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REVIEW ARTICLE

# Females, Higher Education, and Service as a Cause of Divorces: A Legal Study

**Karna Singh**

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## ABSTRACT

The legal study examines the relationship between female education, employment, and divorce rates among educated women. It questions whether these factors genuinely cause divorces or enable women to claim their rights within marriage. By analyzing various marriage and divorce laws in India, including the Hindu Marriage Act and the Special Marriage Act. Through a critical review of **judicial precedents**, including *Savitri Pandey v. Prem Chandra Pandey* and *K. Srinivas Rao v. D.A. Deepa*, the study highlights that education and employment are the important causes of marital breakdown Instead, they serve as catalysts for awareness and empowerment. The findings point to incompatibility, ego conflicts, and unequal domestic duties as the primary reasons for divorce. Thus, it asserts that rising divorce rates reflect social transformation and gender equality, rather than portraying women's education and employment as threats to marriage. The paper emphasizes the importance of viewing these elements as foundations for empowerment within a progressive legal framework.

## KEYWORDS

• Divorce • Women • Higher Education • Employment • Gender • Equality • Family Law • Empowerment Constitutional Rights

## INTRODUCTION

Marriage has been regarded as one of the most saced social institutions in India. Traditionally, it is viewed not only as a union between two individuals but as a lifelong bond between two families. However, in the modern era, this perception has undergone a drastic transformation. With the spread of **education, modernization, urbanization, and women's participation in the workforce**, the institution

**AUTHOR'S AFFILIATION:**

Legal Advisor, Bargrah, Odisha 768027, India.

**CORRESPONDING AUTHOR:**

**Karna Singh,** Legal Advisor, Bargrah, Odisha 768027, India.
**E-mail:** Karan4u358@gmail.com

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of marriage has begun to reflect new dynamics and challenges.

In recent decades, divorce cases have noticeably increased, particularly among **educated and working women**. This trend has led some sections of society to assert that "females with higher education and service are the cause of rising divorces." However, such a statement demands careful **legal and sociological analysis**. The issue cannot be understood in isolation from **constitutional rights, personal laws, gender equality, and social change**.

This study seeks to examine whether higher education and employment among women are genuine causes of divorce or whether they merely **enable women to assert their rights and autonomy within marriage**. It evaluates relevant **legal provisions, case laws, and judicial interpretations** to reach a balanced conclusion.

## Concept of Marriage and Divorce in Indian Law

### *1. Marriage as a Sacrament and Contract*

In Indian society, marriage has traditionally been treated as a **sacrament (sanskara)**, especially under Hindu law. It was considered a permanent and indissoluble union. However, legal reforms after independence gradually introduced the **concept of marriage as a social contract**, permitting dissolution under specific circumstances.

### *2. Evolution of Divorce Laws*

Before codification, divorce was virtually unknown in classical Hindu law. The **Hindu Marriage Act, 1955** marked a turning point by introducing legal grounds for divorce such as cruelty, desertion, conversion, adultery, and mental disorder. The **1976 Amendment** added **divorce by mutual consent** under Section 13B, reflecting changing social values.

**Similar reforms occurred in:**

- **The Dissolution of Muslim Marriages Act, 1939**, granting Muslim women the right to dissolve marriage on specific grounds.
- **The Indian Divorce Act, 1869** (for Christians), amended in 2001 to ensure equality of grounds.
- **The Parsi Marriage and Divorce Act, 1936**, and the **Special Marriage Act, 1954**, ensuring a secular approach to marital breakdown.

Thus, law now recognizes marriage as both a **social and legal institution**, subject to equality, consent, and individual freedom.

## Women's Education, Employment, and Social Transformation

### *1. Impact of Education*

Education plays a pivotal role in empowering women. It enhances their awareness of **rights, dignity, and autonomy**. An educated woman is less likely to tolerate exploitation, dowry demands, or domestic violence. She becomes capable of making informed legal choices.

Constitutionally, this empowerment is protected by:

- **Article 14**: Equality before law.
- **Article 15(1)**: Prohibition of discrimination on grounds of sex.
- **Article 21**: Right to life includes the right to live with dignity.
- **Directive Principles** (Articles 39(a), 42, and 45): Promote gender justice and education.

Thus, higher education does not cause marital breakdown; rather, it **enables the assertion of legal and constitutional rights** within the marital framework.

### *2. Economic Independence and Employment*

Employment provides women with **financial independence**, which reduces dependency on the husband. This shifts the traditional balance of power in marriage. In patriarchal settings, this may lead to ego clashes, lack of adjustment, or family pressure.

However, it is erroneous to treat women's service as the *cause* of divorce. Rather, **non-cooperation, lack of understanding, and unequal role expectations** between partners are the real issues. The transition from joint families to nuclear setups, coupled with dual-career pressures, intensifies stress within marriages.

### *3. Changing Role Expectations*

The traditional image of the "ideal wife" confined to domestic duties is no longer valid. Modern educated women seek **partnership-based marriages**, characterized by equality and mutual respect. When these expectations clash with conservative mindsets, friction

arises. The law, therefore, must mediate between changing social roles and entrenched cultural norms.

**Legal Provisions Governing Divorce**

***1. Hindu Marriage Act, 1955***

Section 13 provides specific grounds such as:

- Adultery, cruelty, desertion, conversion, insanity, venereal disease, renunciation, presumption of death, and mutual consent. Section 13B allows both spouses to dissolve marriage peacefully when living together becomes impossible.

***2. Dissolution of Muslim Marriages Act, 1939***

Provides Muslim women with the right to divorce on grounds like:

- Cruelty, failure to provide maintenance, impotence, imprisonment, or absence for four years. Women may also seek *khula* (divorce initiated by wife) or *mubarat* (mutual divorce).

