

**SOCIAL STRUCTURE, LEGAL PROVISIONS AND DIVORCE  
PRACTICES IN NEPAL**



**A Thesis**

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**DECLARATION**

I hereby declare that this thesis has not been submitted for candidature for any other degree.

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**LETTER OF RECOMMENDATION**

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**APPROVAL LETTER**

This dissertation entitled “**Social Structure, Legal Provision and Divorce Practices in Nepal**” was submitted by **Ms. Sabina Ghimire** for the final examination by the Research Committee of the MPhil Programme in Sociology, Faculty of Humanities and Social Sciences, Tribhuvan University, in partial fulfillment of the requirements for the Degree of M Phil Degree in Sociology. The research committee hereby certifies that this dissertation was found satisfactory and accepted for the degree.

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**ABBREVIATIONS/ACRONYMS**

BS	:	Bikram Sambat (Nepali Calendar)
CBS	:	Central Bureau of Statistics
CEDAW	:	Convention on the Elimination of All Forms of Discrimination Against Women
MPhil	:	Master of Philosophy
TU	:	Tribhuvan University
UK	:	United Kingdom
VDC	:	Village Development Committee

## CHAPTER I INTRODUCTION

### 1.1 Background

The social structure is the organized pattern of relationships and institutions that make up a society, which guides and shapes individual behavior and interactions. It consists of recurring patterns of behavior within social institutions and groups that influence individuals' actions and decisions. Social structure includes various elements such as social roles, norms, and institutions, which help regulate and organize society. Social structures function to maintain stability and social order (Durkheim, 1893). Similarly, Talcott Parsons (1951) emphasized that these structures like family, education, religion, and law are essential for society to operate effectively, as they guide our behaviors and interactions in consistent ways.

Laws play an important role when it comes to divorce. The rules a country sets about divorce can actually affect how often people get divorced. These laws help the government manage things like relationships, property, and how children are cared for (Stetson & Gerald C. Wright Jr., 1975). In Nepal, where society is strongly influenced by patriarchal traditions, divorce is often looked down on—especially for women. People who get divorced can face judgment, money problems, and emotional struggles. This shows why it's important to look closely at what causes divorce and what happens to people afterward

Divorce means officially ending a marriage. It can happen when the relationship breaks down either socially or legally (Acharya, 2006). When people get married, they do so with mutual understanding and agreement. But sometimes, due to different challenges or problems, they choose to legally end their marriage. Divorce is a legal process where a court separates a husband and wife, either ending the marriage completely or changing its legal effects. Today, divorce is quite common, but how people see it can vary across cultures. As a result, divorce can have different cultural and social impacts depending on the society.

In Engels' view, marriage and divorce are deeply embedded in the socio-economic structures of society. In pre-capitalist and early class-based societies, marriage evolved

as a mechanism for controlling property and lineage, leading to the subordination of women. Divorce was historically a privilege of the wealthy and male-dominated class, with women having fewer opportunities to escape oppressive marriages. Engels argues that the transformation of marriage and divorce is tied to the abolition of private property and the establishment of socialism, where both relationships would be based on mutual affection, free from economic constraints, and less likely to be influenced by property inheritance (Engel, 1884).

The sociology of family is a newer part of sociology that looks at how family, marriage, and kinship are changing as society changes—and this can vary from one culture to another (Acharya, 2006). One important area it focuses on is what happens when marriages go through problems, like separation, desertion, annulment, or divorce. Even though these topics are important, the sociology of family isn't yet fully developed as a field of study in Nepal. Marriage is highly valued in every society, and most people are expected to get married at some point. It's often seen as a source of emotional support, joy, and satisfaction. But in reality, not all marriages work out especially in today's modern world. Changes like people spending less time with family and becoming more focused on themselves can lead to marital problems and breakups.

These days, women are less dependent on men than they used to be. In many families, both husband and wife need to move away from home for work, especially as the job market keeps expanding with globalization. This can create distance between couples and reduce the time they spend together. Divorce tends to be more common in couples where the woman has a successful career. One reason for this is that juggling two careers can add extra stress to a marriage. But perhaps more importantly, women who are financially independent are less likely to remain in a marriage that makes them unhappy (Macionis, 1997).

Social and psychological factors play a big role in why people get divorced, especially as expectations around marriage, gender roles, and family life continue to change (Graham & Conahay, 1970). In Nepal, marriage has traditionally been seen as one of the most important parts of life. It's not just about two people coming together, but also about the joining of two families. Marriage is deeply connected to cultural, religious, and family traditions, and it's usually seen as a lifelong commitment.

However, things are starting to change especially in urban areas like the Kathmandu Valley. As Nepalese society experiences modernization, urbanization, and the effects of globalization, people's views on marriage are evolving. These shifts have led to growing divorce rates, making it important to take a closer look at how society is changing and what that means for marriage and family life.

This is the sociological study of social structure legal provision and divorce practices in Nepal. In this study, my particular field is on divorce. How the society has taken the male/female divorcee and their experiences towards divorce is the main concern of this study. For the research I have selected Kathmandu valley. Since the Kathmandu city is densely populated its easy to find out the respondent from the every aspects of the society.

## **1.2 Research Problem**

There have been numerous study done in the divorce. The researchers are more concerned with the child and the female perspectives. What are the real experiences of couple has lacked in pervious study. The main objective of this study is to locate couple perspective on divorce. Engels saw the growing chance of divorce as a sign that women were gaining more rights, especially in modern, capitalist societies. As women started to gain legal rights and become more financially independent, it became easier for them to leave unhappy or unfair marriages (Engels, 1884).

While traditional values continue to exert a strong influence, urban lifestyles and exposure to global norms have introduced new perspectives on marriage and relationships. Factors such as financial stress, incompatibility, domestic violence, infidelity, and lack of communication are increasingly cited as reasons for marital dissolution. At the same time, legislative changes, such as the recognition of women's property rights and legal provisions for divorce, have made it easier for individuals to seek marital dissolution.

From a sociological perspective, studying divorce offers valuable insights into the changing fabric of Nepali society. It allows for an exploration of how traditional and modern values coexist and conflict, how gender roles are negotiated within marital relationships, and how individuals navigate the social and emotional consequences of

divorce. Additionally, understanding the factors contributing to divorce can inform policies and interventions aimed at supporting individuals and families, reducing stigma, and promoting healthy relationships.

For the research the following questions have been raised:

### **1.3 Research Question**

- i. How the social structure and legal provision affect the divorcee couple?
- ii. What are the consequences of divorce in Nepal?

### **1.4 Research Objectives**

- i. To explore the social structure, legal provision and divorce practices in Nepal.
- ii. To identify the consequences of divorce on individuals and families.

### **1.5 Significance of the Study**

This study offers a deeper sociological understanding of divorce by exploring the lived experiences of individuals who have gone through it. It sheds light on how both family members and society respond to divorcees, and how those responses can shape their lives. The research takes into account both male and female perspectives, offering a more balanced view of the issue. Alongside this, it provides a descriptive look at divorce as a social phenomenon.

On a theoretical level, the study helps to analyze how family and societal attitudes influence the perception of divorce. It also examines the role of social structure and legal provisions in shaping divorce practices. To ground these insights in real-life contexts, the study uses a case study approach, which serves as a valuable source of data and personal narratives for the research.

### **1.6 Organization of the Study**

This study is divided into six chapters, each building on the other to provide a clear and comprehensive understanding of the topic. The first chapter serves as an introduction, outlining the research issue, key problems, research questions, the significance of the study, and a brief overview of how the study is organized. The second chapter focuses

on reviewing existing literature, both from Nepal and beyond. It brings together theoretical insights, previous research findings, and expert views related to divorce. A wide range of sources including research papers, journal articles, and reports are explored to create a solid foundation for the study.

The third chapter explains how the research was carried out. It describes the overall design of the study, how participants were chosen, the size of the study group, the techniques used to gather information, and how the collected data was analyzed. This chapter also discusses ethical considerations and limitations of the study. Forth chapter explores the social structure and legal framework related to divorce in Nepal. It examines societal norms, gender roles, and the influence of modernization. Additionally, it discusses legal provisions governing divorce, including childcare and custody policies. The fifth chapter analyzes the impact of divorce on individuals and their families. It discusses the emotional, economic and social consequences for divorced men and women, children and extended family members.

The final chapter provides a summary of the study and its findings. It concludes with key insights drawn from the research, addressing the study's objectives and providing recommendations for future studies or policy considerations.

## CHAPTER II

### LITERATURE REVIEW

#### **2.1 Introduction of Social Structure and Legal Provision**

Social structure is the system of organized relationships and institutions that make up a society. It shapes how communities work by guiding how people interact, how resources are shared, and how social rules and values are maintained. Things like family, schools, religion, and government are all part of this structure. They help set roles, responsibilities, and cultural values, and they often decide who has more power or access to resources (Giddens, 2009). Social structures can help bring people together by creating shared rules and expectations. But when these systems become too strict or unfair, they can cause tension and lead to social change, as people begin to push back against inequality. So, while social structure helps keep society stable, it can also create unfairness within communities.

According to Parsons, social structure is based on the shared rules, values, and cultural expectations that shape how people behave (Parson, 1951). In other words, our actions usually follow the social norms that apply to different situations. These norms define specific roles—like jobs people do or traditional roles such as husband and father, or wife and mother. These rules exist in many parts of life and help create important social systems like marriage and property ownership. So, social structure is made up of institutions, roles, and norms, all working together at different levels of society

A legal provision is an official rule or law made by a legal authority to guide how people behave, protect their rights, and shape how they interact with others in society. These laws are written and enforced by legal institutions to help manage both personal and group behavior. They also reflect the values, power structures, and systems that already exist in a society (Cotterrell, 1992). Cotterrell points out that legal rules are closely tied to the society they come from they don't just control behavior, but also show what that society sees as fair, right, or acceptable.

#### **2.2 Theoretical Review**

The divorce we understand as the legal and formal dissolution of a marriage or partnership. It refers to the process by which a married couple legally ends their

relationship, which is often accompanied by changes in family structures, roles, and social dynamics. Social Theorist argue that economic growth, urbanization, industrialization and increased income and education break up traditional family patterns (Durkheim, 1947).

Gender Role Theory helps us understand how society's expectations about men and women's roles can affect marriage and divorce. It suggests that when gender roles change, cause conflicts, or feel unequal, it can lead to unhappiness in marriage, which might increase the chance of divorce. The theory shows how traditional and changing gender roles impact relationships and, in turn, divorce. It explains that when society expects certain roles for men and women in a marriage, tensions can arise if these roles are challenged or not met.

In the past, men were expected to earn money, while women took care of the home and children. Marriages where both partners follow these roles often have stability. However, problems can arise if one partner feels stuck or dissatisfied with their role (Parsons & Bales, 1955). For example, if the husband feels too much pressure as the main breadwinner, it can cause problems. Similarly, women who juggle both work and housework often feel overwhelmed, which can lead to frustration and conflict (Hochschild & Machung, 2012).

Divorce is often influenced by changing social norms and values. When the rate of divorce changes, it reflects how people's attitudes and beliefs about marriage and divorce are shifting (Choudhary, 1988). From a functional perspective, divorce can happen when spouses from different social and economic backgrounds have trouble adjusting to each other's expectations. Kapadia explains that living in a joint family can sometimes create mental stress because of its size, financial pressures, constant arguments, and the different expectations and needs of younger family members, all while the older generations hold on to strict traditional norms (Kapadia, 1966).

Divorce isn't just a social issue it often happens due to the specific social and economic conditions that exist. In some societies, restrictive norms and high expectations from marriage can lead to frustration when those expectations aren't met.

Conflict and control theories, notably developed by thinkers like Michel Foucault, focus on how power dynamics shape societal structures and the ways in which deviance is understood. These theories emphasize that the norms and laws of a society are not neutral; rather, they are created and enforced by the powerful to maintain their control and protect their own interests. They view deviance not as an inherent characteristic of individuals but as a product of societal power struggles.

The theory of power and discipline explains how modern societies control people not through obvious force, but by watching and managing their actions, thoughts, and bodies (Foucault, 1975). He believed that institutions like schools, hospitals, and prisons quietly shape how people behave by setting rules and expectations. This kind of control becomes so common that people start to follow the rules on their own, even when no one is watching. Foucault's idea of the "panopticon" a prison design where inmates never know if they're being watched shows how constant observation can lead people to monitor and discipline themselves. This kind of hidden control especially affects marginalized groups, making them more likely to feel the pressure to fit into society's norms.

Thompson's domination model focuses on how social control is exercised through legal and institutional systems to serve the interests of the powerful. He suggests that those in power shape laws and norms in ways that protect their position and suppress any resistance. The powerful define what is considered "normal" behavior, aligning it with their own values, while labeling the actions of less powerful groups as deviant. This process leads to the marginalization and criminalization of people who challenge the established order, such as the poor, minorities, or those on the political fringes. In essence, the legal system is used to reinforce the dominance of certain groups while stigmatizing those who oppose or threaten the existing structure (Thompson, 1963).

Rothman's Institutional Control (1971) explores the role institutions play in controlling individuals, emphasizing how these systems of authority restrict personal freedoms. Rothman argues that institutions such as mental hospitals and prisons were established not just to rehabilitate but to control those deemed as social outcasts or deviants. These institutions, he contends, were framed as places for care and reform, yet in reality, they served to enforce conformity and maintain societal order by marginalizing individuals who did not fit within the established norms.

