

Chapter - One

INTRODUCTION

1.1 General Background :-

Sociology of family, a new branch of sociology has stressed the changing pattern of social institutions like family, marriage, kinship etc. In the changing context of the society that may differ from society to society. Marital disruptions on the process of separation, desertion, annulment and divorce are very important subject matter to be studied in the sociology of family; however the branch of sociology just established in Nepal. Every society accepts and supports marriage institution strongly. In society marriage is seen as a source of support, entertainment and satisfaction to the married couple. However, in real life of family sometimes it falls or breakdown more at modern context. It has some responsible circumstance, like members of society spend less time together to their family than previous, individualism nature of human kind, which leads to marital disruption. At present women are less dependent to men. The situation in the family compelled to husband and wife both to go far from their residence for different purpose like study, jobetc becoming wider day by day due to the process of globalization. It generates gap between spouses and the area of interaction becoming wider. Divorce also is more common among couples in which women have successful care, partly due to the stains that arise in two careers of marriage and, more important, because financially independent women are less inclined to remain in an unhappy marriage(Macionis 1997).

Marriage is a social and cultural phenomenon and approved social pattern where by two or more persons establish a family. Sexual intercourse between the marital partners and subsumes reciprocal right and obligation between the spouses and their children. Marriage is a key means that enables to make a union between a man and woman, which may situate in different socioeconomic background. However, the form of marriage is also responsible to disruption of marital status and lead to divorce (Chaudhary, 1988).

Divorce is a dynamic series of events as households dissolve, final kin are no longer related, and new kin are added with remarriage. The individual must construct new roles, redefine relationships and restructure of their lives. The relationship between parents and children is particularly interesting, because children assume a new life style that may be at odds with their parent's values. Because most parents try to maintain a non-interfering stance, their children usually must take initiative in keeping help. Most parents may be

responsive to the needs of their children and grandchildren, but they resist having to act as a parent in terms of disciplining and fulfilling day to day instrumental care (Chaudhary, 1988).

In Hindu society, marriage is taken as a holy union between a man and a woman for the performance of religious duties. According to religious philosophy, it is indissoluble and it is for all time to come, "Marriage is an immortal institution which, in some form exists everywhere. Its main purpose is to unite and to continue the families of bride and groom and to further their economic and social position". (Cosser, 1974)

Divorce itself is a process, which occurs due to different causes of which particularly focus on socio-economic aspect. It has different stages, such as a) Separations-which occurs within family when marital relations are socially broken and clash begins. It is an informal preliminary step of divorce but it is not guaranteed that it leads to divorce. It has probability of reunion between husband and wife, separated couples are not free to remarry b) Desertion-"It is the irresponsible departure from the home on the part of either husband or wife, leaving the family to fend for itself" (M Elliott and Merrill 1950), c) Annulment –"It is a court decision that the marriage contains some legal flaw (coercion, fraud, unwillingness to consummate the union, non-age, bigamy (Goode 1963). It shows that divorce does not suddenly occur between the spouses. Pre-divorce familial contradictions had risen as found in this study which depended on immaturity of the partners, cruelty, sexual maladjustment, and impotency, quarrelsome disposition of the spouses and other family members, barrenness and, economic dependency that leads to divorce at final stage.

The word 'divorce' in English is derived from the Latin words *divortium*, which again is derived from, 'apart' and 'verter' which mean 'to turn', to dissolve the marriage bond between husband and wife (Martin A Elizabeth, 1994).

Divorce is the dissolution of marital relations; in this process marriage is completely broken down either in social or legal context. The Black Law Dictionary (Martin A Elizabeth, 1994) has defined divorce as "the legal separation of husband and wife effected by the judgment of decree of a court and either totally dissolving the married relations or suspending its effect so far as concern the combination of the practices. Divorcees are free to remarry after divorce whereas separation may not allow it. Divorce is nothing and in common senses it is taken easily somewhere in which a couple ends their marital relations and starts to remarry, but it may create some vital problems in the family, like adjusting to new life.

The topic marriage and divorce are so closely connected that the meaning of marriage in any society cannot be understood apart from the conditions under which divorce occurs. The rapidly rising divorce rate depends up on how one view the role of the marriage and family institution in our society. Divorce occurs just because of the failure of successful happy married life. Various social, cultural, economical and other factors in the married life are responsible for the occurrence of divorce.(Chaudhary, 1988)

Those who see the nuclear family as the norm perceive the rising divorce rate as an indicator of the breakdown of the social structure. Those who believe in the marriage vow of “until death do us part” see the rising divorce rate as a sign of moral decay. Those who see marriage as a choice for personal fulfilment regard the higher divorce rate as a sign that this goal is being accomplished. (Shultz, 1982)

Sociology of law is a subfield of sociology that seeks to examine the social practices and phenomena that surround and define how law is practiced in different societies. It is one of the tasks of a sociology of law to explore the social forces which bring about the creation of legal norms and institutions and changes in the positive law .Sociology of law is concerned with a variety of theoretical and practical concerns regarding the social phenomena surrounding legal theory and practice. Theoretically, the field seeks to classify the role of law in society, though it also addresses practical interests such as discrimination and bias.

The role of law in society is one of the broadest and most important concerns of sociology of law. It encompasses many different facets, including the actual role of the structure of the legal system and the societal effects of the existence of the legal system. The presence of certain laws is highly important in governing the behavior of a population. Sociologists may, for instance, be specifically concerned with which laws and legal systems are good for the people and which are oppressive.(Tony Eynor, 2012)

Sociologists have found that there are different natures of changes on social intuitions, economy, culture and political structure. This is a universal phenomenon around the world. However it could be fruitful to analyze causes and consequences of the social events or changes from sociological perspective in the different social and cultural context. These studies focus on causes of divorce, basically, the legal separation between the husband and wife. However customary divorce practices are in different communities of the Nepalese society.

Divorce is also a kind of social deviance and a matter of sociology of law. The effect of the deviance shows in society when the social norms and values become weak. In this thesis I have study about the causes of divorce in the family of Nepalese context. Its impacts and implementations as well as its trend, how it is affected by the process of industrialization, westernization, modernization and arising education levels.

1.2 Statement of the problem

In Hindu society marriage is taken as a holy union between a man and woman for the performance of religious duties. Due to religious philosophy therefore, it is indisputable and it is for all the birth to come. But the meaning from type and function of marriage is not the same today as it is used to be. Different natures of changes occur on social institution, cultural political structure, which is a universal phenomenon. Similarly, meaning and function of marriage change in our Nepalese society as well. It has ultimately increased the rate of divorce in the country. Social, economic, cultural, politicaletc factors play vital role for the divorce to take place. Moreover impact of globalization, education level, westernization, modernization, job opportunity, urbanizationetc can be regarded as the important causes of divorce.

As a result divorce, life of two people, their children and ultimately the whole society will get affected. They have to face various troubles, disturbances and challenges. There will be a problem of rearing and caring of children. Divorced couple will be mentally tortured; remarriage of divorced female is very difficult due to complex social structure. However, there are causes of divorce seen in each and every society.(S. Pothen.1986)

Kaski district is one of the most important district in Nepal. The natural beauty and its geographical structure attract touristfrom all over the world. Due to the tourism, education awareness, education level, employment, migration in western country etc impact on the life style of the people ofKaski district. The increasing rate of divorce cases in Kaski district becomes a massive for society. The unexpected increasing of divorce cases in Kaski district is become a matter of study. It is one of the highest divorced districts in Nepal. That's why I choose this district for my study.

Therefore, this study is conducted to find out the unidentified actors responsible of the divorce to take place, its impacts and consequence to the family as well as the entire society. This study has also tries to find out the impact of economic, social culture, educational status of the divorced couples and its current trend which leads to divorce. It's also focused on how they are accepted by the society and the problem that they have to face for re-adjustment.

Divorce is also a cause of developmental process. What is the relation between socio economic background and divorce? Why divorce rate is increasing rapidly in our society. How the marital relation ended? What are the main causes of divorce ?This study will mainly tires to seek for the answer of the above mentioned question.

1.3 Objective of the Study:-

The objective of this study is as follow.

- To examine the socio-economic background of divorced couple.
- To explore the causes of divorce.
- To explain the relationship between socio-economic background and divorce.

1.4 Significance of the study

Divorce is one of the social issues. It is not only individual and personal matter. When divorce occurs between husband and wife, directly or indirectly their family as well as the whole society gets affected. Social, economic and the cultural factors may underline behind this. So this study will add a stone to add new and knowledge to control the rate of divorce.

Early marriages, dowry system, increasing urbanization, modernization, capitalistic, western culture is responsible for the increasing divorce rate, are vital.

The purposed study is expected to contribute theoretically and imperially to study the divorce. It will helps to know about the condition of rapidly increasing pattern of divorce rate in Nepalese society, so this study will help to analyze the causes of divorce and implementation and implication on society. This research will also help to the policy maker and also to reform the old policy on divorce.

1.5 Limitations of the study

The major limitation of the study will be as follow:-

- This study will be based on primary data as well as secondary data collected in Pokhara Sub-Metropolitan city. So its result may not be representative for the whole country.
- This study focuses only on legally divorced case in Kaski District court, .(fiscal 2071/072, B.S.)
- The finding of research may not be universal as the conclusion drawn from the research is only part of the whole social reality.

- The name of respondents may be changed for the ethical purpose, the pseudo names will be used.

1.6 Organization of the study

This dissertation is divided into seven chapters according to the nature of study. Its began with the introduction and ends with the summary, finding and conclusion. First chapter deals with introduction of the study along with the statement of problems, research objective etc . Chapter second deals with literature review. Chapter third deals with methodology. Chapter four deals with demographic situation of the respondents. Chapter five deals with marriage and divorce. Chapter six deal family structure, socio-economic effect, legal provision and judge's view on divorce. Chapter seven deals summary findings, and conclusions.

Chapter - Two

LITERATURE REVIEW

Conceptual Overview

Divorce in Social and Cultural Context

Divorce is the dissolution of marital relations; in this process marriage is completely broken down either in social or legal context. The Black Dictionary (1994) of law has defined divorce as "the legal separation of husband and wife affected by the judgment of decree of a court and either totally dissolving the married relations or suspending its effect so far as concern the combination of the practices. Divorcees are free to remarry after divorce whereas separation may not allow it. Divorce is nothing and in common senses it is taken easily somewhere in which a couple ends their marital relations and starts to remarry, but it may create some vital problems in the family, like adjusting to new life(Martin A Elizabeth, 1994).

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Similarly, the situation of children after the divorce of their parents would face troubles, disturbances and challenges. They would be mentally tortured, problem of rearing and caring of the children may arise due to the absent of their parents, even as the divorcee may be

mentally disturbed. Remarriage of the divorced female is very difficult due to social and cultural practices. However, there are different cases of divorce seen in each and every society either in developed or in underdeveloped, secular or non-secular and in different caste and ethnic groups. But this is true that the ratio of divorce found in modern society is higher than previous one. Secular societies are more tolerant and more open for a divorce woman. "The younger generation is increasingly ignorant of the ritualistic basis of their religion (Metha 1975). Due to the social and cultural complexities, mobility for job, impact of secularism, global impact of capitalism, emerging legal grounds, industrialization and urbanization, changing attitudes on traditional norms and value system is causing disintegration of marital relations. Therefore developed and modern societies have more fertile grounds for divorce.

