

Understanding the Rising Divorce Rate in India: A Comprehensive, Gender-Neutral Study

Author: Ms. Sainoor Nayab, Student at Galgotias University

Co Author: Ms. Komal Pushpa

Abstract

Even though the divorce rate in India is still relatively low compared to many other places, we've seen a steady increase in the number of divorce cases in recent years. This paper looks into the reasons behind the rise in divorce cases in India, considering social trends, shifts in the economy, changes in laws, the effects of urbanization, mental health issues, evolving views on marriage and living together, and recent judicial decisions.¹ It also highlights recent legal cases from Indian courts that show how today's judiciary is tackling marital disputes. The analysis takes a gender-neutral perspective and critically examines harmful practices such as dowry harassment and the misuse of alimony, all while promoting the understanding of marriage as a partnership where both spouses share rights and responsibilities.²

1. Introduction

In India, marriage has long been viewed as a lifelong commitment, deeply intertwined with family values, community expectations, and cultural traditions. Divorce used to be quite rare, largely due to social stigma, pressure from society, and a lack of knowledge about legal processes. But nowadays, many people in India are opting to split when their marriages hit rocky ground, and divorce is not seen as shameful anymore. The crude divorce rate in India is still pretty low around 0.01 per 1,000 people but the growing number of divorce petitions across various states suggests

¹ Prolonged matrimonial legal fight can only lead to marriage in paper, says Supreme Court, ends 22-year divorce fight,” Economic Times (Dec. 15, 2025)

² Sujan Dutta et al., Disentangling Societal Inequality from Model Biases: Gender Inequality in Divorce Court Proceedings, arXiv (2023)

that societal attitudes and family structures are evolving.³ This paper aims to dive into the reasons behind this shift, look at recent legal changes, and suggest ways to help reduce unnecessary marital breakups while still respecting individual rights and dignity.

2. Social and Economic Shifts Driving Increased Divorce⁴

2.1 Economic Independence and Changing Roles

One of the biggest factors reshaping marriage in India today is economic independence. This applies especially to women, but more and more, both partners are gaining financial control. In the past, many married people, particularly women, stuck around in unhappy marriages because they did not have the financial means to leave or worried about what life would be like without their spouse. But that's changing:

More women are getting educated and entering the workforce, which means they have control over their own money and assets. They are less likely to stay in a toxic marriage just because of financial dependence.

This economic independence also changes expectations in marriage. When both partners are earning and contributing, they generally expect more equality, mutual respect, and participation in decision-making. If those expectations are not met, in such cases dissatisfaction can rise and become hard to ignore.⁵

Having the financial means allows individuals the freedom to exit emotionally unhealthy, abusive, or unfulfilling relationships something that was much tougher in previous generations. Prominently economic independence is not a moral “cause” it does not create conflict. It simply removes a major barrier (dependence) that once coerced many into staying in unhappy or abusive marriages. When we look at this from a gender-neutral perspective which includes men, too financial control gives both spouses the power to make choices based on what is best for them, rather than just what they have to do to survive. Yet, the financial pressures of urban living can

³ Sujan Dutta et al., Disentangling Societal Inequality from Model Biases: Gender Inequality in Divorce Court Proceedings, arXiv (2023)

⁴ SC asks man to give wife 4 cr city flat as alimony, says no to 12 cr and car,” Times of India (Aug. 6, 2025)

⁵ Once in blue moon visits not equal to living conjugal life with wife: HC,” Times of India (Jan. 8, 2026)

also put a strain on marriages. For instance, couples with dual incomes who are trying to juggle work expenses, rent, children's education, and household needs can feel heightened stress, which can lead to more conflict.

2.2 Educational Attainment and Personal Aspirations⁶

Closely tied to economic freedom is the rise in educational attainment among younger Indians. Education shifts how individuals perceive themselves and their relationships

People with higher education often have different aspirations like career advancement, personal growth, and emotional compatibility compared to earlier generations that prioritized survival and duty.

More education often brings increased legal awareness. People better understand their rights like leaving an abusive marriage, receiving maintenance, and accessing a fair legal process. This understanding diminishes the fear and stigma surrounding divorce.