Structural Functionalism emphasizes the importance of social institutions, like family and marriage, for maintaining societal stability. In the context of Nepal, marriage is often seen as a fundamental institution, and divorce is generally discouraged as it threatens the stability of the family unit and, by extension, society (Giri, 2010).

In traditional Nepali society, the family plays a key role in shaping social structure, with marriage seen as a vital component of this organization. The legal provisions regarding divorce have long mirrored this cultural focus on the importance of marriage. For instance, the Muluki Ain (Civil Code) of 1963, which included rules on divorce, reinforced patriarchal values by making it more challenging for women to initiate divorce. This legal framework reflected the belief that marriage was essential for maintaining social stability and upheld a system where women's rights within marriage were limited from the functionalist perspectives the laws reflected a social expectation for women to remain in marriages for the greater social order, even if personal issues arise. The legal constraints on women's ability to divorce were often justified as maintaining harmony within the social structure.

Conflict Theory, developed by Karl Marx, focuses on how power and inequality shape society. In the context of divorce laws in Nepal, this theory helps explain how gender dynamics influence marriage and separation. Historically, divorce laws in Nepal were influenced by patriarchal values, which often placed women at a disadvantage, reinforcing their lower status in both marriage and society (Acharya, 2007). From a conflict theory perspective, divorce laws in Nepal reflect a power imbalance where men hold more control over the dissolution of marriage. Traditionally, women faced significant challenges when trying to initiate a divorce, often needing approval from their husbands or the broader community. Even after the political changes brought by the 1990 People's Movement, which ushered in a more democratic framework, the legal provisions surrounding divorce remained heavily tilted in favor of male dominance. Women often found themselves needing to overcome financial, social, or familial pressure to leave an unhappy or harmful marriage. This highlights the continued influence of unequal power relations in shaping divorce practices in Nepal.

The family structure in Nepal, according to conflict theory, is often an arena where women experience exploitation. The legal provisions on divorce have been critiqued as a means for men to maintain control over women's lives and reduce the autonomy of women in marriage.

Feminist theory focuses on the role of gender and power dynamics in the construction of societal norms. Divorce laws in Nepal have historically been gender-biased, with women having less autonomy in initiating divorce (Subedi, 2018). However, feminist theorists would argue that the laws need to be reformed to ensure gender equality.

Under the Muluki Ain, which governed divorce before the recent amendments, women's ability to initiate divorce was severely restricted compared to men's. Feminist scholars would view this as an example of how laws have been shaped by patriarchal attitudes, where marriage is framed as a woman's duty, and divorce is viewed as disruptive to the family unit.

Feminist theory supports the legal reforms introduced in recent years, such as the Civil Code of 2017 in Nepal, which has aimed to make divorce laws more equitable. For example, it grants women the right to initiate divorce without the same social or financial restrictions. Feminists argue that these reforms are necessary to empower women and reduce the control that men have over women's decisions to remain in a marriage.

Modernization Theory posits that as societies develop, they transition from traditional, agrarian structures to more complex, urbanized, and individualistic ones. In Nepal, modernization has influenced shifts in attitudes towards marriage and divorce, especially in urban areas. As Nepal becomes more urbanized and integrated with global values, there has been a move towards individualism, and divorce has become more acceptable in modern Nepali society (Shrestha, 2020).

In the past, divorce was stigmatized, but increasing urbanization and exposure to global ideas of personal freedom have made divorce laws more flexible, reflecting the changing attitudes towards individual rights. Also, after the amendment in Civil Code 2017 the approach towards divorce and the recognition of women's right to initiate divorce has changed. This shift in legal provisions can be seen as a result of Nepal's ongoing modernization, which challenges traditional, collectivist family values.

Symbolic Interactionism focuses on the individuals attach to social interactions and institutions. In the context of divorce, symbolic interactionism would examine how the meanings of marriage and divorce are constructed in Nepali society and how

individuals interact with these meanings. Over time, the societal understanding of marriage and divorce in Nepal has changed. While divorce was once stigmatized, younger generations, especially in urban centers, are more likely to view it as a personal decision (Pandey, 2015). Divorce still carries significant social stigma in rural and conservative areas, where family honor is highly valued. However, symbolic interactionists would highlight how individuals in urban centers may redefine divorce as a personal decision rather than a social failure.

In every society, the quality of a couple's marriage often reflects how healthy their relationship is. Similarly, children observe their parents' relationships and use that as a guide for their own future marriages. Kapinus focuses on how the quality of parents' marriages can influence whether young adults see divorce as an acceptable way to handle marital problems (Kapinus, 2005).

According to the Theory of Reasoned Action, people's attitudes toward behaviors like divorce are shaped by the social norms around those behaviors and by what they believe is useful for achieving their personal goals (Ajzen & Fishbein, 1980). This means that attitudes about divorce are influenced by social rules (like when divorce is seen as acceptable) and by how people weigh the pros and cons of getting divorced. Social Learning Theory explains how observing parents' relationships can affect young adults' views on marriage and divorce. It suggests that people learn behaviors by watching others, especially if they see those behaviors lead to positive outcomes. If they see negative results or punishments, they are less likely to adopt those behaviors.

## **2.3 Empirical Review**

### **2.3.1 Divorce in Global Context**

Divorce is the legal process of ending a marriage. It formally dissolves the marital relationship between two people, granting them the right to live separately and make independent decisions about their lives. A divorce often comes as a crisis, even if desired by both spouses. Burgess, Locke, and Thomes (1963) contend that a crisis may not be experienced when the emotional involvement between the spouses is relatively weak, while it may be experienced as an extreme crisis when there is strong community opinion against it. Bernard wrote: the whole trend in current social life is in the direction

of demands for *laissez faire* in personal relationships. The issues that do arise will tend to be in the direction of making divorce as non-traumatic as possible for partners and for children (Bernards, 1970).

Divorce, once considered a taboo subject in many societies, has become increasingly common in many parts of the world. However, divorce practices and attitudes towards divorce differ significantly across cultures, countries, and regions. The social, economic, and political conditions surrounding divorce vary depending on cultural norms, the legal environment, and religious influences. This study aims to explore the sociological dimensions of social structure, legal provisions and the divorce practices.

Marriage and divorce are not just personal matters they're also deeply social issues. The success or breakdown of a marriage affects more than just the couple involved; it can ripple out to impact families, neighborhoods, communities, and even the broader society. When individuals going through the difficult process of divorce are able to heal, rebuild, or form healthy and stable relationships, it benefits everyone around them not just themselves (Tizita, 2013). Today, divorce has become a growing concern. It disrupts the traditional structure of the family and can have lasting emotional and psychological effects, especially on women, who often face more intense social and personal challenges in the aftermath.

In the United States, each state has been able to devise its own divorce laws and, as a result, a rich variety of statutes and administrative practices has developed (Vernier, 1932). Making divorce laws more restrictive, short of prohibiting divorce or becoming a divorce mill, has appeared to have little impact on this trend toward marriage breakup and divorce (Abel, 1973). As the family performs fewer social and economic functions it becomes less vital to individual welfare. New opportunities for employment for men and women in industry, greater education for children, and greater economic independence for all family members provide monogamy and help account for increase in divorce (Stetson et al 1975).

A stable population often reflects lower social disruption, and one way to see this is through divorce rates. In areas where populations don't change much, divorce tends to remain relatively low. But when people move around more due to migration or urbanization communities become less stable, and divorce rates often rise (Fenelon,

1971). Among Western industrialized countries, the United States stands out with one of the highest divorce rates. Similarly, across many developed nations, women with lower education levels are more likely to experience divorce than those with higher education (Dommaraju & Jones, 2011).

In the past, many divorces happened by mutual agreement, but that pattern is changing. There's a noticeable rise in cases going through legal proceedings in family courts (Sasaki & Wilson, 1997). Common reasons cited in these cases include financial stress, lack of compatibility, and infidelity. Additionally, changing views on marriage could be playing a role. Traditionally, marriages were arranged by elders and focused on practical responsibilities. Now, there's a growing preference for love-based marriages centered on emotional connection and companionship. While this shift allows for more personal choice, it may also be contributing to greater instability in marital relationships.

Changes in the labor market have played a big role in the growing instability of marriages. In particular, the restructuring of labor markets during the 1990s had a major impact (Dommaraju & Jones, 2011). One key change was the decline of the traditional system where men often had secure, lifelong jobs. As this system began to break down, many women who previously stayed at home started entering the workforce.

This shift meant that more married women became financially independent, no longer relying entirely on their husbands for support. While this greater participation in the labor force gave women more freedom and opportunities, it may have also contributed to rising divorce rates by making it easier for women to leave unhappy or unfulfilling marriages (Ono, 2006). In essence, the changing dynamics of work and family life began to reshape how marriage functions in society.

Since the late 1960s, divorce rates have significantly increased across Europe and other industrialized nations. One of the key changes during this period was the introduction of unilateral divorce laws, which allow one person to file for divorce without needing the other spouse's consent. This was a major shift from earlier laws, which required mutual agreement to end a marriage. According to Kneip and Bauer (2009), the difference between *de facto* and *de jure* unilateral divorce isn't just about legal

definitions—it also affects how predictable the outcome is. Moving from *de facto* to *de jure* systems simply reduces the uncertainty around whether a court will actually grant a divorce when only one partner wants it.

According to Majid Khadduri (1977), Islamic countries can be grouped into three main categories based on how they approach marriage laws. The first group follows traditional Islamic law closely. The second group has kept the foundation of Islamic law but made some changes or updates to it. The third group consists of countries that have moved toward more secular legal systems, reducing or even eliminating the influence of Shari'a law in matters like marriage. For example, Turkey is unique in having completely abolished Shari'a law, while Tunisia still follows Shari'a but has banned polygamy, showing a blend of tradition and reform.

Social attitudes toward marriage and divorce have changed significantly globally over the past few decades. As per Cherlin, in the past, divorce was often stigmatized, but contemporary societies have become more accepting of divorce as a solution to marital conflict. Changing gender roles, greater acceptance of individual autonomy, and evolving definitions of family structure are the main factors to this shift (Cherlin, 2009).

Globalization and the rise of social media have also played a role in divorce trends. The ability to connect with individuals globally through the internet and social media has made it easier for people to pursue extramarital relationships or to find partners who better meet their needs. This phenomenon is particularly notable in the context of increasing rates of infidelity, a common reason for divorce.

The quality of a parent's marriage can have a big impact on their relationship with their children and even shape how children think about relationships themselves (Kanipus, 2005). For example, Cooney (1995) found that young people who saw a lot of conflict in their parents' marriage were more likely to support living together before marriage. This could suggest that they feel less committed to the idea of marriage itself. Other studies also show that young adults who choose to live together before getting married often have more accepting attitudes toward divorce compared to those who don't (Axinn & Thornton, 1993). These findings highlight how family dynamics can influence the way the next generation views relationships and commitment.

### 2.3.2 Divorce in Asian Context

Asia presents a wide variety of traditions when it comes to marriage and divorce. In many East Asian countries, divorce rates have been steadily climbing since the 1980s. The increase became especially noticeable after 1990 in places like Japan, South Korea, and Hong Kong. For example, South Korea saw a dramatic surge in divorces around 1995, which also happened to be the time of the Asian financial crisis (Dommaraju & Jones, 2011).

This rise in divorce reflects a major shift in how people think about marriage and separation. In the past, divorce was heavily stigmatized. Social pressure—particularly to stay married for the sake of the children or to preserve family honor—often kept unhappy couples together. But now, things are changing. Women’s growing financial independence and the stressful nature of fast-paced urban life seem to be contributing to rising divorce rates. There’s also an ongoing debate about whether East Asian societies are becoming more individualistic focusing more on personal happiness and less on traditional Confucian values like family duty and social harmony. These shifts suggest that divorce is no longer seen as a last resort, but rather as a valid choice when a relationship no longer works (Dommaraju & Jones, 2011).

The amount of social, economic, and emotional support available to divorced women plays a major role in shaping divorce trends. In places like northwest India, China, and South Korea where traditional patrilineal systems have long been in place women were often considered part of their husband’s family after marriage, essentially losing their ties to their own parents (Gupta, 2010).

While some things have changed over time, the reality in much of India and across South Asia is that divorce still isn’t seen as a practical option for many women. A woman who leaves an unhappy marriage often faces the harsh truth that she may not be welcomed back into her natal home and in many cases, she may not have the means to support herself financially. As long as arranged marriages and the expectation that women will live with their husband’s family (patrilocal residence) remain the norm, it’s unlikely we’ll see a significant rise in divorce rates in this part of the world.

While changes in divorce laws may have made the process easier, the rise in divorce rates can't be explained by legal reforms alone. These changes need to be understood in a broader social and cultural context. Easier access to divorce may have opened the door, but other important factors are also at play like shifting social values, greater independence among younger generations, and rising expectations of what marriage should look like. When those expectations aren't met, couples may feel disillusioned and more likely to separate.

Women's growing financial and social independence has also played a role, along with the many distractions and temptations that come with living in an increasingly connected and information-saturated world (People's Daily, 2005). In China, for instance, a noticeable spike in divorces among people in their mid-30s is thought to reflect this trend. Many enter marriage with high hopes, but after about eight years, the realities of life career stress, family responsibilities, and unmet expectations—can begin to take a toll (People's Daily, 2005).

However, at the national level, changes in the legal, educational and economic condition of women, ideational change, ease of remarriage and erosion of stigma attached to divorce have led to changes in divorce rates. While the major reasons for divorce were lack of love and political reasons in the 1960s and 1970s, the reasons for divorce in the 1980s and 1990s include division of family chores between husband and wife, love affairs, unsatisfied sexual life, different career goals, working in two different cities, etc (Wang ,2001).