Beside legal procedures and practices on divorce, different customary practices on divorce can be found in different caste and ethnic groups in Nepal. It assumes that invisible divorced conditions are found in the Nepalese society, which is not legally recognized and practised in the open ground. There are four procedures of customary divorces, which are as follows: (Thapalia 1995:29:30)

a) **Divorce obtained by some formal action:** *Married couples that are going to be divorced, have to go through some formal actions of divorce by custom in front of their community's assembly or kinsmen assembly, for example –tearing of a 'pan' leaf by both the parties indicates the end of a marriage.*

b) **Divorce obtained by writing:** *Divorce which is obtained by writing on the 'Divorce Form' is called 'Dohoro Likhat Gari Chhornu' or 'Chhuttanama' or 'Ichhapatra' in local language; all meaning divorce.*

c) **Divorce obtained by oral pronouncement:** *This kind of divorce is prevalent among Musalman communities, which are called (i) Talaque-I-Rajai (ii) Talaque-I-bine (ii) Taakaque-I-Mugallja*

d) **Divorce obtained by "poila" or "Jari" or "Chuman" or "Sagai" form:** *When a married woman elopes with someone other than her husband, her first marriage automatically breaks down (Thaplia 1995:29-30). Different customary divorce practices and patterns among different caste and ethnic groups in Nepal, which are legally not seen in the public ground, can be another crucial research area for sociologists.*

Legal System for Divorce

In the Hindu Society, marriage in the Vedic period (1400-1000 BC) was regarded as a religious sacrament and was indissoluble by human action but Narada and Parasara, the two Smirti writers had laid down that marriage code be dissolved if the husband was impotent. There were five grounds of social sanction where in the wife was allowed to remarry. A woman could take a second husband if the first was missing or dead or had become an ascetic or impotent or was regarded from the ease (Altekar 1980) As Kautilya, an ancient Philosopher/economist, has viewed if the husband and wife hated each other, divorce was to be obtained on the ground of mutual enmity. "The Buddhist literature indicates that divorce was rather unusual in the culture section of the society, women points out her husband that thought she did not love him, she refrained from marrying again because it was not the custom in the family for a wedding wife to take new husband" (Altekar 1980). During the medieval period (879-1768) remarriage and divorce for women was not allowed in the higher caste. Beside Hindus, marriage is the sacred social institution among the Christians, whether Catholic or Protestant. According to the Holy Bible the first marriage of human society was performed at the initiative by himself (Pothan, 1986). However, divorce has been permitted under the special legal provision for Christian. After 1857, the high court of London and after 1912, certain provincial court allowed to grant divorce with adultery as the only ground (Pothan 1986). Similarly, the dissolution of Muslim marriage Act VIII of 1939 has been permitted to divorce on special ground. There are some countries even at present where divorce is not permitted by law, e.g. Argentina, Brazil, Chile, Colombia, Eire, Paraguay, Philippines, and Republican Spain (Rheintin 1972).

In this context, legal provision for divorce in Nepal was clearly declared for both husband and wife by the New Legal Code, 2020 B. S. In the first written legal code of Nepal (Muliki Ain 1910 B.S.) has permitted a man to leave his wife by the method of *sinko-vachichhuttninu* (to break a small thin stick of bamboo by husband), it indicates legal recognition of divorce. Several provisions are made under two separate headings;

1) *Parpachuke Garnyako* (on Divorce) and 2) *Lognya Swasniko Mahal* (on the Section of Husband and Wife), this legal code has introduced a remarkable change on the women and by the right of divorce and separation. Similarly the section on Husband and Wife in the *Naya Muliki Ain* (New Legal Code, 2020 B.S.) which became effective after one hundred and ten years of first legal code of Nepal. The New Legal Code has provide different provisions for divorce on following circumstances:

1. The wife or husband must have resided at separate location for a period of at least three years.
2. Either the wife or husband must have engaged in a conspiracy against the life of the other or have committed a crime of serious physical assault against them, causing grave injuries.
3. The wife is found to have engaged in extra-marital sexual affairs or to have eloped
4. The wife has made a confession in a competent court that she has had sexual relations with somebody besides her husband (*Muluki Ain*, 12th amendment 2063).

Adjustment to Divorce:- Numerous theoretical perspectives have been used to explain how adults adjust to divorce including feminist theories, social exchange theory, family system theory, social learning theory, and socio-biological theories. However, many researchers apply family stress theory offer two general models of adult adjustment. The crisis model suggest that divorce possess a crisis for divorcing adults that result in temporary declines in well-being but from which most individuals ultimately recover. The chronic strain model depict divorce as setting a number of other stressful events in to motion(e.g, moving to a new neighbourhood, on-going conflict between the former spouses, economic hardship) that send divorced individuals into a downward spiral from which they never fully recover. Research supports both models to some degree. In a review of research from 1990s regarding the consequences of divorce, Paul Amato(2000) found that the crisis model best described the post-divorce experiences of some individuals, and the chronic strain model best described the experiences of others. He concluded that both models contained some truth, and that the determination of which model more accurately depicted post-divorce adjustment largely which depended upon characteristics of the individuals studied (eg, education, age ,self-esteem), as well as the context in which the divorce occurred(e.g , social support networks, child custody status)

Empirical overview

Divorce affects the couple economically, mentally, emotionally and physically. Divorce also influences the current and future relationships of the couple. Despite the predominant belief that only negative outcomes exist (deficit perspective), divorce also benefits some individual. Best viewed as a process rather than a discrete event, divorce influences individuals before divorce occurs, immediately following the divorce and years later.

Economic outcomes: Because divorce divides resources that originally went to one household, an immediate decline in the standard of living for both spouses results. It also is important to understand individual's perceptions of the degree of economic hardship, as these perceptions affect adjustment more than objective measures of their economic situation. For example Paul Amato(2000) explained that an objective decline in standard of living may be viewed positively, if the more limited income also is accompanied by the gain in control over the income.

Mental and emotional outcomes:Studies demonstrate that divorced individuals exhibit higher level of depression and anxiety than individuals who are married and those divorced also tend to have poorer self-concepts and exhibit more symptoms of psychological distress (compared with those who are married). Those with a history of two or more divorces report significantly more depression than either those with one or those who are not divorced (Kurdek 1991) suggesting the cumulative nature of stress from divorce. Research findings are similar in other countries; as Amato (1994) found that two-third of divorced women in India suffer severe emotional problems. Further Sheila Cotton (1999) noted that the common practice of categorizing divorced and widowed individuals into a single group underestimates the actual depression levels of divorced individuals, because widows often exhibit lower levels of depression and psychological distress consistent with the crisis model of divorce adjustment, depressive symptoms appear to peak shortly after the divorce and then gradually decline for most.

Physical outcomes:Divorced individuals also have more health problems and higher mortality rates than married or other non-divorced persons. Divorced adults exhibit more risk-taking behaviours (eg. Elevated rates of drugs and alcohol use/abuse). Particularly among those recently divorced, there is an increased risk of illness, likely due to poorer immune system functioning from the stress associated with divorce. (Kitoon and Morgan 1990)

Positive outcome:Most studies have looked for, and found primarily negative outcomes from divorce. The few studies that have investigated the potential benefits of divorce show that, particularly for women, divorce can be a positive experience(Amato 2000). If the marriage is highly conflict, the marriage can relieve stress in all family members. An individual's sense

of having successfully survived divorce is associated with increased self-confidence and efficiency, particularly for women.

‘A child’s reaction to parental divorce involves a process of adjusting to change rather than a single, simple reaction’ (Bigner, 2005). This should be noted because not every divorce cases are the same; just a every parent is not the same nor is every child. However, the effects can be seen as a constant among children of divorced parents,” the effect of parental divorce on the children may be both short or long term and positive or detrimental”. For example, short term effects include behaviour difficulties at home and long term effects may not appear until adolescence or adulthood when individuals become involved in intimate relationship and experience difficulties in establishing them(Binger, 2005)

Divorce were mostly seen in younger, moderately poor and literate or less educated. Divorce rate appear to decline with increasing marital duration. The trend indicates that women education, grater family employment opportunities and changing sex role of women will increase marital disruption” (Chaudhary, 1988)

No social institution can make a final adjustment of the society, if it wishes to survive. As long as there in social change, as long there will be need for adjustment and readjustment. It is a social change is one phase of culture disrupts the balance that has been maintained and required that a near balance be workout” (Baber, 1997)

Association between divorce and age at starting marital life, child birth, family structure etc may hold true with control for such variables as husband and wife’s education, occupation and income, suggestion that factors directly associated with divorce may be a fruitful area for sociological research (Bumpass and Jamesa , 1970,)

Theoretical Overview

Sociological Theories

A sociological theory is a set of ideas that provides an explanation for human society. Theories are selective in terms of their priorities and perspectives and the data they define as significant. As a result they provide a particular and partial view of reality. Sociological theories can be grouped together according to a variety of criteria. The most important of these is the distinction between Structural and Social action theories (O.Kahn.Freund,1986).

Structural or macro perspectives analyses the way society as a whole fits together. Structural theory sees society as a system of relationships that creates the structure of the society in which we live. It is this structure that determines our lives and characters. Structured sets of social relationships are the 'reality' that lie below the appearance of 'the free individual' of western individualism. Structuralism focuses on the particular set of 'structural laws' that apply in any one society (O.Kahn.Freund,1986).

Despite their differences, both functionalism and Marxism use a model of how society as a whole works. Many functionalists base their model of society around the assumption of basic needs and go to explain how different parts of society help to meet those needs. Marxists, on the other hand, see society as resting upon an economic base or infrastructure, with a superstructure above it. They see society as divided into social classes which have the potential to be in conflict with each other (O.Kahn.Freund,1986).

However, the main differences between functionalist and Marxist perspectives then, is the way they characterize the social structure. Functionalists stress the extent to which the different elements of the social structure fit together harmoniously. Marxists stress the lack of fit between the different parts, particularly social classes, and so emphasize the potential for social conflict (O.Kahn.Freund,1986).

Not all sociological perspectives base their analysis upon an examination of the structure of society as a whole. Rather than seeing human behavior as being largely determined by society, they see society as being the product of human activity. They stress the meaningfulness of human behavior, denying that it is primarily determined by the structure of society. These approaches are known as social action theory, interpretive sociology or micro sociology (O.Kahn.Freund,1986).

Marxism encompasses Marxian economic theory, a sociological theory and a revolutionary view of social change that has greatly influenced socialist political movements worldwide (O.Kahn.Freund,1986).

Divorce, from the above different sociological theory and functional perspective, behaviour is largely a response to share norms and values. Social relation, social structure, human and social behaviour etc therefore, shows that a change in the rate of marital breakdown is to same degree areflection of changing norms and values in general, and in particular, those

associated with marriage and divorce (Chaudhary 1988: 85). As functional perspective, divorce, happening in the society, is a result of adoptive process of spouses who belongs to different socio-economic background and inconsistency of their expectations. Kapadia explains that mental discomfort in joint family is sometimes inevitable as a result of its size, economic strains and consequent bickering, expectations of the younger members and their needs and restrictive, conservative norms laid down by the elders (Kapidas 1966:324). Divorce is not only a social problem, it happens and more influenced in particular socio-economic ground in which existed restrictive social norms and values, which may not be well performed, and raise high expectation between the couples when they married.

Where as Marxian view, different economic background with domination and changing nature of production system, which lead to divorce, may differ from society to society. Marxist Nicky Hart, argue that the increasing divorce rate can be seen as a product of conflict between the changing economic system and its social and ideological superstructures (notably the family)(Choudhary 1988:87). This present research shows when a family members has to go far from house to earn money, then he create gap between his spouses. At that time they are expected to satisfy the biological and economic needs but are unable to fulfil it. The situation leads to contradictions in different level and then occurs divorce. Similarly, the changing nature of occupations, opportunities, earning and investing pattern between the marital partners and their family members may generate role conflict in terms of their status and role.

Hindu Marriage and Divorce Act 1955, this act describes the process and provision of marriage and divorce, and its consequence. This act is very important documents to fulfilment this dissertation. (Gupta S.V,)

The Muluki Ain , 2020, Bihariko Mahal:- this ain is one of prominent act in Nepal which maintain to regulate the society and control the behaviour of the people. In this Muluki Ain there is one separate topic regarding marriage which has detail provision regarding marriage, divorce and its consequence.(Muluki Ain, 2020)

Divorce Under Muslim Law: Under the Muslim Law a marriage is dissolved either by the death of the husband or wife, or by divorce. After the death of a wife, the husband may remarry immediately. But the widow cannot remarry before a certain specified period called Iddat expires. The Dissolution of Muslim Marriage Act, 1939, is very important document to

fulfilment to the purpose of this study and it will show the provision, Muslim community tradition, and condition and perception etc regarding divorce.

All the points mentioned above can be regarded as an important sources regarding divorce, which provide details knowledge, information, data, theoretical view, its consequence etc regarding divorce.

Drastic changes of tradition, relationship between husband and wife due to development of education, changes in social norms and values, development of capitalistic thinking, industrialization, modernization, urbanization, westernization etc. development of women education seems to the right of divorce.