Conflicts may arise when partners enter marriages with differing expectations like one partner viewing marriage as an equal partnership, while the other has a more traditional outlook. Over time, these differences can make conflicts harder to resolve.

In many respects, education changes the framework through which people view relationships. It places greater emphasis on emotional compatibility, communication, mutual respect, and personal satisfaction. If a relationship lacks these qualities, individuals are less likely to just endure the situation quietly.⁷

This shift does not inherently cause divorce, just as education does not drive other modern decisions. Instead of this it establishes expectations for healthier relationships. When those expectations are not met, it leads individuals to conclude that separating might be healthier than remaining in conflict.

2.3 Urbanisation, Mobility, and Nuclear Families

⁶ Woman not entitled to maintenance if living apart sans valid reason,” Times of India (Feb. 4, 2026)

⁷ Irretrievable Breakdown of Marriage with Special Reference to Shilpa Sailesh v. Varun Sreenivasan Case,” Panjab University Law Review, Vol. 62, No. 1 (2024)

India is undergoing rapid changes. Millions are relocating from rural areas and small towns to cities in search of better jobs, education, and living conditions. Urban life brings opportunities but also alters family structures and introduces pressures that impact marriage:

Loss of Extended Family Support, Traditionally Indian marriages thrived within joint family systems, where parents, grandparents, and extended relatives lived close by such framework provided:⁸

- ❖ Emotional and practical support during conflicts
- ❖ Mediators to help soothe disagreements
- ❖ Shared responsibilities for childcare and household tasks

Today, most families in urban settings are nuclear, consisting only of parents and children lacking the extended familial support they once had. So, when disputes arise, couples often have no immediate family support to help mediate or guide.

This shift has two major impacts:⁹

Isolation During Conflict: Couples have to handle their disagreements solo, which can amplify problems and make them seem harder to fix.

Less Pressure to Stay Together: In joint families, the involvement of relatives reinforced the importance of staying married. Without that, individuals feel more accountable for their own happiness and the quality of their relationships.

Urban Stress, Work Demands, and Time Scarcity and Living in the city adds stress that directly affects relationships:

- ❖ Long hours and demanding jobs limit time for emotional connection and family bonding.
- ❖ The high cost of living and competitive job markets increase anxiety, reducing patience for unresolved issues.

⁸ Irretrievable Breakdown of Marriage with Special Reference to Shilpa Sailesh v. Varun Sreenivasan Case,” Panjab University Law Review, Vol. 62, No. 1 (2024)

⁹ Court calls wife’s refusal to eat onion and garlic ‘mental cruelty’, grants divorce,” Times of India (Jan. 30, 2026)

- ❖ Commuting, deadlines, and the hustle of urban life create daily pressures that can strain even solid relationships.

The combination of time scarcity and stress often means couples miss opportunities to communicate effectively or resolve conflicts peacefully, which can lead to emotional distance and, in many cases, separation. Urbanization also speeds up exposure to global values like personal freedom, fulfillment, and self-actualization. Younger generations in cities increasingly value autonomy and self-identity, which can sometimes clash with the traditional norms of duty and sacrifice in marriage. So, urban living tends to amplify underlying relational stressors like the lack of family support, less emotional time available, and greater life pressures all contributing to increasing rates of marital separation in urban areas.

Legal Reforms & How Divorce Is Getting Easier¹⁰

In India, the rules about divorce and how the courts work are really important for couples looking to legally end their marriage.

Modern Reasons for Divorce

Under the Hindu Marriage Act of 1955¹¹ and other personal laws like the Special Marriage Act of 1954,¹² people can get divorced for several reasons, which include:

- ❖ Cruelty (whether physical or mental)
- ❖ Adultery (though it's no longer a crime, it's still a valid reason for divorce)
- ❖ Irretrievable breakdown (a reason that courts are starting to recognize more)
- ❖ Mutual consent etc.

The option for a mutual consent divorce has really simplified things. If both partners agree that the marriage is over, they don't have to argue about who is at fault anymore.

¹⁰ Sujan Dutta et al., Disentangling Societal Inequality from Model Biases: Gender Inequality in Divorce Court Proceedings, arXiv (2023)

¹¹ Hindu Marriage Act, 1955 (India).