During the period from the 1950s to the late 1980s divorce rates were high in Islamic Southeast Asian countries. Divorce rates were high among the Malay Muslim populations, but there were geographic differences (Jones ,1994). Early and parent arranged marriages were common and such marriages were prone to divorce, mainly because compatibility of spouses was valued and arranged marriages had a high degree of incompatibility built-in. In many cases divorce occurred before consummation or co-residence. Divorce rates were higher among the poorer and less educated. With a shift towards self-selected marriage and later marriage, and, in some countries, a tightening of legal restrictions on divorce, divorce became less common and this trend appears to have continued until the 1990s. Though divorce rates have declined, divorce is not

uncommon compared with rates for other populations in the region. For example, divorce rates in Malaysia are higher for Malays than for Chinese and Indians (Tey, 2011).

Among the Muslim populations of Malaysia and Indonesia, the decline in divorce rates seen in the mid-to-late 20th century appears to have reversed in recent years. Divorce patterns in Indonesia are quite similar to those for Malays in Malaysia.

South Korea's significant increase in divorce rates has attracted considerable attention from researchers. While several factors have likely contributed to this rise, one key explanation is that married women's growing economic independence has made it more likely for them to seek a divorce, especially when other family circumstances are considered (Lee & Bumpass, 2008). However, these factors don't fully account for the dramatic spike in divorce rates between 1998 and 2002, which still remains somewhat unexplained.

One possible reason for this surge is a shift in social norms. The stigma surrounding divorce has decreased over time, and it is becoming more widely accepted as a solution for unhappy marriages. In particular, women in South Korea are now less willing to tolerate marital infidelity and are more likely to pursue divorce in such cases (Fan & Lui, 2004). This growing acceptance reflects broader societal changes and shifts in how marriage and divorce are viewed.

Sri Lanka's marriage patterns are somewhat unique compared to the rest of South Asia. Over the past fifty years, the average age at marriage has risen significantly, making it the highest in the region. There has also been a shift from marriages arranged by parents to those that are self-chosen by individuals (Caldwell, 2005).

Historically, divorce rates in Sri Lanka have been low, but in recent years, there has been a noticeable increase in both divorce and legal separations (Siddhisena, 2003). Despite this trend, divorce still remains relatively rare in Sri Lanka, much like in other South Asian countries

In Mumbai's family court, the number of divorce cases filed saw a noticeable rise, growing from about 1,800 cases in 1991 to around 2,800 in 2001 (Singh & Sinha, 2005).

By 2007, the number had climbed to roughly 4,100 cases (New York Times, 2008). A significant change came in 2010, when a new amendment to the divorce law made "irretrievable breakdown of marriage" an official reason for divorce. Many experts felt this legal shift would make it easier for people to get a divorce (The Hindu, 2010). The data from the family court pertains to non-Muslim marriages, as family law for Muslims in India is governed by Sharia, under which marriage and divorce are handled separately. For Muslims, obtaining a divorce under Sharia is relatively straightforward. However, the lack of data on Muslim divorces makes it difficult to conduct a meaningful comparison or analysis of divorce rates between Muslims and non-Muslims in India

In some more conservative areas of Bangladesh, divorce rates have been surprisingly high (Dommaraju & Jones, 2011). For example, in Teknaf, a conservative Muslim region on the border with Myanmar, nearly 30 out of every 100 marriages ended in divorce in the early 1980s (Dommaraju & Jones, 2011). One factor contributing to this was the relatively high rate of polygynous marriages (17 per 100 marriages), as well as marriages happening at very young ages trends similar to those seen in Islamic Southeast Asia. These patterns have led to greater marital instability in the region.

More recent studies from a slum neighborhood in Dhaka suggest that about 15 percent of marriages in that area end in divorce (Jesmin & Salway, 2000). In this urban slum, where couples tend to arrange their own marriages rather than rely on family matchmaking, the breakdown of traditional family ties, greater social independence, and new economic opportunities for women seem to be contributing to the rising divorce rates.

In traditional China, divorce was quite rare up until the 1911 Revolution, and it's important to note that only the husband could initiate a divorce. For many poor men, remarrying was financially out of reach, while wealthier men had the option of taking concubines without needing to divorce their wives. Divorce was viewed negatively by society and was seen as a tragic event. The stigma surrounding divorce was so strong that many Chinese women were reluctant to admit they had been divorced. This, combined with the polygamous marriage system, meant that divorce statistics, even if available, would have been misleading indicators of family stability during both Imperial and Republican China (Platte, 1988).

The new marriage law introduced on May 1, 1950, aimed to dismantle the feudal marriage system from pre-1949 China. As part of broader land reforms, women were given land of their own, providing them with economic independence. Unsurprisingly, many women who were unhappy in their marriages took advantage of their newly granted rights. This shift was so significant that the new marriage law came to be known as "divorce law," as divorce became the most contentious and controversial aspect of the legislation (Platte, 1988).

Divorce doesn't just impact the couple—it also leaves a lasting mark on the children involved (Damota, 2019). For many, the road to divorce isn't sudden; it often follows a long period of emotional distance, separation, or signs of ongoing marital issues. In fact, many couples spend a lot of time thinking about ending their marriage, even if they never actually go through with it (Booth & White, 1980).

Research also highlights how financial limitations can influence a couple's decision about whether or not to divorce. Ending a marriage comes with real-world costs legal fees, setting up separate homes, and managing life as individuals rather than a couple. For people with lower incomes or fewer job opportunities, these expenses can be a major barrier, making them less likely to leave an unhappy marriage (Booth & White, 1980).

The sharp rise in divorce rates across East Asian countries reflects a major shift in both social circumstances and how people view marriage and separation. In the past, getting a divorce was heavily frowned upon it carried a deep social stigma. Many people, especially women, felt intense pressure to stay in unhappy marriages, often for the sake of their children, family reputation, or social expectations (Dommaraju & Jones, 2011). Today, some of the same forces driving divorce in East Asia are also beginning to appear in other parts of Asia, including India although to a lesser extent. Factors like more women entering the workforce, changing gender roles that don't always fit with traditional expectations, and the rise of individualism are slowly reshaping how marriage and divorce are understood.

In the past, many women stayed silent about their marital problems. A lack of education, financial dependence, and social pressures from husbands, families, and the wider community made it difficult for them to speak up or seek divorce. But times are

changing. The growing number of women choosing to end unhappy marriages reflects a shift—women today are more confident, aware of their rights, and increasingly able to make independent life decisions (Gaunle, 2001).

On the other hand, some men feel that the divorce process treats them unfairly. They often describe feeling like little more than providers, especially during legal battles over custody. Many believe that the system is biased against them, punishing them for being the main breadwinner and for not playing as active a role in child-rearing. For some men, this experience is their first real encounter with gender politics working against them, and they often feel frustrated by what they see as the state interfering in their private family matters (Arendell, 1994).

Another common theme raised by critics of divorce was the role of women in the family. It was widely believed that women had a special responsibility to care for the home and keep the family together. Protecting the family was seen as their main duty. At the same time, many also believed that women were more likely than men to seek divorce, which added to the scrutiny and blame they often faced in discussions about marital breakdown (O’Neill, 1965).

### **2.3.3 Divorce in the Context of Nepal**

Divorce is often considered one of the most significant challenges a family can face (Nazari, 2012). Experts suggest that, in most cases, divorce is the result of a buildup of issues. It often starts with small disagreements that, over time, lead to bigger arguments. These can eventually cause one partner to distance themselves, both emotionally and physically, from the other. The ongoing strain from these repeated conflicts can wear down the relationship, leading to emotional separation, and ultimately, the decision to end the marriage legally (Mohammad, 2004)

Divorce is not a new phenomenon among the Newars of the Kathmandu Valley (Gubhani, 2023). Divorce is common term in Nepali context. Historically, it has been socially and legally accepted since the 14th century, with specific customs such as the return of marriage confirmation *gwe* (areca nuts) to the husband's family marking the dissolution. Additionally, practices like the *māy-absā* fasting have been part of traditional divorce procedures among different Newar caste groups. (Gubhani, 2023).

Divorce can be an incredibly painful experience especially when young children are involved. In many cases, it's not just the couple who suffers, but the children who are most deeply affected. The emotional toll on them can impact their health, school performance, and overall development. Because of this, many urban mothers, even when trapped in toxic or unhappy marriages, choose to stay for the sake of their children. They often postpone separation until their kids are older, enduring their own emotional pain in silence.

When divorce does go through the legal system, it can turn into a heartbreaking custody battle, with the very real fear of being separated from one's children. In traditional divorce practices, children are often considered part of the husband's household so for many women, leaving a marriage also means risking the loss of their children. On top of all this, financial insecurity plays a major role. Many women face a drop in their economic status after divorce, especially if they weren't financially independent to begin with. For urban Newar women in particular, it's not always the social stigma of divorce that holds them back it's the harsh realities of child custody, emotional strain, and economic survival that shape their decision (Gubhani, 2023).

The legal system in Nepal has also been a significant influence on divorce trends. The legal process for obtaining a divorce in Nepal can be complex, with various cultural and social barriers. The law allows for divorce under certain conditions, including mutual consent and grounds like cruelty or desertion, but access to legal support is limited, particularly for women in rural areas. The difficulty of obtaining a divorce through the legal system has often led individuals, especially women, to endure unhappy marriages due to the perceived complications and social stigma associated with divorce (Nepal, 2011).

Similarly, social stigma associated with divorce in Nepal which emphasized that despite shifts in societal attitudes, divorce is still often viewed negatively, particularly in rural areas. Divorced women, in particular, face considerable challenges in terms of social acceptance and economic opportunities. Karki's study highlighted that the stigma remains a significant barrier to divorce, especially for those in traditional and conservative communities (Karki, 2017).

Globalization has played the vital role in the changing trends of divorce. The exposure to foreign media and educational opportunities had led to a change in attitudes toward marriage and divorce, particularly among young people. Also, the increase in divorce rates was partly due to a greater acceptance of personal freedom and individual rights, as influenced by global trends (Rai, 2018).

There is a huge influence of cultural and religious norms on divorce in Nepal as well. The strong influence of Hinduism, where marriage is viewed as sacred and permanent, has led to a significant stigma attached to divorce. Particularly in rural areas, divorce is largely discouraged due to the societal expectations of maintaining family unity. However, urban areas, influenced by modernization and exposure to global values, showed a gradual shift in attitudes toward divorce (Sharma, 2005).

Likewise, the impact of urbanization on family structures and divorce is very crucial. In the urban areas, due to greater exposure to individualistic values, experienced a rise in divorce cases compared to rural areas. The younger generations in urban centers, influenced by global cultural trends, were more likely to prioritize personal happiness over the traditional emphasis on maintaining family unity (Adhikari, 2013).

In the today's context women's role in the economic empowerment has also changes divorce rates in Nepal. According to Sharma women with higher education levels and financial independence were more likely to seek divorce in cases of marital dissatisfaction. The urbanization and women's increasing participation in the workforce were central to changing attitudes toward divorce in urban centers like Kathmandu (Sharma, 2014).

There occurs excessive psychological and emotional impacts of divorce on children. Study revealed that children in divorced families often face emotional distress, with some experiencing issues related to social adjustment and mental health (Pandey, 2016) Also the extended families in Nepal played a role in mitigating some of these negative effects, as they offered a supportive environment for children after a divorce.

In Nepal, divorce laws are primarily governed by the Civil Code, 2017 (Muluki Civil Code), which outlines specific grounds for divorce under Section 94. These grounds are categorized into fault-based and no-fault grounds, as well as circumstances specific to the marriage. One of the no-fault grounds is mutual consent, where both spouses

agree to dissolve the marriage, as outlined in Section 94(1). Fault-based grounds include adultery (Section 94(2)), where a spouse engages in sexual relations with someone other than their partner, desertion (Section 94(3)), where one spouse abandons the other without reasonable cause for an extended period, and cruelty (Section 94(4)), which involves physical or mental abuse. Additionally, failure to fulfill marital obligations, such as providing support or maintaining the family, can lead to divorce under Section 94(5). Impotence (Section 94(6)), where one spouse is unable to consummate the marriage, and serious mental disorders (Section 94(7)), which make it impossible to sustain the marriage, also serve as grounds for divorce. Lastly, a significant change in religious beliefs, which impacts the marital relationship, can be grounds for divorce as stated in Section 94(8). These provisions offer a broad range of circumstances under which a marriage can be legally dissolved in Nepal.

In recent years, Nepal has experienced a noticeable rise in divorce rates, reflecting the country's shifting social landscape. This change has been influenced by evolving societal values, economic independence especially among women and important legal reforms. A major turning point came with the introduction of The National Civil (Code) Act, 2017 (2074), which provided clear and structured guidelines on divorce. Part Three of the Act, focused on Family Law Specifically Articles 93, 94, and 95 lays out the legal grounds and procedures for ending a marriage. One of the most progressive features of this law is that it grants equal rights to both husbands and wives to initiate divorce, promoting fairness and personal choice within the legal framework.

Since the enactment of this law, the number of divorce cases in Nepal has been steadily climbing. Back in 2015, the Ministry of Federal Affairs and Local Development reported just 1,355 divorce cases. But within a few years, the situation began to change significantly. According to the Supreme Court of Nepal, 2,996 divorce cases were filed in the fiscal year 2018/19. That number jumped to 3,510 in 2019/20—an increase of 17% in just one year. These rising numbers point to a growing awareness of individual rights and a shift toward personal agency in marital decisions.