Economic causes and sexual causes are the common reasons of divorce in every caste system (Acharya, 2058). However, besides these causes , several other social , cultural factor may also be responsible for the occurrence of divorce. This study mainly focus on the case economic years 2071-2072, which is decided by KaskiDistrict court. This study has try to analysisthe data but fail to draw attention the problems arises after marriage

“Among other factors, social networking too is blamed for having largely contributed to under-age hasty marriages without proper understanding between the partners, which ultimately ends in divorce,” argued Anthropologist and Prithvi Narayan Multiple Campus Assistant Professor AmritBhandari.

According to Court Deputy-secretaryDinbandhuBaral, most of the couples seeking divorce are underage, the result of inter-caste marriages, rushed marriages, and the couple in which the husbands goes abroad for employment by leaving their wife at home for years. Severalresearchers have tried to study and analyse divorce in their own away. However this study also try to find out the causes of divorce and its impact on society , family as well as the related parties based on the Kaski District Court.(The Himalyan Times News, Rate of divorce going up in Kaski district, At: 2014-07-26)

Theories of Deviance

Deviance is any behaviour that violates social norms, and is usually of sufficient severity to warrant disapproval from the majority of society. Deviance can be criminal or non-criminal. The sociological discipline that deals with crime (behaviour that violates laws)

is criminology (also known as criminal justice). People who engage in deviant behaviour are referred to as deviants (C.Cliffs,1998).

A number of theories related to deviance and criminology have emerged within the past 50 years or so. Four of the most well-known follow:-

Differential-associationtheory

Edwin Sutherland coined the phrase **differential association** to address the issue of how people *learn* deviance. According to this theory, the environment plays a major role in deciding which norms people learn to violate. Specifically, people within a particular *reference group* provide norms of conformity and deviance, and thus heavily influence the way other people look at the world, including how they react. People also learn their norms from various socializing agents, parents, teachers, ministers, family, friends, co-workers, and the media. In short, people learn criminal behavior, like other behaviors, from their interactions with others, especially in intimate groups.(E.Sutherland,1964.)

Anomie Theory

In the 1960s, **Robert Merton** used the term to describe the differences between socially accepted goals and the availability of means to achieve those goals. Merton stressed, for instance, that attaining wealth is a major goal of Americans, but not all Americans possess the means to do this, especially members of minority and disadvantaged groups. Those who find the “road to riches” closed to them experience anomie, because an obstacle has thwarted their pursuit of a socially approved goal. When this happens, these individuals may employ deviant behaviours to attain their goals, retaliate against society, or merely “make a point.”The primary contribution of anomie theory is its ability to explain many forms of deviance. The theory is also sociological in its emphasis on the role of social forces in creating deviance (Robert Merton, 1960.)

Control theory

According to **Walter Reckless's control theory**, both inner and outer controls work against deviant tendencies. People may want at least some of the time to act in deviant ways, but most do not. They have various restraints: *internal controls*, such as conscience, values,

integrity, morality, and the desire to be a “good person”; and *outer controls*, such as police, family, friends, and religious authorities. **Travis Hirschi** noted that these inner and outer restraints form a person's **self-control**, which prevents acting against social norms. The key to developing self-control is proper socialization, especially early in childhood. Children who lack this self-control, then, may grow up to commit crimes and other deviant behaviours (W. Reckless's 1968).

Whereas theory also suggests that people society labels as “criminals” are probably members of subordinate groups, critics argue that this oversimplifies the situation. As examples, they cite wealthy and powerful businesspeople, politicians, and others who commit crimes. Critics also argue that conflict theory does little to explain the causes of deviance. Proponents counter, however, by asserting that the theory does not attempt to delve into etiologies. Instead, the theory does what it claims to do: It discusses the relationships between socialization, social controls, and behavior.(W.Reckless's 1968).

Labeling theory

A type of symbolic interaction, **labeling theory** concerns the meanings people derive from one another's labels, symbols, actions, and reactions. This theory holds that behaviours are deviant only when society labels them as deviant. As such, conforming members of society, who interpret certain behaviours as deviant and then attach this label to individuals, determine the distinction between deviance and non-deviance. Labelling theory questions who applies what label to whom, why they do this, and what happens as a result of this labelling. (Frank Tannenbaum and Howard S.Becker,1971).

Powerful individuals within society politicians, judges, police officers, medical doctors, and so forth typically impose the most significant labels. Labeled persons may include drug addicts, alcoholics, criminals, delinquents, prostitutes, sex offenders, retarded people, and psychiatric patients, to mention a few. The consequences of being labeled as deviant can be far-reaching. Social research indicates that those who have negative labels usually have lower self-images, are more likely to reject themselves, and may even act more deviantly as a result of the label. Unfortunately, people who accept the *labeling of others* be it correct or incorrect have a difficult time changing their opinions of the labeled person, even in light of evidence to the contrary (Frank Tannenbaum and Howard S.Becker,1971).

The Effects of Deviance on Society

As we have noted, deviance is generally perceived to be disruptive in society. It can weaken established social norms, and create division and disorder. But it also has other functions which are not necessarily harmful and may actually be beneficial to society, (K.T. Erickson's 1998).

- **It is one way that social change occurs.** If a deviant act becomes more accepted it soon may be considered legitimate. For example, many companies used to have dress codes for their workers(Managers were required to dress-up, suits, etc. In the late 1980s and early 1990s more and more managers were showing up to work informally dressed. Soon, companies began to implement "casual days." Today, many American corporations have done away with the business suit altogether). Most fine restaurants have also relaxed dress codes today. (K.T. Erickson's 1998).
- **Deviance helps people adjust to change.** It provides examples of alternate lifestyles and eases the shock of social change because "deviants" introduce these changes gradually. Over time individuals get used to seen different styles of dress, behavior, etc.(K.T. Erickson's 1998).
- **Deviance has a way of promoting social solidarity by distinguishing "us" from "them."** In this way it increases social cohesion in the larger society by establishing social boundaries defining what is acceptable behavior.(K.T. Erickson's 1998).

2.1 Theoretical and Conceptual framework for the study:-

To fulfil the any work or to complete any project, there should be clear framework. Without framework we cannot achieve our goal within time. Framework is a kind of action plan. Its show the clear way to complete the action. That's why in thesis writing theoretical and conceptual from work need to complete it. Framework is helpful to analyse the situation of divorced couple and related people. It has further help to analyse the research work from thefunctional and conflict framework which the research will be adopted. It has also help to understand social, economic and cultural status of the divorced couples.

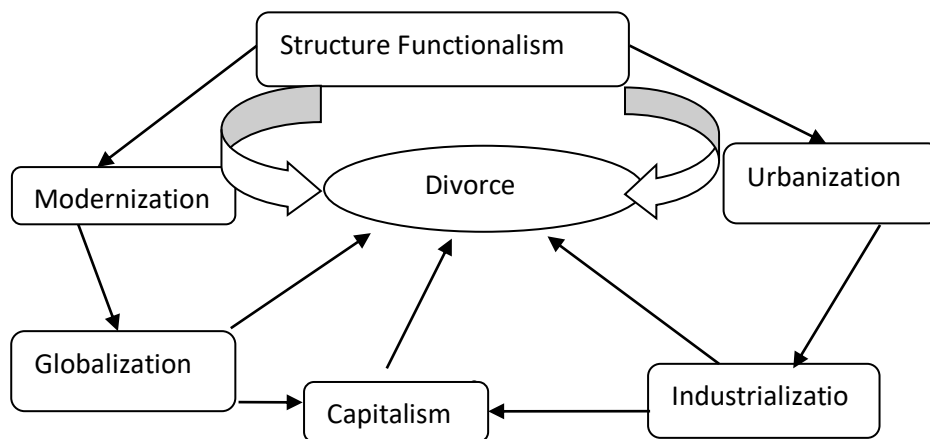
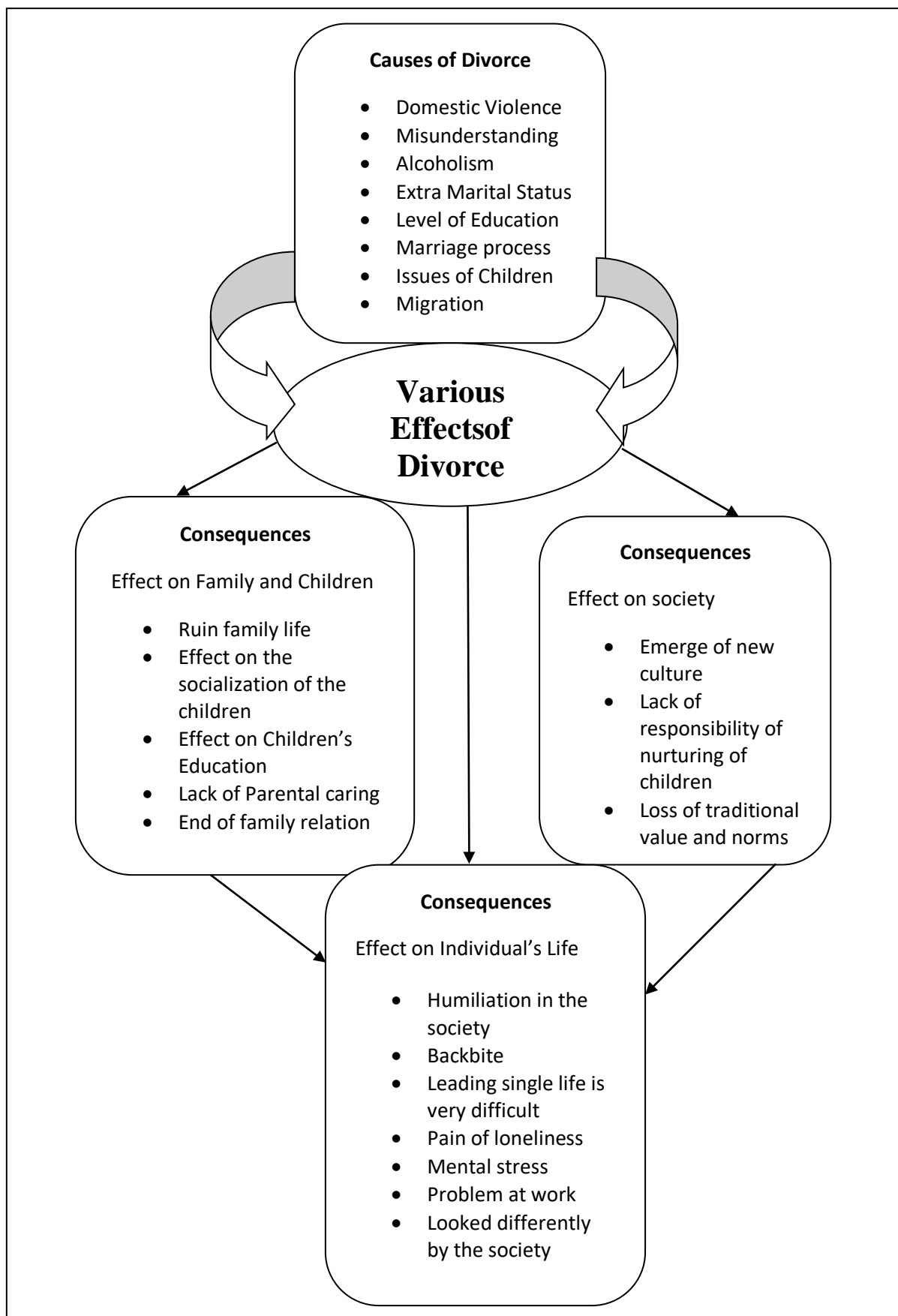


Fig- Theories link with divorce

According to sociological theory of Structure Functionalism which deal about how the social structure function in society and how it regulate the social norms and behaviour of the people in society. Modernization theory, Globalization theory, capitalism, industrialization, urbanization these all theory deal about society and how it's impact on social norm, social structure, social behaviour as well as the behaviour of the people. How social change occurs and how the people adopt them self in changing perspective. Social change is universal phenomena, and social norms, tradition, culture, behaviour of the people also changing phenomena. Now a days many changes has occurs in social structure and social behaviour. Due to the education awareness, empowerment, globalization, urbanization, foreign employment etc the social structure of Patriarchal family has been breaking down rapidly. And women become independent and self-decision for their life. These above theoryalso impact on female behaviour as well as in divorce also.



