

Contemporary Challenges in Indian Marriages – How to make them work!

Chief Guest: Honorable Justice Kailash Gambhir (Delhi High Court)

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The pride of India – the “Indian Family Values” – are threatened in numerous ways unforeseen and unheard as the famed “Indian Marriage” institution is dying, as divorce rates have nearly tripled in India within this decade. Delhi, the nation's capital, is also the divorce capital of the country, with about 9,000 cases, or almost double the number registered in family courts four years ago. Mumbai captured recent headlines when news surfaced that for every five weddings registered since 2002, family courts have received two applications for divorce. It is clear the “Economic Growth” is beginning to acquire a negative connotation in the “Indian Family context” along the way. Contradictory expectations, competitive and extraneous professional life are steadily straining the matrimonial dynamics. India being an emerging super power created new opportunities of income resulting in more families where both spouses are working. Couples now find less and less time to deal with family matters and delicate matrimonial issues resulting in animated arguments leading to breakdown of marriage.

Seminar will discuss about how most legal disputes arising from matrimony are about incompatibility, revenge and ego. Irrespective of gender, bitter contested divorces do not create winners, instead strains resources of both the contesting parties. The slow moving Indian Justice system based on arcane and obsolete marital laws offers hardly any useful “counseling” or opportunities for “rapprochement” along the way! Times have changed and so have the expectations from marriage. The result is that endless trials and tribulations arising out of marital disputes often are lasting far longer than an average duration of new marriage. The Indian Justice System is practically choked. If things continue like this, India could have the highest number of divorced couples in the world in the next decade and also could have crores of marital disputes pending for years, effectively sniffing out opportunities of a fresh and healthy start for crores of Indians seeking an end to a terminally ill marriage. This backlog of millions of matrimonial case would also mean blocking justice to victims of grave crimes like murder, dacoity, terrorism, national crimes etc. that actually need to be addressed on priority! With over 3 crore cases pending, it is already beginning to show a “snowball” effect.

Given the hitherto unknown and unpredicted changes in the Indian society, there is a dire need and urgent necessity for immediately starting and sustaining a greater and broader National level dialogue on - “Preserving and Nourishing Marriage” - for foundation of by and large a secure & harmonious society, where laws for protection may not be deployed as an assassin's weapons. It is unarguably and undisputedly established that as marital strife, abuse and divorce rate in any country increase, all sorts of crimes (mass, individual) – at all levels (City, State, National) – affecting all segments of population – newborn, teenage, adult, senior citizen – regardless of caste or religion – also increase. Along with the decline of the “Family / Marriage” and increase in prolonged marital litigation – goes the Country's savings rate and the propensity for long term national economic growth.

Thus, this seminar is an attempt to stress that there is a great need for reform of laws relating to all aspects of marriage including prenuptial agreement, domestic violence, harassment, divorce, child custody and visitation rights, maintenance, alimony, to reflect the need of the hour to speedily save marriages that haven't gone bad and to speedily end marriages where no rapprochement is possible, to prevent abuse of laws for protection from becoming an assassin's weapons and to help victims of bad marriages move on speedily with life least painfully and with the least legal hurdles in their pursuit of marital bliss.

Panel discussion and the seminar will help all the adults whether they are married or not. Those who are going to tie nuptial knot need to be mentally prepared for marriage. They must be coached that marriage is not about independence, it is all about interdependence. One has to put in all his or her might in making a simple marriage work. It takes time, continuous efforts, emotional maturity and above all it demands tolerance and sacrifices from two personalities to make it a life time bond.

Rakshak Foundation is an international organization dedicated to preserving the family and social values of Indian culture. Rakshak endeavors to create greater awareness amongst Indian Polity and Citizenry, about familial harmony and how to foster the same Rakshak believes that a discussion on the National Policy effort is urgently needed to make marriages successful and the urgent legal provisions are required for the new challenges faced by “Marriage” as an institution.