This rising trend can be linked to a variety of factors, including shifting social attitudes and greater economic independence, particularly among women (Ojha, 2023). These changes suggest that more people are willing to take steps toward ending unhappy marriages, especially as divorce becomes less stigmatized and more legally accessible.

The number of divorce cases in Nepal has continued to rise sharply in recent years. According to the annual report published by the Department of National ID and Civil Registration, the number of cases climbed to 6,644 in 2020. Even more striking, as of August 5, 2023, the Department's official website reported a total of 50,111 divorce cases registered online. These figures clearly show that divorce is becoming increasingly common in Nepal, reflecting broader social changes and evolving attitudes toward marriage and personal freedom (Ojha, 2023)

According to data from the Supreme Court, in the fiscal year 2022/23, a total of 40,183 couples filed for divorce across courts in the country. Analyzing this data shows that, on average, 111 couples filed for divorce daily at courts across the country during that fiscal year. Likewise, according to data from courts nationwide, divorce cases are the most frequently filed. After marriage, legal separation requires filing for divorce in court. In the fiscal year 2023/24, as many as 4,466 couples filed for divorce at the Kathmandu District Court (Adhikari, 25)

#### **Divorce Rate According to CBS**

<b>Census Year</b>	<b>Number of Divorced Individuals</b>	<b>Total Population (Census)</b>	<b>Source</b>
2001	37,413	23,151,423	CBS 2001 Census, Table 22: Marital Status by Age and Sex
2011	67,790	26,494,504	CBS 2011 Census, Population Monograph Vol II, Table 5.1
2021	117,984	29,192,480	CBS 2021 Census Summary Report

Source: CBS Nepal 2001,2011,2021

From 2001 to 2021, there has been a significant increase in the number of divorced individuals. In 2001, there were 37,413 divorced individuals. By 2011, this number had grown to 67,790, and by 2021, it further increased to 117,984. This is a more than three-fold increase in the number of divorced individuals over the 20-year span, indicating that divorce is becoming more common or more individuals are choosing to divorce.

Nepal's divorce rate remains low in global terms, but it is rising steadily, particularly in urban, educated and younger population. The increase is tied closely to social modernization, gender equity and urban lifestyle shifts. The proportion of divorced individuals in the population increased from 0.16% in 2001 to 0.40% in 2021, showing a gradual normalization of divorce. The rise in divorce in Nepal is a sign of societal transition from traditional, family-bound systems to more individual centered choices. It's essential to interpret the numbers not as a "crisis" but as a call for better legal, social, and emotional support systems. Marriage in Nepal is still deeply cultural, but these numbers show that people especially women are starting to choose dignity and independence over endurance.

## **2.4 Research Gap**

While numerous studies have been conducted on divorce in Nepal and beyond, much of the existing literature focuses predominantly on women and children, often portraying them as the most affected parties in cases of marital dissolution. These studies have extensively explored the emotional, social, and economic challenges faced by the couple, as well as the impact on child development and family stability. Much of the research to date has concentrated on structural or legal frameworks in isolation, with limited efforts to integrate the sociological theories of gender roles, modernization, and symbolic interactionism in analyzing divorce trends. There is also a scarcity of case-based qualitative research that explores the intersection between social norms, legal provisions, and individual experiences within the urban Nepali context.

This study addresses these gaps by focusing specifically on the couple experiences of divorce, utilizing in-depth case studies to explore how they navigate the legal system, deal with societal judgments, and reconstruct their identities post-divorce. By doing so, the research not only diversifies the gendered understanding of divorce but also contributes to a more comprehensive sociological perspective on changing family dynamics in Nepal.

## **2.5 Conceptual Framework**

On the basis of my study, the conceptual framework would be social structure, social values and norms, legal provisions, divorce, and their consequences on couples and

families. This framework explores how these concepts interconnect and influence one another, creating patterns of behavior and consequences that shape the experiences of individuals and families. Also, this study concern with the current social structure of Nepal with particular emphasis on change in social norms, values, and so on. Social Structure is the broader societal organization and norms that shape social roles and relationships where marriage is socially sanctioned institution which is influenced by the social structure. Social values and norms totally confined with the cultural and societal expectations which influence on marriage and roles within it. Similarly, through the legal provisions the formal rules and regulations impose on the marriage, divorce and the rights of individuals. Whereas divorce is the legal and social process by which a marriage is dissolved which is influenced by both social norms and legal frameworks. There would be emotional, psychological and financial effects of divorce on the individuals also it effect the family where the children are most vulnerable.

Based on the literature review related to the research topic, following conceptual framework has been designed.

Input	Process	Output
Literature review Review policies Identifying respondent	Research design/Method of research/ Data collection/Analysis data	The experiences of couple divorcee towards social structure and legal provision are explored.

## **CHAPTER III**

### **RESEARCH METHOD**

#### **3.1 Introduction**

This chapter outlines the research approach and process followed in this study. A qualitative method was chosen to gather in-depth insights, focusing on both primary and secondary sources of data. The main goal was to understand how divorced individuals both men and women perceive their social and family life, and to explore their lived experiences within the context of Nepalese society. The chapter walks through each stage of the research journey, from how the data was collected to how it was processed and analyzed, offering a clear picture of how the study was carried out.

##### **3.1.1 Philosophical Position**

The philosophical foundation of this research is rooted in social constructivism and guided by an interpretivist epistemology. These paradigms were chosen to deeply explore the subjective realities of divorced individuals and the socio-legal environment in which divorce occurs in Nepal.

Ontologically, the study adopts a social constructivist stance, which holds that reality is not objective and fixed, but rather socially constructed through interactions, cultural norms, and institutional frameworks. In the context of this thesis, concepts such as marriage, family roles, and divorce are understood as constructs shaped by Nepali society's evolving traditions, religious beliefs, legal codes, and modernization. Divorce is seen not simply as a legal act but as a phenomenon influenced by the interplay of gender roles, social norms, family structures, and state policies. These constructs vary across time, location, and individual experience, thus requiring a flexible and nuanced approach to analysis.

Epistemologically, the research is grounded in interpretivism, emphasizing the importance of understanding the lived experiences and meanings that individuals attach to their circumstances. This perspective guided the qualitative methodology of the study, particularly the use of in-depth interviews and case studies with both male and female divorcees. The goal was not to generalize or quantify the experiences of

divorced individuals, but to interpret their narratives within the socio-cultural and legal contexts they inhabit. The interpretivist lens allowed the researcher to explore how divorced individuals perceive social judgment, legal barriers, family pressure, and personal transformation.

### **3.2 Nature of Research**

The data collection for this research was rooted in a qualitative approach, aimed at gaining a deeper understanding of the topic. To explore the legal aspects of divorce, information was gathered from reliable sources such as official government websites and offices. In addition, secondary data was drawn from academic journals, books, research publications, and reports to support the study with existing knowledge and context.

The research relied on two main types of data:

**Primary Sources:** Firsthand information was collected directly from divorced individuals through in-depth case studies. These personal stories and experiences provided valuable insights into how divorced men and women navigate their lives within Nepalese society.

**Secondary Sources:** This included previously published material—such as journal articles, policy documents, books, and earlier research—which offered a broader theoretical and contextual foundation for the study.

Together, these sources helped build a comprehensive picture of the social, legal, and personal dimensions of divorce in Nepal.

### **3.3 Research Design**

When conducting research, it's important to follow a structured process to arrive at meaningful conclusions—and that was the approach taken in this study. Careful and systematic planning guided each step, with a focus on both exploratory and descriptive qualitative research design. This method allowed for a deeper dive into real-life experiences, using techniques and approaches commonly used in qualitative studies.

Since the study was exploratory in nature, its main aim was to uncover how divorce is perceived not just by those who have gone through it, but also by their families and the wider society. It also looked into how divorced individuals themselves view the existing legal provisions around divorce in Nepal. In addition, the research explored the emotional, social, and practical consequences that divorce can have on individuals and their families

To achieve these goals, in-depth interviews and case studies were used as primary tools. These methods didn't just offer a window into the lives of divorced individuals they also helped to capture the mood and mindset of the society they live in. The research aimed to describe how divorced people experience life post-separation, how their relationships with their families evolve, and how they perceive their position within the legal and social structure of Nepal. By observing, listening, analyzing, and reflecting, this study sought to answer the "what" and "how" of divorce how it unfolds, what it means for those involved, and how it's shaped by both legal frameworks and societal attitudes.

### **3.4 Study Area and Population**

Divorce is a global phenomenon. This could happen in all part of world and all level of the society. In order to do research, I have choose Kathmandu valley for the study area. For the data collection total polulation size was 6 couple divorcee. Research was done through case study.

Kathmandu, the capital and largest municipality of Nepal, stands as the country's most urbanized city, home to around 22% of Nepal's urban population. According to the 2021 census by the Central Bureau of Statistics (CBS), the Kathmandu Valley has a population of over 2 million people. The valley is made up of 32 municipalities and 8 village development committees. While it is home to a diverse mix of ethnic groups from across the country, the Newars are the indigenous inhabitants and have played a key role in shaping the valley's unique identity.

Kathmandu is not only the political and commercial hub of Nepal but also a vibrant cultural heartland. Rich in history, the city is adorned with ancient temples, sculptures, and stunning works of art, many of which reflect the deep traditions of Hinduism and

Buddhism the two dominant religions in the area. However, the city is also home to people of other faiths, including Islam and Christianity, and has long been known for its peaceful coexistence among religious and ethnic communities.

While Nepali is widely spoken and understood by almost everyone, many also speak their own native languages particularly among the indigenous Newar community. The city's blend of languages, traditions, and beliefs reflects its status as a true melting pot of cultures.

Kathmandu Valley also enjoys a pleasant, temperate climate. Even during the hottest summer months, temperatures rarely climb above 34°C, while winters are generally mild, with temperatures rarely dipping below 3°C. This comfortable weather adds to the valley's appeal as a livable and culturally rich region of Nepal.

### **3.5 Population and Selection of Study Participants**

For this study, I used purposive sampling to select the respondents. Purposive sampling, also known as judgmental, selective, or subjective sampling, is a non-probability method where participants are chosen based on the researcher's judgment. I selected six divorced couples as the sample for this research. In-depth interviews were conducted with all the divorcees to gather detailed case studies. The six respondents came from diverse occupational backgrounds, which helped provide a broad range of perspectives for the study.

### **3.6 Tools and Techniques of Data Collection**

The focus of this research was to explore the experiences of individuals who have gone through divorce. To achieve this, the study utilized qualitative methodology, aiming to gather both primary and secondary data from various sources. Specifically, two key data collection techniques were employed to carry out the research.

1. Case study
2. Document Analysis

### **3.7 Data Collection Procedure**

At the start of the research, I created a tentative checklist for both male and female divorcees. Once the checklist was refined and finalized, I reached out to the selected respondents through social networks. To make them feel more comfortable and encourage open sharing of their experiences, I visited their homes, workplaces, and even cafeterias, where they felt at ease discussing their personal stories.

#### **3.7.1 Case Study**

This qualitative research tool was used for a detailed investigation, allowing for a thorough exploration of a phenomenon within its context by using a variety of data sources. The goal was to examine the issue from multiple perspectives rather than just one, ensuring that different facets of the phenomenon could be revealed and better understood. The case study approach was chosen as a specific method for social research, focusing on the individual experiences, incidents, and emotions of couples going through divorce. Each case was examined to understand why certain situations arose, why these individuals were compelled to file for divorce, and how they navigated the legal process.

For this study, I conducted six case studies involving three couples. To ensure accurate data collection, I used a voice recorder to capture the conversations, along with taking notes for further reference. A carefully selected environment was chosen for the interviews to make the respondents feel at ease and comfortable, allowing them to openly share their experiences.

#### **3.7.2 Document Analysis**

Throughout the study, I gathered a wide range of literature, facts, and figures from various sources. This included reviewing both published and unpublished reports, articles, newspapers, and online resources. These materials helped provide a well-rounded understanding of the topic and supported the research process by offering diverse perspectives and insights.

### **3.8 Method of Data Analysis: Thematic, and Process**

This study was conducted using both descriptive and exploratory methods, incorporating informal interviews and ongoing discussions throughout the research process. During the presentation of both primary and secondary data, including case studies, in-depth interviews were conducted, followed by a narrative and analytical approach. To ensure that respondents felt at ease and comfortable, some preliminary conversations were held before the formal interviews took place. This allowed the respondents to share their experiences more openly. In order to maintain confidentiality, participants' real names were replaced with pseudonyms.

The study's findings were primarily based on primary data, while secondary sources were also used, such as data from the Supreme Court, law firms, newspapers, books, articles, and visual media. The descriptive method was particularly useful in interpreting the data, focusing on the "what," "who," "how," "when," and "where" of the experiences, all from the subjective perspective of the divorcees. The qualitative data was carefully analyzed, aligned with the research's overall aim.

The analysis and interpretation of the collected data followed five key steps. The first step involved preparing and organizing the data, which included gathering notes, documents, and other necessary materials. In the second step, the data was reviewed and explored in detail to assess its relevance and reliability. Thirdly, the information was categorized according to the cases being studied, using highlighters, margin notes, and concept maps to establish connections between various data points. The fourth step involved reviewing these documents and categorizing the facts, data, and information thematically. Finally, the organized data was compiled to write the thesis, ensuring that the findings were thoroughly supported by the evidence collected.