In above maintained theoretical and conceptual formwork will provide a clear theoretical and Structural functionalism, modernization, urbanization, capitalism and urbanization theory provide theoretical formwork to link this theory that how these theory link with divorce. In this away conceptual framework, it has assumed that there are different factor that determine the process of marriage and adjustment after the marriage. Beside these possible causes been traced out as the main factor of marriage. Marriage that ends in divorce typically begins a process of unraveling, estrangement, or emotional separation year before the actual legal divorce are obtained. During the course of the marriage, one or both of the marital partners being to feel alienated from the other. Conflict with each other and will the children's intensity become more frequent and often go unresolved. Feelings of bitterness, helpless, and anger escalate as the spouses weigh the costs and benefits of continuing the marriage versus separating. Influential study of marital breakdown describes a distressing process characterized by emotional distance, dissatisfaction and frequent thoughts and discussion about whether and how to separate. Many unhappy couples explore marital happiness fluctuating upward and downward from day to day and year to year the marital relationship and marital roles are renegotiated. Marriage process, education level, number of children, age at marriage, occupation etc. are the causes of divorce or not and do they upon is the social status, cultural status and economic status. What kind of status are more effected and why ? To identify the reality about divorce; its causes and effects will be the guidelines of my study.

Chapter- Three

Methodology

The method adopted in the pursuit of this study very insignificant in order to make it scientific, unbiased and logical. In sociological research that is related to social relation and human behavior, so this is mainly based upon the condition of problems and the situation of related aspects.

3.1 Rational for the selection of study site:-

This study is basically based on one of the tourism places of the world Kaski district Pokhara. Kaski district is one of the most important district in Nepal. The natural beauty and its geographical structure attract tourist from all over the world. Due to the tourism, education awareness, education level, employment, migration in western country etc impact on the life style of the people of Kaski district. The increasing rate of divorce cases in Kaski district is become a burning issues in present contest. It is one of the highest divorced districts in Nepal. That's why I choose this district for my study. The data collection of related field will be taken form Kaski District Court, Pokhara.

Therefore, this study is conducted to find out the unidentified actors responsible of the divorce to take place, its impacts and consequence to the family as well as the entire society. This study will also tries to find out the economic, social culture, educational status of the divorced couples and its current trend.

3.2 Universe and Sampling Method:-

This study is based on Pokhara District. In this study at first, I collected data form Kaski District court. The total numbers of cases were recorded 624 in fiscal year 2071/072 and 509 number of cases that is 81.57% of cases had decided in that fiscal year. For this study purpose, I listed all the cases in increasing order and only select the even number from the list as a sample i.e I have taken only 128 cases of the universe as sampling. I have also visited the lawyers, judges to find out reality regarding divorce.

3.3 Nature and Sources of data:-

For the purpose of this study, primary and secondary data is collected and analysed. *Secondary data* is collected from various books, articles, newspaper, websites, reports etc. As set objective regarding to situation analysis is supported by *primary data*, which is divorce

case decided by Kaski District Court. For this purpose, I have visited some judges of Kaski District to identify the cause of divorce and to point out. The relevant legislation has also been studied in the course of this study.

a) Primary Source:- The primary source is content analysis of the selected cases as a sample from Kaski District Court.

b) Secondary Source:- Many books, articles, magazines, websites, related law and regulations etc. will be secondary sources for this study.

3.4 Techniques of data collection:- The primary data is collected from content analysis of the sample cases.

In this way, the secondary data will be collected from secondary sources. Many books, articles, magazines, websites, related law and regulations etc.

3.5 Data analysis and presentation:- For the analysis and presentation of data, the collected data is analysed. The quantitative data is presented in tables, charts and qualitative data is presented in statements.

Chapter- Four

DEMOGRAPHIC SITUATION OF THE RESPONDENTS

4.1 Culture Setting of the Study:-

The total population of Kaski District is 4,92,098, in which the number of male is 2,36,385 and female is 2,55,713 according Static Department of Nepal. There is 48% of male and 52% of female from total population. The population including people from various caste i.e, Brahimins, Chhetries, Newars, Thakuries, Grungs, Magars, Tamanngs, Damais, Kamis, Sarkis etc. Similarly, as per the religions point of view, the people following different religions, such as Hinduism, Buddhims, Islam, and Christianity etc live in this district, these people belonging to different caste and religions and their own distinct nature. Seeing this fact we can state that Kaski District is a mosaic of various religions and cultures that is maintained in the below table.

Table: 4.1 Scenarios of Population of Kaski district by Religion wise

S.N	Religion	Number	Percentage	S..N	Religion	Number	Percentage
1.	Hindu	4,05,141	82%	7.	Bone	2906	0.59%
2.	Buddhist	66,266	13%	8.	Jain	17	0.0034%
3.	Islam	4,436	0.90%	9.	Bahai	27	0.0054%
4.	Kirat	453	0.092%	10.	Shikh	11	0.0011%
5.	Kristian	1,0538	2.14%	11	Others	1650	0.33%
6.	Prakarti	646	0.13%				

Source: CBS 2011, Population Monograph of Nepal, Department of Statics.

4.2 Distribution of Couples by Caste:-Nepal is multi-ethnic, multilingual, multi-religious, multicultural characteristics and in geographical diversities, and having common aspirations

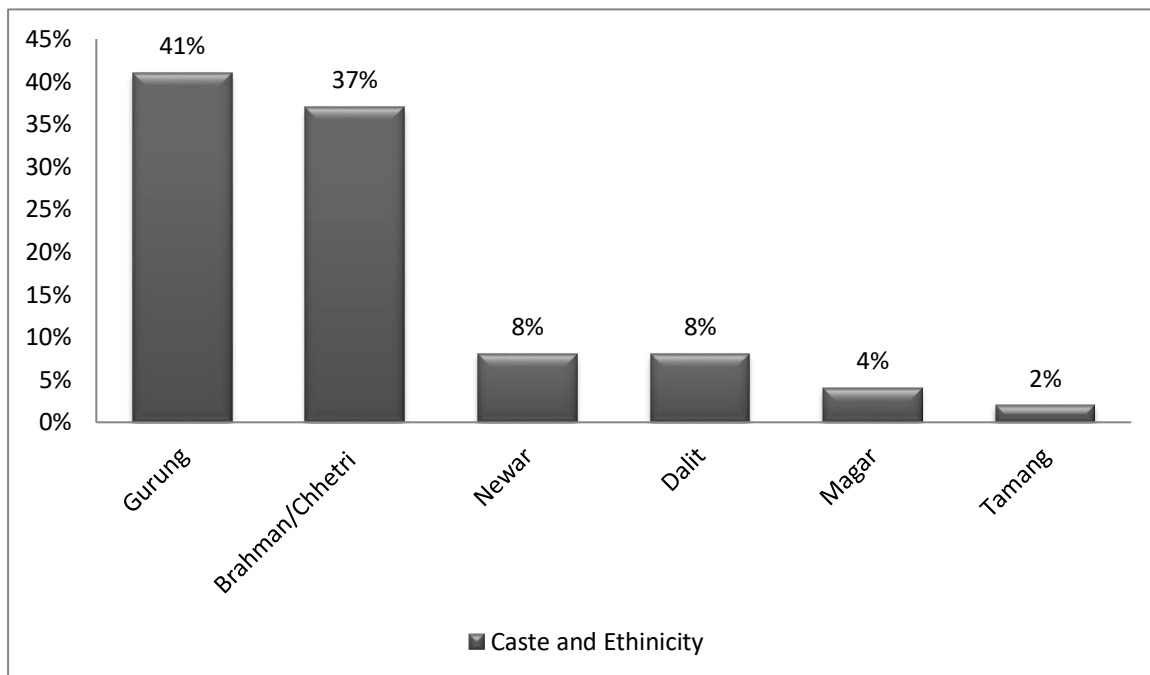
and being united by a bond of allegiance to national independence. Nepal is an independent, indivisible, sovereign, secular, inclusive, democratic, socialism-oriented, federal democratic republican state country(Article 4 of The Constitution of Nepal, 2072). It is situated in edge of beautiful nature. Kaski District (Pokhara) renowned for its natural beauty, so it is most important for tourist also. Different people come from different place of it'sheadquarter Pokhara for different purpose like study, health, business, employment, to make study their children etc. It is one of the major urban areas, in which different people comes from different background, culture, caste etc so as the level of divorce also occurred differs according to the caste wise. The level of divorce is high in some group and low in others. As by the study of the cases the level of divorce in different group/caste are as follow.

Table 4.2 Caste wise Distribution of the Couples

Caste/Ethnicity	Frequent	Percent
Brahaman/Chhetri	48	37%
Gnurug	53	41%
Newar	10	8%
Dalits	10	8%
Magar	5	4%
Tamang	2	2%
Total	128	100%

Source: Field Survey

This above table shows that the level of divorced cases in various caste group. In Kaski district court, divorce occurs 41 % in Grungs, 37% inBrahaman/Chhetri, 8 % in Newar, 8 % inDalits, 2 % in Tamang, 4 % in Magar caste group respectively by the record of Kaski district Court.Gurung population of Kaski district is less than Brahmin/Chhetri but the level of divorce is 4% high than Brahmin/Chhetri. Similarly, among Dalit(Damai, Sarki, Kamt etc.) the rate of divorce is 8% and other caste group (Newar, Magar, Tamang) the rate of divorce is 14%. The case studyshow that the level of divorce in Kaski district is higher in Gurungs(41%) and lower in other(14%) in comparison of whole population.



Source: Field Survey

In Gurung society, women's role is considered to be an important one. Women play vital role in decision making and in other household activities. She is the leading one. They easily accept remarriage of male and female than in other caste group. Main causes of increasing the rate of divorce in Gurung community due to economic condition, the flow of out migration in search of better job and employment at foreign land. Similarly, divorce rate among lower caste group (Dalits) is also high (due to population rate). There is no boundaries for them to remarriage and divorce due to their low economic status.

In contrast, divorce rate in Brahmin/Chhetri is comparatively lower than Gurung and Dalits. This shows that social norms and values play vital role in the occurrence of divorce. However, due to increase in education level, awareness of their right most of the caste have become very liberal towards certain norms and values. In other caste groups such as Newar, Tamangs, Magars both population rate is very low in Kaski District.

4.3 Age Composition of the Couples:-

Age structure refers to the breakdown of the population into various age groups; based on the case study of fiscal year 2071/072. The age structure of the female (plaintiff) and male (defender) shows a heavy concentration in above 25 years. Age is believed to be the most important variable to determine divorce. And age factor also helps in gaining matured

response of the respondents. To gain the depth-knowledge and information about the issues, researcher of the study had collected the following facts about the age wise composition of the respondents.

Table 4.3 Age Structure of the Couples

Age Group	Frequent(Female)	Percent	Frequent (Male)	Percent
Below 20 years	27	21%	17	14%
20-25 years	28	23%	28	22%
25 years and above	73	56%	83	64%
Total	128	100%	128	100%

Source: Field Survey

Above table 4.2 show clearly demonstrates the fact that majority of the respondents was found the age group 25 years and above, which include female 56% (73)and male 64% (83) percent, those who are the couples, include the age group 20-25 years, are female 23% (28) and male 22% (28) percent of plaintiff and defender found in case study. Likewise , the least group of age was below 20 years , which is which include female 21% (27)and male 14% (17) percent, those who was the couples. By analysis of the above data most of the divorced cases found around and above 25 years old. It is shows that most of the couple get married in immature age due to various causes, when they become mature and cannot arrange their conjugal life, then they comes in conclusion of divorce. So, age factor also play vital role in divorce.

4.4 Religion and Situation of Divorce:-Nepal is multi-ethnic, multilingual, multi-religious, multicultural characteristics and in geographical diversities, and having common aspirations and being united by a bond of allegiance to national independence. Nepal is an independent, indivisible, sovereign, secular, inclusive, democratic, socialism-oriented, federal democratic republican state (Article 4 of The Constitution of Nepal, 2072), still majority of the people in Nepal is reported being the follower of Hinduism that is 82%, religion is very important in the Hindu oriental state because the term is related with Hindu context. Hinduism is one of the prime religion of our country. Most of the people are Hindu by religion that is 82%. More than 60 ethnic groups are the in-habitant of Kaski district (census 2068) So,Kaski district is

cultural mosaic of various castes among with their respective culture, religion, social norms and values.

