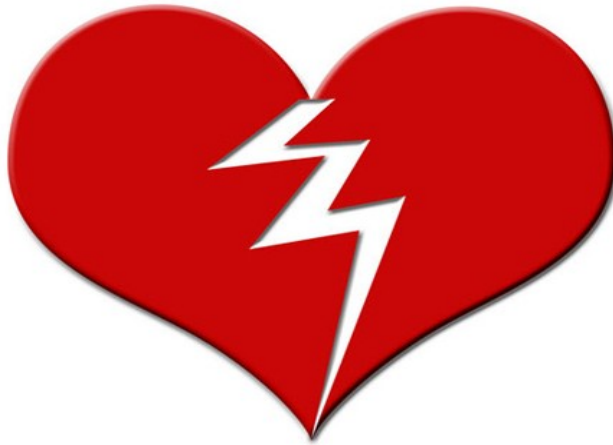


## Hinduism on Divorce



Hindu civil code permits divorce on certain grounds. But the Hindu religion as such does not approve divorce. According to Hinduism, marriage is a sacred relationship, a divine covenant and a sacrament. Therefore it cannot be dissolved on some personal grounds.

In ancient times, women in Hindu society had limited freedom. There was nothing like the modern concept of divorce in Hindu society. Once a woman left her parent's home she was completely at the mercy of her husband and if her husband found her incompatible or unattractive and abandoned her, there was little that she could do. She had no right to divorce and no right to remarry and no right to leave the house and approach any one without her husband's permission. In case of men the situation was totally different. Men had many rights and privileges, which they exercised in the name of religion, family or expediency. (Yeah I know this sucks {for a woman in this day of age}– mind my language)...

The suffering of Mother Sita, after she was abandoned by her husband in the name of dharma, is a case in point. The plight of Mother Sita amply reflects the attitude of ancient Hindu society towards the plight of women.

**Legal Position:** According to the Hindu Marriage Act 1955 (**India**), divorce can be sought on certain grounds, namely, adultery, cruelty, desertion for two years, religious conversion, mental abnormality, venereal disease, leprosy, renunciation of the world, physical separation and absence of communication for more than seven years and so on. A woman can also seek divorce from her husband if he is guilty of rape, sodomy or bestiality. According to Hindu marriage Act, a dependent spouse (male or female) can petition the court for alimony. Regarding the custody of children there is no

clear cut law. Courts have to decide the matter on the individual merits of each case.

**This also is True:-** Number of divorces in Hindu society are much less compared to western societies. This however does not mean that all is well with Hindu families. There are many couples, who live together, though they do not like each other, for fear of public humiliation and social disapproval or the love of children. Many women turn to religion and learn to cope with the pressures of marriage life through the teachings of the scriptures.

**Question:- What happens to a women when she gets divorce?**

**Answer:-** Good question... It's a rather grey area... this is because in the Vedic culture they is no such word as divorce... the word TALAK is a Urdu word and not Hindi/Sanskrit... But once again we are living in Kali Yuga and what can we do. These things do happen...

**Question:- Which family does she belong to?**

**Answer:-** Obviously she was married off and doesn't belong to her parents but to her in laws but what if they don't want her - hence they divorce, whose traditions should she follow? Good question... This is not from sastras as sastras didn't deal with this...since she is now separated from her husband she should follow her fathers path once again...

When she dies - who performs her last rites because technically in Hinduism there is no divorce. Yes her brother, her son (if she had a son), grandson... anybody can perform her rites except her parents as that Lord Vishnu in the Garuda Purana forbids that...

**Other Notes:- Accordingly to the South African Law...**

<http://www.capegateway.gov.za/eng/directories/services/11532/17761#muslimhindu>

### **DISSOLVING A MARRIAGE IN TERMS OF THE HINDU RELIGION**

If a man and woman were married by a priest in the Hindu religion, they are not married in terms of the civil law. They can then divorce without going to court but they must follow the rules of their religion.

### **DISSOLVING A CIVIL MARRIAGE IN SOUTH AFRICA**

<http://www.capegateway.gov.za/eng/directories/services/11532/17761>

A civil marriage needs to be dissolved by a court.

**Grounds for divorce:-** You can only get a divorce if you show the court that there has been an "irretrievable breakdown" of the marriage or that one of the spouses is mentally ill or continuously unconscious.

Irretrievable breakdown means that the couple can no longer live together and there is no reasonable chance of them resolving their differences. Proof of this can include evidence showing that:

- The couple have not lived together for a while.
- One partner cheated on the other.
- One partner left the other.
- One partner abused the other.
- The couple no longer love each other.

You can get a divorce if your partner has been institutionalized for mental illness for at least two years and doctors don't think that they will ever recover.

You can get divorced if your partner has been unconscious for at least six months and doctors don't believe that they will never recover.



**DISCLAIMER:-** Do note that Dipika is not affiliated to any Hindu group or organization. We at Dipika choose to remain an independent repository of spiritual advice. We appreciate that there are variances between organisations and humbly request that if our views differ from yours that you respect our decision not to conform to the prescripts of your particular organisation. We remain committed to spiritual advice which is based on scripture.

Thank you so much for taking the time to read this article. We pray that this article will assist you in some way and we also pray that it helps you to appreciate the beauty and remarkable foresight of our ancient Hindu culture. We wish to educate all readers and demystify the path of Hinduism (Sanatan Dharma). Please feel free to share these articles with friends and family who do not have direct access to our website or articles. If you use the articles in any form including blogs and/or as part of other articles kindly credit our website as a source. We hope that the articles serve as a reference to you and your family when you need clarification of certain topics. Jai Hind... Jai Shree Radha Krsna.

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