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Social Security for Divorced Women

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Divorce women spend their life miserably. Their parents or brother treat them like a burden. They do not have their own house. They suffer from financial problems. Lack of experience creates difficulties to find jobs. A woman suffers from an unhappy married life because they are threatened by all these post divorce problems, they think that they would also suffer from divorce difficulties. In this article, the author has discussed the challenges faced by women after divorce and how hostile married life affects women. How they can overcome all these problems. What kind of social securities are available for women? The situation of divorced women in Indian society is not too good. How the current circumstances of divorce women can be transformed in order to create better conditions for divorced women in society today and in the future. What type of governmental policies helps divorced women? The problem of divorced women needs to be given a lot of attention for a better situation of divorce women in society.

Keywords: *divorce women, social security, society.*

INTRODUCTION

In Indian society, women do not divorce their husbands despite how cruel he is. It is the thinking of our Indian society and women that they only indulge in household work that's why she is economically dependent on men. This is the reason why she faces mental trauma in an unhappy married life, but she doesn't have the courage divorce to her husband. Unhappy

married life is the invitation of diseases and mental illness. Women can get rid of unhappy married life when she is not economically dependent on her husband and this is possible by social security provided by the government to the divorced women. Now we have to understand what social security exactly is, "it is provided by the society to the individual so that they can easily access healthcare and to guarantee income security and when this is provided to the divorced women called social security to divorced women." This situation is mostly applied to uneducated or women of the middle class or poor families because they are not capable enough to overcome financial problems and healthcare facilities.

UNHAPPY MARRIED LIFE OF A WOMAN

In Indian society, it is prevalent that marriage is important to attain salvation, and that is why it is an important aspect of life in India. So parents try very hard to find a husband for their daughter. Arranged marriage is still highly prevalent in India and sometimes especially in rural areas where women do not get the option to oppose it. There are certain circumstances and conditions which are hidden prior to marriage which thereafter results in the stressful life of a woman, and this frustrates the living conditions of the women. Women find themselves in a very ungrateful situation. Her parents urge them to be patient and stay positive. She is not happy in her married life, but she has to carry the burden of married life because of many social stigmas such as family's reputation, hateful comments on her personal life "divorced women cannot spend their life" and post divorce conditions.

EFFECTS OF UNHAPPY MARRIED LIFE ON WOMEN

Unhappy marriages trigger the health of the spouse, especially women. Marital conflicts lead to various diseases such as cancer, heart disease, arthritis, type 2 diabetes, and depression. Unhappy and hostile marriages have a negative effect on both. But the wife suffers more than the husband. Husbands spend most of their time out of home, cheering up with friends, but the wife is always in the house and frustrates themselves from this unhappy marriage. Researchers suggest that unhappy marriages increase the stress level. Now we have a

question: why do women suffer from this mental stress, and why don't they have the courage to give divorce?

WHY DO WOMEN DON'T WANT TO TAKE A DIVORCE EVEN IF THEY ARE SUFFERING FROM UNHAPPY MARRIED LIFE?

Divorce can be an isolating and traumatic experience, especially for those who fall in the 20s and 30s age group; they sometimes feel shame and stigma when many of their peers are newly married. After divorce women face many challenges such as emotional stigma, lack of confidence, financial unsustainability, family, and relatives. Now we will understand all one by one:-

Emotional Stigma:- Divorce women face a lack of emotional attachment. She has to face a range of feelings, sadness, anger, and depression after divorce. Divorce women get numerous ill - job offers, destructive hearsay, and face difficulties in starting a new relationship. Many times women hesitate to go to public places. Sometimes after divorce women don't get custody of their children because it is the mentality of everyone that she can't take care of her children as a single parent. She does not have emotional support from her parents also.

Lack Of Confidence:- There are higher chances women lose their confidence after divorce. She began doubting herself, and she attempted to find out mistakes in her. She thinks that she hasn't maintained her relationship perfectly. Not only that, but she loses her certainty to the degree that she thinks that she can't accomplish her standard work. Ladies would prefer not to wed again in light of the fact that it is hard for her to trust once more. She thinks that people were laughing at her. Father, mother, siblings all are busy in their life. She felt alone. All this leads her to lower confidence.