Table 4.4 Distribution of the Couples by Religion

Religion	Frequency	Percent
Hindu	67	52%
Buddhist	71	48%
Total	128	100%

Source: Field Survey

Hindu religion does not accept divorce socially but according to The Constitution of Nepal, 2072/ and Muluki-Ain 1990, declared each and every people has equal legal right. According to case study, 52 % people are Hindu and 48% are Buddhsit out of 100%. 48 % of Gurung community follow Buddhism where as 52 % of other caste groups (Brahmins/Chhetries ,Dalits, others) believe in Hinduism . Divorce rate in Hindu religions is less than in Buddhist religions. In Hinduism,where divorce is not socially accepted easily. Main reasons behind the increase in this rate are due to change in the prospective of people towards divorce, increase in education level, women empowerment etc.

In Hindu society, marriage is taken as a holy union between a man and a woman for the performance of religious duties. According to religious philosophy, it is in dissoluble and it is for all the birth to come,“Marriage is an immemorial institution which, in some for exists everywhere. Its main purpose always was to unite and to continue the families of bride and groom and to further their economic and social position”(Cosser,1974).

4.5 Distribution of Divorce in Kaski District:-In Kaski District court, there were many divorce cases field.People are divorced through legal process according to the record of Kaski District Court. Many/ Some people field the case of divorce at first but it was not continued in the court till the last. More people divorce before the final decision of court. In this condition, private layers are more responsible for making agreements with them.

Minimum cases were decided by the court and maximum cases were finalized without any process of decision by the court that is most of maximum number of cases finalized through compromise or mediation by both party.“ Many husbands and wives are coming together in court for divorce and go together after divorce(as said by lawyer) . Court is only for the

legalcentre of paper divorce, which is more practiced in KiskiDistrict. It may be the cause of foreign employment.

In fiscal year 2071/072 , 624 divorce cases were registered and 509 cases of divorce were finalized by judge and 150 cases were remain due to not uncompleted file or procedure/ evidence in Kaski district court.

Chapter - Five

Marriage and Divorce

5.1 Marriage Process and Situation of Divorce

Divorce process is not possible without marriage. There is much relationship build up by the process of marriage but that kind of relationship is not stable because many causes help to destroy it. At first marriage, process is more important for the establishment of newly married life. This table shows the type of marriage and its situation upon divorce.

Table 5.1 Type of Marriage and Divorce

S.No.	Type of Marriage	Frequency	Percent	Type of Marriage	Frequency	Percent
1,	Arrange Marriage	82	64%	Inter-Caste Marriage	97	76%
2.	Love Marriage	46	36%	Inter-Caste Marriage	31	24%
	Total	128	100%	Total	128	100%

Source: Field Survey

This table shows that 64 % of arrange married couples and 36% of love married couples are divorced. On the other hand 24 % of inter-caste marriage ends with divorce and 76 % of intra-caste marriage. Marriage process is more responsible for the increase of divorce rate. In arrange marriage family role is more important than love marriage and early marriage is also responsible for the divorce. Most of the persons are not able to know about their life in early age. The above data show that there is more divorce in arrange married couple than love marriage couple. Because there is many causes behind arrange marriage like family pressure, relative pressure, culture trend etc. it is also found that most of the divorce occurs in intra-caste then inter-caste because male and female get married due to many kind of pressure like family, relative and other pressure. Social, culture and economical differences between husband and wife in love marriage are also responsible factors to destroy the relationship and that kind of relationship is not sustainable.

Case I :Divorce due to misunderstanding, torture and lack of attachment

34 years old of Kamala Gurung from Pokhala and 39 years old of AmrithmanGurunj had an arrange marriage and both are well educated. Both belongGurunj community. Before marriage Kamala Gurunj had ID holder of Honkon and she got arrange marriage with AmrithmanGurunj on 2054/11/05. AmrithmanGurunj got dependent Visa for Honkon on the basis of his wife ID Card holder and both settled in Honkon. Both were working there and they had been spending their conjugal life very happily and they got one daughter and one son in Honkon.

After getting two child, conflict start in her family. AmrithmanGurunj started blames his wife to be an outgoing, disobedient, stubborn person and started inflict physical and mental tortures. Due to the lack of attachment between them, its rise conflict and eventually she come on conclusion for divorce after spending 17 years conjugal life and become separate through divorce process in Kaski district court. Kamala Gurunjalso claim to pay education fee, medical expenses, food, clothesetc for their child form their husband but both child live with her.

5.2 Mutual Agreement before Marriage Between Male and Female:- Marriage process which is not only build up the relationship between male and female but also help to build up their relationship between one family to another. It is most important thing that both male and female must fully agree and support to run their relationship in the journey of marriage. If there is no any kind of support then the relationship can be easily destroyed. This table shows/defines the rate of agreement between male and female in the process of choosing their life partner.

Table:- 5.2 :Decision Making roles of male and female before Marriage

Sex	Arrange Marriage				Total	Love Marriage				Total
	Yes		No			Yes		No		
Male	7	20.59	10	29.41	17(50%)	6	37.5	2	12.5	8(50%)
Female	2	5.88	15	44.12	17(50%)	3	18.75	5	31.25	8(50%)
Total	9	26.25	25	73.53	34(100%)	9	56.25	7	43.75	16(100%)

Source: Field Survey

In arrange marriage 20.59% of male candidates get agree for marriage but 29.41% of male do not agree. On the other hand 5.88% of female agree but 41.12% of females are not agreed. So, we can say that family pressure is more responsible in the forceful marriage for female than male. Female's voice is less effective, within their family member and relatives. Parent's pressure and relative's willingness are more important than their children's individual's life. So, that kind of force destroys their children's individual life and future. It hurts their parents also. In love marriage 37.50 % of male agree but 12.50 % of male did not agree for marriage and 18.75% of females agree but 31.25% of females do not agree for marriage. It shows that male's decision is more forceful the female's marriage. That kind of condition in love marriage defines that female is dominated by male.

More than 70% of males and females in arrange marriage and more than 30 % of males and female in love marriage have married without their personal willingness/interest. Love marriage is better than arrange marriage in the comparison of the percentage of male and female in the decision making before marriage. In both kind of marriage female is less heard than male. They were dominated by their parents, relative and future husband/future life partner without personal willingness and interest that kind of relationship will not be suitable and durable.

Case:III Lack of attachment due to distance in relationship

24 year old at Shantosh Gurung and 20 years Minica had an arrange marriage and both are well educated. Both of them belong to Gurunj community. They did not know anything about their spouse because their relative forced for their marriage. Shantosh is a lahure and most of time he stays aboard which causes distance in their relationship. Shantosh blames his wife to be an out going, disobedient and stubborn person. Lack of attachment between them gives rise to conflict and eventually separates them. Finally, she claim for divorce in Kaski district and become divorce.

5.3 Pre-Marital Information/ Consent:-Marriage is a mutual relationship between husband and wife. Pre-marital information between couple is the most for the durable and transparent relationship. Marriage is permanent bound which lasts for the lifetime so that pre-marital information between male and female who are going to get married is very important for know everything about their life partner. There should be co-operation and understanding between husband and wife. If there is not any pre-marital information about their

parents/pairs, then the married life will be uncertain because behaviour, habit, level of understanding, co-operation, believes, loyal etc are most important for the sustainable relationship. Human beings have their own dream, planning to lead their life successfully. Knowing each other properly is the best possible way for further help to lead successful married life. Pre-marital information means to know about the family background, education, way of living, unhealthy habits, behaviour etc.

Table:5.3Pre-Marital Information/ Consent

Sex	Arrange Marriage				Total	Love Marriage				Total
	Yes		No			Yes		No		
Male	3	11.76	14	38.24	17(50) %	8	31.25	0	18.75	8(50%)
Female	1	5.88	16	44.12	17(50%)	7	12.50	1	37.50	8(50%)
Total	4	17.64	30	82.36	34(100%)	15	43.75	1	56.25	16(100%)

Source: Field Survey

In arrange marriage 44.12% of females and 38.24 % of males do not have pre-marital information. Similarly, in love marriage 37.50% of females and 18.75% of males do not have pre-marital information. The data shows that the highest percentage of males and females in arrange marriage have no per-marital information and lowest percentage of males and female in arranged marriage have pre-marital information. On the other hand, 12.50% of females and 31.25% of males have pre-marital information in love marriage. Similarly, 37,50% of female and 18.75% of male have no pre-marital information in love marriage. The highest percentage of females has no pre-marital information and the lowest percentage of females has pre-marital information in love marriage.

The lowest percentage of females has pre-marital information. In both type of marriage, the highest percentage of females has no pre-marital information in both type of marriage. Therefore, female always lag behind in comparison to male. The percentage of pre-marital information in love marriage is doubled than arrange, so the percentage of sharing information is better in love marriage than in arrange marriage. If the couples are joined together in marriage without their consultation and consensus, it is likely to create difficulties later on.

From the above analysis, we can conclude that even today, a good number of arranged marriages are arranged without the wishes of the actual partners involved in arranged marriage. Resulting in marital mal-adjustments and dissolution; women's wishes and choices are more neglected as compared with those of men.

Case III: Divorce due to faith up on each other

25 year old of Rita Gurunj, having permanent resident Sayanga District and 25 years old of BhoajGurunj also from Sayanja district. Currently both are living in Pokhara for the purpose job. Rita Gurunj working as dancer in "The Sky Palace Dance and Bar Restaurant" and BhoajGurunj also working in the same place. Slowly, both come in contact each other, fall in love and get married. Before marriage Rita Gurunj did not know anything about her husband's family background. After one year of her marriage, her husband forced to leave the dance restaurant and live at home. Rita claims that her husband has not enough income to run their family and there is always a crisis of money, that's why she disobeys her husband. Rita continues her profession and later a period of time her husband also claims on her character, to be out going, disobeys and inflicts physical and mental torture. Finally, she claims for divorce in Kaski district and becomes divorced within two years of their marriage.

5.4 Education Level and Divorce:

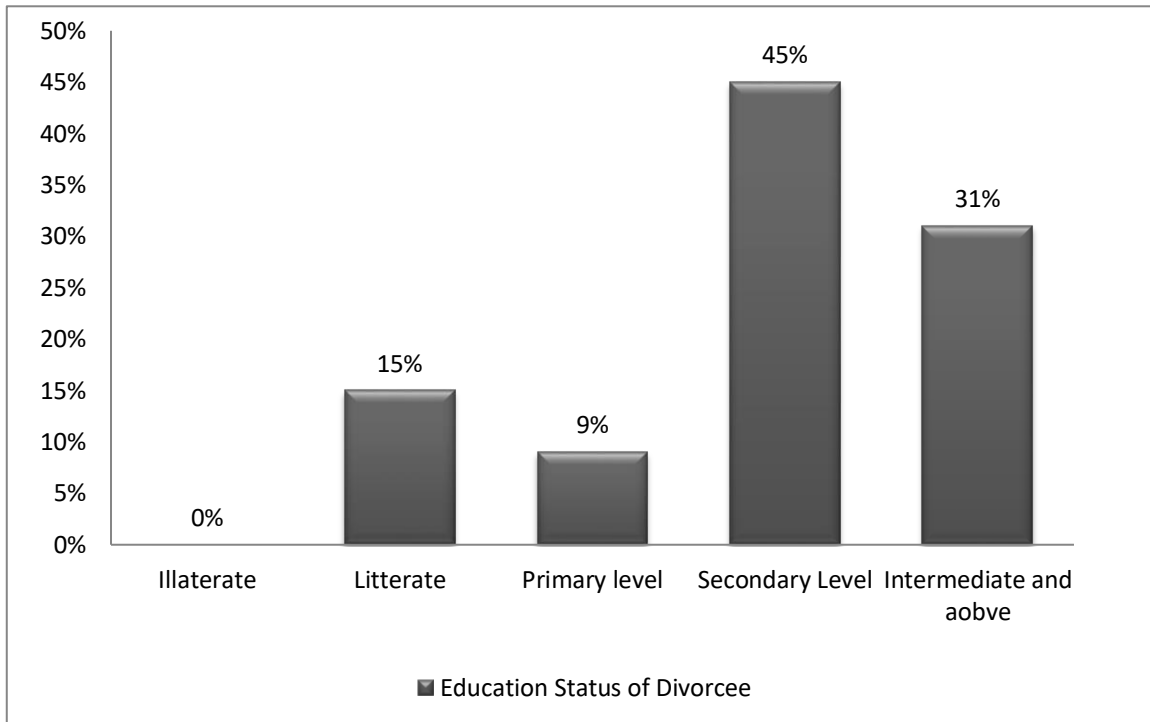
Education helps to develop family relationships, which ultimately affects the divorce rate as well. People are getting educated day by day. More people are aware about their rights which cause more divorce rate. Merrill and Elliot define "Divorce in terms of educational roles. Elliot (1961) states that "Education of the husbands and wives is important in the phenomenon of legal divorce. It is not possible to predict whether educational exercises any restraining or corrective influence with regard to divorce"

