



DIVORCE REPORT: CAUSES, CONSEQUENCES AND RIGHTS OF WOMEN AFTER DIVORCE

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ABSTRACT

Divorce is the dissolution of a marriage, which is a legal process that involves a variety of emotional, legal, and financial issues. It typically can be caused by a variety of elements including communication problems, infidelity, financial disputes, abuse, or a lack of commitment. It can be a bitter pill for many, separating loved ones and grieving as one adjusts to a new way of life. Divorce also involves the legal separation of assets and a custody battle as well as spousal support and its related financial concerns such as property division, alimony and child support. Divorce not only ruptures the relationship of a couple, but it also affects children, families and the social networks in which the family has been embedded, necessitating that we appreciate the reasons, impact, and legality of disunion.

1. INTRODUCTION

Divorce is the legal process that brings a marriage to an end, allowing two people to go their separate ways and if they wish, start fresh with someone else. But sometimes, life unfolds differently personal struggles, emotional distance, financial stress, or even deeper issues like betrayal or abuse can lead to the breakdown of a relationship. While divorce laws and social perception vary by country and culture. It generally involves cancelling or reorganizing the legal responsibility of the marriage including the division of property determining child custody. As it states that divorce is a legal and formal process. The legal process of divorce involves terminating a civil contract. The law governing divorce depend on jurisdiction legal system and religious background of couples. Couple seeks divorce for many reasons. Some of the most common are lack of commitment, infidelity, financial problems, domestic abuse etc. In some culture particularly more traditional society, divorce continue to carry a social stigma which can be more severe for women. Research indicate that divorce can be contagious within social network that mean a person risk of divorcing increase in their friends or family, relatives or knowns get divorced.

2. HISTORY OF DIVORCE

So far as Hindu religion is concerned, the marriage is always considered as a sacramental affair/union of husband and wife. This fact exists right from patriarchal society of Rig Vedas to contemporary modern society. If we go through the ancient period this institution of marriage was so strong that there was nothing given in respect to institution of divorce in Hindu Shastric Law. As per Manu the marital relationship can be released neither by sale, nor by any other way and the mutual fidelity will continue till death, since it is the highest dharma although no recognition was given in Shastric Law but some limited recognition was given to divorce in Vedic Law. Narda and Prasada permitted a wife to choose another husband and Kautilya also expressed the same view with some liberal color that if there is mutual aversion then parties to a marriage can be released. But it will be pertinent to mention here that Kautilya clarified that marriage if entered by Brahma, Praja, Arsha and Daiva then it can never be dissolved or terminated and if it is entered by Gandharva, Asura, or Rakshasa then it can be terminated by mutual consent of both the parties. Similarly, Manu and Yajñavalkya also recognize that husband can abandon (Tyaga) his wife on certain grounds. This power of Tyaga has been given to husband only and not to the wife. And so far as this Tyaga is concerned it is basically abandonment not divorce. During British Era courts only accepted Manu as the foremost authority and Manu was against such practice and moreover there was no unanimous view of different scholars relating to practices of divorce among Hindus. Britishers made certain laws such as The Native Converts Marriage Dissolution Act, 1866, The Indian Divorce Act, 1869, The Parsi Marriage and Divorce Act, 1936. But these Acts provided divorce rights to Christians and Parsis as the case may be and none of these acts were applicable to Hindus. It is only after the independence of India a uniform law of divorce was codified for Hindus i.e. the Hindu Marriage Act, 1955. This Act provides several grounds of divorce that too equally for husband and wife¹.

3. PROCEDURE OF DIVORCE

The procedure for divorce in India depends on whether it's a Mutual Consent Divorce or a Contested Divorce. For Mutual Consent, both spouses jointly file a petition, followed by a 6-month cooling-off period and a second motion for the final decree. For a Contested Divorce, one spouse files a petition, the other spouse is served a summons, followed by hearings, evidence presentation, and ultimately, the court's decision and final decree.

