

DIVORCE -Relaxation to spouse and uneasiness to children

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INTRODUCTION:

India is well known for its tradition and customs. We can see the concept of “MARRIAGE” in Vedas and Upanishads. Marriage is a sacrament relationship, in which the wife has to live in the society of husband as well the husband, shall live in the society of hers. The influence of the western culture is lessening the value of this sacrament relationship, the stress of modern life, loneliness, professional rivalry, economic stability of woman and non compatibility has brought the concept of “DIVORCE”. The paradigm is that, negative impacts of western culture is much seen on the younger generation and are victims of it.

In ancient times the concept of “DIVORCE” was unknown and people believed that marriage as an indissoluble union of husband and wife, the duty of her would continue even after the death of her husband and she could never have a second husband. But the present scenario is completely different, **Divorce** (or the **dissolution of marriage**[1]) is the final termination of a marital union, cancelling the legal duties and responsibilities of marriage and dissolving the bonds of matrimony between the parties. Relations change with a sign on document.

DIVORCE – THE SWORD:

The arising issues related to child can be traced back to the increasing number of divorce cases in the recent years. Earlier, cruelty, desertion and harassment used to account for two out of three cases. But in the last two years, compatibility has been cited in a majority of the cases. This is linked to the fact that most of the cases have been filed by younger couples, who mostly complain of attitudinal problems while filing for divorce.[2] Compatibility is not the only reason for applying for divorce but there are many other reasons we come across which has been stated by the parties to dissolve their marital bonding .Once they are out of the marriage tie, they will keep themselves stress less.

IMPACT OF DIVORCE ON CHILDREN:

The rate of divorce cases are increasing day by day. 50% of the marriages performed will end up in divorce and approximately 2 million children are presently exposed to their parent’s separation. As we all know children are very sensitive and divorce creates a negative impact on them. It is an emotional process as well. It is a stressful experience which hurts the children a lot. In certain circumstances they will start hating the concept of marriage. Initially, the pain experienced by children is distressing as they see the family disintegrating and sense vulnerability[3]. The quantity and quality of contact between children and non-custodial parents, usually fathers, tend to decrease and the relationship with the custodial parent, usually the mother, shows signs of tension[4]. Divorce is an extremely disturbing experience for all children depending upon the age or maturity level.[5]In the coming years majority of the younger generation less than 18 years will have to spend their childhood in a single parent families which would be created by Divorce.

Divorce is inarguably intensely distressing for children. Outside the realm of family, because of the stigmatization of divorce, the child faces a tough time attempting to be

accepted by a conservative society.[6] During post divorce period lack of money poses a problem. In most of the cases the mother cannot meet with the needs of that child and if she does not have the proper source of income the child cannot be given with the proper education, as well most of the children of divorced parent will live in poverty. In this light, effects of parents' divorce on their children is important to note that children are interested and affected parties in the process of relaxation to the spouse under the head of divorce. Though children are not directly involved in the divorce proceedings it shows direct effects on them.[7]

EFFECT OF SECOND MARRIAGE OF THE SPOUSE:

The child cannot cope up with the step father or step mother at the initial stages, even if the child tries getting adjusted, he/she will have to face lot of problems. For example: no proper education, discrimination etc. The step parent cannot take care of the child as they do with their own child.

CONCLUSION:

Marriages are made in Heaven but separation takes place with a grant of Divorce by Courts and the victims of this broken family are Children. If we go back, our older generation believed and considered "Children" as equal to "God". At present, the situation is entirely different. We have come across many instances where children are suffering due to the separation of his /her parent through divorce and are experiencing stress at the tender age where they have to be moulded properly to face the world. Unfortunately they are facing lot of problems; they are deprived of love, care and affection from their family which results in lack of concentration in studies, premarital cohabitation, and disrespect towards the institution of marriage.

The children of divorced couple will have to face discrimination in the society. There is need for change. Parents should think properly before breaking their wed- lock and creating uneasiness to their own children.

[1] <http://legal-dictionary.thefreedictionary.com> 5th march 2013

[2] Nita , "Why is the divorce rate increasing?" "October 12, 2007 ,
http://creative.sulekha.com/why-divorce-rate-is-increasing-in-india_544733_blog

[3] Sara Eleoff, An Exploration of the Ramifications of Divorce on Children and Adolescents,. 5th march, 2013
http://www.childadvocate.net/divorce_effects_on_children.htm.

[4] F. Furstenberg and C.W. Nord, Parenting apart: Patterns of Child Rearing after Marital Disruption. *Journal of marriage and the family*,47,893-904(1985). 5th march, 2013

[5] Kelly and Wallerstein, Brief Interventions with Children of Divorcing Families, 47 *American Journal of Orthopsychiatry* 23, 29-30 (1977). 5th march, 2013

[6] Andreas Diekmann and Kurt Schmidheiny, The Intergenerational Transmission of Divorce, 5th march, 2013 http://paa2004.princeton.edu/download.asp?submission_id=40951.

[7] Hansen, The Role and Rights of Children in Divorce Action, 6 *Journal of Family Law* 1, 9-11 (1966); Speca and Wehrman, Protecting the Rights of Children in Divorce cases in Missouri, 38 *UMKC Law review* 1, 6 (1969). 5th march, 2013