social stigma against divorced women, however, still held.¹

The feminist movements of the twentieth century triggered changes in divorce laws worldwide. The first wave of feminism from the late nineteenth to the early twentieth century focused on

¹ Amato and P. R, "The Consequences of Divorce for Adults and Children." 64 *Journal of Marriage and Family* 1269-1287. (2000).

securing legal rights such as property ownership and child custody. Second-wave feminism from the 1960s and 1970s instituted significant changes to family law concerning no-fault divorce, equitable distribution of property, and stronger protections against domestic violence. This movement began changing society's views on divorce, equating it with liberation from an oppressive union or an unworthy relationship.²

As a result of the rampancy of gender equality, legal reform provisions were passed into what was expected to remedy the people's loss of income in the area of divorce. At that point, it was legislated either in Favor of or in reinforcing the maintenance of divorced women by the costs of their upkeep, alimony, and child support. There are still many such inequalities that prevail within post-divorce norms like financial and custody allotments for children, to name only one of the probably many.

It is this seventh stream of feminism that would closely identify to bring about changes in divorce regimes across the world. The first waves of feminism did much to concern the legal standing of women in relation to owning property and the custody of their children during the late-eighteenth and early twentieth centuries. Most of the family laws toward amendment went through a revolution session with the second wave of feminism at the end of the 1960s and during the 1970s and whose campaign was for the equal distribution of assets, no-fault divorces, and amended protection from domestic violence. Such movements pictured divorce as the particular means through which liberation from oppressive marriages or untenable ones could be achieved and improved the phenomenon's social perception within the setting at that time. As black the movements for male-female equality are, they also encompassed legal reforms towards the reduction of economic deprivation after divorce. They passed or strengthened laws about alimony and child support to ensure women, mostly financially not well-off. For almost a century, divorce rates have been skyrocketing from one nation to another in many nations across the world. Indeed, very few divorces occurred during the middle of the 20th century. Most of the time, it implied that there was suitable ground for divorce. As a result, however, the rates shot above twice that rate since 1960 with social, economic, and cultural declines. Statistics from the United States show that in the past few years, the divorce rates had risen almost twofold, observed from 1960 to 1980, and similar trends can be noted with several western nations. The scenario in countries like China, India, and South Korea is now much the

² Arndell and T, "Fathers and Divorce" *SAGE Publications*. 1995.

same when it comes to soaring divorce rates over the last few decades. Indeed, it disturbs the traditional family structure.³

Theoretical Framework: Understanding Gender And Divorce

Theoretical frameworks offer necessary standpoints to uncover the gender dimensions of divorce. Different sociopolitical, psychological, and feminist theories explain why women and children experience divorce differently and often suffer disadvantages compared to men- population disadvantages in terms of lines of interaction like economics, social standings, and emotional capacities. This chapter discusses the five theories: Feminist theory, Social Exchange Theory, Life Course Theory, Attachment Theory, and Intersectionality-in order to achieve an understanding of the gender nature of divorce and its impact on women and children.⁴

Feminist Theories: Gender Inequality and Power Dynamics in Marriage and Divorce

The broad spectrum of feminist theories highlights the inequalities entrenched in marriage and divorce institutions citing law as madly and socially working towards the interests of men, thus leaving women disadvantaged immediately after divorce, said Elaine Showalter in considering the evolution of feminist thought. The first of such stages she names as "feminist critique"- where the feminist reader interrogates the bases of literary events. The second stage- termed "Gynocritics"- sees applicability to the "woman as a producer of textual meaning": it also incorporates "the psychodynamics of female creativity; the structuring of female language; the trajectory of the individual or collective female literary career and literary history." Finally, she makes mention of the last phase which she calls "gender theory": "the ideological inscription and the literary effects of the sex/gender system" are investigated in it. This schema built up by Toril Moi has been criticized for being quite essentialist and deterministic concerning the female subject.

Critics contend that this framework by Moi does not recognize the role of women in the context different from that which is Western. From the 1970s onwards, psychoanalytic theories from the French feminist milieu had a significant influence on feminist thinking. Feminist psychoanalysts disassembled phallogentric theories concerning the unconscious. Julia

³ Cherlin and A. J., "He Marriage-Go-Round: The State of Marriage and Family in America Today" *Vintage*. (2009).