¹ <https://www.lawjournals.org/assets/archives/2021/vol7issue5/7-4-71-908.pdf> visited on .28.10.2025

3.1. INDIA DIVORCE PROCEDURE INCLUDE:

3.1.1. MUTUAL CONSENT DIVORCE

Generally, a very non-contentious process. A mutual consent divorce is a type of divorce where both husband and wife agree to end their marriage peacefully without blaming each other. It is the simplest and fastest way to legally dissolve a marriage because the couple has already agreed on key issues like alimony, child custody, and property division under Indian law. The process typically involves two court hearings, separated by a waiting period (often 6 months) to allow for reconsideration, though this can sometime be waived.

Step 1. Filing Petition

Both the spouses file a joint petition to the family court stating mutual consent and reasons for separation. A joint petition for dissolving marriage shall be filed before the District Court.

Step 2. Cooling-Off Period

The court grants a six months cooling period (in some cases it can be waived). It is just to leave room for reconciliation if possible

Step 3. Second Motion and Final Hearing

After the period of cooling-off, the couple affirms the decision, and the court decides on divorce decree. After six months (and within 18 months), if both parties still agree, they file the second motion.

3.1.2. CONSENT DIVORCE

Not that confusing because it has arguments and evidence-based hearing. A consent divorce, also known as mutual consent divorce, is when both the husband and wife agree mutually to end their marriage. It is a peaceful and cooperative way to dissolve a marriage without blame or long legal battles. Both spouses must live separately atleast for one year before applying. There decision must be free from pressure, force or fraud.

Step 1. Filing the Petition

The offended spouse files a divorce petition in the family court on valid grounds. Both spouses must agree to divorce, and there should be no allegations made against each other.

Step 2. Court Notices

The other spouse, that is the respondent is served with notice by court to attend hearing and present before the petitions. This notice tells them to attend the court hearing and be before the judge on the specified date. This ensures both parties are aware and appear personally.

Step 3. Response by the Respondent

The respondent can either admit or deny allegation. If one withdraws consent or denies, the divorce can not proceed under consent divorce.

Step 4. Evidence and Hearings

The parties show and provide their evidence in the presence of each other. This evidence confirming that they are living separately, they mutually wish to dissolve the marriage.

Step 5. Counseling and Mediation

The court can refer them to counseling or mediation to come to a common decision. The purpose is to check if reconciliation (settling the marriage) is possible.

Step 6. Lastly, Closing Arguments and Decree of Divorce

The process is simple and cooperative, but the court still requires a final hearing where both parties make their closing submissions before the decree is passed. The court delivers its judgment by either granting or declining divorce after listening to the both parties. The decree legally dissolves the marriage, meaning both husband and wife are no longer married to each other.

3.2. ROLE OF FAMILY COURT

The family court handles divorce-related matters, ensuring fair resolutions on issues like child custody, support, property division, and alimony, prioritizing the well-being of all parties involved. The court's primary goal is to ensure a fair and just resolution. They facilitate negotiations, mediate disputes and make binding decision when necessary.² Family courts in India are specialized tribunals designed to handle matters related to family disputes. They aim to provide a more accessible and less adversarial platform for resolving sensitive issues, such as divorce, child custody, maintenance, and property disputes between spouses. The primary goal of family courts is to facilitate a fair and just resolution, minimizing the emotional turmoil often associated with such case. Divorce is often a contentious and emotionally

² <https://primelegal.in/divorce-procedures-in-india-a-complete-guide/> visited on 26.10.2025

challenging process, making the role of family courts vital in ensuring a fair settlement for both parties. Here's how family courts handle divorce cases:

- **Filing the Petition:** The divorce process begins with one party filing a petition in the family court, stating the grounds for divorce. Grounds can include cruelty, desertion, mutual consent, or other reasons specified in the law.
- **Conciliation Efforts:** One unique feature of family courts is their emphasis on reconciliation. Courts may attempt to mediate between the spouses to explore the possibility of saving the marriage before proceeding with the divorce hearings.
- **Hearings and Evidence:** If reconciliation fails, the court proceeds with hearings, where both parties present evidence and arguments. The court ensures that the process is conducted with sensitivity to minimize the stress for both parties.
- **Issuing a Decree:** After reviewing the evidence and hearing both sides, the court issues a decree for divorce, which may include provisions for alimony, child custody, and division of assets.