### **3.9 Ethical Consideration**

Before collecting data from the respondents and key informants, their consent was obtained. They were also asked for permission to use a recorder during the interviews. Each participant was reassured that their personal experiences, stories, and feelings would be used solely for academic purposes and that their identities would remain confidential. To ensure a balanced perspective, both male and female divorcees were included as respondents, allowing the researcher to capture a more accurate and comprehensive understanding of the topic for the thesis.

### **3.10 Limitation of the Study**

This study is an academic exploration of divorce, focusing on specific aspects such as the role of social structure, legal provisions, and current divorce practices in Nepal. It does not aim to cover every dimension of divorce, but rather sheds light on some of the key social and legal dynamics at play. For this purpose, in-depth case studies were conducted with six participants who served as primary sources of information.

It's important to note that the research was geographically limited to different areas within Kathmandu. As such, the findings reflect the experiences and perspectives of divorcees from this urban setting and may not fully represent the realities in other parts of the country. The insights gained are closely tied to the responses and stories shared by these individuals, and the results should be interpreted within that context.

Additionally, as a researcher who has not personally experienced divorce, I recognize this as a potential limitation. Some participants may have felt I couldn't fully relate to their situations or emotions. Nonetheless, every effort was made to approach their stories with empathy, respect, and a genuine desire to understand their lived experiences.

## CHAPTER IV

### SOCIAL STRUCTURE AND LEGAL PROVISION ON DIVORCE IN NEPAL

#### 4.1 Social Structure and Divorce

Social structure refers to the organized patterns of relationships and institutions that shape society, including family, education, economy, religion, and politics. It dictates social norms, roles and expectations that influence individual behavior and life outcomes. Divorce is traditionally uncommon in Nepal. However, it has been increasing in recent years due to shifting social structures, urbanization, and changing gender roles. This study examines the sociological aspects of divorce in Nepal, focusing on how social structure, economic factors, cultural norms, and legal provisions influence marital dissolution.

A.R. Radcliffe-Brown (1952) saw social structure as the network of relationships maintained through social norms and customs. Divorce alters these relationships—not just between spouses but also among extended families and communities—sometimes leading to social exclusion or conflict. However, as Nepali society undergoes modernization and urbanization, these traditional structures are gradually shifting. The growing acceptance of women's rights, legal protections, and education is reshaping norms and making divorce more socially acceptable in urban areas. This evolution reflects how social structure is not static but dynamic, influenced by changing values and institutional reforms.

##### 4.1.1 Family and Community Pressure

In Nepal, both joint families and nuclear families are common across different communities. Marital issues and divorce can happen in either type of family, though the reasons often vary. In nuclear families, divorce may result from emotional or social distance between partners—often caused by jobs that keep them apart, lack of cohabitation, the freedom they have, limited control from their extended family, equal status between husband and wife, challenges in adjusting, and greater awareness and education.

In joint families, different traditions, values, and roles are followed, which can make it difficult for new couples to adjust. Many newlyweds feel uncomfortable or dissatisfied

living under strict traditional rules. It's often observed that the more people there are in a family, the greater the chances of conflict. In fact, some joint or extended family setups can create tension, leading to dissatisfaction among modern couples (Fonseca, 1966).

In this study, some divorce cases were caused by incompatibility between husbands and wives. Others stemmed from conflicts between wives and their mothers-in-law or sisters-in-law. Some women reported that their husbands and other family members were irresponsible and did not show care or concern. On the other hand, some men said their wives caused them mental stress and pressure, which led to the divorce.

Rita BK, a 32-year-old female respondent, lived in a joint family after marriage, where she experienced continuous physical and emotional abuse not only from her husband but also from her in-laws. Her account reflects the deeply entrenched patriarchal control within joint families, where daughters-in-law are expected to submit unquestioningly to elders, particularly the mother-in-law and sisters-in-law.

Rita described incidents of domestic violence during pregnancy, illustrating the lack of empathy and support within the joint family setting. She recounted being beaten for trivial reasons and not receiving support from her husband, who chose to side with his parents. This aligns with sociologist Kapadia's (1966) perspective that joint families, due to their size and conservative control systems, can breed emotional discomfort, especially for younger members or newcomers like daughters-in-law. In this case, the joint family acted as a coercive structure, intensifying gendered power hierarchies and limiting her autonomy, ultimately pushing her toward divorce.

Anu Baral experienced a transition from joint to nuclear family, which slightly reduced her domestic burden but did not eliminate marital dissatisfaction. In her natal family, she grew up in a joint family, and after marriage, she lived with her widowed mother-in-law while her husband worked abroad. The physical absence of her husband and lack of emotional connection with her in-laws created feelings of loneliness and detachment.

While a nuclear family structure was present on the surface, traditional expectations continued through her mother-in-law. Emotional labor and expectations of servitude were still demanded from her. The absence of her husband, a byproduct of labor

migration, widened the emotional gap, highlighting how even in nuclear settings, remnants of traditional joint family expectations persist. Her case shows how nuclear families influenced by traditional gender norms can still contribute to conflict and separation, especially when the emotional needs of the spouses are neglected due to physical distance or lack of communication.

Pratik, a 41-year-old Nepal Army officer, represents a male perspective in a nuclear family setting. He entered into a love marriage, but the relationship deteriorated due to incompatibility, mistrust, and constant conflict with his wife. While his immediate family (parents and sisters) were not directly involved in the marital conflict, they discouraged him from filing for divorce due to fear of social stigma and loss of family honor. This reflects how even nuclear families are influenced by larger societal norms, especially when it comes to male divorce. His case shows that men, too, can feel emotionally constrained by family reputation and societal expectations. The family advised separation rather than divorce, reflecting the cultural belief that marital issues should be tolerated rather than resolved through legal means. Thus, even though Pratik did not face violence or traditional household control, the ideological influence of the extended family and social perception played a strong role in his emotional stress and decision-making.

Yogesh Thapa lived in a nuclear household with his wife and mother. The conflict in his marriage arose due to role expectations, where he expected his wife to prioritize home and caregiving responsibilities, but she was a bank employee with long working hours. His perception that she did not respect or care for his elderly mother became a central issue. He expressed dissatisfaction that his wife frequently visited her natal family and returned home late, which he felt was neglecting her household duties. This case reflects how traditional expectations of gender roles remain embedded even in nuclear families and how these expectations can cause tension when unmet. His disappointment reveals how modern nuclear households in Nepal still struggle with balancing professional aspirations and domestic responsibilities, particularly when the husband holds traditional views.

This analysis confirms that divorce in Nepal is not only a private matter between spouses but a social issue rooted in the structure and function of the family. Recognizing and addressing these patterns through sociological understanding and legal support

systems is vital to supporting individuals navigating marital dissolution in the changing context of Nepali society. Family structure whether joint or nuclear profoundly affects marital dynamics, often shaping whether a person seeks divorce or tolerates hardship. In joint families, hierarchical control and collective pressure discourage divorce, while in nuclear families, emotional gaps and shifting gender roles often lead to incompatibility. On the legal front, the Civil Code 2017 has provided a much-needed framework for divorce, granting equal rights to both men and women. However, implementation challenges, stigma, and emotional burdens persist, making the process of marital dissolution difficult for both genders.

#### **4.1.2 Social Norms and Values**

In Hindu society, marriage is considered a sacred bond between a man and a woman, meant to fulfill religious duties. According to religious beliefs, marriage is a lifelong commitment that lasts beyond this life, even into future births. Social norms and values play an important role in shaping and guiding married life. Whether a couple continues their marital life often depends on how well they follow these social expectations.

Divorce is not just a social issue—it is often influenced by the socio-economic conditions in which people live. In many cases, traditional norms and values are very strict and may not be realistic or practical. This can lead to dissatisfaction, especially when couples enter marriage with high expectations that cannot be fulfilled within those limitations (Acharya, 2006).

Respondent Pratik, 41 year old divorcee is a Nepal Army Officer. Despite doing love marriage his marital life didn't go long. After having huge incompatibility with his wife he filed divorce. They both lived separately after he filed divorce. His family didn't welcome the idea at first. His parents and his sisters suggested him to live separately to save his conjugal life. No surprise their reaction was shocking that time. The main reason for his decision to file divorce was incompatibility with partner. A complete lack of trust, and lack of respect from his wife, height of misunderstanding existed in their relationship. He don't think the Nepali society has reached where the divorced men are taken normally. According to him; there is a big taboo related to the divorce and any divorced man is taken in different light by the family members, relatives, friends, and employees in the organization he works in. The divorced men are like that 'elephant in the room' who make all others uncomfortable.

The Family members also don't support in the matter of divorce. They think about the social stigma, the reputation they had earned. Rita BK says; her family worried about social stigma and also worried about her professional career. She finds Nepali society sees a divorcee woman with pity as if she completely became a homeless. They say where she will go? what she will do? Who will marry her? How she will take care of her son?

Gender Role Theory provides a framework for understanding how societal expectations around gender roles impact marital dynamics and divorce. It suggests that changes in gender roles, conflicts over expectations, and inequalities within relationships can lead to marital dissatisfaction, which may increase the likelihood of divorce. Gender Role Theory offers valuable insights into how traditional and evolving gender roles influence marital relationships and, subsequently, divorce.

The societal expectations about male and female roles within a marriage can create tensions when those roles are challenged or unmet, potentially leading to marital dissatisfaction and divorce. Historically, men were expected to provide financially, while women managed domestic tasks and caregiving. Marriages where these roles are accepted and adhered to often experience stability. However, dissatisfaction arises if one partner feels trapped or unfulfilled in these roles (Parsons & Bales, 1955).

Respondent Yogesh Thapa claims their marital life disturbed due to the working wife. He felt that his wife didn't care about him and his mother. He says; she worked at a bank and her working hours were 10 to 5 but she was leaved home 9 AM and usally return back around 7 PM. Her natal family's and sister's house were near the bank and she often visited them. One day, during the month of Ashadh, when she did not come home until 7:30 PM, my mother became worried and called her. She responded rudely to my mother. I was not at home when this happened and my mother cried while calling her. Then I called her, she rudely argued with me, saying, "why are you distrubing me?, when I want come then will come.

Modernization Theory posits that as societies develop, they transition from traditional, agrarian structures to more complex, urbanized, and individualistic ones. In Nepal, modernization has influenced shifts in attitudes towards marriage and divorce, especially in urban areas. As Nepal becomes more urbanized and integrated with global

values, there has been a move towards individualism, and divorce has become more acceptable in modern Nepali society (Shrestha, 2020). Traditionally, Nepalese society emphasized arranged marriages, patriarchal family structures, and social stigma against divorce. However, with increased education, urbanization, and exposure to global ideas, societal perceptions and legal frameworks regarding marriage and divorce have evolved.

Globalization has played the vital role in the changing trends of divorce. The exposure to foreign media and educational opportunities had led to a change in attitudes toward marriage and divorce, particularly among young people. Also, the increase in divorce rates was partly due to a greater acceptance of personal freedom and individual rights, as influenced by global trends (Rai, 2018). Increased use of digital communication has introduced new challenges, such as infidelity and misunderstandings in relationships. The privacy level of personal life as well as social life could be judged through social media.

In modern times, more women are financially independent due to better access to education and employment. This financial autonomy enables women to leave marriages that may not be fulfilling or that involve abuse, without the fear of economic instability. Respondent Babi who live in Australia for fifteen years has earned sufficient enough to run her life. Living in a western country for long time changed her mindset as well. Her thoughts on life is too liberalism and more focused on individualism.

Similarly, Respondent Hari who has also lived in Australia seems hugely influenced by the modernization. With the mutual understanding they became ready to give divorce. He says: If the couple doesn't want to continue their conjugal life it is good to divorce rather sticking in the nonprogressive relation. Babi and Hari being a modern husband wife they stressed more on individual happiness. Despite being a divorcee, they talk with each other as a friend.

As Nepal becomes more urbanized and integrated with global values, there has been a move towards individualism, and divorce has become more acceptable in modern Nepali society (Shrestha, 2020). Women empowerment gives them decision making power. Women are able to make their own decisions when they have enough power and financial independence. As a result, the importance of respecting others' decisions and

balancing power in relationships may begin to lose its value (Mahzebin, 2021). Respondent Babi Uprety mentioned that she is financially independent since last 15 years. Since she is living in Australia working as an accountant at a restaurant has given her power to make her own decision. She doesn't have to rely on anyone to run her daily life. Similarly Respondent Rita BK working as a TV journalist is earn for herself . Being a financial independence has given much power to her to live her life as a single mother.

The concept of divorce is traumatic in the Nepalese society because of the cultural interpretation and barriers which compelled us to bind our emotions for the shake of our family and the society. Parsons, from a functionalist perspective, viewed marriage as a stabilizing force in society, and divorce as a disruption. He emphasized that changes in family roles, such as shifts in gender roles, could lead to higher divorce rates as the traditional family structure evolved (Parson, 1951).

#### **4.2 Legal Provisions and Divorce**

In Hindu society during the Vedic period (1400–1000 BC), marriage was seen as a sacred and lifelong religious bond that couldn't be broken by human action. However, ancient writers like Narada and Parasara did mention that a marriage could end if the husband was impotent (Acharya, 2006). Acharya also cites Kautilya, an ancient philosopher and economist, who believed that if a husband and wife truly hated each other, they could divorce based on mutual dislike.

In Buddhist literature, divorce was seen as rare, especially among the more refined or upper-class parts of society. One example tells of a woman who told her husband that even though she didn't love him, she chose not to marry again—because in her family, it wasn't the tradition for a woman to take a second husband after marriage.