Table 5.4: Educational Level of the Couples

Educational Level	Male		Female		Total	
	Frequency	Percent	Frequency	Percent	Frequency	Percent
Illiterate	0	0	0	0	0	0
Literate	20	16	17	14	37	15
Primary Level	10	8	11	9	21	9
Secondary Level	62	48	53	42	115	45
Intermediate and above	36	28	47	35	83	31
Total	128	100%	128	100%	256/2	100%

Source: Field Survey

It is said that education is the light of knowledge. Without education we cannot understand our right, duties and responsibility. Nepal government has also declared to make literate to all the citizen of Nepal. Education is major energy for empowerment of women. It is pillar of economic prosperity of any country. Education make aware for their right and duties. In divorce, education play a vital role. In Nepalese context, education also empower the women to fight against injustice, threat, torture, undue influence against her husband. Education changed the traditional role of women where they used to complied to live by bearing torture, threat, beaten of their husband and other family members. The level of education and legal awareness increasing day by day and It's impact easily seen in conjugal life also. According to field survey education play a vital role in divorce.



Chat: 5.1 Education Level of Divorced Couple

Source: Field Survey

This table shows that everyone who literate get divorce. 42% of female who have secondary level education and 48% of male in same education level have highest divorce rate. On the other hand 35 % intermediate and above female and 8% of primary level males are in least divorced group. It shows that 45% of males and female in secondary level have the highest rate of divorce. Similarly 15% of males and females who are literate have highest rate of divorce than 31 % of males and females in intermediate and above. 9% of primary level studied males and female have least divorce rate.

Secondary levels of studied respondents get more divorced than other. So it shows that little knowledge is more dangerous. Male are able to study in higher level than female, so lack of similarities in intermediate and above education level in male and female is also one of the main causes of divorce. But some education level is more harmful for the destroy of family than other. Secondary level of male and female, 45% get divorced due to the equal education level. No one wants to live under other’s domination, so the equal education level leads to more dissatisfaction in every step. Equal level of education also causes the distraction of family life. Higher educated people are more aggressive which leads to the destruction of family life than lower educated people. So we can say that education also plays vital role to increase the rate of divorce.

5.5 Number of Children of couples :-Pothen (1986) state that “The three parts of a family are husband, wife and children. When divorce has been held, women and children are the worst suffers of divorce, though husbands too suffer. Husband can re-marry, wives also can remarry after divorce, but then where can the children go ?”.

Kinsley Davis (1969) states that, “Divorce is a more serious problem in single family than in joint family, in so far as the children are concerned.”

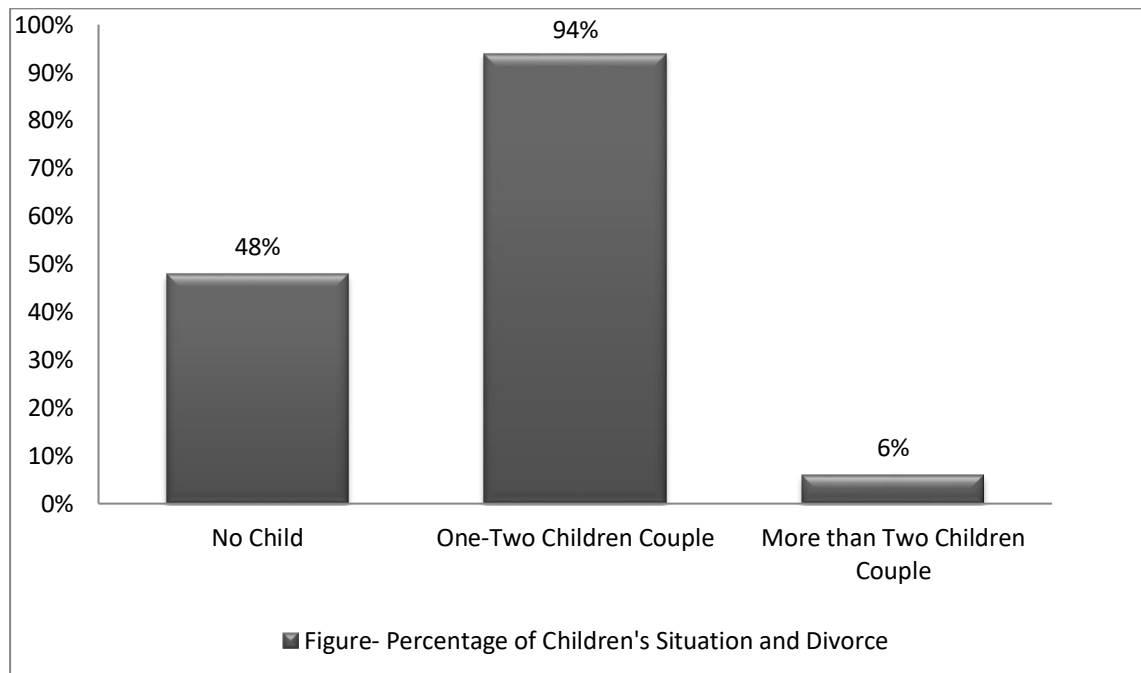
Table 5.5 : Children’s Situation and Divorce

Type of Couples	Frequency	Percent
No Child Couples	61	48%
Couple having one child	43	65%
Couple having Two child	19	29%
Couple having three child	3	4%
Couple having Four child	1	1%
Couple having Five child	1	1%
Total	67	100%

Source: Field Survey

In 48% cases, the divorced couples had no children. 65% of divorces had one child and 35% of divorcees had more than two or more than two children. The fact is that majority of couple did not have children which provide that childlessness divorce have inter-relationship. On other words, childlessness facilitated easy divorce. By the above data easily conclude that near about fifty percent of parents have no child , so if there is child then there is some difficulties and responsibility upon their child and as well as family member in comparison than childlessness. If there is less children, then there is more divorce rate, and if there is more children then there is less divorce rate. So the number of children also play vital role in divorce. In our society, Usually, both partners experience thrill and pride in becoming a father or mother.

Chat. : Number of Children's Situation and Divorce



Source: Field Survey

Birth of a child also affects the time-schedule of a couple. Before the arrival of the child, they have plenty of time and leisure together. With the arrival of the baby, the baby takes up most of the mother's time and she hardly spends time with her husband. The chances for mutual fights are also automatically reduced.

Children may decrease the rate of divorce but not completely. Having few children is also one of the factors that may be responsible for divorce. 52% divorcees had children so childlessness is not only the causes of divorce, other factors also play vital role. After divorce, children's condition becomes more critical. So, the main thing is to think about those children's who need legal right, love,, help and co-operation.

5.6 Age at Marriage:- Age at marriage is the important for mutual understanding. Early marriage always helps to increase the rate of divorce because married couple will not reach maturity; understanding and thoughtfulness are most important capabilities which develop gradually. We cannot expect mature behaviour from a very young boy or girl. Vary late marriage may also create difficulties for adjustment. Many years difficulties between husband and wife may also create problems. In this study, the condition of age at marriage and divorce, and their relationship is taken into consideration on and studied.

Table: 5.6 Age of divorced couple

Age Group	Male		Female		Total
	Frequency	Percent	Frequency	Percent	
Under 20 years	26	20%	87	68%	113
20-25 Years	71	56%	31	24%	102
Above 26 years	31	24%	10	8%	41
Total	128	100%	128	100%	256/2

Source: Field Survey

This table shows that 56% of males got married in 20-25 years but on the other hand 68% of female got married under 20 years. Only 8% of females get married at 26 year age above. Thus we can say that early marriage is one of the main reason for divorce where 20% of male and 68% of females married at the age under 20 years. Age at marriage and divorce is related so, those early married couples are not mature. Early marriage means less maturity, economically, dependent, less education, which also create difference between couples and can also further lead to separation.

5.7 Occupation of Couples:-There is much relationship between occupation and marital life. Occupation helps to increase to make the economic condition strong and also plays a vital role in society. For social interaction, daily lives, level of thinking, perspectives also are changed by the occupation. The study of fonseca1966 in Bombay revealed that, “Discord inthe clerical and skilled, business, unskilled and employed classes appear to out weight the occupational relationship of divorce.

Burgess and Locke observed that “ various studies seem to show that divorce is relatively highamong persons engaged in occupation necessitating frequent absence from home, involving intimate contents with the opposite sex, and controlled relatively little by the community”. This statement define if couples engages in different occupation , then lack of love, patience, attraction occurs, different personal contacts help to destroy the family relations which may be one of the causes of divorce . The information concerning the occupation of the couples is show below.

Table: 5.7 Occupation of divorces couple

Type of Occupation	Male		Female	
	Frequency	Percent	Frequency	Percent
Foreign Employment	66	52%	20	16%
Housewife	0	0	63	49%
Student	26	20%	32	25%
Jobless/Unemployment	20	15%	0	0%
Wage Labour/Private job	16	13%	13	10%
Total	128	100%	128	100%

Source: Field Survey

This table show that 52 % of male and 16% of female were engaged in foreign employment for the purpose of earning money and others purpose. Most of them had working as labour in foreign country like Malasiya, Katar, Dubai, Baharin, Yamanetc and some were also working in developed country like Japan, Austerlia, Honkon, Amarica and some of them also get PR. Green holder also. 49% of female were working as housewife like as take caring of their child, parents, cattle etc. Similarly 20 % of male and 25 % of female were students, they were still studying and come together in campus and go together form campus, during this study period most of them like each other and become husband and wife through the process of love marriage. 15% of male were jobless. 13% of male and 10% of female were engage in private job/wage labour, one female was working in dance restaurant as dancer another was conducting beauty pallor, some were working as wage labour also. Some male were working in shop, hotel, taxi driver etc.

The above data show that most of the divorced male people were engaged in foreign employment detachment from the husband and wife also, plays vital role for divorce. Most of the female claim that their husband don't care, always inflict torture, they suspect in our character etc.

Case IV: Divorce due foreign employment

Min SubbaGurung at the age of 65 years old and MuktiGurunj at the age of 65 years old comes in Kaski District court for divorce. Both were belong to Gurunj community. They get arrange marriage at the age of 16 years and 18 years old. After marriage MuktiGurunj joint Indian Army and for a long time he did not come back Nepal. She lived alone at least 18 years in MuktiGurunjhouse . Min subbaGurunj come in conclusion to get another marriage after a long period of waiting and she married with Ganesh Gurunj on 2033/11/29. In India MuktiGurunj also got another marriage. Now both have child. MuktiGurunj finally retired on 2071/5/8 and they comes back in Nepal. Now both are settled with different husband and wife, but facing legal problem because in both are husband and wife as by law. So, both come on conclusion for divorce and becomes free from that legal process. Finally, she claim for divorce in Kaski district and become divorce.