For those going through a divorce in the capital, family lawyers in Delhi can provide expert guidance, ensuring that their client's interests are protected throughout the process.³

4. DOCUMENTS REQUIRED

4.1. Marriage Certificate

The marriage certificate is the most crucial document needed to file for divorce in India. It serves as proof of your marriage, and without it, the court may not proceed with your case. If you cannot find your original marriage certificate, you can apply for a certified copy at the municipal office where the marriage was registered.

If you were married under personal laws (Hindu Marriage Act, Special Marriage Act, etc.), the marriage certificate will be issued by the respective government office. Ensure that this certificate is not older than six months to avoid unnecessary delays in the divorce process.

4.2. Divorce Petition

The divorce petition, also known as the petition for dissolution of marriage, is the legal document you submit to the family court requesting a divorce. The petition should state the grounds on which the divorce is being sought, such as cruelty, desertion, adultery, or mutual consent, depending on the type of divorce you are filing.

In cases of mutual consent divorce, both parties must sign the petition. If the divorce is contested, only the petitioner's signature is needed. It's advisable to consult with a lawyer to ensure that the petition is correctly drafted according to the grounds you are filing under.

4.3. Passport Size Photographs

Both the petitioner and the respondent will need to provide a few passport-size photographs. These photographs are required for identification and for inclusion in the divorce petition. Make sure that these are recent, clear, and high-quality photos.

4.4. Address Proof

Both parties must provide proof of their current address. This document can be any of the following:

- Aadhar Card
- Passport
- Voter ID card
- Utility bills (electricity, water, telephone, etc.)
- Rent agreement (in case you are renting a place)
- Address proof is essential to verify the identity and location of both parties involved in the case.

4.5. Income Proof

To determine the amount of alimony or maintenance, the court may ask for proof of income. This document will give the court an idea of both parties' financial capabilities. The following documents can be submitted as proof of income:

- Pay slips
- Income tax returns (ITR)
- Bank statements
- Proof of assets (if relevant)
- Income proof is particularly necessary in cases where one party is seeking maintenance or alimony from the other.

4.6. Statement of Assets and Liabilities

If there are any disputes over the division of property or assets, the court will require a statement detailing both parties' assets and liabilities. This includes properties, bank accounts, business interests, or any other financial holdings.

³ <https://gsbagga.com/blog/the-role-of-family-courts-in-india-a-guide-for-divorce-and-custody-cases/#:~:text=Family%20courts%20play%20a%20pivotal,seek%20the%20expertise%20of%20professionals>. Visited on 28.10.2025

This document ensures a transparent process, especially when determining property rights, alimony, or child support. Having all relevant information about assets can prevent delays or complications in the proceedings.

4.7. Marriage Photographs and Videos (If Available)

Marriage photographs and videos can help substantiate the existence of the marriage in cases where there is a dispute about whether the marriage took place. While this may not be required in most cases, it can serve as additional evidence to support your claim, especially if the other party contests the marriage.

4.8. Children's Birth Certificates (If Applicable)

If you have children from the marriage, the court may require their birth certificates as part of the divorce proceedings. The birth certificate establishes the legal relationship between the child and both parents. It is crucial, especially in matters related to custody, visitation rights, and child support.

The court may also ask for information about your children's schooling, healthcare needs, and other details, as this helps in deciding their future and well-being after the divorce.

4.9. Copy of the Notice Sent to the Spouse (If Applicable)

In cases of contested divorce, the petitioner must send a legal notice to the spouse stating their intent to file for divorce. A copy of this notice must be submitted to the court as proof that the respondent was informed of the intention to seek a divorce.

If the divorce is being filed under the Special Marriage Act (for interfaith couples or those registered under the Special Marriage Act), both parties must agree and sign the divorce petition, but this notice still helps formalize the process.

4.10. Proof of Separation (If Applicable)

In cases where the parties are seeking a divorce based on separation, evidence of the period of separation is necessary. This can be in the form of:

- Rent agreement showing a separate residence
- Affidavit stating the period of separation
- Correspondence (email, messages, etc.) where the couple agrees to live separately
- The duration of separation can play a significant role in cases of contested divorce, particularly when seeking divorce on grounds like desertion or cruelty.