¹² Special Marriage Act, 1954 (India)

Clarification on Mutual Consent from the Courts

In cases like *Amardeep Singh v. Harveen Kaur* (2017), the Supreme Court ruled that the six-month waiting period stated in Section 13B is not always necessary, which means courts can skip it when it makes sense. This change has helped reduce the waiting time for couples looking to separate.

Easier Processes and Online Access, the court system is making divorce filings easier with e-courts and online procedures. This is a big help for those living far from major cities since digital filing allows couples to handle their paperwork without long trips or delays.

Acceptance of Irretrievable Breakdown of Marriage, and while Indian laws do not specifically state “irretrievable breakdown” as a reason for divorce, courts have been more willing to use it as a valid ground, especially when it seems like reconciliation is off the table.

In a significant 2025 Supreme Court ruling, a long marital dispute ended in divorce, as the relationship was deemed just a formality with no possibility of fixing things. The legal experts point out that courts are increasingly using this principle under Article 142¹³ to ensure fairness in marriage-related cases. This shift shows a realistic approach; when a marriage no longer works as a partnership, keeping it going for appearances can cause more harm than good.

4. Judicial Case Examples Showing Modern Divorce Trends

To grasp the rising divorce rates and the current interpretation of Indian law, it’s helpful to take a look at real court decisions from 2025- 2026, as well as key judicial precedents. These cases show that how courts deal with issues such as mental cruelty, desertion, refusal to cohabit, misuse of protective laws, and irretrievable breakdown of marriage. They show how individual rights are weighed, keeping fairness and due process in mind.

4.1 Chhattisgarh High Court, Cruelty and Desertion (2025)

¹³ Constitution of India, 1950, Art. 142

In September 2025, the Chhattisgarh High Court granted a divorce in a protracted case where the husband had first filed his petition back in 2015. The court found that the wife's behavior like making false criminal complaints, staying apart for a long time, and refusing to return to the marital home amounted to both mental and physical cruelty and desertion as per the Hindu Marriage Act, 1955. The court pointed out that the husband had made repeated attempts to reconcile, which were unsuccessful.¹⁴ The wife's actions caused enough distress that living together was no longer feasible. The divorce was granted, along with an order for ₹15 lakh in permanent alimony for the wife and their daughter, acknowledging her financial dependence and validating the husband's claims.

This case shows that today's courts carefully consider the actions of both partners instead of simply denying a divorce based on social norms or procedure. It also highlights that false allegations and prolonged separation can be seen as forms of cruelty, leading to a legal understanding that marriages which are no longer viable shouldn't be forced to persist.

4.2 Chhattisgarh High Court Refusal to Cohabit as Mental Cruelty (2025)¹⁵

In a landmark ruling from November 2025, the Chhattisgarh High Court decided that if one spouse consistently refuses to cohabit or engage in marital relations without a valid reason, despite the other spouse's efforts, it can be considered mental cruelty under Section 13(1)(I A) of the Hindu Marriage Act. The couple, married since 2009, had been living separately since 2014. The husband sought a divorce on the grounds that his wife continually refused to resume cohabitation, which made married life impossible. The court sided with him and approved the divorce petition. This ruling itself how the judicial interpretation of cruelty is evolving expanding beyond physical abuse to include situations where emotional neglect and refusal to fulfill essential parts of the marital relationship seriously damage the marriage. It shows how Indian courts are adapting to the complex personal situations that lead to marital breakdown, aligning legal standards with contemporary realities where emotional and relational aspects are just as significant as physical harm.

¹⁴ Concealing medical condition ground for divorce, rules HC," Times of India (Dec. 11, 2025)

¹⁵ Chhattisgarh HC dissolves 14-year-old marriage, cites cruelty and desertion," Times of India (2025)

4.3 Chhattisgarh High Court, Abuse of Criminal Laws vs. Maintenance (2025)¹⁶

In another significant 2025 ruling, the Chhattisgarh High Court decided that an acquittal in a Section 498A (dowry harassment) case does not automatically prevent a spouse from claiming maintenance under section 144 of BNSS.¹⁷ if they can show valid reasons, such as cruelty, for living apart. In this situation, the husband argued that being acquitted should negate any maintenance claims. The court disagreed, stating that the proof required for maintenance is less stringent than that for criminal convictions, and evidence of cruelty or desertion can still support a maintenance claim even if a criminal case fails.