Chapter- Six

Family Structure, Socio-economic Effect, Legal Provision and Judges View on divorce

6.1 Type of Family Structure:-

Married life starts in family and ends with the dispute within the family member. Husband's and wife's relation is unbalanced due to the different behaviour; different, interest, nature etc. Differences in all of these increase the rate of misunderstanding in family. Joint and nuclear family are the most common types of family in society. One type of family differs with other. Fonseca has pointed out that "the typical kind of joint family on in some cases the extended family has been the causes for a good deal of conflict and has led to dissatisfaction among modern couple". He defines that the conflict is not only in joint family, but also in nuclear family, there is many dissatisfaction between family members in different causes like money, freedom, believe attitude, in this way couple shows the deviance behaviour, that violate the social norms and values. The deviance behaviour reflects in various forms like detach from the family member, do not bear the responsibility upon family member etc. Divorce is also a form of behaviour, which is not normally accepted in our society. Family structure also plays a vital role in divorce. Normally in joint family, there is large number of family member and if some conflict appear in couple/family, then they solve jointly easily. So there is less divorce but In nuclear family, there is less number of family member, there is less responsibility up on other and they feel freedom to do anything or to take any decision. There is less change to mediate or negotiate for any problems. So in this situation, If some dispute occurs between couple, then they solve themselves either live together or to separate through divorce process. So, there is vital role of deviancebehaviour in family life.

Table:-6.1 Type of family before marriage

Type of Family	Male		Female	
Nuclear	6	24%	13	52%
Joint	19	76%	12	48%
Total	25	100%	25	100%

Source: Field Survey

This table define that 76% male live in joint family before marriage and only 24% males live in nuclear family. Similarly, 52% of females lives in nuclear family and 48% females live in

joint family. The percentage of male in joint family is higher than female respondents and the percentage of male in nuclear family is lower than female respondents. This table shows the dis-balance between male and female in family. So, family structure also plays a vital role to run the family life. From the above data most of the male live in joint family before the marriage. There is vast difference between male and female percentage in joint and nuclear family.

Table 6.2 Family Structure of Couple at Divorce

Type of family	Frequency	Percent
Nuclear	16	64%
Joint	9	36%
Total	25	100%

Source: Field Survey

From the above table, it can be condensed that 64% of the spouses lived in nuclear family at the time of divorce and 36% of the spouses lived in joint family. Highest percentage of divorce occurs in nuclear family due to the separation of males from the parental family after the marriage. Spouses get separated from their parents after the marriage so the percentage of divorce in nuclear family is higher.

In nuclear family, divorce occurs due to the husband's and wife's personal behaviours. The spouses are not watched or controlled properly by the elders. A single family is considered to be relatively unstable. Strifes may go on without any effort of reconciliation which finally breaks up the marital bond irrevocably. In the modern setup, problems between individual can crop up at any time.

In joint family, adjustment is needed more. There are many family members live together in joint family and everyone has their own individual willingness. So the chance of misunderstanding in family member is high. With all these problems, still marital relation in a joint family is considered to be more stable as compared to that in an nuclear family. In a joint family, marriage is never a bond between two individual; it is a chain, which links and binds the two families together. There is a strong sense of family bond in the joint family. Lack of communal responsibility, effects of western society, and difficulties of new wife's role in new environment play a vital role in the conversion of joint family to unclear.

6.2 Duration of Married Life:- Stability of married life is most important for durable relations between husband and wife. Marriage is a long lasting relationship but many factors can play vital role to end the relations. The first's one to two years of marriage are extremely important in the life of any couple. This is the period when a couple gets time to know each other.

Table 6.3 Duration in Married Life

Marital Duration	Frequency	Percent
0-4 Years	61	48
5-9 Years	41	32
10-14 Years	15	12
15 years and above	11	8
Total	128	100%

Source: Field Survey

This table shows that 48% couple had happy married life of 0-4 years. In 32% couple, the couples had 5-9 years of happily married life. In 12% of the couples had 10-14 years of married life; and only in 8% of couple had happily married time beyond 14 years and above.

This data clearly shows that on the whole the happy married time in most cases had been too short. If a couple live together happily for a period long period, the chances of their separating are much less. Divorce mainly occurs in below 0-4 years of married life then its rate is slightly decreased when the couple's duration of living together increases. Kenkel has started that "Despite romantic notion of the delight ecstasy of the early years of marriage, it is during these very years that the chances for divorce are greatest."

6.3 Economic Situation of Couples:-

Economic plays significant role in the life of each and every human being. Every aspect of human life is affected by the structure of economic condition. Some happiness and sorrow are defined by the condition of economy. Economy can be one of the factors that can lead to divorce which has been pointed out by several researchers as a result of their studies. Goodman defines that "The higher the socio-economic status of a group the lower their divorce and separation rates". This proves that due to low level of income and lower

economic status, leads to dissatisfaction between couples in term of monetary aspect. This furthers led to termination of happy family.

Table 6.4 Economic Situation of Couples

Class	Frequent	Percent
High	28	22%
Middle	79	62%
Low	21	16%
Total	128	100%

Source: Field Survey

The economic class of the couples is determined on the basis of their occupation, family income, and ancestral economic status(most of the higher economic class couple working in developed country like Honkon, Australia, Japan, America). Lower class couple were working as labour, daily wage, servant etc. Middle class couples working in foreign employment like Malaysia, Dubai, UAE etc.

Middle class couple’s percentage is 62% , which is more than lower and upper class. The highest percentages of couples were middle class and the lowest percentages of couples are from lower class. In higher class, great stress is given in recreation, entertainment and future of children. In lower class, their main concern is to feed and to meet the other minimum necessities of life(Lodging, fooding and shelter). In middle class families professional ambitions are much more and they give stress on the carrier of women and men. In this class respondents have job, education, business, foreign employment, women’s education which help to increase the distance between male and female, so the rate of divorce is height in middle class.

Case V: Poverty, alcohol, Leads to divorce: p 43ok

ShyamPariyarat the age of 20 years and MalatiPariyarat the age of 16 years had love marriage before 25 years age. They belong to Dalit (Pariyar) community and were both tailors by profession. They used to live in a joint family . Slowly, Shyam got indulged in taking excess alcohol and used to beat Malati as well as abuse her verbally. Shyam left for working in aboard for 14 months but returned back earlier. Economic scarcities, lack of mutual understanding, alcoholism were the main reasons for their separation. They live in nuclear family at the time of divorce. They have two son, Maliti claim to nurture their two son. she comes in conclusion for divorce and finally they become separate by the decision to court.

6.4 Distribution of Divorced Couple's Children:- After the divorce of the parents, children suffer the most. Children's future is most important for the better society. Where children are not with their parent. They face many troubles in their daily life. Our society is patriarchal so in many places father's name always comes first which is more important than mother. But now days our legal act is changing and child can take citizenship with the name of mother. Father and mother both are necessary for bright future of their children but in divorce, it is not possible. This can also cause frustration, humiliation on the part of children. They involve themselves in taking drugs and other criminal activities.

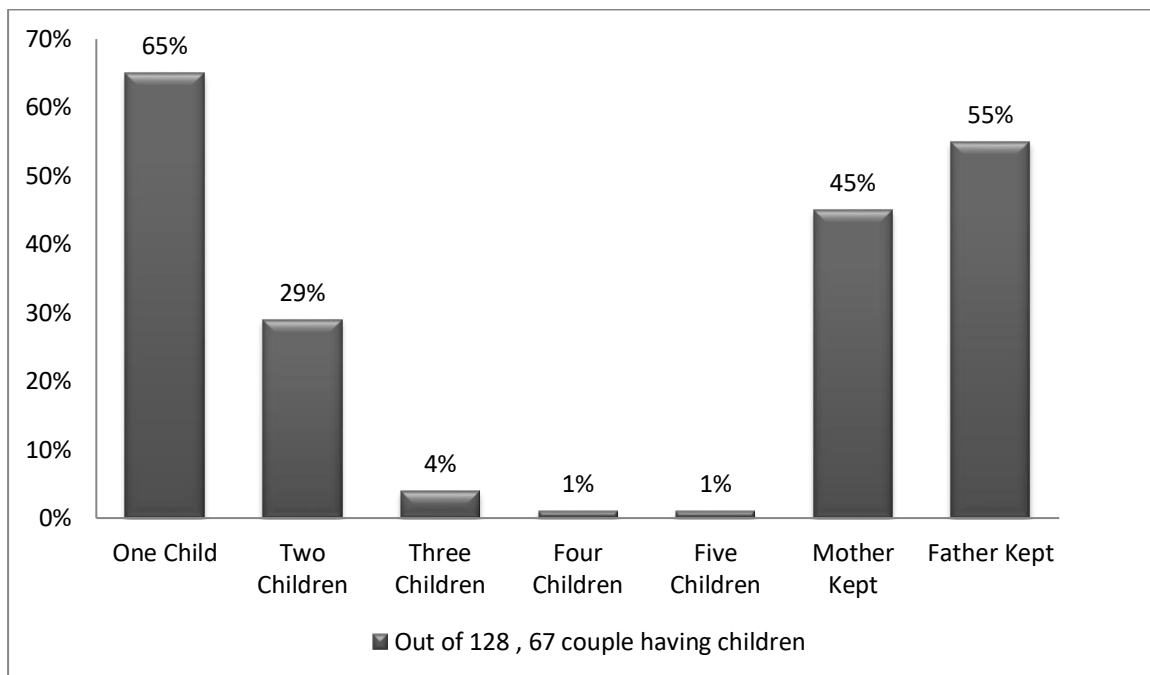
Table: 6.5 Children Situation of Divorced Couples

Couple having children		Couple having not children	
67	52%	61	48%

Source: Field Survey

The total numbers of couple were 128 and out of 128 only 52% were having children and 48% couple having not any child. Child is one of the most important things in for any parent. In Hindu society child is the way to achieve enlightenment (Heaven) .In Hindu society without child human being cannot achieve heaven without child. So child is most valuable thing for any couple and its play very vital role in married life. According to field survey the couple having no child, the divorce rate is more and the couple having children, then the divorce rate is less. The date also clarify that the couple having one child, there is more divorce rate that is 65% and the couple having more than one child the divorce rate is 45%, its means that no child maximum chances, more child minimum chances for divorce.

Chart :Number of children who kept after divorce.



Source: Field Survey

The above table show that out of 128 couple, only 67 couple having children. 43 (65%) couple have one child, 19 (29%) couple having two children, 3 (4%) couple have three children, 1(1%) couple have four children and 1 (1%) couple have five children.

Here, among 67 couple 37 children have been kept by father and 30 children kept by mother. It means 55% of children were kept by father and only 45% of children were kept by mother. The number of children who has kept by father is more (10%) than mother. Thus we find that in vast majority of child is kept by father. Generally, children stayed with mother because they were too small or with the choice of children in comparison of mother. Father is not interested in the children in comparison of mother. The children were kept by the father for reasons such as : the child chose to live with the father or the father did not allow the children to go with the mother or the mother did not care for the children, mother did not want to kept children and went away.

Father/mother restricted their children to visit their father/mother after divorce due to insecurityfeeling. Children future is more uncertain, they feeling one sided, lonely etc. sometimes, we can also find,difference in behaviour of those divorced children in comparison with other children.

6.5 Condition after divorce:- Divorce makes new environmental and experience in husband or wife. A change occurs in thinking and behaviour due to the changes in socialization and social status after divorce. They have to pass through different types of difficulties. The divorce husband and wives faced several personal problems like frustration, loneliness, family disruption, shyness, inferiority complex etc, which directly and indirectly affect on the development of whole society. It is the women or females who always have to suffer a lot after divorce. They faced different kind of social and economic difficulties; experiences of divorce in divorced couples have mixed. Those couples who want to be free from their husband/wife feel more relaxed than before but they also realize that some kind of mistakes had been done by them. Similarly, innocent husband and wife feel divorce is a family accident (J.N. Chaudhary).

Children's condition after divorce had created many problems like socialization, lodging/fooding, education, security etc. society has different prospective to see divorced person due to our tradition, culture, religion, social norms and values. Comparatively in Buddhist religion, less difficulties have to be faced than in Hindu religion because remarriage is easily accepted in Buddhist religion. J.N. Chaudhary's research defines that "Some couples pass through some bitter experiences; some couple find that a period of separation permits them to become fond of each other, but after an interval of good will they again become fond of each other, but after an interval of good will they again become hostile. In this way their positive and negative feeling seem to alternate". He defines that after divorce, no one faces same conditions, situations and effects which are created due to divorce. Many researchers define the situations/conditions after divorce is more changeable and women are highly affected

6.6 Nepalese Legal Provision regarding Divorce:-

Nepalese legal system is based on Hindu Legal philosophy. Marriage and divorce is related with each other, one cannot be imagined without another. The topic marriage and divorce are so closely connected that the meaning of marriage in any society cannot be understood apart from the conditions under which divorce occurs.