4.11. Medical Records (If Applicable)

In some cases, divorce may be sought on grounds of physical or mental cruelty or incurable illness. If applicable, medical records or doctor's reports detailing the abusive nature of the marriage or the health condition of one spouse may be needed to support the case.

This may also be relevant if one spouse is seeking a divorce due to the other's physical incapacity, and medical evidence may be required to support this claim.

4.12. Affidavit of Evidence

An affidavit of evidence is a document in which the petitioner or the respondent provides a sworn statement outlining the facts of the case. This document typically supports the divorce petition and includes details about the grounds for divorce, events leading up to the filing, and any supporting facts that corroborate the claims made in the petition.

The affidavit should be signed in front of a notary public and serves as a formal statement of the truth of the claims. In some cases, the respondent may also submit an affidavit of evidence.

4.13. Court Fees and Affidavits

While not technically a document to prove your case, you will need to submit court fees as required by the family court. These fees vary depending on the state and the type of divorce (mutual consent or contested).

You will also need to file an affidavit of court fees along with the application. This affidavit ensures that you have paid the required fee, and it is a necessary procedural document for all divorce cases.⁴

5. IMPACT OF DIVORCE

When the divorce done a family was separated and the children was the one who suffer the most. Children who are less than 15 years suffer most because of emotional attachment with their parents. The impact of divorce can be positive or negative:

5.1. POSITIVE IMPACTS OF DIVORCE ON CHILDREN:

⁴ <https://advmayurg.com/documents-you-need-to-file-for-divorce-in-india/> visited on 28.10.2025

5.1.1. A Healthier Household

An unhealthy marriage can put a strain on an entire household, not just the married couple themselves. Children, in particular, can feel the stress and tension that often comes with an unhappy marriage. By getting a divorce, couples will inevitably create healthier home environments for themselves and their children. While co-parenting after a divorce might seem like unfamiliar territory, the long-term benefits for all, almost always outweigh the short-term upheaval.

5.1.2. Boosted Self-Confidence

Having lived as part of a slowly declining relationship, it is understandable why some people lose their self-confidence. And while this isn't going to return to its fullest overnight, a divorce can often be the trigger that's needed for someone to start feeling good about themselves once more. After a divorce, many individuals begin to remember and see all the good things about themselves, which boosts their self-confidence and outlook on life.

5.1.3. Improved Health

Research shows that stress not only negatively impacts our mental health but also our physical and emotional health too. With boosted self-confidence and less stress following a divorce, newly single individuals often benefit from improved health. Couple this with a renewed drive to proactively get fit, live healthier and improve wellbeing, and the positive impact can be significant.

5.1.4. Better Relationships All Round

Whilst it may sound counterintuitive, many couples actually experience improved relationships after they divorce. There is often mutual respect gained and, as a result, two former partners can realize that they can indeed have a fruitful relationship – especially if there are children involved. This benefit also extends to other close relationships too, like those with friends and family members. Unhealthy marriages can lead to one or both partners not finding time for their nearest and dearest. After a divorce though, these relationships often flourish as both partners find they have more time to focus on their social wellbeing.

5.1.5. Happier Children

It goes without saying that an unhealthy or unhappy marriage isn't good for children. That's why one of the most rewarding positive effects of divorce is the impact it can have on children, particularly when it comes to teaching them the life lesson that staying in an unhealthy relationship isn't the only option.⁵

5.2. Negative Impacts of Divorce on children

5.2.1. Anxiety - The divorced couple children mostly suffer the most because they are emotionally attached with parents and the separation impact their mental health. Most children suffer from anxiety they can't express themselves in front of other people.

5.2.2. Depression - Children who saw their parents' separation mostly can't accept, which cause them serious tension that can lead to depression.

5.2.3. Adjustment problem - Children gone through with the divorce of their parents mostly have adjustments issues, they can't adjust in new place with new people because of emotional heartbreak.

5.2.4. Academic performance - The divorce impact children academic performance because of the separation they were heartbroken and can't focus on the study.