⁴ England and P., "The Gender Revolution: Uneven and Stalled. *Gender & Society*" 24 149-166. (2010).

Kristeva, Bracha Ettinger, and Luce Irigaray developed particular and far-reaching conceiving of unconsciousness and sexual difference, the feminine, and motherhood in an analysis of film and literature.

Social Exchange Theory: Costs and Benefits of Divorce for Men and Women

Social Exchange Theory views all such human relationships, including marriage and divorce, within the framework of cost-benefit analysis. According to the theory, when a person perceives a relationship as rewarding, he or she will try to hold on to it; when she/he sees it to be too 'costly,' she/he will let it go. The theory maintains that if conditions are such that the relationship costs (like did the person involved make too much effort or put in money for something that was never reciprocated?) outweigh the relationship rewards, then the relationship will theoretically be abandoned or terminated.

Men and women find their way through divorce in varying degrees of economic security, social support, and emotional well-being. The findings from research indicate:

- Men profit more from divorce: they tend to earn more and incur less in terms of post-divorce financial loss.
- Women, especially mothers, incur both more financial and emotional costs; this makes it more difficult for them to gain employment again or maintain economic viability.
- Men tend to be more emotionally and socially isolated after divorce: they are least likely to have strong social support or retain primary custody of their children.

Life Course Theory: Divorce as a Life Transition with Long-Term Consequences

Furthermore, Life Course Theory basically investigates how significant events such as marriage, divorce, and parenthood affect the long-term paths of individuals.

The long-term impact of divorce on women and children

- Divorcing at an early age can mean more prolonged financial instability for women, as they would lose further career opportunities and lower lifetime earnings
- The long-term ramifications of divorce for children may include poor academic achievement, heightened risk of mental health problems, and increased instability in their adult relationships.
- Divorce holds different meanings at different times in life for men versus women:
- Usually women remarry later than men or remain single due to caregiving duties.
- Men recover faster, economically, by virtue of not having to take on the responsibilities of single parenting while also retaining higher post-divorce earnings capacity. Life

Course Theory thus portrays the long-term disadvantages imposed on divorced women and children relative to men.

Attachment Theory: How Divorce Affects Children's Attachment to Caregivers

Attachment Theory explains how early relationships affect children's emotional and psychological growth. Divorce can upset attachment patterns, especially when children are put in shaky caregiving situations.

- Insecure attachment styles of anxiety or avoidant attachment in divorcing families can manifest in children who experience fear or difficulties in forming stable relationships.
- Girls and boys may react differently; girls are more likely to show emotional distress, while boys seem likely to exhibit behavioural problems.
- An emotionally distant relationship is developed with the non-custodial parent (usually the father) as a result of an emotional distancing of the child from the parent and thus weakening the bond between them. The attachment theory stresses the need for alternate stable caregiving arrangements after a divorce to lessen the detriment on child development.

This implies that adults whose parents divorced or separated are more likely to show anxious and avoidant attachment styles, partly because they expect to be abandoned by others.

Economic Consequences – The Financial Burden On Women

The far-flung economic burdens visited on the woman often account, so to speak, for the significant loss which can even continue for years. Women often face declining incomes, housing insecurity, employment obstacles, and a grossly uneven division of marital assets, resulting in long-term insecurity. This chapter will be devoted to the examination of the various systemic economic disadvantages that women have to face when divorce comes into play, taking into account income disparity, housing insecurity, employment-related problems, and division of assets from a gender perspective.

Income Disparities: Decline in Women's Financial Stability Post-Divorce

Divorce in India, while increasing in incidence, yet causes severe economic dislocation for women. Due to socio-cultural norms, inequitable employment opportunities, and ineffective legislation toward enforcement of financial settlements, the economic pressures and instabilities that divorced women face in India become exceedingly marginal. The consequences of divorce for women in India shall be described below against an economic

backdrop. Traditional gender roles in India cause many women to be financially dependent on their husbands. Lack of financial support after divorce makes it suddenly difficult for women, especially the homemakers, to support themselves. Studies show that in India divorced women are more likely to fall below the poverty line when compared with married women.

