

APPENDIX X

DIVORCE

1. Introductory—About the time of promulgation of the Baroda Divorce Act in 1931 His Highness the Maharaja Gaekwad expressed a desire that the existing practices of divorce among castes which permit it, should be enquired into. This note is an attempt to analyse the data made available by the enquiry which was conducted along with the census. It must be clearly understood at the outset that the census proper never attempts to enquire into the question of divorce, as it treats divorced persons as widowed, and further, that divorce is not a subject which lends itself to a proper statistical survey. The data obtained are of a descriptive nature and have few homogeneous aspects which could enable their tabulation; the material cannot be grouped into well-defined categories and few general conclusions can be drawn. An idea of these difficulties can be had when it is seen that there are nearly a hundred castes returning information which is not alike in any two. The ramifications of sub-castes which are again disintegrated by localities, multiply the varieties of social customs to an extent which almost defies analysis in a survey so modest as this. In such circumstances the second best line for the statistician is to deal with typical examples and the most frequently occurring aspects, to determine some common factors for a rough grouping and to view the data serially rather than in its cumulative perspective. The treatment of divorce practices in these pages therefore will be more in the nature of a series of loose-knit observations with the single common thread of the theme than a compact bird's-eye view.

2. Marriage and Divorce—Divorce has come as a corollary only after the axiom of marriage was established. The nature of divorce therefore varies according as the nature of marriage is considered institutional or as a phase of human relations. The institutional aspects of marriage and divorce are mainly social, religious and legal in their order of evolution, because in the beginning cognate societies codified their social tenets and called it religion and subsequently law. Yet it is not always that social custom, religious rulings and legal clauses harmonise, as the present Hindu Society illustrates, on the point of divorce. All the three aspects are present side by side—first, social custom renders marriage a utilitarian agreement and divorce is easy if the agreement proves unsatisfactory; secondly religion considers marriage a sacrament and does not conceive of its dissolution, while law fluctuates between social practice and religious edicts. The aspects of marriage as a phase of human relationship are physical and psychological. Human relations and particularly those between husband and wife are not hidebound by any set of rules and therefore are simple. If the marriage is neither a proper biological mating nor a temperamental harmony, it fails and it fails in spite of any custom, religion or law which may refuse to conceive of such a failure. It is the impossibility of continuation of marital relations between two discordant parties which led society first to provide for a release from marriage ties. As said above, at the evolution of social rules into religion this provision was also accepted, but the founders of the Hindu religion like the later Roman Catholics, have set such a hyperidealistic premium on the sanctity of the marriage institution that its nullity is almost impossible. Other religions however perhaps being much younger, have appreciated and made due allowance for the want of universal perfection. Law has generally followed the line of least resistance, favouring the opinion of the majority—be it for social or religious sanction. It is evident, therefore, that it is human relations that ultimately determine social custom, modify or override religion to suit their convenience and force law into recognition of human needs; and it is only because Hindu religion has been a monopoly in the safe keeping of an oligarchy for hundreds of years that human pressure has not hitherto succeeded in modifying it. Many communities have however wisely shelved religion in inconvenient matters like divorce, which must sooner or later receive universal legal sanction as it has already done in Baroda State.

3. Divorce and Society—In the meanwhile as far as Hindu society is concerned, the further away from religious ritual a community is, the more human its customs appear; in other words convenience in social customs seems to vary inversely with contiguity to religion. This explains why a man of the depressed classes, a Raniparaj, or a Koli, who is beyond the pale of strict Brahmanic influence freely allows divorce. As the strata of society go higher the aspects of divorce get more complicated. While for instance purely physical causes like impotency or sterility are common grounds for divorce in primitive tribes, intensely psychological causes like "incompatibility of temperament" distinguish those at the top of the social ladder. Between these extremes are sets of causes not necessarily exclusive of each other, like:—religious—such as conversion, socio-religious—such as loss of caste, socio-ethical—such as adultery, legal—such as bigamy, or economic—such as inability to maintain a wife. These causes operate amongst all the classes of society with varying importance, though those pertaining to human

relations are necessarily common to all classes. In Hindu society as it stands at present, grounds for divorce tend to assume a more institutional aspect as a community gets 'advanced.' In the ascent towards the higher social level, as custom becomes more stringent, religious ritual more exacting and ethics more ruthless, offences against the institution of marriage appear to be considered graver than offences against the human relations of man and wife. It was with a view to remedy this state of affairs that His Highness the Maharaja Gaekwad launched the latest bold experiment of offering legal redress to those whom it was denied by religion or tradition.

4. The Baroda Divorce Act : Its Purpose—It is a sad truism that Hindu advanced castes have occasion to seek relief from the law against their own religion which has completely pervaded their every-day life, and whenever such an occasion comes one can be sure that the aid of the law is invoked against some unnatural or inhuman edict, not of religion so much as of a cruel tradition which has displaced religion. In the present instance law in the Baroda State has come to the rescue of a people whose religion had once provided for divorce (of a kind) but whose traditions would not countenance it. The preamble of the Baroda Hindu Divorce Act (Act 22 of 1931) says:—

“The Parsis, Mahomedans and Christians are at liberty to dissolve marriage according to the law applicable to each of these communities. The Hindus in the present time are not allowed by any law to dissolve marriage; divorces are allowed by custom only in certain communities. It appears however that they were allowed by scriptures even in the higher communities in ancient times; but in course of time people lost sight of the fact and there is a traditional belief prevalent in certain communities that there can be no divorce among the Hindus. People at certain stage of social progress suffer mentally the evil effects of traditions and sentiments because they have not the courage to remove the defects of such traditions and sentiments or they do not know how to do it. This act is enacted with a view to give healthy facilities to the Hindu society and to promote its happiness. It contains provisions for filing a suit for the dissolution of marriage. But the communities in which divorces are allowed by custom will be at liberty to dissolve marriage according to their customs; only such dissolutions will have to be registered in courts.”