5.2.5. Difficulty in building relationships - Most of the time it was seen that the children whose parents was divorced get problem in building relationships with other because they can't trust anyone easily.

6. RIGHT OF WOMEN AFTER THE DIVORCE

6.1. Maintenance and alimony Rights-

After the divorce women can seek right of maintenance and alimony so that she can live without any hardship or also can take care children. In India there are laws that gave power to women that she can seek the right of maintenance and alimony.

6.1.1. Laws relating to maintenance and alimony:

6.1.1.a. Section 144 of BNSS Order for maintenance of wives, children and parents-

(i) If any person having sufficient means neglects or refuses to maintain

(a) His wife, unable to maintain herself; or

(b) His legitimate or illegitimate child, whether married or not, unable to maintain itself; or

(c) his legitimate or illegitimate child (not being a married daughter) who has attained majority, where such child is, by reason of any physical or mental abnormality or injury unable to maintain itself; or

⁵ <https://www.thedivorcesurgery.co.uk/what-are-the-positive-effects-of-divorce/> visited on 28.10.2025

(d) his father or mother, unable to maintain himself or herself, a Magistrate of the first class may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or such child, father or mother, at such monthly rate as such Magistrate thinks fit and to pay the same to such person as the Magistrate may from time to time direct:

6.1.1.b. Section 24 of Hindu Marriage Act 1955: Maintenance pendente lite and expenses of proceedings-Where in any proceeding under this Act it appears to the court that either the wife or the husband, as the case may be, has no independent income sufficient for her or his support and the necessary expenses of the proceeding, it may, on the application of the wife or the husband, order the respondent to pay to the petitioner the expenses of the proceeding, and monthly during the proceeding such sum as, having regard to the petitioner's own income and the income of the respondent, it may seem to the court to be reasonable:

6.1.1.c. Section 25 of Hindu Marriage Act 1955: Permanent alimony and maintenance:

(a) Any court exercising jurisdiction under this Act may, at the time of passing any decree or at any time subsequent thereto, on application made to it for the purpose by either the wife or the husband, as the case may be, order that the respondent shall *** pay to the applicant for her or his maintenance and support such gross sum or such monthly or periodical sum for a term not exceeding the life of the applicant as, having regard to the respondent's own income and other property, if any, the income and other property of the applicant, the conduct of the parties and other circumstances of the case, it may seem to the court to be just, and any such payment may be secured, if necessary, by a charge on the immovable property of the respondent.

(b) If the court is satisfied that there is a change in the circumstances of either party at any time after it has made an order under sub-section (1), it may at the instance of either party, vary, modify or rescind any such order in such manner as the court may deem just.

(c) If the court is satisfied that the party in whose favor an order has been made under this section has re-married or, if such party is the wife, that she has not remained chaste, or, if such party is the husband, that he has had sexual intercourse with any woman outside wedlock, it may at the instance of the other party vary, modify or rescind any such order in such manner as the court may deem just.

6.2. Right to Property –

In India, property rights for women post-divorce can be complex. The laws vary based on the religion of the parties involved. Generally, a woman is entitled to a share of the property that she and her husband acquired together during the marriage.

6.2.1. Marital Property Division: Currently, Indian law does not automatically grant women a share of the husband's property acquired before marriage. However, she is entitled to the assets acquired during the marriage. The court may order a fair division of such assets.

6.2.2. Stridhan: This refers to the gifts, jewelry, money, or property given to the woman before, during, or after marriage by her parents, husband, or relatives. The woman has absolute rights over her Stridhan and the husband cannot claim it. In the event of a divorce, the woman has the right to reclaim her Stridhan.

6.2.3. Joint Property Rights: If the property is jointly owned, the woman has an equal right to the property. The division is based on each party's contribution towards the property, whether monetary or non-monetary.

6.3. Custody of Children-

Child custody is a crucial aspect of divorce, and Indian laws prioritize the welfare of the child when deciding custody matters. Generally, the mother is granted custody of minor children, especially if they are young.

6.3.1. Guardians and Wards Act, 1890: This act governs child custody and emphasizes the child's welfare as the paramount consideration. Mothers usually get custody of children below five years of age, unless there are compelling reasons otherwise.