A lack of independent financial resources often pushes them to rely on the family support, which is, however, always unpredictable. Working women in India are already subject to considerable wage discrimination against men.⁵ For those who have divorced, it has not brought relief from the struggle of survival as they face countless difficulties in getting field-related jobs with decent salaries: because of time off from jobs, lower educational qualifications, and finally, discrimination from the labour market. An Oxfam India report (2022) states that women earn 35% lower than men in India for the same amount of work, thus making it tough for victims to recover financially. Very often divorced women do not get rights of ownership for properties acquired during the marriage, since lands/property usually are under the name of husbands. The Indian legal provisions are not like those of Western laws, as the Hindu Marriage Act (1955) and the Special Marriage Act (1954) do not provide for equal division of marital assets. Many women have to vacate their in-law houses after divorce because of social stigma or some legal loophole.

In the absence of money, finding alternative housing proves difficult and threatens either homelessness, dependence on parents, or both. House systems how section-housed. It states provisions under maintenance for the citizens of India. Implementation, however, has always been pathetic. Many husbands now avoid maintaining their family through loopholes and huge backlogs of cases in courts for these issues. Even if an order is made for maintenance, usually, sums are very little and do not even cover the basic living expenses.

Most Indian women marry and become housewives and leave jobs. This will result in years and sometimes even decades of career gap before they can get back to the workforce after divorce. Re-entering is always difficult, owing to demand for up-to-date skill set coupled with employer bias against women who are regarded as older or previously unemployed. Gender discrimination in the workplace goes on to sorely reduce job prospects for divorced women.

⁵ Smock and P. J, "The Economic Costs of Marital Disruption for Young Women Over the Past Two Decades. Demography" 30 353-371 (1993).

The assumption is that divorced women need money and thus will be less choosy about working conditions or will accept lower salaries. The difficulty progresses further when single-divorced mothers face tough challenges attempting to secure low-cost childcare, creating insurmountable barriers for them to hold jobs or fully develop their skills. Thus, they often find themselves driven towards informal, low-paying jobs, often without security.

Children's Adjustment To Divorce In The Indian Family Context & Legal And Policy Implications Within Diverse Personal Laws

In India, when a divorce happens, children are the ones who are deeply affected as their emotional well-being, education, social bonds, and information about the future are altered. Since the Indian culture emphasizes family integrity, divorce can be a painful event for a child, as it interferes with a traditional family. Therefore, the different personal laws based on religion affecting diverse custody and support provisions within India's pluralistic legal system complicate the existing legal and policy framework. Children's adaptability to divorce depends on conflicts between the parents, custody arrangements, economic stability, and social support. In India, where joint and extended family systems still exist in many regions, the adjustment process is aided and impeded by societal expectations and familial interventions. The divorce process is usually cluttered with confusing feelings, such as sadness, guilt, and anxiety. Younger children may find it hard to comprehend the breakup and may feel guilty themselves. Anger and resentment might take hold of the adolescent, resulting in behavioural problems. Highly contentious divorces hurt children's mental health; chronic stressors created by years of parental conflict can devastate these children.⁶

It's possible that children may get affected psychologically and fear that might hinder their attachment with parents. The custodial arrangement contributes immensely to adjustment of children. Children who have a strong post-divorce relationship with both parents tend to adjust better compared to their counterparts who experience parental alienation. In most cases, the father is granted custody leaving children emotionally detached from their mothers, as the society has always been dictating that mothers are more caretakers in a family.⁷

Due to the underpayment of women and a lack of adequate child support, children brought up by single mothers tend to have financial hardships. Any father with custody may have

⁶ Uberoi and P., "Family, Kinship and Marriage in India" *Oxford University Press*. (2006).

⁷ Kapur and P, ". The Changing Status of the Working Woman in India." *Vikas Publishing House*. (1974).

difficulties managing work and child care due to shifts in reality, possibly qualifying such situations as emotional neglect⁸.

Legal and Policy Implications Within Diverse Personal Laws

The Indian legal system is pluralistic, and in matters concerning family laws such as divorce, custody, and child support, it adopts religion-based personal laws, which further create distinctions as to how child welfare is addressed post-divorce.