These ruling underscores the courts' efforts to strike a balance between protecting against the misuse of laws and providing genuine assistance to spouses in need. The focus remains on evidence and fair assessment rather than rigid classifications, thereby shaping the current dynamics of divorce law.

The Recent Supreme Court decisions have significantly affected how the irretrievable breakdown of marriage is treated in divorce law, in *Shilpa Sailesh v. Varun Sreenivasan* (2023), the Supreme Court established that it can grant divorce under Article 142 of the Constitution due to the irretrievable breakdown of marriage, even if the statutory waiting periods under Section 13B of the Hindu Marriage Act have not been completed.

In December 2025, the Court applied this approach in a case involving a legal struggle of concluding that the marriage had become merely a paper formality with no real chance of reconciliation, which constituted cruelty due to prolonged separation and lack of accommodation between the spouses.

The Court also indicated that forcing people to stay in a marriage that has ceased to function is counterproductive and can be a form of cruelty in itself, justifying its dissolution for the sake of complete justice. These rulings signify an important judicial acknowledgment that relationships

¹⁶ Nayan Bhowmick V.Aparna Chakraborty 2025 SCC OnLine SC 2798

¹⁷ Bharatiya Nagarik Suraksha Sanhita, 2023 § 144 Maintenance law replacing CrPC § 125

can irreparably break down and that courts should be flexible enough to grant divorces when reconciliation is impossible. This modern interpretation plays a role in the increasing divorce applications as couples seek legal closure when their marriages stagnate without hope of renewal.

4.5 Supreme Court Alimony and Maintenance Considerations¹⁸

Although not directly related to divorce, the Supreme Court has influenced trends regarding alimony and maintenance, which can affect divorce decisions. For instance, in 2025, a bench directed a husband to provide his wife with a ₹4 crore flat as alimony while rejecting her requests for luxury items like a BMW and ₹12 crore pointing out that her educational background and ability to support herself were important factors in assessing alimony. This ruling shows a judicial commitment to ensure fair compensation without encouraging excessive financial demands that could lead to prolonged disputes. It emphasizes that alimony should be reasonable, need-based, and linked to lifestyle and earning capacity rather than punitive in nature.

Landmark Legal Precedents Shaping Divorce Law in India

Naveen Kohli v. Neelu Kohli (2006)¹⁹ Recognized that long-term separation and irreparable breakdown can be classified as mental cruelty, pushing for legislative reform to include 'irretrievable breakdown' as a divorce ground.

Samar Ghosh v. Jaya Ghosh (2007)²⁰ Clarified the parameters of mental cruelty showing that prolonged separation and behavior indicating an inability to live together can justify divorce.

V. Bhagat v. D. Bhagat (1994) Expanded the definition of cruelty to include behaviors that make cohabitation unreasonable, not just focused on physical abuse.

¹⁸ SC asks man to give wife 4 cr city flat as alimony, says no to 12 cr and car,” Times of India (Aug. 6, 2025)

¹⁹ (2006) 4 SCC 558)

²⁰ (2007) 4 SCC 511)

Shilpa Sailesh v. Varun Sreenivasan (2023) Affirmed the Supreme Court's authority under Article 142 to grant divorce based on irretrievable breakdown, even without compliance with waiting periods.

These precedents show a clear shift in judicial thinking from strict interpretations centered on fault to a more pragmatic acknowledgement of relational realities, recognizing emotional disconnect and long-term separation as valid reasons for divorce

Analysis: What These Judicial Trends Mean for Rising Divorce Rates²¹

Recent trends in Indian matrimonial jurisprudence reflect a more nuanced and realistic judicial approach to rising divorce rates and complex family disputes. Courts are increasingly acknowledging emotional and mental cruelty including refusal to cohabit or continued acrimony as valid grounds for divorce, recognising that such conduct inflicts profound psychological harm and may amount to cruelty under Section 13 of the Hindu Marriage Act. Separately, desertion and separation are being interpreted holistically, with prolonged non-cohabitation and failed attempts at reconciliation treated as indicia of irretrievable breakdown, even where statutory grounds are hard to prove. The Supreme Court has also invoked its constitutional powers under Article 142 to grant divorces on the basis of irretrievable breakdown, waiving procedural delays and statutory technicalities in cases where the marriage is effectively defunct and no hope of reconciliation remains. At the same time, courts are striving to balance protection against misuse of laws like Section 498A IPC emphasising cogent evidence and discouraging malicious criminalisation while ensuring fairness in orders for support and maintenance.