6.3.2. Custody Rights for Hindu Women: Under the Hindu Minority and Guardianship Act, 1956, the mother is the natural guardian of minor children after the father. The court decides based on the best interest of the child.

6.4. Right to Remarry -

Post divorce, women have the right to remarry, just as men do. There is no legal or religious bar against a woman remarrying after a divorce. However, certain personal laws require a waiting period, commonly known as Iddat in Islamic law, before remarriage.

6.5. Right to Residence-

Another significant right for women in divorce cases is the right to residence. A woman has the right to reside in the matrimonial home or an equivalent accommodation even after separation or divorce. This right ensures that a woman has a safe and secure place to live.

6.5.1. Protection of Women from Domestic Violence Act, 2005: Under this act, women can claim the right to reside in the shared household. It applies to women facing domestic violence or even if the violence has not occurred. The woman can stay in the matrimonial home regardless of ownership or rental status.

6.5.2. Court Orders for Residence: If the woman is not allowed to live in the matrimonial home, the court may order the husband to provide alternate accommodation or pay rent for a separate house.⁶

⁶ <https://lawrato.com/indian-kanoon/divorce-law/divorce-laws-for-women-in-india-2961> visited on .29.10.2025

7. CAUSES OF DIVORCE

7.1. Financial Issues - Most of the divorce happen due to financial issues. When husband can't fulfill the financial needs of wife or family then the conflict was arise between the couples and mostly it was ended in divorce.

7.2. Lack of Communication - Breakdown in communication, misunderstanding and lack of emotional connection can strain a relationship. Lack of Communication can lead to misunderstandings, emotional distance, resentment and conflict escalation.

7.3. Extra- Marital Affair - Infidelity or Extra marital affair can be a relationship's breaking point. When one partner cheats, it can shatter trust, cause immense emotional pain, and make it tough to move forward together. The hurt and betrayal can run deep, often leading to a painful decision to part ways.

7.4. Domestic violence - Domestic violence can be a devastating experience that shatters lives. The pain, fear, and trauma it inflicts can make it impossible to stay in the relationship. For many, divorce becomes a necessary step towards finding safety, healing, and starting a new life. In many cases, divorce may be a necessary step toward safety, healing and rebuilding a life from abuse.

7.5. Conflict with In-laws - Conflict with in-laws can strain a marriage. When disagreements or unrealistic expectations from in-laws create tension, it can be challenging for couples to navigate. In some cases, the stress and pressure can become too much, contributing to the decision to divorce. Setting boundaries and communication can help, but sometimes, it's not enough. Sometimes the issues run too deep, and divorce feels the only way out.

7.6. Dowry Demands - Dowry demands can be a significant stress on a marriage. When families are pressured for money or goods, it can create tension and conflict. In some cases, the demands can become unbearable, leading to relationship breakdown and potentially even divorce. It's heartbreaking when love gets tangled up in financial demands leading to separation.

8. IS DIVORCE A GENDER BIASED?

Certain divorce and child custody-related laws in India, as written and as applied, favor women. Divorce laws and outcomes can be influenced by gender biases, affecting custody, support, and financial decisions.

8.1. ATUL SUBHASH CASE (9 December 2024)

This past month, the gender bias in such laws became the center of a national debate in India when Atul Subhash (9 DECEMBER 2024), a 34-year-old man who was going through a messy divorce and child custody dispute, chose to end his life. What shook the nation's conscience and the internet alike was his dying declaration. Right before committing suicide, Atul recorded and shared an 80-minute-long video to explain his reasons for this drastic step. In a hauntingly calm voice, Atul shared how his soon-to-be ex-wife was misusing Indian penal laws to harass him and his family, and how he was not able to see his four-year-old child unless he met her excessive monetary demands. He expressed his frustration over corruption within the legal system and the insensitivity of the courts.