Hindu Law (Hindu Marriage Act, 1955 & Guardians and Wards Act, 1890)

- Divorce under Hindu law is governed by the Hindu Marriage Act of 1955, while child custody is determined under the Guardians and Wards Act of 1890.
- Custody of young children is generally granted to the mother, being a natural guardian in such cases, in events where the child is a below 5-year-old.
- The father is considered the natural guardian for boys above 5 years and unmarried girls.
- The welfare of the child is the most important and, thus, the court may grant either sole custody or joint custody depending upon what is in the interests of the child.
- *Muslim Law (Dissolution of Muslim Marriages Act, 1939 & Guardianship Laws)*
- Usually under Islamic law, fathers are natural guardians, whereas mothers would be preferred custodians for very young children.
- Generally, the custody would shift to the father after a certain age, which is around 7 years for boys and upon puberty for girls.
- Mother will be deprived of custody if she remarries, unless this is seen to be advantageous to the child.
- Fathers are responsible for child support (Nafaqa), but mechanisms to enforce it are lacking.
- *Christian and Parsi Laws (Indian Divorce Act, 1869 & Parsi Marriage and Divorce Act, 1936)*
- The Christian and Parsi systems generally adhere to principles similar to those found in Hindu law, ceding custody based on child welfare.
- Parental misconduct (e.g., adultery) may provide grounds for denying custody to the so-called "fault" parent, thus placing mothers seeking custody at a disadvantage.
- *Special Marriage Act, 1954 (For Interfaith and Civil Marriages)*

⁸ Nanda and S. "Cultural Anthropology. Cengage Learning India Private Limited. (2000).

- The Special Marriage Act permits civil and inter-faith marriages but is secular with respect to divorce and custody.
- Custody matters would be ruled under the Guardians and Wards Act, 1890, with the court deciding what is in the best interest of the child disregarding religious standpoint.

Social And Psychological Impacts – Emotional And Relational Strain

Psychological and Social Understanding of Divorce: Divorce is plainly not only a legal-economic phenomenon; it can also be termed a deeply emotional social experience. This often leads the individual into psychological distress, social isolation, and innumerable changes in identity and relationships. The emotional distress, consistent with the woman's emotional suffering, is almost always far beyond that of men when they separate. The reasons are the pressures of society, custodial wrangling over children, and changes to the social milieu. The present chapter targets analysis of emotion examples, loneliness, custody disputes, and altered social identity experiences many women go through right after divorce.

Beyond that, divorce is an economics and legal exercise. Divorce is a psychological-neurosis path, an experience many women endure as they undergo separation or divorce. Generally, it is an experience characterized by emotional trauma, social isolation, and innumerable identity and relationship changes. The emotional burden is definitely most during separation for a woman after considering societal pressures, struggles over child custody, and changes in her social circles. Other aspects dealt with in this chapter are emotional stress, isolation, child custody disputes, and passage from one form of social identity to another that occur among many women after the event of divorce.

Emotional Distress: Psychological Impact of Divorce on Women

Divorce generally accepted as one of the most stressful events in life leads to depression, anxiety, and chronic stress. Besides, the emotional repercussions of divorce affect women more than men. Women demonstrate more emotional investment in a relationship compared to men and face societal expectations surrounding marriage and motherhood. The formal dissolution of marriage ranks among the life events branded as most stressful. In the case of divorce, very often, the resultant states of affairs include those of being depressed or suffering from life-long stress and anxiety. Most of the time, of consequences of this process are greater himself on women, as they enter into relationships almost wholly emotionally and suffer social pressure

relating to the institution of marriage and motherhood.⁹

It is well known that divorce is one of the most stressful life events. It is often associated with depression, anxiety, and chronic stress. Most studies show that women usually suffer more emotionally after divorce due to their greater emotional investment in the marriage and societal notions associated with marriage and motherhood. Evidence shows that divorced women de facto suffer from a higher incidence of depression and anxiety than divorced men. Women's emotional distress after divorce is long and much more overwhelming than that of men, especially if she did not initiate the separation. Most divorced women suffer depressive episodes or prolonged stress associated with financial deprivation and accompanying legal battles over the children. Self-perceived reality is usually failure; hence, low self-worth comes as a result, while the loss of security and settlement build itself-the drastic change in lifestyles calls for more worries and increased anxiety. Also, single parenthood brings emotional state confusion from having to balance childcare, work, and social life.