Society:- Society and relatives never accept a divorced woman, it is the thinking of the old generation or people living in rural areas that a woman can't spend her life without her husband.

People want all the details of divorce they don't want to miss a single point. Some people don't ask the reason for divorce, and they start gossiping about it. Everyone starts to find a reason for her divorce by her behavior, by way of her talk, and how she lives.

Financially Unstable:- Financial stability is the major problem after divorce faced by women. She has no financial support from her parents and relatives. She lives her life in poverty and belongs to a poor family. In some cases, after a marriage in-law refuses to work, so she does not have enough experience and this makes it difficult to find a job after marriage. Sometimes the husband refuses to take care of the child, so she has to take care of the child as a single parent. It is difficult for her to take care of a child without any financial instrument. She is unable to pay the fee of the school, and this leads to the transfer of the child to a low quality educational institute or discontinuance of studies. She has no financial resources to carry out her life, does not fulfill her wishes, and becomes a burden on her parents.

"Jyoti is a divorced woman. She is a nursery teacher, living in her own loft with her 11 year old child. Jyoti had the way to endure, yet there were numerous things she could abruptly not bear or needed to mull over." It is clear from the above points why women are scared to take divorce. From all the above problems, the big problem is financial unsustainability. A woman who has not been educated guess how she spends her whole life or as a single parent, she finds a lot of problems in her way. Women get rid of this when the government makes social security schemes and laws for divorced women. Although divorced women have certain rights.

RIGHTS OF DIVORCED WOMEN

Women have certain rights regarding alimony mentioned in different provisions of different acts. **Section 24 of Hindu Marriage Act 1955¹** states that "Where in any proceeding under this Act it appears to the court that either the wife or the husband, as the case may be, has no independent income sufficient for her or his support and the necessary expenses of the proceeding, it may, on the application of the wife or the husband, order the respondent to pay

¹ Hindu Marriage Act 1955, s 24

to the petitioner the expenses of the proceeding, and monthly during the proceeding such sum as, having regard to the petitioners own income and the income of the respondent, it may seem to the court to be reasonable. Provided that the application for the payment of the expenses of the proceeding and such monthly sum during the proceeding, shall, as far as possible, be disposed of within sixty days from the date of service of notice on the wife or the husband, as the case may be." It means the wife has a right to claim expenditure during the pendency of proceedings if she does not have any source of income.

In **Kavita Vyas v. Deepak Ram Dave**²: Court held that order granting maintenance pendente lite, although limited in its duration, is a final order and qualifies to be judgement. **Smt. Shasikala Pandey v. Ramesh Prasad Pandey**³: The husband was a divisional engineer working in the Bokaro Steel Plant of Steel City, Dhanbad. His wife filed an application for granting interim alimony and expenses of the appeal which was resisted by the husband. In this case, the court upheld that his wife is entitled to maintenance pendente lite and expenses of proceedings under section 24 of the Hindu Marriage Act and the principle of res judicata cannot be applied to frustrate the right of maintenance pendente lite.

Sec 25 (1) of the Hindu Marriage Act states that "Any court exercising jurisdiction under this Act may, at the time of passing any decree or at any time subsequent thereto, on the application made to it for the purpose by either the wife or the husband, as the case may be, order that the respondent shall pay to the applicant for her or his maintenance and support such gross sum or such monthly or periodical sum for a term not exceeding the life of the applicant as, having regard to the respondent's own income and other property, if any, the income and other property of the applicant, the conduct of the parties and other circumstances of the case, it may seem to the court to be just, and any such payment may be secured, if necessary, by a charge on the immovable property of the respondent."⁴ According to this section, the wife claims alimony from the husband at the time of divorce extends to her life. The court passed the decree not only regarding this but if the circumstances of the husband