Marriage is considered a sacred social institution not only among Hindus but also among Christians, both Catholic and Protestant. According to the Holy Bible, the first human marriage was initiated by God himself (Poathan, 1986). However, special legal provisions have allowed divorce among Christians. After 1857, the High Court of London, and from 1912 onwards, certain provincial courts began to grant divorce, but only on the grounds of adultery (Poathan, 1986).

In Nepal, the Muslim community traditionally practices Talaq, where a husband can end the marriage by orally declaring the word “talaq” three times. Although this practice is not legally recognized by Nepali law, it still continues (Saathi, 2011).

There are also some countries where divorce was or is still not permitted. For instance, as per Acharya (2006), divorce was historically not allowed in countries like Argentina, Brazil, Chile, Colombia, Ireland, Paraguay, the Philippines, and Republican Spain. As of 2019, only two sovereign states— the Philippines and Vatican City— still prohibit divorce entirely (Costa, 2024).

In Nepal, legal provisions for divorce were clearly outlined for both men and women in the new Civil Code of 2075 BS. The country’s first legal code, Muluki Ain of 1910 BS, recognized divorce through a traditional practice known as sinko kati chhuttu, which involved the husband breaking a thin bamboo stick to symbolize separation. This reflected legal recognition of divorce. The code also included separate sections titled Parpachuke Garnyako (On Divorce) and Logne Swasni Ko Mahal (On Husband and Wife).

This legal framework marked a major shift, particularly in granting women the right to divorce and separation. Later, the New Muluki Ain of 2020 BS (enacted 110 years after the original code) introduced new grounds for divorce. These included situations where the couple had lived separately for at least three years, one spouse had attempted to harm or kill the other, committed serious physical assault, or had an extramarital affair. A confession in court by the wife regarding sexual relations with another man could also be a valid ground for divorce (Muluki Ain, 10th Amendment, 2055 BS).

Additional grounds included mental or physical abuse, failure to provide support, and significant age gaps that hindered marital relations. These legal conditions allowed both justice and a formal end to the marriage.

The latest Civil Code (2074 BS) has expanded the right to divorce for both men and women. Before this, only women could file for divorce under certain conditions. However, under the new code, men can also file for divorce under four circumstances. These include; If the couple has lived apart for three or more consecutive years without

mutual agreement; If the wife/husband denies financial support or expels the spouse from the home; If the spouse has committed or attempted to commit physical or mental harm; If the spouse is proven to have had sexual relations with another person.

After the implementation of the new Civil Code, the number of men seeking legal remedies for divorce has also increased. Divorce has been made easier for men as well, leading to a significant rise in divorce cases in the courts. (Adhikari, 2025). However the legal system seems biased. Respondent Pratik says the legal system is biased in case of divorce. His grounds for divorce was severe mental pain given by his wife. If one is not mentally sound then they will never enjoy life. He says; the legal system is not fair at all to men when they apply for divorce in Nepal. The challenge gets doubled if there is a child involved. The court is heavily biased towards the emotional manipulation done by the women in court, or the baseless stories put forward by them during the divorce process.

Also ,Pratik experienced the alimony laws is not fair in Nepal. According to him; whatever the whole family has earned and invested since childhood and before marriage are also calculated for the alimony. This takes away a lot of what has been done by the man's family before marriage. Hence it is unjustified that a wife of few years can walk away with what she might not be deserving at all. It gives a lot of leverage to the women who know that they will be able to have upper hand during negotiations about alimony in case of divorce.

Similarly, due to the hectic divorce process one has to suffer more. Respondent Yogesh says; in the legal process, it seems like women are heard more than men. However, the constant court proceedings affected my job, causing financial loss and mental stress. Society also began to criticize me for not being able to support my wife. I haven't remarried yet, and I'm not sure what the future holds.

In contrast, Respondent Hari Mudhbary, 41 years old divorcee did divorce in mutual agreement. His experiences during the divorce process was different than others. He finds the legal process was quiet easy cause of mutual agreement. Also she didn't demand any alimony which saves his finances too. Being a modern husband he states: if the couple doesn't want to continue their conjugal life it is good to divorce rather sticking in the nonprogressive relation.

### 4.3 Childcare, Custody Policies and Practices in Nepal

Divorce gives huge challenges to a couple if a child is involved. It is the complex and sensitive issue which always affect the lives of couple and the child. Child future get problematic when couple has to fight for a child custody during divorce process. This is a critical aspect of family law that determines the well-being of children following the dissolution of parental relationships. In Nepal, custody arrangements are influenced by traditional norms, religious values, and evolving legal frameworks. Children who experience multiple custody transitions may have more behavioral and emotional challenges.

Custody decisions in Nepal are deeply embedded in societal norms and gender roles. Generally, in the patriarchal family structures fathers are often seen as primary providers, while mothers are expected to take on caregiving roles. Where as in Hindu tradition it is believed that children particularly a son should remain with the father's lineage. Women, historically marginalized in legal systems, often face economic disadvantages post-divorce, influencing custody decisions (Engles, 1884). Women seeking custody face social ostracization and economic hardships.

In this research, Respondent Rita is taking care of her son under her custody. She face social stigma being a single mother also has to deal with the emotions of her son regarding the queries of his Dad. She says: "For her the most challenging part of divorce is to handle her son's emotions. She didn't have answer of her son's queries regarding his father. Fighting for her rights and for son's right alone wasn't easy for her". Since she is a working mom she is handling his expenses.

Similarly, Respondent Anu is living in a rent with her son. She is taking care of her son. Though his educational part is on his father custody, his other expenses is handled by Anu. Being a nonearning single mom she has to depend on her siblings and parents to run her daily life . Due to which she goes through economic hardship in her daily life. She says : "After having children, women are unable to work outside. The government should guarantee the education and health of children cared by divorced women. If a woman doesn't have property, whoever does should take responsibility. It is difficult for me to support myself, let alone raise a child".

Child custody is an important legal issue that ensures the care and rights of the child after the separation of his or her parents. In the Muluki Civil Code 2074, under the family law act, has clearly mentioned the policies for child custody. According to the civil code 2074 under the section 115, 116 and 117 child custody rules; a minor under the age of 5 stays with the mother if she wishes, even if she has remarried. However, a minor above the age of 5 will stay with the mother unless she has remarried, in which case custody may be adjusted. If the parents have reached an agreement at the time of divorce, that agreement will apply. Additionally, if the child is over 10 years old, their opinion will be considered in the decision-making process. In the event that the custodial parent dies, the surviving parent automatically takes custody of the child. If the mother has remarried, she is not required to take custody of a child above the age of 5. The custodial parent is responsible for the care and maintenance of the child, and if the non-custodial parent earns more, they are required to contribute financially to the child's upbringing. In the absence of an agreement between the parents, the court will make the final decision on custody arrangements. The non-custodial parent also retains the right to visit the child, with the frequency and duration of such visits determined either by mutual agreement or by a court order.

#### **4.4 Case Study of Couple Divorcee**

##### **Case 1. Pratik Rijal (Pseudonym)**

Pratik Rijal, who is 41 years old, Colonel of Nepal Army, lives in Gothatar. He got married with Rita BK his long time girlfriend who was 9 years younger than him. After marriage his wife started to fight. Also didn't allow him to built proper relation with parents and with the siblings as well. He went to UK for a course after the one month of his marriage. And he called her wife to UK after he got his family quarter. After one month she got pregnant. During her pregnancy time she lived with her mom in UK and no one bother her from his family side since she needed proper care and support during that time.

After giving birth to a baby boy their relation became more vulnerable because she and her family started treating him like a loser as if he didn't have any self respect. They didn't show any humanity towards him. Due to his troubled personal life his career was also disturbed badly. Becoming a army personal with huge responsibility towards

his duty was very difficult to handle. there was no compassion left within them. So in the year 2078 BS he filed a case for seeking divorce in Kathmandu District court through the guidance of lawyer.

His family didn't welcome the idea at first. His parents and his sisters suggested him to live separately to save his conjugal life. No surprise their reaction was shocking that time., He said the main reason for my decision to file divorce was incompatibility with partner. A complete lack of trust, and lack of respect from his wife. Height of misunderstanding even in very minor issues.

He don't think the Nepali society has reached where the divorced men are taken normally. According to him:

There is a big taboo related to the divorce and any divorced man is taken in different light by the family members, relatives, friends, and employees in the organization he works in. The divorced men are like that 'elephant in the room' who make all others uncomfortable.

He expresses that the court settles the divorce case in a matter of few days or weeks, if a woman seeks and files for divorce in Nepal. However, it's just the opposite in the case of men. He believes that needs to change. If there are enough reasons which suggest that the relationship cannot go any further, the court should make prompt decision in the case of men's divorce applications too.

He experienced the alimony laws is not fair in Nepal. According to him :

Whatever the whole family has earned and invested since childhood and before marriage are also calculated for the alimony. This takes away a lot of what has been done by the man's family before marriage. Hence it is unjustified that a wife of few years can walk away with what she might not be deserving at all. It gives a lot of leverage to the women who know that they will be able to have upper hand during negotiations about alimony in case of divorce.

He finds that with changing socioeconomic dynamics, the divorce rates among males in Nepal is on the increasing trend. Especially the differences in family backgrounds, caste issues, financial differences, lack of trust and proper communication seem to be

the leading causes for the divorce rate among men. The perceived sense of freedom that a woman feels because of her family's economic background, education and jobs also create significant stress and conflict in the relationships.

The legal system is not fair at all to men when they apply for divorce in Nepal. The challenge gets doubled if there is a child involved. The court is heavily biased towards the emotional manipulation done by the women in court, or the baseless stories put forward by them during the divorce process. As per him his son is on her custody. He used to send almost 50% of his salary to his wife's account for looking after their son. But the most heart wrenching part is despite getting approval from the court she has not allows him to meet with son since last 3 years.

### **Case 2. Rita BK (Pseudonym)**

Rita BK, a 32 years divorced woman who has a son of 7 years old. Currently, she works as TV journalist. Working as a journalist her monthly income is Thirty five thousand per month. She pursued bachelor degree in journalism from India. She got married with Pratik Rijal before 8 years ago which was her love marriage. She born and raised in a nuclear family but got married in a joint family. According to her there were 5 members in his family. His father and mother and his two sisters.

Her husband was serving in Nepal Army .He had been to UK after their marriage and she was left in Nepal with his family . Soon after he went to UK his family members started treating her badly. She got pregnant soon after her marriage. She recalls after one year of her marriage her husband and in laws started treating her bad. They always threat her and tortured physically and mentally. He listened to his mother and sisters but never supported to her.

Her husband invited her to UK after he get family quarter. She got pregnant next month. But even in pregnancy she faced domestic violence and sexually abused. One month prior of her delivery her husband invited his parents. The situation became more worse after they go there. They always threat her and tortured physically and mentally. Instead of making him calm her mother in law encourages him more to bit her. Even in her pregnancy time he bit her badly. He used to bit her whatever comes in his hand.

In order to escape from his brutality she started living with her mother and sister. He had completely abandoned to her. But still she was hoping to stay with him for the sake of their son. They used to have massive fights and discussion in front of their son as well. Her husband filed divorce without informing her. She was devastated after hearing that news. She remained married for five years before her divorce. The family interference and the domestic violence is the primary reason for her divorce. She says: Her sister in law and mother in law threw her stuffs from house. They bitted her badly. She shared everything to her husband but he didn't believe her words instead he blamed her for creating such situation at his home.

Divorce has made her life miserable when she thinks about her son's future. Since she did love marriage her family didn't support her during divorce. Their reaction was so wired after knowing about divorce. During divorce process they allowed her to stay with them along with her son. Her mother spent lawyer charges for her. They were more worried about social stigma and also worried about her professional career.

She finds Nepali society sees a divorce woman with a pity as if she completely became a homeless. They say where she will go? what she will do? Who will marry her? How she will take care of her son? Despite being biased they blame a woman for the damage of marital life. Her own relatives accused her for ruining her life. Facing with the indigestible stigma she had to fight with her mental health. She is living in rent with her son. She herself is earning for her daily expenses.

She got divorced through court. To complete the divorce process it took almost three years which was so crucial for her. During the divorce process she stayed with her mother for 3 years. She has got financial compensation of 25 lakhs which she thinks is not enough cause she has to invest that money for her son. For her the most challenging part of divorce is to handle her son's emotions. She didn't have answer of her son's queries regarding his father. Fighting for her rights and for son's right alone wasn't easy for her.

After divorce somehow she has got freedom. She is not thinking to remarry cause of bad experience from her first. Also being a mother of a son she thinks society won't accept her with son easily. Her son is already 7 years old. Her son is her strength and source of happiness to her. She doesn't allow him to meet with his father cause she feels if he really had concern for his son he wouldn't give divorce.

**Case no. 3 Anu Baral (Pseudonym)**

My name is Anu Baral. I am a 35 years old divorcee woman. I have completed graduation. Currently, I am unemployed. Five years in my marriage, my relationship with my husband ended in divorce. At the time of the divorce, my son was two years old. I am now raising my 5 years old child.

Before my divorce, I was born into a joint family and arranged married in small family. In my husband family, there was only a widowed mother-in-law. My sister-in-law had already married. After marriage, my husband went abroad for foreign employment. My mother-in-law and I were the only ones at home. Initially, everything was fine. I worked at a commercial bank and my salary was good. My salary covered all household expenses even my mother-in-law's medical expenses were also my responsibility.