Children's Experiences – Gendered Variations In Impact

Long-term, divorce changes the life of a child materially: how well he or she will be doing emotionally, academically, parent-interaction relationships, and what kind of orientation he or she would have to life in future. All children feel some irritation following the divorce of their parents; however, boys and girls tend to react differently to the event and cope with it differently and adjust differently to the change in family status. This chapter aims to find and explain the different ways in which divorce affects children concerning their gender by analysing the impact of those factors with regard to emotions, behaviours, education, relationships with parents, and life patterns several years into the future. Social withdrawal affects a handful of children but may cost them most regarding interpersonal relations in the long run. Supports systems, counselling, and stable co-parenting strategies are the curative measures for all the above challenges.¹⁰ Children experience a whole range of painful feelings, lamentation, fear, anger, and guilt during divorce. Some children think they had a role in the breakup. Several studies indicate that children from divorced families show a higher risk of developing depression and anxiety as compared to children whose parents stayed together.

⁹ Kingdon and G. G., "Does the Labour Market Explain Lower Female Schooling in India?" 35 *Journal of Development Studies*, 39-65. (1998).

¹⁰ Amato and P. R., "The Consequences of Divorce for Adults and Children." 64 *Journal of Marriage and Family* 1269-1287. (2000).

Young children with lesser coping mechanisms have stronger emotional reactions.

Systemic Factors – Legal, Social, And Policy Implications In India

The legal, social, and economic factors affecting divorce in India intermingle. The demography of the legal system, with deep-rooted cultural and religious mores and inadequate social support structures for women, has posed unique challenges to divorced women and children. Legal reforms for the institutionalization of gender justice have been undertaken, but the practical difficulties with enforcement, societal stigma, and economic insecurity are still making the situation worse for women.

With regard to divorce, legal, social, and economic factors interact in variable contexts in India. These challenges are highly varied for divorced women and children because of the demographics of the legal system itself, with deep-rooted cultural and religious mores and inadequate social support systems for women. Legal reforms for achieving gender justice have been undertaken, but the practical difficulties due to enforcement, the stigma from society, and economic insecurity have still not ended causing them to suffer more than men. This chapter examines the legal framework governing divorce in India, the social support systems available, the cultural rules impacting the divorce experience in India, and the domestic policies affecting divorced women and children. India is called a pluralistic legal system under which divorce laws are guided by certain personal laws and also by some secular laws. Very rarely, whenever a question of divorce arises, these legal rules are prejudicial toward women; and the bias does cover all aspects of alimony, child custody, and property rights. These countries and jurisdictions differ remarkably from each other regarding the divorce laws. In some jurisdictions, divorce legislations work toward equality between partners in marriage dissolution, while in others, only serve to reinforce gender inequalities, economic deprivation, and custody strife for women. Given these prevailing disparities, it follows that legal traditions determining divorce would overtly differ. The existing legal systems in India seem to Favor the emerging perspectives on gender equality in the dissolution of marriage, while those in many Western countries are starting to regard discriminate men in divorce rights for the very first time. The legal framework governing divorce in India, social support systems available, cultural norms affecting the divorce experience, and economic policies concerning divorced women and children. India follows a pluralistic legal system, where divorce laws are governed by religion-specific personal laws alongside secular laws. These legal frameworks often

create gender inequalities, particularly in terms of alimony, child custody, and property rights.¹¹

Legal frameworks governing divorce vary significantly across countries and jurisdictions. While some legal systems aim for equity in marital dissolution, others reinforce gender disparities, economic disadvantages, and custody challenges for women.

Comparative Analysis Of Divorce Laws – India And Global Perspectives

Thus, divorce laws in India are derived out of religion-specific personal laws-the Hindu Marriage Act (1955), Muslim Personal Law (1937), Indian Divorce Act (1869), and Parsi Marriage and Divorce Act (1936)-and thus differ on the grounds for divorce and alimony, custodianship of child, and property partition. While the Special Marriage Act (1954) offers a secular alternative, most cases still follow personal laws to outcome which are often gender-biased. Women, especially Hindus and Muslims, find it tough to challenge property and financial entitlement while Christian women invariably had to prove their case more robustly than did other women until changes in 2001.