As far as the Indian statutory law goes, certain criminal offences concerning dowry harassment, domestic violence or sexual abuse can only take place against women. Similarly, even though most developed legal systems worldwide have abandoned the tender years doctrine, which provides preferential custody rights of a young child to the mother, India still abides by the concept.⁷

8.2. AGRA CASE (24 FEBRUARY 2025)

A 30-year-old executive of an IT major in Mumbai took his life over strained relations with his wife, recording an agonized video before the final act. Manav Sharma was found hanging in his native home in Agra, police said on Friday, adding that they came to know of it from the widely circulated video on social media.

Moments before ending his life, Sharma purportedly recorded the emotional video -- about seven minutes long -- accusing his wife of "having an affair". In the clip, he could be heard apologizing to his parents and then pleading for more awareness of men's struggles: "Please, someone should talk about men. They become very lonely. If laws do not protect men, then there will be no man left to be accused..."

8.3. Bhopal man dies by suicide as wife files dowry case after 30 years of marriage (4 FEBRUARY 2025)

In Bhopal, a man died by suicide after his wife accused him of dowry harassment after three decades into their marriage. Police registered a case of unnatural death and started the investigation. A 52-year-old man died by suicide after his wife filed a dowry case against him, three decades after their marriage, in Bhopal, Madhya Pradesh. The case was filed against the victim, Rajeev Giri, on January 26, 2025 by his wife, Janki. He had allegedly been deeply distressed since then. He reportedly remained anxious and troubled for five days before consuming poison on February 1, 2025 leading to his death.⁸

Nearly one lakh men die by suicide ever year due to marriage-related problems," screamed several television anchors and Men's Rights Activists on social media, following the suicide of Bengaluru based techie Atul Subhash. The 35-year-old's death and suicide notes — including one on video — have triggered a widespread debate across India in this regard. Men's Rights Activists are campaigning with renewed vigour against what they claim are gender-biased laws in India — there's even a petition to make sections 85 and 86 of the

⁷ <https://www.barandbench.com/columns/international-perspective-gender-bias-indian-divorce-and-custody-laws> visited on .29.10.25

⁸ <https://timesofindia.indiatimes.com/city/agra/please-think-about-men-too-they-become-very-lonely-mumbai-firm-manager-in-video-before-killing-self/articleshow/118640162.cms> visited on .29.10.2025

Bharatiya Nyaya Sanhita (BNS) (previously section 498A of the Indian Penal Code (IPC)) — which deals with cruelty by husband or his family — gender neutral.

Suicides are rarely the result of a single factor. They are deeply influenced by a web of social, cultural, systemic, and economic conditions. Yet, the National Crime Records Bureau (NCRB) reports on suicides often simplify these complex issues, attributing them to a single cause. When we look closely at NCRB data, several key trends emerge.

On average, over the past eight years (2015 to 2022), nearly 1,01,188 men have died by suicide each year, compared to 43,314 women. The rate of suicide for men is 14.2 per 100,000 male population, while for women, it is 6.6 per 100,000 female population.⁹

8.4. Courts strive for fairness in divorce cases by

Divorce can be tricky, and sometimes gender biases sneak in, affecting custody, support, and finances. But courts are trying to be fairer these days.

- Considering individual circumstances
- Evaluating financial situations
- Prioritizing child welfare
- Applying gender-neutral laws
- Encouraging mediation and settlement
- Making decisions based on evidence

The goal is to ensure just and equitable outcomes for all parties involved.

9. CONCLUSION:

Divorce is a complex and multifaceted issue that can have significant emotional, financial and social implication for all parties involved. While it can also provide an opportunity for individuals to move forward and start a new life. The decision to divorce is a personal one that require careful consideration of individual circumstances. Seeking support and guidance can help navigate this complex process. Ultimately, divorce should be viewed not merely as a failure but as a legal remedy to ensure dignity, peace, and justice for both partners when coexistence is no longer possible. Society must approach it with sensitivity, understanding, and support for those involved. Over the years, the law has evolved to make the process more balanced and fairer, ensuring that both partners especially women receive justice and dignity. While the emotional and social impact of divorce can be challenging, it also represents freedom, self-respect, and the chance of fresh start.



⁹ <https://www.thenewsminute.com/news/the-reasons-for-male-suicides-in-india-what-the-numbers-tell-us> visited on .29.10.2025