5. The Provisions of the Act—The Act came in force on the 10th August 1931, and applied to Hindus including Jains, Buddhists and Sikhs of the State domicile. The definition of domicile varies slightly according as the suit is for dissolution, nullity of marriage, judicial separation, separate residence or restitution of conjugal rights. The parties can be husband or wife if they are majors and if they are minors, their next friend. Grounds for divorce briefly are (where it is possible for either party)—

- (1) disappearance for seven years,
- (2) becoming a recluse,
- (3) conversion to another religion,
- (4) guilt of cruelty,
- (5) desertion without reasonable cause for a period of more than three years after commencement of co-habitation,
- (6) addiction to intoxicants to the detriment of fulfilment of marital obligation,
- (7) adultery,
- (8) impotence (of husband), and
- (9) pregnancy of wife without husband's knowledge or bigamy on part of the wife.

Suits are to be framed only on clearly stated grounds and in case of adultery the co-respondent also is to be hauled up. The court is to hear the suit in the presence of jurors of whom the majority will be of the parties' caste. The jurors' majority opinion is taken on points of fact and the court either gives judgment or refers the suit to a higher court according as it agrees or disagrees with the jurors. Nullity of marriages is granted upon either party discovering an infirmity or a different religion in the other. Judicial separation or separate residency can be granted upon all the above grounds with the following in addition:—Lunacy after marriage, cessation of conjugal relations for more than three years owing to incompatibility of temperament and bigamy on part of either party.

6. The Act and Existing Divorce Customs—As noted above, divorce according to existing social practices will be allowed so long as every such divorce is registered. The Act has not only refrained from infringing upon communal usages of divorce but on the contrary has been an additional convenience to caste custom, as well as an appeal over the caste's decision. It is also expected to exercise a healthy check through its system of registration over divorces sometimes obtained among lower castes on frivolous grounds, and over those surreptitious agreements between the first and second husbands by which divorce custom is exploited for virtual trafficking in wives.

7. The Public Attitude towards the Divorce Act—The Divorce Act is yet too new to prove its utility to the general public although it is endorsed by members of Dhara Sabha. It is however hailed as a landmark of social legislation from distant places in India. Women have welcomed it as an escape from misalliance to which a coercive tradition had hitherto bound them. But its inauguration is not likely to show immediate results; provision is made for an occasional social need; it is not as if this flood-gate was opened to relieve the pressure of marital miseries, and a considerable period of time must elapse before the effect of this law will enable one to assign values to it.

8. The Enquiry: Preliminary Arrangements—The special enquiry into the practice of divorce in the State which forms the theme of this appendix was started as a result of the following cablegram received by me on the 20th December 1930 from His Excellency the Dewan Sahab, when he was in England with His Highness the Maharaja Sahab:—

“His Highness desires you to collect information about existing customs in regard to divorce among communities in which divorce is permitted. Stop. After collection the information should be tabulated for each caste or community separately.”

A questionnaire therefore was drawn up by the Census department and referred to the census committees appointed in connection with inquiries *re*: social, economic and general condition of the people for collecting information on this question too. This department also referred to the Registration, Judicial and Revenue departments for information relating to this subject.

9. The Questionnaire—The questionnaire consisted of 36 questions divided into the following main heads:—

- (1) whether the practice of divorce is old or newly introduced;
- (2) whether the practice is unilateral or bilateral, *i.e.*, which of the parties to a marriage can give divorce;
- (3) what are valid grounds for divorce;
- (4) what is the authority of the caste *panchas* in the matter;
- (5) what ceremonies are performed at the time of divorce;
- (6) what price, if any, has got to be paid for procuring a divorce;
- (7) what is the practice as to reducing the consent to divorce to writing; whether it is registered or not;
- (8) what is the practice in regard to the divorce of minors;
- (9) whether resort to court is taken by the parties or not;
- (10) whether a woman is taken in marriage while her first husband is living or not; and
- (11) whether children of a divorced mother inherit the property of her second husband.

10. Special Additional Statistics called for—In addition to the subjects comprised in the foregoing questionnaire the following other data were collected:—

- (a) The Registration department was asked to furnish in regard to registered deeds of divorce details regarding:—
 - (1) castes of the parties to divorce,
 - (2) reasons for the divorce,
 - (3) party executing the divorce deed,
 - (4) consideration for the deed, and
 - (5) whether divorce is compulsorily registrable.
- (b) The Judicial department was asked to furnish information regarding:—
 - (1) criminal complaints
 - (a) under Wife's Possession Act,
 - (b) under Section 498 of the Penal Code *re*: adultery, and
 - (c) under Section 488 of Penal Code *re*: marrying again while the husband or wife is living.
 - (2) civil suits regarding
 - (a) restitution of conjugal rights, and
 - (b) *fargati* (release from the marriage bond).
- (c) Lastly, the Revenue mahal officers were asked to furnish statistics *re*: divorces registered under the Marriage and Divorce Registration Act.

11. Volume and Variety of Data collected—We have already stated that the Indian Census does not deal with the question of divorce in any of its aspects. It cannot therefore help us in any way to study this subject. We have therefore to rely on the material received in response to our questions. The responses to the questionnaire related to 74 Hindu and 23 Muslim castes as also for the Parsi community. The names of the castes for which the returns were received are given on the next page along with their population strength.