***3. Indian Divorce Act, 1869 (for Christians)***

Post-2001 amendments allow both husband and wife equal rights to seek divorce for adultery, cruelty, desertion, or conversion.

***4. Special Marriage Act, 1954***

Applies irrespective of religion, ensuring secular and egalitarian grounds for divorce.

***5. Protection Laws***

**Section 498A IPC:** Cruelty by husband or relatives.

**Protection of Women from Domestic Violence Act, 2005.**

**Hindu Succession (Amendment) Act, 2005:** Equal inheritance rights for women.

These laws ensure that **education and employment do not weaken marriage**, but rather protect women from exploitation and violence.

**Judicial Approach to Educated and Working Women in Divorce Cases**

Indian courts have developed a nuanced understanding of marital conflicts involving educated and working women.

***1. Key Case Laws***

1. **Savitri Pandey v. Prem Chandra Pandey (2002) 2 SCC 73** The Supreme Court held that while divorce should not be granted for trivial reasons, the absence of emotional compatibility and respect between spouses makes marital life unviable.
2. **K. Srinivas Rao v. D.A. Deepa (2013) 5 SCC 226** The Court emphasized that continuous mental cruelty, humiliation, or lack of emotional support could justify divorce recognizing psychological realities of educated couples.
3. **V. Bhagat v. D. Bhagat (1994) 1 SCC 337** Allegations and counter-allegations based on educational and professional differences were treated as **mental cruelty**, showing that divorce arises from incompatibility, not education itself.
4. **Narendra v. K. Meena (2016) 9 SCC 455** The Court reiterated that unreasonable demands by either spouse could constitute cruelty. However, the judgment also reflected persistent patriarchal biases expecting women to prioritize family over career.
5. **Kusum v. Rajesh (Delhi HC, 2010)** The Court observed that "employment of a woman per se cannot be a cause of marital discord. The problem lies in failure of mutual adjustment, not in her working status."

**Socio-Legal Analysis: Myth vs. Reality**

***1. Misconception of Causation***

The assumption that educated, working women cause divorce confuses **correlation with causation**. Higher education and service may correlate with higher divorce rates because such women have the **agency to seek divorce**, not because they are its cause.

***2. Assertion of Legal and Human Rights***

Educated women are aware of their rights under:

- The **Constitution**,
- **Dowry Prohibition Act, 1961**,
- **Protection of Women from Domestic Violence Act, 2005**, and
- **Maintenance provisions** under **CrPC Section 125** and **HMA Section 24**.

This awareness enables them to act against cruelty, dowry harassment, or neglect. Earlier, such cases remained unreported due to illiteracy and dependence.

### *3. The Double Burden*

Modern working women bear a dual responsibility managing both professional and household duties. When husbands or in-laws do not share this responsibility, stress and resentment grow. Divorce then becomes an outcome of **unequal domestic expectations**, not education or employment.

### *4. Urbanization and Changing Family Structures*

Urban lifestyles, nuclear families, and long working hours leave less space for reconciliation. Courts have acknowledged the role of **social transformation** in marital breakdowns and encouraged **mediation and conciliation** under Section 9 and 23(2) of HMA.

### Constitutional and Human Rights Dimensions

1. **Article 14:** Ensures equal treatment of both spouses before the law.
2. **Article 15(3):** Permits protective measures in favor of women.
3. **Article 21:** Guarantees the right to live with dignity, including the right to end a violent or oppressive marriage.
4. **Article 39(a):** Ensures equal livelihood opportunities for men and women.
5. **CEDAW (1979):** India's ratification obliges gender equality in marriage and family life.

Thus, education and employment of women align with constitutional morality and international human rights standards.

### Statistical and Empirical Perspective

According to **National Family Health Survey (NFHS-5)** and **National Crime Records Bureau (NCRB)**:

- Divorce rates are **highest among urban, educated women**, especially in states like **Kerala, Delhi, Maharashtra**, and **Tamil Nadu**.
- However, experts emphasize this indicates **greater legal literacy and empowerment**, not instability.
- Rural women often remain in unhappy marriages due to lack of education, financial dependency, and social stigma.

Hence, education does not destroy marriage it provides **freedom of choice** within it.

### Law and Policy Recommendations

1. **Pre-marital and Post-marital Counseling:** Family courts should strengthen counseling mechanisms under **Section 23(2) HMA** to promote understanding and adjustment.
2. **Gender Sensitization of Judiciary:** Judges and lawyers must avoid patriarchal stereotypes portraying working women as neglectful wives.
3. **Encouragement of Shared Domestic Responsibility:** Policies and laws (like paternity leave, flexible work hours) can reduce stress in dual-career households.
4. **Educational Reforms:** Curriculums should include **gender equality and family values**, preparing youth for partnership-based marriages.
5. **Promotion of Mediation and Reconciliation Centers:** Alternative dispute resolution mechanisms can preserve marital harmony without litigation.
6. **Uniform Civil Code Debate:** A gender-just, religion-neutral civil code could harmonize personal laws and ensure equality in marriage and divorce.

## CONCLUSION

The claim that *females with higher education and service are the cause of divorces* reflects a **patriarchal misunderstanding of social progress**. Education and employment do not weaken marriage; they **strengthen women's autonomy and ability to demand justice and respect.**

Divorce, in such contexts, is not a symptom of moral decay but an **exercise of legal and constitutional rights** to live with dignity. The increase in divorce rates among educated women simply reflects a **transition from silent suffering to lawful assertion**.

Therefore, law and society must not treat female education and employment as causes of marital breakdown but as **indicators of empowerment and equality**. A gender-just legal system must support both partners in building relationships based on **mutual respect, consent, and partnership**, the true foundation of modern marriage.

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