5. Cultural & Psychological Factors Affecting Marital Stability²²

5.1 Urban Stress, Work Life Imbalance & Mental Health

²¹ wakeelSaab.com, “Why Are Divorce Rates Increasing in India?”

²² wakeelSaab.com, “Why Are Divorce Rates Increasing in India?”

Living in the city brings its own set of challenges for personal relationships:

- The combination of long working hours, hectic commutes, and limited family time can lead to misunderstandings and weaken emotional bonds.
- Many couples just don't have the time or the skills to resolve conflicts, which can result in ongoing tension and relationship breakdowns.

Mental health awareness is on the rise in India, but it's still common for couples to go without the right support until problems escalate.

5.2 Evolving Expectations & Reduced Tolerance for Unhappiness

Thanks to social media, movies, and digital stories, relationships are often shown in a glorified light. When real-life marriages don't measure up, couples might feel let down or inadequate. This issue is amplified by younger generations' hopes for emotional satisfaction, mutual respect, and personal development all valid desires, but they can sometimes lead to greater dissatisfaction. (movies like Thappad)

5.3 Normalisation of Separation and Changing Stigma

Even though there's still a stigma around divorce in many communities, especially in rural areas, young people in cities are beginning to see divorce as a valid choice when marriage stops being beneficial for both partners. With more awareness of legal rights and exposure to various family structures, the fear of social ostracism is fading, allowing individuals to feel a greater sense of control over their personal life decisions.

6. Family Expectations and Social Norms

In India, the influence of family and societal expectations on marriage decisions is really strong. These expectations often dictate who gets married to whom, when it happens, and how it all unfolds. Traditionally, marriage in India isn't just about two people coming together; it's more like a union of families, with parents deeply involved in choosing partners, deciding when to tie the knot, and making social decisions. This strong involvement stems from long-standing cultural values and a focus on family, which can lead to pressure to marry young or to pick a partner based

more on family preferences rather than true compatibility. Unfortunately, this can lead to conflicts when couples eventually have to navigate their married lives independently. Studies have shown that too much parental involvement like meddling in personal affairs, giving constant unsolicited advice, or getting mixed up in arguments between spouses can breed resentment, invade privacy, and ramp up stress for the couple, which might even contribute to instability or divorce.²³

On one hand, having family support can really help with emotional and practical advice, but on the other hand, when that support crosses into being overwhelming or intrusive, it can clash with the growing desire for independence and personal goals among the younger crowd. Many urban young couples are now pushing for more personal choice in their relationships, which can spark clashes between generations. Traditional expectations like getting married early, sticking to caste or community preferences, or obeying parental wishes are still pretty strong.

At the same time, societal attitudes towards divorce vary greatly in India. In many rural and conservative areas, there's still a big stigma attached to divorce, and social pressure can make couples reluctant to separate even when their marriage is unhealthy or unhappy. They often feel the need to keep up appearances, even at the cost of their emotional and psychological well-being. This creates tension between old-school family values and modern individualist views: while some families are starting to support the idea of separating in genuinely unhealthy relationships, others continue to put social reputation and family expectations ahead of personal happiness.

7. Legal Misuse and Concerns²⁴

Laws like Section 498A and protections against domestic violence are crucial for keeping abuse victims safe. However, there have been cases where these laws are misused, putting pressure on spouses or family members and dragging out marital conflicts more than necessary. When legal provisions are misapplied, it can lead to serious consequences like wrongful convictions, lengthy legal struggles, significant stress, and damage to one's reputation. That's why it's important for

²³ Divorcelawyernewdelhi.com, "Common Reasons for Divorce in India" analysis of cruelty, adultery, and judicial trends.

²⁴ SC asks man to give wife 4 cr city flat as alimony, says no to 12 cr and car," Times of India (Aug. 6, 2025)

courts to enforce strict standards of evidence and ensure fairness for everyone involved. At the same time, we can't forget that real victims of abuse need protection. The legal safeguards in place shouldn't be weakened, but they should be used carefully.