CASTE	Strength of Population	CASTE	Strength of Population	CASTE	Strength of Population
<i>All Castes</i>	2,002,678	Rajput	94,893	Bhandari	205
<i>Advanced</i>	367,225	Sathwara	6,550	Bharathari	255
<i>Hindu and Jain</i>	315,841	Targala	5,242	Bhoi	4,765
Barot	4,505	Valand	28,034	Charan	2,011
Bhavsar	5,876	Vankar-Dhed.. .. .	107,988	Dabgar	961
<i>Brahman</i>	6,070	<i>Muslim</i>	101,666	Dhobi	2,672
Tapodhan	6,070	Fakir	6,495	Gondha	Not available
Other	Not available	Ghanchi	7,426	Kadia	1,046
Ghanchi	14,300	Hajam.. .. .	1,129	Kajal	1,606
Kachhia	8,155	Malek	11,206	Kansara	2,150
Lewa Patidar	226,871	Molesalam	10,802	Kharwa	6,800
Luhana	13,597	Momna	13,829	Khatri	3,125
Soni	12,177	Pathan	15,884	Khavas	Not available
Sutar	24,290	Shaikh.. .. .	26,073	Koli	27,438
<i>Muslim</i>	44,257	Sindhi	4,602	Lakkadfoda	Not available
Khoja	2,167	Tai	4,160	Maohhi	5,881
Memon	8,971	<i>Illiterate</i>	599,320	Mali	2,723
Pinjara	4,764	Bhangi	31,018	Matia-Patidar	3,530
Vohra (Agricultural).. .. .	16,646	Bharwad-Rabari	70,915	Meghwal	Not available
Vohra (Trading)	11,709	Chunvalia	8,185	Od	2,028
<i>Parsi</i>	7,127	<i>Primitive and Forest Tribes</i>	229,413	Otara	Not available
<i>Intermediate</i>	949,107	Bhil	54,542	<i>Primitive and Forest Tribes</i>	7,952
<i>Hindu, Jain and Tribal</i>	847,441	Dubla	12,894	Kokna.. .. .	7,952
Anjana Chaudhari	38,459	Gamit	59,213	Sagar	1,364
Baria	103,775	Nayakda	11,802	Sarania	554
Bava and Gosain	28,134	Tadvi	20,870	Sikligar Luhar	Not available
Chamar	42,802	Talavia	52,565	Tamboli	636
Darji	15,753	Vasawa	17,527	Teli	18
Garoda	7,796	Ravalia	27,614	Turi	1,711
Kadwa Patidar	219,161	Thakarda (Hindu and Jain)	191,195	Vansfoda	478
Kumbhar	52,276	Vagher	5,175	<i>Muslim other</i>	2,025
Luhar	21,062	Vaghri	35,805	Bhadela	1,908
Mochi	10,598	<i>Hindu, Jain and Tribal other</i>	85,001	Chauhan	Not available
<i>Primitive and Forest Tribes</i>	64,918	Bajania	3,925	Gandharva (Mumna).. .. .	Do.
Chodhra	38,786	Barad Patidar	Not available	Kassi	117
Dhodia	26,132			Khatri	Not available
				Mochi	Do.
				Rangrej	Do.
				Sepoy	Do.

The margin gives the population by religion for which returns have been received. It will be seen that divorce is allowed by all religions except the Hindu and the Jain. Amongst the Hindus, however, almost all castes practise it except the Vantias and the Brahmans, though stray cases are met with in both these classes also. Even amongst Brahmans, Tapodhan, Rajgar and Vyas sub-castes are reported to be practising it. The last two castes were not separately compiled. But if we deduct the Tapodhan strength from the total of Brahmans we get 123,714 Brahmans and 86,425 Vantias not practising divorce. If we deduct the total of these Brahmans and Vantias from the remaining Hindu, Jain and Tribal strength we get 186,411 persons for whom returns are not received but they mostly belong to lower Hindu elements which generally practise divorce. Before however accepting as true the above strength of the population practising divorce, we have to reckon the fact sometimes happening that although a caste may allow divorce, yet the advanced or socially higher section may not be practising it, e. g., the Charotar section amongst Lewa Patidars does not allow this practice at all. Amongst Muslims, Christians and Parsis, it is allowed by their religion and all members of those faiths practise it. But here too, the socially higher sections do not practise it. Some of the converted Rajput houses who are considered *kulin* like the Makwanas and Khants and other higher groups of Molesalams forbid divorce as being contrary to good form. The following castes are reported to have given up the practice of divorce within recent years in the localities shown against their names:—

RELIGION	Total population	Returned as practising divorce	Remainder
Hindu, Jain and Tribal ..	2,244,153	1,847,603	396,550
Parsi	7,127	7,127	..
Muslim	182,030	147,948	34,082

HINDU

1. Dhobi (Chanasma mahal).
2. Darji (Chanasma, Kheralu, Padra and Karjan).
3. Gola (Baroda City).
4. Lewa Patidar (Dehgam mahal).
5. Luhana (Okhamandal).

6. Pancholi Sutar (Baroda City).
7. Barot (Padra mahal).
8. Rajput (Kadi mahal).

9. Bhavsar (Kadi, Mahuva and Chanasma).
MUSALMAN
10. Saiyad (Padra).

12. Statistics relating to Divorce supplied by Other Departments—In order to know the extent of this practice in the State—

(i) The registration of divorces like that of marriages was made compulsory in the State under the Marriage and Divorce Registration Act in the year 1923-24. The following statement gives the number of divorces so registered by caste upto the end of February 1931, i.e., for a period of 7½ years since the Act came into operation.