In this context, legal provision for divorce in Nepal is clearly declared for both husband and wife by the New Legal Code, 2020 B. S. In the first written legal code of Nepal (Muliki Ain 1910 B.S.) was permitted a man to leave his wife by the method of sinko-

katichhuttinu (to break a small thin stick of bamboo by husband), it indicates legal recognition of divorce. Several provisions are made under two separate headings;

1) ParpachukeGarnyako(on Divorce) and 2) LognyaSwasnikoMahal (on the Section of Husband and Wife), this legal code has introduced a remarkable change on the women and by the right of divorce and separation. Similarly the section on Husband and Wife in the *NayaMulikiAin*(New Legal Code, 2020 B.S.) which became effective after one hundred and ten years of first legal code of Nepal. The New Legal Code has provided different provisions for divorce on following circumstances:

1. The wife or husband must have resided at separate location for a period of at least three years.
2. Either the wife or husband must have engaged in a conspiracy against the life of the other or have committed a crime of serious physical assault against them, causing grave injuries.
3. The wife is found to have engaged in extra-marital sexual affairs or to have eloped
- 4 The wife has made a confession in a competent court that she has had sexual relations with somebody besides her husband (*Muluki Ain*, 12th amendment 2063).

6.7View of Judges and lawyer regarding divorce:-

To know the real fact, causes, information behind divorce, I have visited some Judges and Bar member of Kaski District court. One of the senior/ long experienced judge and other, view on divorce is that there is many causes behind the divorce. They share their experience that divorce rate are not equal in all place/district as well as in the same geographical region also. In Tari region where homogeneous society lives, the rate of divorce is very low in comparison of heterogeneous society. Because re-marriage of divorcee individual is not easily accepted and there is strong impact of culture in that society but in heterogeneous society, the divorce rate is high than homogenous society.

By specify on Kaski District, according to annual report of Kaski District Court, divorce cases isincreasing rapidly in every fiscal year. In fiscal year 2069/070, 2070/071 and 2071/072, the numbers of divorce cases were consequently 474,548 and 624. In comparison of last fiscal year 114.6 % of divorce cases were increase. In Kaski District, the divorce rate is very high in Gurung community. In this community most of the people are lahure like British army, Singapore army, Indian army, ID holder of developed country like Honkon, Japan, America, Australia etc. they are highly influenced by western culture, so their

community easily accept the divorce and remarriage. Another reason behind this fact is that most of the male live in foreign country and their wives live in Pokhara for different purpose study, employment etc. They come back Nepal for long period of time, so the mutual understanding, love, touch etc become weak slowly. So, most of the female fell in love with another, person to fulfil their sexual desire etc. so the foreign employs is one of them major cause of divorce.

In Pokhara, there is heterogeneous society, different people from the different place, culture, tradition were living in Pokhara for different purpose like employs, business, job, study, carrier development. So, the impact of their own culture is slowly being decrease, and mix/another culture is accepted easily naturally in the lifestyle.

Education awareness also plays vital role in divorce. Most of the divorce couple are educated. They know their legal right and do not want to live in stressful life. Most of the female claim that their husband suspect on her character, they do not fulfil the basis need, expenses, and are inflicted physical and mental torture, so they choose divorce as a alternative in her life.

Most of the private lawyer views were some. Most of the cases which is register in district court, become final through the process of judicial meditation(Milapatra), and only a few number of case become final through judicial process. They also open a hidden true that in some cases, the ID holder, Green Card holder people make marriage registration card with their own sister, daughter, brother for the purpose the dependent visa. Through the medium of this process, if they entered in foreign country and become legally Green Cardholder, ID holder then they again come back and get divorce in Nepal. It's mostly become in Gurunj community. So, there is not only one cause behind the divorce. Social, cultural, economic hardship, ambitious, cruelty, sexual maladjustment, wife barren, equal social education, economic status and more expectations by the spouses after marriage and immaturity, adjust problem in new factor behind divorce.

Education awareness, empowerment regarding their legal right, economic prosperity, easy legal procedure, equal legal right, easy legal access to the court etcalso play vital role for divorce.

Last, but not least, they also told that few percentage of the couple are only access to the court. Most of the couple become separate through community mediation process in their society because of the lack of legal awareness, access, economic condition, illiterate etc. in this way the number of divorce case is increasing day by day in Kaski district.

Chapter-Seven

Summary, Finding and conclusions

7.1 Summary

In Hindu society, marriage is taken as holly union between a man and woman for the performance of religious duties. Its main purpose is to unite and continue the families of bride and groom and to further their economic and social position. The changes occur in form, nature of marriage, as well as other social institution. Divorce terminates the marriage relationship. It completely ruptures the marital bond. Divorce and marriage both can not be studied in isolation. Both are so closely connected that the meaning of marriage in any society can not be understood apart from the conditions under which divorce occurs. Divorce occurs just because of the failure of the successful happy married life. Various social, cultural, economic and other factors in the married life are responsible for the occurrence of the divorce. Today, divorce rate is rapidly increasing day by day. This study conducted at Kaski District Court. It also tries to identify the causes of divorce and also tried to analyse the social, cultural and economic effects on individual for divorce.

The general objective of the study is to effect of divorce on an individual, whereas following the specific objective of the research.

- To examine the socio-economic background of divorced couple.
- To explore the causes of divorce.
- To explain the relationship between socio-economic background and diverse.

The present dissertation is primarily an academic study, but had collected the data that give some very important information regarding the factors of divorce. It will help to formulate various new policies in regard to the effects of divorce individuals, in the country like Nepal. Due to the fast rate of modernization and educational system and labor market have been noted and reported by the researcher as the main factor for the divorce.

8.2 Major Finding of the study:

Marriage and divorce is related with each other, without marriage divorce cannot be imagine. In divorce, the entire family has to go through the pain and disruption in the family management system. According to annual report of Kaski District Court, the rate of divorce is increasing in every fiscal year. In fiscal year 2069/070, 2070/071 and 2071/072 the number of

divorce cases consequently 474,548 and 624. This data show that the divorce case is increasing in every fiscal year. The case study data shows that there is many causes of divorce in society i.e. is social, cultural, economic situation, education level, urbanization, modernization, migration, foreign employment, number of children, duration of married period, the level of faith between husband and wife, family structure, legal provision etc.

Legal procedure of divorce: Feminist Jurisprudence play vital role in Nepalese legal system after 2047 B.S. There is very easy process legal procedure of divorce for women in comparison of men in Nepalese legal system. If a male person wants to divorce with his wife, then first of all he should submit an application with brief description for divorce in his VDC/Municipality office. The VDC/Municipality member/personal should try both party to live together as much as possible but if they fill that it is better to live separate, and both party do not agree to live together then with in a period of one year of application, VDC/Municipality make recommendation also with their suggestion in related district court. But there is very easy legal procedure of divorce for female. So the present legal procedure of Muluki Ain, Husband wife chapter (Logne-sawasnikomahal) should be amendment and put the same procedure of divorce like male.

Culture and tradition play vital role in family adjustment. This study shows that there is high rate of divorce in Gurung community (i.e.41%.) in comparison with other community, because their community easily accepts the second marriage. So, there should be awareness program regarding marriage and divorce by government.

Although trends show that the population density of Brahmin and Chettri is higher in Kaski District, but most of the divorce takes place among the Gurung Community, then followed consequently in decreasing order by Brahhaman/Chhetari (37%), Newar(8%), Dalit (8%) Magar (4%), Tamang (2%).

Divorce rate in arrange marriage is higher that is 64% where as in love marriage the rate of divorce is 36%. In inter-caste marriage the divorce rate is 76% where as in intra-caste the divorce rate is 24%. According to cases study marriage process and social structure also play vital role for the adjustment of family life. Divorce rate among the arrange marriage's couple is higher due to lack of pre-marital information and parental pressure so there is also lack of mutual agreement and co-operation between them.

Stability of married life is most important for durable relation between husband and wife. According to case study, where the duration of married life is for short period, there is more divorce occurred and where the duration of married life is for long period, there seen less divorce rate. So duration of married life is also a vital factor for the stability of married life. Longer the duration of marriage lessen the chances of divorce to take place.

According to this case study, secondary level and 10+2 level's divorce couple's is 76 % whereas literate and primary level divorced couples were only 24%. By the analysis of case study, we can say that education also plays vital role to decide their family life because education makes people are more ambitions and career oriented.

Another major finding of this study is that greater the number of children, less is the divorce rate and most importantly couple without any children (having no child 48%) also prefer to live life separately. Earlier the age at marriage highest the divorce rate due to less education, immaturity and dependency, lack of trust, co-operation, lack of mutual understanding.

As sociological theory of peer group, there is big impact on peer group of female, because this research shown that most of the educated/ and average 20-25 age of female rate of divorce is high. So there peer group also play a vital role in their surrounding environment. Physical and mental torture can also be regarded as major causes responsible for the divorce.

The divorce rate within the couples who live in nuclear family is higher (that is 64%) in comparison to joint family (that is 36%). Husband and wife occupation also play vital role for the stability of married life. According to the case study 52% of divorcee's husband engaged in foreign employment and rest of other engaged in other work in Nepal. Divorcees female were claim that their husband do not take care properly and they do not keep in touch for long period and they also claim on her character also. So they decided to divorce

Economically, divorce rate is higher in the middle economic class. Nepal is secular country and 81.34% of people follow Hindu religion and 9.04% follow Buddhist religion. According to case study 48% of divorcee follow Buddhist religion whereas only 13.47% people follow Buddhist religion in Kaski district. So, religion also plays a vital role in stability of marriage life. In Hindu religion remarriage is not accept easily. Buddhist religion is soft for

remarriage and they easily accept re marriage but in comparison of Buddhist religion Hindu religion is strict for re marriage and it do not easily accept the re marriage.

Divorced person has to go through lots of trauma and tension even after divorce took place. He/she will be looked upon with a suspicion and has to go through insults and humiliation within the society. People started to backbite about the divorced person. Even close friends and relatives started to behave difficulty. Moreover, in case of female, always men's position and condition are far better than female's. She is always being dominated and suppressed.

7.3 Conclusion of the study:-

Divorce is multidimensional and it involves multifactor social events. It can be found in each and every society, which may be either in customary, or in legal form. Basically it occurs easily within more open and industrial society. It is emerging a form of new sociological events due to the pattern of socio-cultural changes by the process of modernization and simultaneously urbanization. In our context it should be sociologically investigated. This study has been an attempt to identify the causes of divorce, which provides sociological insight to further researcher. The pattern of divorce in this study is diverse and it is found in each community even in Hindus, in which marriage is taken for life or it is for after death, therefore divorce and remarriage is not culturally and socially accepted in the almost all Hindu dominant Nepalese society where nearly eighty percent people belongs to Hindu religion.

Single causal factor is not responsible for dissolution of marriage. Different natures of dissatisfactions between the spouses are affecting due to the personal, familial, social and economic condition or structure. Therefore, it should be treated under the multidimensional approach basically in the reference to contemporary changing socio-cultural pattern. *In this findings, economic hardship and ambitious, cruelty, sexual maladjustment, wife barren, unequal social, educational and economic status, and more expectations by the spouses after marriage are the major causes of marital disruption.* Occupational mobility and the situation of agreement to the opposite sex, low age at marriage and immaturity, adjustment problems of new wives, traditional and modern expectations between the mother-in-law and sister-in-law are found as causal factors in the present study. Similarly, legal provisions for divorce

supports such kind of spouses who are felt very uneasy to stay together in the family. The natures of causes are differing from men to women. Divorce is not only the end of marital relations between the spouses rather it has caused serious problems on their children and adjustment problems themselves in the community. There are different divorce cases, which are not found in the court record in visible form due to social, cultural and economic constraints. Therefore, it is essential to examine and analyze customary divorce practices, which found in each and every community.

This thesis/research is based on the author's case study for his Masters degree dissertation writing, on the topics of "Social background of Divorced Couple and its effect in family life in Kaski District (A Study of Divorced cases in Kaski District) in 2017/072.

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