² *Kavita Vyas v Deepak Ram Dave* (2018) AIR 72 (Raj)

³ *Smt Shasikala Pandey v Ramesh Parsad Pandey* (2009) AIR 1 (Chh)

⁴ Hindu Marriage Act 1955, s 25(1)

have been changed like increment or promotion, etc. Court modifies the orders under section 25 (2) of Hindu Marriage Act 1955 which states that "If the court is satisfied that there is a change in the circumstances of either party at any time after it has made an order under subsection (1), it may, at the instance of either party, vary, modify or rescind any such order in such manner as the court may deem just."⁵

In **Jalendra Padhiary v. Pragati Chhatray**⁶: permanent alimony of Rs. 15 lakhs to the wife was fixed by the family court. A Hindu divorced woman filed a petition for the maintenance of a child under section 26 of the Hindu Marriage Act 1955. Section 24 and section 25 talk about the rights of the husband and wife, but under section 125 of the Code Of Criminal Procedure, the only wife can claim maintenance, not a husband. Section 125 (1) (a) of CrPC states that "If any person having sufficient means neglects or refuses to maintain (a) his wife, unable to maintain herself."⁷

Sub clause 2 states that "Such allowance shall be payable from the date of the order, or, if so ordered, from the date of the application for maintenance."⁸ (b) "wife includes a woman who has been divorced by or has obtained a divorce from her husband and has not remarried."⁹ If the husband fails to comply with the orders of the court issue a warrant lying fine against the person for the amount due, if the amount is due after warrant, so the court provides imprisonment extends to 1 month until payment sooner made this statement mention under subsection (3) of section 125 of CrPC.

Under CrPC women of all religions can claim maintenance but under Hindu Marriage Act only Hindu women are able to claim maintenance but women of other religions get maintenance according to the law maintainable on them. Like Parsi women claim maintenance under the Parsi Marriage and Divorce Act 1936. Christian divorce women claim maintenance under Section 37 of the Indian Divorce Act 1869, divorced woman can get alimony from the

⁵ Hindu Marriage Act 1955, s 25(2)

⁶ *Jalendra Pandey v Pragati Chhotray* (2018) AIR 2091 (SC)

⁷ Criminal Procedure Code 1973, s 125(1)(a)

⁸ Criminal Procedure Code 1973, s 125(2)

⁹ Criminal Procedure Code 1973, s 125(2)(b)

husband till her lifetime by applying for maintenance in a civil/high court. Muslim women claim maintenance under Muslim Women (Right On Divorce) Act 1986, (a) "a reasonable and fair provision and maintenance to be made and paid to her within the iddat period by her former husband."¹⁰ She claims maintenance after the iddat period also. This section is not restricted to the iddat period. Muslim women also claim maintenance under section 125 of CrPC held in *Zohra Khatoon v. Mohd Ibrahim*¹¹. Muslim women unable to maintain themselves after iddat period she also claim maintenance to her relatives and if relatives are not available so the Waqf Board maintain the Muslim divorced women.¹² Muslim women claim maintenance for their children under section (b) of Muslim Women (Protection of Rights on Divorce) Act, 1986 states that "When the woman had to maintain herself and her children, maintenance had to be paid for a period of 2 years. If the child is born after the divorce, then the 2-year period begins from the child's date of birth."¹³

If the property is registered in the name of husband and wife both as per the women's property rights, the wife stuck the claim in the property at the time of divorce. The court as a divorce settlement can grant her contributed share. If the property is registered exclusively in the name of the husband, she has to prove that she has contributed to the acquisition of the property.

National Policy For Women launched in May 2016 replaced the National Policy For Women Empowerment 2001. The policy of 2016 mainly focused on single women here single women includes divorced and widowed women. The percentage of single women from the last 10 years increased by 39%, so the government must provide privilege in taxing on women's health related products like sanitary and menstrual hygiene items and others. Other than tax exemption there will be health cards linked with an Adhar card, with help of this card pregnant women get free check-ups and other diseases.