NAME OF CASTE	NUMBER OF DIVORCES REGISTERED IN								Total
	1923-24	1924-25	1925-26	1926-27	1927-28	1928-29	1929-30	1930-31 February	
All Castes	316	362	398	310	447	434	431	186	2,884
<i>Advanced</i>	15	14	19	6	14	20	10	2	100
<i>Hindu and Jain</i>	13	10	15	5	11	13	6	1	74
Ghanchi	6	..	2	2	2	1	2	..	15
Kachhia	4	7	9	3	8	6	2	..	39
Sutar	3	3	4	..	1	6	2	1	20
<i>Muslim</i>	2	4	3	1	3	7	4	1	25
Khoja .. .. .	..	..	..	..	..	..	1	..	1
Vohra	2	4	3	1	3	7	3	1	24
<i>Parsi</i>	..	..	1	..	..	..	..	..	1
<i>Intermediate</i>	123	124	143	114	139	151	151	65	1,010
<i>Hindu, Jain and Tribal</i>	122	124	143	114	139	149	148	65	1,004
Baria	45	49	31	25	40	37	24	17	268
Bava and Gosain .. .. .	..	..	..	1	..	..	2	..	3
Chamar	9	4	8	7	6	5	8	3	50
Kadwa Patidar	21	20	26	24	20	27	35	12	185
Karadia .. .. .	..	..	..	2	2	..	..	..	4
Kumbhar	4	1	2	7	3	4	4	2	27
Luhar	1	1	..	..	2	..	1	..	5
Mochi	1	2	4	2	6	4	3	..	22
<i>Primitive and Forest Tribes</i>	5	5	14	8	14	14	17	1	78
Chodhra	1	..	2	2	..	3	4	..	12
Dhanka	3	5	12	6	12	11	13	1	63
Dhodia	1	..	..	..	2	..	..	..	3
Rajput	1	3	5	7	3	3	2	1	25
Targala .. .. .	..	..	..	..	1	1	..	..	2
Valand .. .. .	..	2	3	1	1	4	1	1	13
Vankar-Dhed	35	37	50	30	41	50	51	28	322
<i>Muslim</i>	1	..	..	..	..	2	2	..	5
Mumna	1	..	..	..	..	..	1	..	2
Shaikh .. .. .	..	..	..	..	..	2	1	..	3
<i>Indian Christian</i>	..	..	..	..	..	..	1	..	1
<i>Illiterate</i>	132	175	197	153	221	204	196	98	1,376
Bhangi	9	7	13	4	12	24	26	6	101
Bharwad-Rabari	1	2	1	1	3	2	..	2	12
<i>Primitive and Forest Tribes</i>	93	138	155	122	176	138	141	79	1,042
Bhil and Vasawa	28	20	28	23	31	22	47	16	215
Dubla	11	33	28	21	38	28	25	15	199
Gamit	1	1	..	1	..	..	1	1	5
Nayakda .. .. .	..	1	2	..	1	4	3	..	11
Talavia	12	15	18	15	14	18	23	9	124
Unspecified	41	68	79	62	92	66	42	38	488
Ravalia	5	1	3	4	3	3	6	3	28
Thakarda (Hindu and Jain)	2	16	8	12	11	15	8	2	74
Vaghri	22	11	17	10	16	22	15	6	119
<i>Hindu and Jain Rest</i>	25	28	26	24	46	33	47	11	240
Koli	22	25	20	22	39	26	41	9	204
Other	3	3	6	2	7	7	6	2	36
<i>Muslim Rest</i>	21	21	13	13	27	26	27	10	158

(ii) Though the registration of divorce was introduced in the State in the year 1923-24, it was customary with the parties to a divorce to reduce their consent to writing and get it registered in order to avoid future complications in the matter. The Registration department was asked to furnish such cases for the last 10 years and they are given below by caste. It may be mentioned that no such cases were registered in the Amreli and Okhamandel *prants* at all.

CASTE	No. of Divorces with deeds registered	CASTE	No. of Divorces with deeds registered	CASTE	No. of Divorces with deeds registered
1	2	1	2	1	2
All Castes	287	Vohra (Agricultural)..	1	Muslim	7
Advanced	79	Parsi	14	Shaikh	1
Hindu and Jain	60	Intermediate	149	Illiterate	30
Brahmabat	1	Hindu, Jain and Tribal.	148	Bhangi	1
Brahman	3	Anjana Chaudhari ..	14	Bharwad-Rabari ..	16
Audich	1	Baria	13	Primitive & Forest Tribes.	3
Unspecified	2	Bava	4	Bhil	2
Ghanchi	2	Darji	1	Vasawa	1
Kachhia (Khambhar) ..	1	Garoda	2	Ravalia	3
Lewa Patidar	49	Kadwa Patidar	65	Shenva	1
Sutar	2	Kumbhar	2	Thakarda (Hindu and Jain)	4
Vania	2	Luhar	9	Vaghri	2
Disawal	1	Mochi	2	Hindu and Jain Rest ..	15
Modh	1	Patanwadia	7	Muslim Rest	14
Muslim	5	Rajput	2		
Memon	3	Sathwara	2		
Pinjara	1	Targala	2		
		Valand	1		
		Vankar-Dhed.. .. .	22		

(iii) It was further thought that the statistics regarding (1) divorce suits, (2) suits for restitution of conjugal rights and of possession of wife, and (3) bigamy and adultery cases would be instructive regarding the extent of resort to courts in such cases and also of the offences which led to such a resort. The figures supplied by the Judicial department for the last ten years are given below :—