8. Finding Solutions to Minimize Unnecessary Marital Breakdowns

Understanding why divorces are on the rise is one thing; tackling the root causes is a whole different challenge. Here are some practical solutions that are gender-neutral and respectful of individual dignity.

8.1 Improve Relationship Education

Premarital Counseling: We need programs at both national and local levels to help couples set realistic expectations about marriage.

Communication Training: Workshops aimed at teaching couples how to resolve conflicts in a healthy way can be really beneficial.

8.2 Enhance Mental Health Support

Promote accessible mental health resources for couples who might be struggling, make family therapy a common practice for addressing issues before they get out of hand.

8.3 Reforms in the Judiciary and Mediation

We should expand court-linked mediation services to assist couples in resolving disputes amicably when possible. Family courts ought to offer neutral counseling instead of only focusing on legal rulings. It is important to have strong protections against abuse while also guarding against false allegations that could derail justice. Alimony and maintenance orders should be fair, need-based, and gender-neutral, aiming for economic equity rather than being punitive.

8.5 Strengthening Community and Family Support

We need to bolster community structures that can provide moral and emotional support without being forceful. The Social norms should encourage mutual respect and individual well-being in relationships.

9. Conclusion

The increasing number of divorce cases in India mirrors significant changes in society economic, legal, cultural, psychological, and interpersonal. Instead of seeing divorce merely as a failed marriage, it's more fitting to view it as a reflection of individual desires for dignity, safety, and mutual respect. India's legal system, while still developing, is progressively acknowledging the complex realities of modern relationships. It strives to balance protection for vulnerable individuals with fairness and accessibility in the process. Recent court rulings showcase how judges are navigating issues like mental cruelty, irretrievable breakdowns, maintenance disputes, and concerns about misuse.

REFERENCES:

1. Hindu Marriage Act, 1955 (India).
2. Special Marriage Act, 1954 (India).
3. Bharatiya Nagarik Suraksha Sanhita, 2023 § 144 Maintenance law replacing CrPC § 125
4. Bharatiya Nyaya Sanhita, 2023, § 85
5. Naveen Kohli v. Neelu Kohli, (2006) 4 SCC 558)
6. Samar Ghosh v. Jaya Ghosh, (2007) 4 SCC 511)
7. V. Bhagat v. D. Bhagat, (1994)
8. Nayan Bhowmick V.Aparna Chakraborty 2025 SCC OnLine SC 2798
9. Sau. Jiya v. Kuldeep, 2025 SCC OnLine SC 213
10. Constitution of India, 1950, Art. 142

11. “Irretrievable Breakdown of Marriage with Special Reference to Shilpa Sailesh v. Varun Sreenivasan Case,” Panjab University Law Review, Vol. 62, No. 1 (2024).
12. Sujan Dutta et al., Disentangling Societal Inequality from Model Biases: Gender Inequality in Divorce Court Proceedings, arXiv (2023)
13. “Prolonged matrimonial legal fight can only lead to marriage in paper, says Supreme Court, ends 22-year divorce fight,” Economic Times (Dec. 15, 2025).
14. “SC asks man to give wife 4 cr city flat as alimony, says no to 12 cr and car,” Times of India (Aug. 6, 2025).
15. “Refusal to cohabit amounts to mental cruelty, says HC,” Times of India (Nov. 16, 2025).
16. “Concealing medical condition ground for divorce, rules HC,” Times of India (Dec. 11, 2025).
17. “Once in blue moon visits not equal to living conjugal life with wife: HC,” Times of India (Jan. 8, 2026).
18. “Woman not entitled to maintenance if living apart sans valid reason,” Times of India (Feb. 4, 2026).
19. “Court calls wife’s refusal to eat onion and garlic ‘mental cruelty’, grants divorce,” Times of India (Jan. 30, 2026).
20. “Chhattisgarh HC dissolves 14-year-old marriage, cites cruelty and desertion,” Times of India (2025) – precise reporting on case facts.
21. akeelSaab.com, “Why Are Divorce Rates Increasing in India?”
22. Divorcelawyernewdelhi.com, “Common Reasons for Divorce in India” analysis of cruelty, adultery, and judicial trends.