As time passed, my husband would come home every 6 months. After two years of marriage, my mother-in-law and sister-in-law started complaining about not having children. Whenever my maternal relatives visited, there would always expect something. No matter how much I gave, they would always complain that I never gave enough. They expected a lot from my natal family.

My maternal home provided us with plenty of food, including lentils, rice, and vegetables early. Even though I had a good job and decent income, they still expected more. One day, my sister-in-law said she was planning to build a separate house in Kathmandu but she didn't have enough money. She asked me to sell the land that my father had given me and give the money. I discussed this with my mother, but she refused, saying that it was given to me to help if I faced difficulties, but it wasn't meant to be sold. I couldn't provide the money, and after that, the violence started. They began a lot of mental pressure on me.

Later, my husband came home and everything seemed to get better. Initially, things were fine. Since my husband was unemployed, he started drinking heavily. I would ask him either to stop drinking or find a job, but instead, the arguments began. At that time, I was pregnant. When I tried to buy a fan with my own money to cope with the heat in Nepalgunj (where the electricity voltage is low), my husband beat me and told me to go to my maternal home if I didn't tolerate it. I didn't tell anyone about this incident.

To make matters worse, I sold all my gold to start a business with the savings from my job, but it didn't work out. I was pressured to quit my job, and I eventually did. They told me not to talk to anyone from my maternal home or visit them.

During my pregnancy, I was not given food also they even locked out of the kitchen. Later, my father came and took me there. I gave birth to my son while staying at my maternal home. After the birth of my son, I went back home, but things get worsened more. After the naming ceremony, I went back to my maternal home, where I told my parents everything. It was the first time I saw my father cry after hearing about my situation. A few months later, I filed for divorce in court. The court made many attempts to reconcile us, but my mind was made up, and I couldn't live with him anymore. During this time, I received death threats from his side.

It has been three years since the legal divorce. I did not take any property, money, or jewelry from them when we divorced. Legally, the lawyer had filed for the property claim, but when we attempted reconciliation, they refused to give anything. After they refused to give anything, I gave up all hope and went ahead with the divorce.

Currently, I am managing my daily life with the help of my siblings and parents. Due to my child is too young, I haven't been able to work. I am currently living in a rented house. After marriage, I realized that my maternal home doesn't feel like home anymore, and staying with them became uncomfortable.

I regret quitting my job under their pressure. But I believe that living alone is better than living with a wrong partner. I prefer living alone than enduring daily violence in marital home. The court took a long time to finalize the divorce. During this process, my father's shoes wore out, and a lot of money was spent. The entire process was long and complicated.

Now, I don't feel like marrying again. I feel like a woman's life in another household will always belong to someone else. Nepali society doesn't look favorably on women who are divorced. They often say that it's the woman's fault if the family breaks down, but the reality is that many women have endured violence in their marriages. Because of my divorce, I have faced stigma even from my own relatives. For six months, I experienced mental health issues and had to take medicine for depression. I'm better now.

Women should have the same right to ancestral property as men, so they can also bring wealth into a marriage. Both men and women should have equal property rights. Here, if a man doesn't like his wife, or if he finds someone else or there is some dispute, he can easily tell her to leave the house.

I don't know much about the law, but I believe that the law should ensure equal property rights for everyone. After having children, women are unable to work outside. The government should guarantee the education and health of children cared by divorced women. If a woman doesn't have property, whoever does should take responsibility. It is difficult for me to support myself, let alone raise a child.

#### **Case no 4. Yogesh Thapa (Pseudonym)**

My name is Yogesh. I am 37 years old. I got married about 10 years ago. Just two months after marriage, I went abroad for make money. Although it was an arranged marriage, we had known each other before the wedding. While I was abroad, we kept in touch through social media. The marriage was arranged with our mutual agreement.

For the first 3 to 4 years after marriage, our relationship was good. However, she started complaining about my sister and mother. She said, we would resolve the issues when I came back. Then, I decided to stay in Nepal. After a few months of being back, her expectations grew. She worked at a bank and her working hours were 10 to 5 but she was leaved home 9 AM and ussaly return back 7 PM. Her natal family's and sister's house were near the bank and she often visited them.

One day, during the month of Ashadh, when she did not come home until 7:30 PM, my mother became worried and called her. She responded rudely to my mother. I was not at home when this happened and my mother cried while calling her. Then I called her, she rudely argued with me, saying, "why are you distrubing me?, when I want come then will come." Then, she came home at 9 PM and continued to argue. She stopped taking care of my mother, she is usally sick and I tried talking to her family. However, her family ignored the issue and took her side. She would often leave home to visit her family and this caused many arguments did. She started disrespecting my sister, talking to other people inappropriately and when I tried to talk to her, she would argue back.

She was very focused on fashion and wanted to live a luxurious life, not showing little interest in managing the house. When guests came to our home, she would leave to visit her family.

When I spoke to her sister about these issues, she said she would try to solve things, but instead, she would encourage her. She didn't want me to meet with friends or other relatives and wouldn't let me talk even to my sister. She and her family even pressured me to live in a separate rented room. Later, she quit her job voluntarily and her family blamed me for it and threatened me.

Her brother and brother-in-law had a rude attitude, and they would even threaten my mother over the phone. When she was pregnant, I told her that she could rest while I worked. She accused me of forcing her to quit her job. There was nothing lacking in her life, but she always behaved arrogantly because of her family. I never stopped her from studying. However, she didn't understand that as a daughter in law, she had to do housework in the morning before going to campus. Her sibling and parents insisted on going to campus instead. She often showed off about her job and demanded respect.

She eventually asked for a divorce and she filed a case against me for domestic violence. But in reality, it was she and her family who caused harm to me and my family. Despite this, we tried to reconcile for a long time, but her family didn't allow it. Now we have a 5 yearsold son. He stays with her but I have taken full responsibility for his education. I visit him at school from time to time. In the legal process, it seems like women are heard more than men. After the divorce, I didn't give her much. However, the constant court proceedings affected my job, causing financial loss and mental stress. Society also began to criticize me for not being able to support my wife. I haven't remarried yet, and I'm not sure what the future holds.

#### **Case no 5. Babi Uprety (Pseudonym)**

Babi Uprety, 38 years old, living in Pepsicola, Kathmandu. She pursued masters degree in accounting from Australia. She is living with her parents here in Kathmandu. She got married with her long time boyfriend Hari Mudhbhary in the year 2020 AD. She was born in small family where as got married in the joint family. She is living in Australia since last 15 years. They both met in Sydney Australia in the working station

and fell in love. Due to some immigration issues Hari came back to Nepal and he couldn't go back to Australia. After few months she also came to Nepal to get married so that through her document he could go to Australia again.

They got married with the approval of their respective parents. Her in laws was trying to control her for the idea of going back to Australia. They wanted them to run the house being a daughter in law. But she denied with their proposal and made them agree for her decision since she was living in Australia since many years. After one month of marriage she went to Australia making all the legal documents for him. He applied again being her dependent but he didn't get visa. As per her they applied many times but he never get visa. due to which tension arises in their relation. Cause he stucked here in Nepal and she don't like to stay in Nepal. Gradually their relation becomes toxic due to inter country relationship. Also with the huge communicational gap the husband wife feelings died within them.

A month ago she came from Australia to file divorce and she did with mutual agreement. She finds he couldn't go to Australia its not worth to drag her relation with him. So both decided to set themselves free. Her family didn't gave approval for the divorce cause she herself had choose her life partner and they didn't interfere. They tried to convince her to stay in Nepal to improve their marital life but he had reached at the stage where she don't have any willing to continue her life with him. Her relatives and peer group blame her for being too much modern and neglecting her marital life. But for her -her independency matter the most.

For her the most challenging part of divorce was to take the decision first and second was to convince the partner and third was to make understand the parents the importance of happy life. Maintaining the relation staying in two different countries was not possible. She is very hardworking women with ambitions in life but in contrast her husband was kind of carefree.

She feels that her life is more liberal in Australia also she is financial strong enough to make her life best .With the mutual agreement their divorce process ended within a week through court. She didn't ask for alimony or any kind of compensation cause she is a independent women. Since they didn't have any kid it was easy for them to complete the process. She finds that the legal process for divorce is easy if there is

mutual agreement between couple. She haven't think about remarry too early but if she do she will do in Australia. She wants to go back to Australia since she has PR she could go anytime she desire.

#### **Case 6. Hari Mudhbary (Pseudonym)**

Hari Mudhbary, 41 years old, living in Kalanki Kathmandu. Currently running his Dad's business of Poltery farm. Financially he is strong. Among three bothers he is a elder one. After completing his plus 2 in Nepal he went to Australia in order to pursue further study. There he met with Babi Uprety at working station. They fell in love there. They started living together there. But due to the issues with his immigration he had to return back to Nepal.

Utsav reapply to go to Australia but he didn't get visa. Later they decided to get married. They both felt it was not easy living separately in two different country. She came to Nepal just to get married so that they could make legal paper to apply again. After getting married his family including him tried to stop her going back but she rejected. She went back to Australia after one month of marriage. After making all the legal documents he applied again but again his visa got rejected. That happened up to 3-4 times. He got hopeless after that. His family started shouting at him letting his wife to stay in Australia. He tried to convinced her to settle in Nepal but she never wanted to settle here. Due to this reason their relation started getting in trouble.

With the mutual agreement they decided to give divorce after getting married for five years because he finds their relation couldn't go long staying in two different countries. His major reason for divorce is inter country relation and incompatibility. His family didn't support his decision. They were embarrassed also they were worried about social stigma. He finds the legal process was quiet easy cause of mutual agreement. Also she didn't demand any alimony which saves his finances too. Being a modern husband he states; if the couple doesn't want to continue their conjugal life it is good to divorce rather stucking in the nonprogressive relation.

Even after divorce they both are in touch. They have respect for each other. Everything happened in the past. He is thinking to remarry cause being a elder son his parents are giving him pressure.

## CHAPTER V

### CONSEQUENCES OF DIVORCE

#### 5.1 Divorce and its Consequences

Divorce, while historically uncommon in Nepalese society due to strong cultural and religious values, has become increasingly prevalent in urban areas (Acharya, 2019). This study explores the economic and emotional consequences of divorce in Nepalese society, analyzing its impact on individuals, families, and the broader community. Divorce has a serious impact on children, men and women in particular. The effects of divorce are not the same for men and women but may be different (Mahzebin, 2021). Every divorce can be stressful for personal life. Both the couple goes through various obstacles after divorce. The wound of divorce will remain for their entire life. Individuals may lose their sense of identity making it harder to create their new world. Consequently, the divorce process is multifaceted as it affects many different aspects of an individual's life (Barrus, 2008). Both the male and female have to do struggle with economic as well as emotional factor along the social stigma.

##### 5.1.1 Impact on Divorced Women

When a woman decides to end her marriage, she might feel a sense of relief—especially if the relationship was full of pain or unhappiness (Leopald, 2018). Divorce can bring a chance for a fresh start, but in reality, it often comes with deep emotional and social struggles. In Nepal, divorced women and their children often face harsh judgment, isolation, and financial hardship. They become some of the most vulnerable members of society, simply for choosing a life they hope will be better. Women have to fight for their recognition to live in the same society. Women hardly think about their second marriage especially when they have a kid which leads them to fight with their emotions and push them into crucial mental health issues.

Respondent Rita BK says society sees a divorce women with pity as if she completely became a homeless They said: where she will go? what she will do ? Who will marry her ? How she will take care of her kid ? Even our own parents feel uncomfortable going out or talking about us in public. No matter how educated or financially independent we are, society often fails to see our worth. As Lopald points out, custodial

parents usually mothers face the added burden of raising children alone while also struggling to find proper childcare. It's a tough journey, and support from society is often missing when it's needed most. Taking care of seven years old son without his father is not easy for her.

### **5.1.2 Impact on Divorced Men**

As cited by Leopold Custodial arrangements represent the first and most intensely studies theme related to social outcomes of divorce. Noncustodial parents-usually fathers-face the challenge of maintaining contact with their children. Research has suggested that fathers may suffer more than mothers in this domain, particularly when they lose contact with children. Respondent Pratik Rijal, working in a Nepal Army couldn't get chance to meet with his son due to his ex wife act. As per him his son is on her custody. He used to send almost 50% of his salary to his wife's account for looking after their son. But the most heart wrenching part is despite getting approval from the court she has not allows him to meet with son since last 3 years.

### **5.1.3. Impact on Children**

Children are often the ones who suffer the most when their parents separate. They miss out on the complete love, care, and support that are so important for their emotional and physical development. Growing up in a broken family usually means living without one parent—most often the father, and sometimes the mother. This absence can leave a lasting impact on a child's sense of security and well-being. Children of divorced parents often experience emotional distress, including feelings of abandonment, guilt, and confusion. The lack of emotional support and societal perception of broken families can negatively impact their mental and academic development.

### **5.1.4 Emotional Impact**

Divorce is often accompanied by emotional turmoil, leading to anxiety, depression, and stress (Dhungana, 2021). The loss of a partner, societal stigma, and uncertainty about the future contribute to psychological distress. Divorce is still highly stigmatized in Nepal, leading to social exclusion. Women, in particular, face greater societal scrutiny, which affects their social interactions and mental well-being. Similarly, the family

support plays a crucial role in helping divorced individuals cope with emotional distress. However, due to traditional family structures, divorced individuals often receive limited support, making it difficult to reintegrate into society (Acharya, 2019).