NAME OF CASTE	Divorce suits	Suits for restitution of conjugal rights	Suits for possession of wife	Suits for bigamy	Suits for adultery
1	2	3	4	5	6
All Castes	224	368	2,899	1,410	1,150
Advanced	20	58	253	42	77
Hindu and Jain	14	36	222	33	69
Barot	1	2	13	3	8
Bhavsar .. .. .	.....	.....	3	.....	2
Brahman	2	12	72	2	16
Ghanchi	2	3	19	1	10
Kachhia (Khambhar) ..	1	1	11	.....	4
Luhana	1	1	5	1	2
Maratha	4	3	39	4	2
Soni	1	9	19	2	6
Sutar	1	1	27	17	8
Vania	1	4	14	3	11
Muslim	5	19	27	8	8
Khoja .. .. .	.....	2	6	.....	.....
Memon	2	12	10	3	.....
Pinjara .. .. .	.....	1	2	.....	1
Saiyad	1	1	1	.....	.....
Vohra	2	3	8	5	7
Parsi	1	3	4	1	.....
Intermediate	95	181	1,094	438	414
Hindu, Jain and Tribal	92	179	1,075	433	407
Anjana Chaudhari ..	2	3	15	.....	16
Baria	26	10	237	127	112

NAME OF CASTE	Divorce Suits	Suits for restitution of conjugal rights	Suits for possession of wife	Suits for bigamy	Suits for adultery
1	2	3	4	5	6
Intermediate—contd.					
Bava and Gosain	4	8	27	12	16
Chamar	6	....	38	9	6
Darji	4	7	13	3	3
Garoda	1	3	4	....	2
Gola	1	1	8	....	1
Kadwa Patidar	16	58	219	128	112
Karadia .. .. .	....	2	15	3	....
Kumbhar	10	17	60	10	14
Luhar	1	6	25	10	10
Mochi	5	3	26	15	3
Patanwadia	2	....	8	5	9
Primitive and Forest Tribes					
Chodhra .. .. .	....	2	21	20	5
Dhanka .. .. .	....	....	17	3	5
Dhodia .. .. .	....	2	4	....	....
Rajput	2	3	56	36	40
Sathwara .. .. .	....	1	1	....	....
Talabda .. .. .	....	1	4	6	1
Targala	2	4	23	2	2
Valand	3	10	26	14	9
Vankar-Dhed	7	40	249	33	46
<i>Muslim</i>	1	2	8	3	6
Fakir .. .. .	....	1	5	1	4
Pathan .. .. .	....	1	1	....	....
Sindhi	1	....	2	2	2
<i>Indian Christian</i>	2	....	11	2	1
Illiterate	41	52	864	461	402
Bhangi	2	13	110	38	43
Bharwad-Rabari	1	5	30	52	45
Chunvalia	2	2	4	1	2
Primitive and Forest Tribes					
Bhil	2	7	70	57	16
Dubla	3	....	42	20	....
Gamit .. .. .	....	4	47	12	3
Nayakda .. .. .	....	....	2	....	....
Tadvi	9	1	....	23	20
Talavia .. .. .	....	....	5	2	6
Vasawa .. .. .	....	1	2	6	2
Ravalia	6	4	51	23	22
Shenva .. .. .	....	....	1	2	1
Thakarda	3	2	176	114	142
Vaghri	13	13	324	111	100
Hindu, Jain and Tribal Rest	35	52	410	415	173
Bhoi	1	1	33	22	7
Dhobi	3	6	11	3	1
Garasia	1	2	13	7	4
Koli	20	23	234	341	123
Primitive and Forest Tribes	2	1	20	5	2
Other	8	19	99	37	36
Muslim Rest	33	25	278	54	84

13. **The Divorce Rate**—It might be helpful to a certain extent to study such figures as are available about this interesting social phenomenon. Since 1923-24 the Revenue department of the State started the registration of divorces and although it cannot be claimed that all divorces till now are registered, the available figures may be considered good enough to show us the trend of the practice of divorce among different castes. It might be mentioned in passing that whereas hitherto divorce registration was a mere note of the fact, it will henceforward be a legally solemnised record under the new Baroda Divorce Act. The actual number of divorces since 1923-24, for caste-groups arranged according to their

literacy standard are shown in column 2 of the marginal table. The divorce rate shown is calculated first for 100,000 persons living during the decade on the basis of the mean strength of each caste-group and then for 100,000 married persons on the same principle. It is evident from the table that the divorce rate tends to fall as literacy advances. In this connection it must be noted as an exception that the divorce rate of the Advanced Hindu and Jain castes is higher than that of the corresponding Intermediate castes. This is no doubt due to the *bourgeois* accretions to this group like Sutar, Ghanchi and Kachhia who though advanced in literacy have not abandoned their wholesome social customs like divorce and widow remarriage as some other neo-advanced castes like Maratha Kshatriya and Lewa have done in imitation of the Brahmans and Vaniyas. The low rate among Muslims must be due to negligence in registration (since divorce is such an easy affair with them) unless

CASTE-GROUP	Number of divorces (Actual)	DIVORCE RATE	
		Per 100,000 persons living during decade	Per 100,000 of married persons during decade
All Groups	1,998	149	304
Advanced	100	113	238
Hindu and Jain	74	149	285
Muslim	25	79	186
Parsi	1	14	37
Intermediate	1,010	135	262
Depressed Classes	372	261	484
Primitive and Forest Tribes	78	120	287
Other Hindu, Jain and Tribal	554	109	208
Muslim	5	21	45
Indian Christian	1	14	30
Illiterate	888	176	371
Depressed Classes	101	345	631
Primitive and Forest Tribes	554	281	635
Other Hindu and Tribal	233	82	171

Besides the above there were 886 divorces in whose case, the caste was either unspecified or did not fall in any of the above groups.

the practice of polygamy which renders divorce unnecessary is responsible for it. Depressed classes show the highest rate which might be interpreted as an indication of their whole-hearted adoption of this national social custom—an adoption to which they are free owing probably to their safe distance from Brahmanic influence. The relatively low rate among tribes must certainly be due to want of registration since divorce is easy among them too. The Parsi and Christian figures are too small to be of any value. Another feature noticeable is in regard to the divorce rate worked out on the married population. Roughly half the strength of each caste is found to be in the married state: according as the married proportion fluctuates from this norm, this rate is inversely affected: thus in castes more addicted to marriage it is low, and high in castes where marriages are fewer.