In contrast, Western countries like that of the U.S. and U.K. have uniform secular no-fault divorce systems. In the U.S., allowing for a divorce because of irretrievable breakdown is the rule of the state, which eliminates the need to prove fault and reduces the emotional strain occurring thereof. Alimony then becomes that which is based on need-not on fault-but on economic requirement to ensure fair support for the financially dependent spouse. The U.K. then goes that extra mile by enacting the Divorce, Dissolution and Separation Act (2020), which also produced analogous no-fault provisions thereby lightening the legally supposed burden that women are supposed to shoulder. These secular framings differ from India's religiously governed system and present, thus, more accurate outcomes for women and men, especially in terms of predictability and fairness.

The Role of Mediation and Alternative Dispute Resolution (ADR) in Divorce Cases

In India, mediation comes to the rescue as a less confrontational and affordable means-end alternative to litigation in divorce cases. Introduced through the Family Courts Act of 1984, wherein couples could come to terms on all the important issues-their mutual obligations

¹¹ Agnes and F., "Law and Gender Inequality: The Politics of Women's Rights in India" 1 *Oxford University Press*. (1999).

including alimony, child custody, property, and visitation rights-without formally going into court. Mediation encourages fruitful communication, especially for those couples that would have to confront each other as co-parents after having divorced, and it provides confidentiality-very important in a setting like this one, where divorce has not completely shifted away from being taboo. Of course, mediation has its negatives. The power imbalances, which can exist in patriarchal settings, usually tend to be unfavourably biased against women-attaining or divorcing women who have suffered from either emotional or financial abuse. Moreover, such injustice may flourish with the absence of legal literacy or representation to end up with an unfair settlement. However, fairer, faster, and friendlier settlements can be reached through negotiation as long as good faith is held by both parties concerning the case. The settlement is usually better accepted and less emotionally taxing in most instances. Successful cases have described its visions by permitting women to exit marriages with dignity and equally balanced settlements.¹²

CONCLUSION

Divorce is not the end of a marriage but a radical change in the life of the individuals concerned, particularly in the case of women and children. In a country like India, divorced women have to have a lot of odds to face: social, emotional, financial, and legal barriers. As far as alimony, child maintenance, and even protection against domestic-violence matters are concerned, the legal machinery hardly upholds its timeliness and effectiveness because of ineffective enforcement mechanisms and institutional bias embedded in them. Following separation, women often do have to depend on their husbands, which usually results in financial ruin, and life becomes difficult for them while struggling to find homes, employment, and a means to make a living. Alongside all this, divorced women face social ostracism, which makes them immune to the possibilities of rebuilding their lives or getting emotional support to reintegrate into communities or rebuild their lives with dignity. It affects children negatively too; there is damage in emotional stability, academic achievement, and the nature of the relationship between parents and children. What is required are strong mental health support systems, easily accessible counselling, and community-based initiatives that encourage healing and empowerment, as is evident from the psychological effects of divorce on women and children.

¹² Chandrachud and A., "Divorce Laws and Social Stigma in India: The Case for Privacy in ADR." 15 *Journal of Indian Legal Studies*, 78-94. (2015).

SUGGESTIONS

The issues at hand will, therefore, require substantial reforms and systemic changes for a solution. Alimony and child support laws need to be enforced with more rigor to ensure that financial obligations are realized in time. The UCC might assist in the eradication of discrepancies in divorce laws among the various religious communities, thereby ensuring equal protection and legal rights for women. These women would also be entitled to a share of finances earned from contributions towards sustaining the family, as in the case of joint marital property. Government and corporate interventions should focus on the creation of job opportunities and vocational training for divorced women to empower them financially. Full-scale support should also cover safe housing options and legal aid for those going through the crisis of life after divorce. A practically important issue is changing the society's attitude toward divorce. Awareness and education should be geared toward creating an atmosphere in which leaving an abusive or unhappy marriage is viewed as an act of self-determination toward a better future, rather than a sign of failure. Basically, the end of a marriage should become an opportunity for growth and the pursuit of happiness on one's own terms instead of a termination of security and social belonging.



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