### **5.1.5 Economic Impact**

Divorce often results in financial instability, particularly for women who are traditionally dependent on their spouses for economic support (Dhungana, 2021). Women in Nepal face limited job opportunities, unequal pay, and a lack of financial independence, exacerbating their economic hardships post-divorce. Where as men also goes through the financial instability after divorce. While they have to give alimony or financial compensation to the which leads them to struggle with financial instability. The division of property is often complex and biased against women due to patriarchal inheritance laws. Legal battles over property and custody further strain the financial resources of both parties.

Respondent Pratik Rijal faces financial instability after divorce. He experienced the alimony laws is not fair in Nepal. According to him : “Whatever the whole family has earned and invested since childhood and before marriage are also calculated for the alimony. This takes away a lot of what has been done by the man’s family before marriage. Hence it is unjustified that a wife of few years can walk away with what she might not be deserving at all. It gives a lot of leverage to the women who know that they will be able to have upper hand during negotiations about alimony in case of divorce.”

Divorced individuals, especially women, often struggle to find stable employment due to societal stigmas and responsibilities related to childcare (Acharya, 2019). Economic independence becomes challenging, leading to dependency on family members or remarriage for financial stability. Respondent Anu Baral says: “Currently, I am managing my daily life with the help of my siblings and parents. Due to my child is too young, I haven’t been able to work. I am currently living in a rented house. After marriage, I realized that my maternal home doesn’t feel like home anymore, and staying with them became uncomfortable”.

### **5.1.6 Impact on the Family**

Divorce has become a common part of modern life, yet it remains one of the most stressful experiences a person can go through. It affects not only the couple but also the entire family, often leading to serious emotional and physical strain. For many, the pain of separation, the changes in daily life, and the uncertainty about the future can take a heavy toll on mental health. Even though it's more accepted in today's society, divorce still leaves deep emotional footprints on everyone involved (Damota, 2019). Divorce creates chaos in family. Though the divorce happens between couple but the effect of divorce remains in the whole family. Whole family have to deal with social stigma. In the past most of the cases family members does not welcome to their divorced daughter. Particularly women did not wanted to divorce because of their family reputation.

Financial hardship is frequently caused by divorce for the custodial parent, usually the mother, who may experience a decrease in income and an increase in childcare costs. Additionally, this may have an impact on children's quality of life, which could result in poorer academic performance. Children of divorced parents are more likely to go through divorce themselves later in life, according to research, suggesting that divorce may be passed down through generations (Sieben & Verbakel, 2013). Early attachment disturbances may also make their personal interactions more challenging.

However, both parents and children frequently experience emotional instability as a result of divorce. Particularly for kids, the stress of separation can lead to emotions of abandonment, anxiety, and despair. Later on child may hate their parents as well for not giving them a favorable environment. The long term side effects of divorce on the family is the separation of a child.

### **5.1.7 Theoretical Linkage**

The experiences of the respondents in the case studies reflect the complex interplay of structural and legal factors discussed in the theoretical frameworks of the study.

Gender role theory is particularly evident in the cases where traditional expectations of women as caregivers and men as providers led to dissatisfaction and breakdown in communication. For instance, Yogesh Thapa's frustration with his wife's work

commitments aligns with Parsons' assertion that deviations from expected gender roles can generate tension and strain in a marriage. Similarly, Rita BK's account of emotional and physical abuse within a joint family mirrors the structural functionalist notion that familial institutions, when rigid or conservative, can become sources of dysfunction rather than cohesion, especially for women.

The Conflict and control theories provide insight into the power dynamics at play in these relationships, where institutional and familial authority, often dominated by in-laws or patriarchal customs restricted autonomy, as seen in both Rita and Anu Baral's narratives. Modernization theory is reflected in the increased assertiveness and agency of respondents, particularly female divorcees, who sought divorce despite societal stigma, indicating shifting cultural values and rising individualism in urban Nepal. Pratik's experience underscores the enduring stigma faced by divorcee men, supporting symbolic interactionism's argument that social meaning and identity are shaped by interpersonal reactions.

Legal provisions, shaped historically by patriarchal norms as highlighted by feminist theory, continue to influence how easily individuals, especially women, can seek divorce. However, the Civil Code of 2017 appears to be a turning point, enabling individuals like those in the case studies to navigate divorce with greater legal support. Ultimately, these cases exemplify how theoretical perspectives from structural functionalism and gender theory to symbolic interactionism and modernization converge in real-life scenarios, influencing both the causes of divorce and its societal consequences.

The narratives of male divorcees in this study offer crucial insights into how Nepali men experience, interpret and are impacted by divorce within the framework of social norms, gender expectations, and legal provisions. Each male respondent expressed feelings of frustration, emotional conflict, and social stigma resulting from their marital breakdowns.

Pratik, a 41-year-old Nepal army officer, shared that despite his marriage being based on love, it eventually ended due to irreconcilable incompatibility. He pointed to a complete lack of trust, mutual respect, and escalating misunderstandings with his wife. Although he received temporary support from his family, they were initially reluctant

to accept his decision due to the social stigma attached to divorce. He emphasized the persistent taboo surrounding divorce in Nepali society, noting that divorced men are often viewed with suspicion and discomfort, even in professional environments. This perception contributes to their emotional isolation and undermines their sense of identity and dignity.

Yogesh Thapa, another male respondent, highlighted issues related to traditional gender roles and expectations. His dissatisfaction stemmed from his wife's prioritization of work over family responsibilities. He perceived her behavior such as late returns from work and frequent visits to her natal home as neglectful and disrespectful, particularly toward his elderly mother. This created tension and emotional distance in the marriage, eventually leading to separation. Yogesh's perspective reflects the internalization of traditional beliefs where a wife's primary duty is expected to be caregiving and household management. His account also reveals how unmet expectations and role conflict, as explained in Gender Role Theory, can drive emotional disconnection

Both men expressed a sense of powerlessness not necessarily in legal terms, but emotionally and socially. While the legal system provided a formal pathway to end the marriage, neither felt that society was supportive or understanding. They reported being judged for their failed marriages and, in some cases, unfairly blamed by others, regardless of the circumstances. Their testimonies illustrate how men, too, suffer from social scrutiny and emotional fallout, contradicting the common narrative that divorce primarily impacts women.

These cases underscore the need to broaden the discourse on divorce in Nepal by including male experiences. The accounts reveal that divorce is not just a legal or personal matter but a deeply social process, influenced by societal expectations, family dynamics, and evolving gender roles. Male perspectives, often overlooked, provide an essential dimension to understanding the multifaceted consequences of marital dissolution in Nepali society.

## CHAPTER VI

### SUMMARY AND CONCLUSION

#### 6.1 Summary

Divorce is a complex, multi-dimensional issue shaped by various social factors. It exists in every society, whether in traditional forms or through legal procedures. It tends to occur more frequently in open, industrialized societies. In recent times, divorce has become a growing sociological phenomenon, emerging alongside rapid socio-cultural changes brought about by modernization and urbanization. In the context of Nepal, divorce deserves serious sociological attention and investigation.

This study aims to explore the main reasons behind divorce and examine the role of legal provisions available to both men and women. The findings offer important sociological insights for future researchers. Divorce appears across all communities in Nepal—even among Hindus, where marriage is considered a lifelong and sacred bond, extending even beyond death. In Hindu-dominated Nepali society, where nearly 80% of people follow the Hindu faith, divorce and remarriage are still socially and culturally discouraged.

There is no single reason behind the breakdown of a marriage. Marital dissatisfaction can stem from a mix of personal, family, social, and economic challenges. That's why it's important to understand divorce through a multidimensional lens, especially in the context of Nepal's rapidly changing social and cultural landscape.

The findings of this study highlight several key causes of divorce: domestic violence, cruelty, sexual harassment, incompatibility, unmet expectations after marriage, and cross-national relationships. Other contributing factors include frequent job-related relocation, lack of mutual understanding, significant age gaps at the time of marriage, emotional immaturity, and difficulties faced by newly married women trying to adjust. Conflicts often arise from the clash between traditional and modern expectations, especially between daughters-in-law and their mothers- or sisters-in-law.

Divorce is not just the end of a marriage—it often creates deeper challenges for everyone involved. Children are especially affected, and both spouses may struggle to

adjust to life in a society that still attaches stigma to separation. Families, too, often bear the weight of social judgment and risk losing the respect they have built over generations.

Importantly, many divorces in Nepal never make it into official court records. Due to cultural, social, and financial barriers, many separations happen quietly within communities. This highlights the urgent need to study and analyze customary divorce practices, which are present in nearly every cultural group.

## **6.2 Conclusion**

This thesis set out to explore the multifaceted relationship between social structure, legal provisions, and divorce practices in Nepal, with a specific focus on the lived experiences of both male and female divorcees. The findings of the study reveal that divorce in Nepal is not merely a legal outcome but a deeply social process, influenced by cultural norms, family expectations, gender roles, and institutional frameworks.

The social structure of Nepal, rooted in patriarchal values and traditional family systems, plays a crucial role in shaping marital expectations and defining acceptable behaviors within a marriage. Social norms continue to idealize marriage as a sacred and lifelong bond, particularly for women, which creates resistance toward divorce and results in strong societal stigma. Family pressure, especially from in-laws and community members, still acts as a barrier for individuals—especially women—seeking marital dissolution. For men, while social expectations may differ, the experience of divorce also includes social judgment and emotional distress, especially when they do not conform to traditional gender roles.

Legal provisions, particularly the introduction of the Civil Code 2017, have significantly shifted the landscape by making divorce more accessible for both men and women. Legal recognition of mutual consent, cruelty, desertion, and other personal grounds for divorce reflects a move toward individual rights and gender equality. However, the law alone is not sufficient; many individuals still face challenges navigating the legal system due to lack of awareness, procedural delays, or fear of social rejection. Despite legal progress, the gap between law and societal acceptance remains a key obstacle.

The study also shows that divorce practices are increasingly influenced by modernization and urbanization. Exposure to global values, economic independence (particularly among women), and a rise in self-selected marriages have contributed to growing acceptance of divorce, especially in urban centers like Kathmandu. Nevertheless, the emotional, economic, and social consequences of divorce continue to be significant, with both men and women reporting psychological stress, altered family relationships, and challenges in rebuilding their lives post-divorce.

In conclusion, divorce in Nepal is a complex phenomenon shaped by the intersection of social structure, evolving legal frameworks, and individual agency. Understanding divorce through this sociological lens highlights the need for more inclusive and empathetic legal, social, and policy responses that address not only the legal aspects but also the societal attitudes and cultural norms that continue to govern marital relationships. This thesis contributes to the broader discourse by incorporating male perspectives, which have often been overlooked, and by situating personal experiences within the broader socio-legal context of a changing Nepali society.

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## ANNEXES

### **Case Study Checklist- Semi Structured Interview**

A sociological study of Social structure, Legal provisions and Divorce practices in Nepal.

Checklist for Male Divorcee

*General information of the respondents*

Name of the respondent:

Sex:

Age:

Education:

Occupation:

### **Question Checklist**

1. How long were you married before divorce?
2. How many family members\family type were there?
3. What was the primary reason for divorce?
4. Who initiated the divorce?
5. Was the divorce settled legally through court?
6. Did you pay financial compensation to your wife after divorce?
7. If yes, what type of financial compensation was paid?
8. Did you transfer any property(house/land/business) to your wife after divorce?
9. How did the divorce impact your financial condition?
10. How did your family reaction before during and after your divorce?
11. Do you feel that the financial compensation laws in Nepal are fair to men?
12. Would you consider remarriage after divorce?
13. What was the most challenging part of going through a divorce?
14. In your opinion, how does Nepali society view divorce men?

15. Have you faced any stigma or challenges in your personal or professional life after the divorce?
16. Do you think the legal system in Nepal is fair to men in divorce cases?
17. What challenges did you face while going through the legal divorce process in Nepal?
18. What changes do you think should be made to Nepal's divorce laws?
19. Do you have children? If yes, how many do you have? How old is she/he?
20. Who takes care of the children and who provides financial support? How much?
21. How is your relationship with your children after the divorce, and how do you cope with it?

## **Case Study Checklist- Semi Structured Interview**

A sociological study of Social structure, Legal provisions and Divorce practices in Nepal

Checklist for Female Divorcee

*General information of the respondents*

Name of the respondent:

Sex:

Age:

Education:

Occupation:

### **Question checklist**

1. How long were you married before divorce?
2. How many family members \family type were there?
3. What was the primary reason for divorce?
4. Who initiated the divorce?
5. Was the divorce settled legally through court?
6. Did you get financial compensation after divorce?
7. If yes, what type of financial compensation was paid?
8. How did the divorce impact your financial condition?
9. How did your family reaction before, during and after your divorce?
10. Would you consider remarriage after divorce?
11. What was the most challenging part of going through a divorce?
12. In your opinion, how does Nepali society view divorce women?
13. Have you faced any stigma or challenges in your personal or professional life after the divorce?
14. Do you think the legal system in Nepal is fair to women in divorce cases?
15. What challenges did you face while going through the legal divorce process in Nepal?

16. What changes do you think should be made to Nepal's divorce laws?
17. How is your relationship with your children after the divorce, and how do you cope with it?
18. Did you receive any compensation after your divorce?
19. What is your source of income for daily living?
20. Do you receive regular payments from your ex-husband? If yes, how much?
21. Do you have children? How many? Years?
22. Who takes care of the children and who provides financial support? How much?
23. If your children do not live with you, do you want to live with them? If yes, why don't you live with them?
24. Where do you live after divorce?