¹⁰ Muslim Women (Protection of Rights on Divorce) Act 1986, s 3(1)(a)

¹¹ *Zohra Khatoon v Mohd Ibrahim* (1981) AIR 1243 (SC)

¹² Muslim Women (Protection of Rights on Divorce) Act 1986, s 4

¹³ Muslim Women (Protection of Rights on Divorce) Act 1986, s (3)(1)(b)

Working Women Hostel Scheme: The objective of the scheme is to provide day care facilities to working women for their children so that they can drop the child there and go for work freely, this facility is specially provided in rural and semi urban areas. When Divorce women go to work, they can leave their child in daycare without any tension.

Swadhar Gher: This scheme was introduced by the Union and Women Ministry of the child for the reestablishment of women in difficult circumstances. Through this scheme, a woman after divorce isn't having residence to live in, so they can take benefit from this scheme of government.

Mahila E-Haat: A direct internet marketing platform introduced by the Ministry of Women and Child Development, this plan is made to help women entrepreneurs.

The Ministry of Personnel, Public Grievances & Pensions is the coordinating agency of the Central Government in personnel matters specially issues concerning enrollment, indoctrination, career advancement, employee wellbeing as well as the post retirement pension. The agency makes some rules in which divorced women get family pension including in their parent employee pension even she gets the pension when the divorce has not finally taken place, but there is one condition and that is divorce petition has been filed by the daughter during the lifetime of her deceased parent employee/pensioner.

In Uttar Pradesh under Chief Minister **Arogya Scheme or Ayushman Bharat Yojna** give yearly ₹6000 to the survivor of Triple Talaq and furthermore Hindu divorce women till their rehabilitation. And furthermore reported free legal aid to divorce women yet this plan was simply restricted to Uttar Pradesh.

Rajasthan likewise gives annuities between ₹500 to ₹1500 for single ladies in various age classes from 18 years to 75 years or more.

OTHER ISSUES

- The National Forum for Single Women's Rights (NFSWR) said that " Centre, as well as State Governments, should provide 3000 rupees per month to Single women whose income is below from taxation limits and does not get the pension."
- Government should make a rehabilitation scheme for divorce women who live below the poverty line, or whose monthly income is below ₹3000.
- If Divorce is held between a middle class husband and wife, then the husband only gives alimony of rupees 5 to 6 lakhs and if divorce is held between the poor husband and wife, the husband hardly provides 1 or 2 lakh rupee as alimony. This amount is not enough for a wife to spend her whole life. So the government should provide jobs to divorced women according to their skills and education.
- Government should provide counselling centers for divorce women because after divorce they lost their confidence. She does not work efficiently. She thought people would stare at her when she went to public places.
- Government should make laws that specifically deal with the welfare of divorced women. In which the counselling centre, government jobs, and skill training must be mentioned also make separate cooperation for women.

CONCLUSION

Unhappily married life women face mental trauma that affects their health. They can get rid of this by divorce. But in India divorce is like sin. Conservative people thought divorce women can't do anything. People want to know minute details of the divorce, so the frustrated woman thought people were staring at her. She doesn't like public places and because of this, she lost her confidence. Financial instability is the major problem after divorce. Lack of experience becomes a hurdle to finding a job after a divorce and finding a job is more difficult for uneducated women than an educated one. Parents or brothers don't like to take the burden of their daughter or sister. That is why women do not want to get a divorce. In India, divorce women have certain rights regarding divorce like sections 24, 25 of the Hindu Marriage Act or

section 125 of CrPC in which she claims maintenance from the husband. There are certain policies also such as National Policy for Women, Swadhar Gher, Working Women Hostel Scheme, and others. But these schemes and laws are not sufficient for divorced women. The husband earns only 7 to 8 thousand. How much amount he is able to pay in maintenance. So that maintenance amount is not sufficient for women's life span. Government should open skill training centers, counselling centers for divorce women, provide jobs to divorcees according to their qualifications, motivate them through various schemes and make specific laws for the welfare of divorced women. Through these social securities, women live her life happily and without any difficulty.