14. Antiquity of the Custom of Divorce—Voluntary or involuntary separation of a couple bound in ties of marriage is a custom prevalent in almost all castes in the State from very old times. But it is more or less in abeyance in certain *kulin* sections of particular castes while others have recently introduced it amongst themselves. The Golas in the Baroda City and the Darjis in Chanasma, Padra, Kheralu and Karjan do not now have it at all. On the other hand the Khatri in Amreli and Lubars generally had it for a very long time while the Gandevi Khatri practise it for last ten years and the Visnagar Lubars practise it for 50 years. The Rajputs have had it from very old days but in Kadi mahal, it is forbidden amongst them though the Nadoda section of them can dissociate from their wives at will. Among the Musalmans, the Saiyads do not generally practise divorce while the Momnas have recently introduced it.

15. Who can sue for Divorce?—The next question that crops up is as to the competency of the party to sue for divorce. In certain castes both the parties to a marriage can move for it while in certain castes the practice is unilateral, *i.e.*, one of the two parties—generally the male—can sue for it. Here again the practice varies in different localities, *e.g.*, amongst Targalas the husband alone can give it but in Mehsana and in Kheralu both the husband and the wife in their caste are competent to give it. On the contrary amongst Khambhars, the practice is bilateral but in Kalol the husband alone has the right to give it. Amongst Khatri in Gandevi, the right rests in the *panchayat* of seven villages of their circle, while amongst Koknas it can be valid only after endorsement by the *panchayat*. Sikligar is the only caste reported, in which the right to divorce is confined to the wife alone. Amongst Musalmans except the Ghanchis, Mochis and Khojas with whom it is bilateral, this practice is unilateral, *i.e.*, the husband alone has the right to give it. The following statement gives details regarding

Hindu and Muslim castes with their practice (whether unilateral or bilateral) and also the names of the places where one takes the other form for certain communities:—

Castes that allow divorce only to the husband	Places where such practice becomes bilateral	Castes that allow divorce only to the husband	Places where such practice becomes bilateral
1	2	1	2
Hindu, Jain and Tribal			
Anjana Chaudhari .. .. .	.....	Rabari	Patan, Navsari, Gandevi, Kheralu, Kalol and Bhimkatta
Bajania .. .. .	.....	
Barad	Vaghodia	Rajput .. .. .	.....
Baria	Karjan and Sinor.	Rawal	Atarsumba, Kheralu, Mehsana, Dehgam and Sinor
Barot .. .. .	.....		City
Bava .. .. .	.....	Sadhu .. .. .	.....
Bhangi	Sinor, Petlad, Kheralu, Mahuva, Baroda and Baroda City	Sarania	Mehsana and Kheralu
		Sathwara	Vyara
Bharthari .. .. .	.....	Soni	Navsari, Gandevi, Vyara
Bhavsar	Visnagar and Kheralu	Sutar	Mahuva and Visnagar.
Bhil	Vaghodia and Sinor		
Bhoi	Petlad and City	Tadvi .. .. .	.....
Chamar .. .. .	.....	Talavia	Dabhoi
Charan .. .. .	.....	Tapodhan .. .. .	.....
Chunvalia	Bhimkatta and Kadi	Targala	Mehsana, Kheralu
Dalvadi .. .. .	.....	Thakarda .. .. .	.....
Darji .. .. .	.....	Turi .. .. .	.....
Dhed	Mahuva, Sidhpur, Dehgam, Dabhoi, Atarsumba, Navsari, Gandevi, and City	Vagher .. .. .	.....
		Vaghri	Padra, Petlad, City, Dabhoi, Kheralu, Mehsana and Karjan
Dhobi	City, Dabhoi, Navsari, and Damnagar	Valand	Kheralu, Vyara and Beyt
Dubla	Navsari and Gandevi	Vasawa .. .. .	.....
Gamit	Songadh	Vyas (Brahman) .. .. .	.....
Garoda .. .. .	.....	
Ghanchi	City, Visnagar and Mehsana	Musalman	
		Bhadela .. .. .	.....
Kadia .. .. .	.....	Chauhan .. .. .	.....
Kadwa Patidar	Visnagar	Fakir .. .. .	.....
Kalal .. .. .	.....	Gandharva (Mumna) .. .. .	.....
Kansara .. .. .	.....	Ghanchi	Atarsumba
Khatri .. .. .	.....	Hajam .. .. .	.....
Khavas .. .. .	.....	Kasai .. .. .	.....
Koli	Gandevi, Mehsana, Patan and Navsari	Khatri .. .. .	.....
		Malek .. .. .	.....
Kumbhar	Vyara	Memon .. .. .	.....
Lakkadfoda .. .. .	.....	Molesalam .. .. .	.....
Lewa Patidar	Navsari and Baroda	Mumna .. .. .	.....
Luhana .. .. .	.....	Pathan .. .. .	.....
Luhar	Kheralu, Mehsana, Karjan and Vyara	Pinjara .. .. .	.....
		Rangrej .. .. .	.....
Machhi	Sinor	Sepoy .. .. .	.....
Matia Patidar	Mahuva	Shaikh .. .. .	.....
Meghwal .. .. .	.....	Sindhi	Sinor
Mochi .. .. .	.....	Tai .. .. .	.....
Od .. .. .	.....	Vohra (Trading) .. .. .	.....

Castes that allow both parties freedom to divorce	Places where such bilateral practice becomes unilateral (husband alone)	Castes that allow both parties freedom to divorce	Places where such bilateral practice becomes unilateral (husband alone)
3	4	3	4
Hindu			
Bhandari .. .. .	.....	Mali	Sinor, Baroda, Mehsana and Damnagar
Chodhara .. .. .	.....	Nayka .. .. .	.....
Dabgar .. .. .	.....	Otara .. .. .	.....
Dhodia .. .. .	.....	Sagar .. .. .	.....
Gandha .. .. .	.....	Tamboli .. .. .	.....
Gosain .. .. .	.....	Teli .. .. .	.....
Kachhia	Ratanpur and Mehsana	Vansfoda .. .. .	.....
	Karjan, Tilakwada, Dabhoi and Sankheda	Parsi .. .. .	.....
Khambhar	Kadi, Kalol and Mehsana	Musalman .. .. .	.....
Kharva	Beyt and Okhamandal	Khoja .. .. .	.....
Kokna (with the help of Panch)	.....	Mochi .. .. .	.....
		Vohra (Ghanchi) .. .. .	.....

16. Parties to Release Deeds—In the majority of castes, the release deed is executed by the husband and given to the wife. In certain castes however, mutual deeds are passed, each party keeping one to ensure against betrayal of the other party. The marginal table shows that of 287 cases of divorce registered in the Sub-Registrar's offices in the State, no less than 265 were signed by the husband alone. Only in one case, it was signed by both. It will be noted that the release deeds were signed by the guardians of the husband in 10 cases in Mehsana division and by the woman alone in an equal number of cases.

Party signing the deed	Total number of cases
Total	287
Husband	265
Guardian of Husband	10
Relatives of Husband	1
Wife	10
Both	1

17. Divorce and the Minors—Where marriage is a sacrament, the divorce of minors is unthinkable. But the irony of fate is that it exists and owes its existence to the custom of child marriages in India. Its prevalence however is not universal. There are certain castes which forbid it while there are others which freely allow it. There are again certain castes in which it is allowed for the boy and not for the girl and *vice versa*. The margin sets out the castes which do or do not allow it at all. There are curious customs in this matter too. Amongst Ods, if the minor girl is pregnant, the husband cannot divorce her. Amongst Kolis, the guardians of a minor party can move for divorce but the practice is that the boy is required to hold the pen in his hand and then if he cannot write the release deed, he puts it down so as to allow somebody else to write it out on his behalf. Amongst Kansaras divorce is allowed to minors, only for indispensable reasons. The Vaghris in Dehgam have the practice of putting Rs. 12 on the laps of both the minors before divorce is given. The Musalmans also have a varying practice but amongst Vohra Ghanchis, the minor wife has to pay Rs. 127-8-0 before she can sue for divorce.

Castes in which the divorce can be sued for and accepted by guardians of the minors	Castes in which divorce can neither be sued for nor accepted on behalf of minors	
	Hindu	Parsi
Garoda	Barot	
Kachhia	Bava	Musalman
Kadwa (Baroda Section)	Bharthari	
Kansara	Dabgar	Chamar
Khawas	Dalwadi	Gandharva
Koli	Gondha	Khatki
Od	Kalal	
Otara	Khambhar	Memon
Rajput	Khatri	Moochi
Thakarda	Kokna	Momna
Vansfoda	Nayaka	
	Sodhu	Pathan
	Sagaria	Rangrej
<i>Musalman</i>	Saranis	Sindhi
Bhadela	Talavia	
Hajam	Tamboli	
Malek	Tapodhan	
Molesalam		

18. Reasons for Divorce—The following are reported to be the reasons which occasion divorce:—

Common grounds of divorce for both parties	Grounds of divorce for the husband alone	Grounds for divorce for the wife only
(1) Incompatibility of temperament	(1) Wife's sterility	(1) Cruelty
(2) Mutual dislike	(2) Refuse to begin marital life	(2) Ruthless beating by husband
(3) Disparity of age between the pair	(3) Not working well, i.e., to husband's desire	(3) Vagabondism on the part of the husband
(4) Quarrels between relatives	(4) Family quarrels	(4) Addiction to vices
(5) Conversion of either to other religion	(5) Disclosure of relation between prohibited degrees	(5) Impotency
(6) Insanity after marriage	(6) Bigamy on the part of the wife	(6) Husband not calling the wife to keep house for him
(7) Chronic disease	(7) Woman given to thieving habits	(7) Continuous sickness of husband
(8) Mutual consent to divorce	(8) Married only for the sake of marriage, e.g., a defective woman	(8) If exchange promised not given by the husband
(9) Licentiousness on either side	(9) Woman having bad looks ..	(9) Husband having turned into an ascetic

But the most common causes are (1) incompatibility of temperament; (2) constant domestic quarrels; (3) ill-treatment; (4) sterility and (5) adultery or bigamy on either side. Where the woman has no right to divorce, she has recourse to a court of law either for maintenance or for

release on account of more or less the same reasons as above indicated. The following statement is illustrative of the reasons which occasioned divorces during the last ten years in the State, amongst different communities :—

Serial No.	CAUSES LEADING TO DIVORCE	NUMBER OF REGISTERED DEEDS OF DIVORCE BY THEIR CAUSES			
		Total	Baroda	Mehsana	Navsari
	Total ..	287	134	139	14
1	Incompatibility of Temperament	240	123	106	11
2	Breach of pacts made at marriage	1	..	1	..
3	Discovery of the wife's earlier marriage	1	..	1	..
4	Divorce of sister who was given in exchange of the wife to a person of wife's party	1	..	1	..
5	Absconding husband	2	..	2	..
6	Tender age of husband in comparison to the wife's age	3	..	3	..
7	Marriage having caused disruption among relatives	1	..	1	..
8	Mutual dislike	4	1	3	..
9	Sterility	1	..	1	..
10	Want of equal family status of both parties	1	..	1	..
11	Husband refusing wife's maintenance	4	..	4	..
12	Wife's desertion in favour of a fresh husband	4	2	2	..
13	Husband's inability to support wife	4	..	3	1
14	Either party catching some disease	2	..	2	..
15	Either party being rendered unfit for continuation of the marital state	1	..	1	..
16	Physical defect in either party	2	1	1	..
17	Lunacy in either party	3	..	3	..
18	Absence of ordinary marital relations	3	..	1	2
19	Husband and wife belonging to different castes	1	..	1	..
20	Wife refusing to stay at husband's house	2	2	..	..
21	Husband's refusal to treat wife as such	1	1	..	..
22	Marriage having not turned out to be happy	2	2	..	..
23	Infidelity of either party	2	2	..	..
24	Husband taking <i>Sanyas</i>	1	..	1	..

19. Authority of the Caste Panchas—

The next question is whether the permission of the caste *panch* is necessary for divorce or not? It is generally necessary but in certain castes at certain places it is not necessary. The marginal table gives the names of the castes in which it is absolutely necessary and not at all necessary to seek permission of the *panchas* before a divorce is given. If both parties are willing to divorce, the permission of the *panch* is dispensed with but in cases of unwillingness on the either side, the *panch* is called upon to decide the matter. It is generally called by the party suing for divorce who bears the expenses but at certain places in certain castes it has to be borne by the defaulting party, *e.g.* Kharwa in Beyt and Ghanchi in Kheralu. In certain castes it is borne by both the parties, *e.g.* Raval in Petlad and Meh-sana and Vaghri in Kadi, Mehsana, Padra, etc. It has sometimes to be borne by the husband even though he may not be at fault, *e.g.* Chunvalia in Damnagar, Bava in Baroda, Sankheda and Vaghodia

Names of castes in which the permission of the Panchas is absolutely		
NECESSARY		NOT NECESSARY
<i>Hindu</i>	<i>Hindu</i>	<i>Hindu</i>
1. Od	18. Vyas Brahman	1. Kadia
2. Otara	19. Sagaria	2. Kalal
3. Kachhia	20. Sarania	3. Kansara
4. Kokna	21. Meghwal	4. Charan
5. Kumbhar	22. Tadvi	5. Teli (Deccani)
6. Koli	23. Nayakda	6. Vagher
7. Kharwa		7. Sadhu
8. Gondha	<i>Musalman</i>	8. Gamit
9. Tapodhan		9. Chodhra
10. Tamboli	24. Kasai	
11. Dulwadi	25. Khatri	<i>Musalman</i>
	26. Khoja	10. Gandharva
12. Barot	27. Tai	11. Chawan
13. Bharthari	28. Pathan	12. Momna
14. Bhoi	29. Bhadela	13. Molessalam
15. Bhandari	30. Malek	14. Rangrej
16. Mali	31. Mochi	15. Vohra Trading
17. Vansfoda	32. Vohra (Ghanchi)	16. Shaikh

talukas, and Luhanas in Amreli. Amongst Bharwad and Dheds, it is customary for the people of the village to invite *panchas* in groups at their places, and feed them so that no expenditure is incurred.

The general usage is that the *panch* cannot give divorce if the husband is not willing to give it; of course where both parties are willing, the permission or the interference of the *panch* is not necessary, but in certain marginally noted Hindu castes, the *panchas* are competent to give divorce for unavoidable reasons against the will of the husband, but such cases are very rare. Amongst Muslims, the *panch* interferes only if the woman is at fault; amongst Khojas, their council after weighing the reasons *pro* and *con* pronounces in the matter of divorce while in the Muslim Ghanchis in Atarsumba and Mochis generally, the *panchas* do sanction divorce against the will of the husband. But these occasions are very rarely to be found. The general principle seems to be that the organisation of the *panch* is only set in motion in defence of the weaker party.

The Khojas have the most methodical form of *panch* government amongst their community. They have a council called "*Rajkot Sarhukami Shia Ismail Imami Council*" with whose permission the divorces take place. The Council has powers to grant divorce even against the will of the husband or the wife and its decree is appealable, the Agakhan having the right to hear it. Instead of the release deed, it is usual in this caste to give a copy of the council's decision to the parties. If the husband does not respond to the summons of the Council he is given three months' time, at the end of which the case is decided by Council.

1. Od
2. Otara
3. Khatri (Gandevi)
4. Gosain (Mehsana)
5. Ghanchi (Mehsana and Baroda City)
6. Dabgar (Baroda City)
7. Teli
8. Dhobi (Darnagar)
9. Kadwa Patidar (Kheralu)
10. Matia Patidar (Mahuwa)
11. Barad Patidar (Vaghodia)
12. Baria (Karjan)
13. Bhoi (Atarsumba)
14. Mali (Kadi)
15. Rabari (Kalol, Khambha, Kodinar, Bhimkatta)
16. Luhar (Karjan, Chansma, Beyt)
17. Valand (Khambha)
18. Sutar (Mahuwa)
19. Chamadia (Tilakwada)
20. Bhangi (Mahuwa)

20. The Mode of Divorce—There is no ceremony of a religious nature attached to the act of divorce. But custom has taken the place of religion and prescribed certain ceremonies which are required to be observed in fulfilment of the act. Before detailing the different observances, it would be better first to refer to the practice common to almost all castes to reduce in writing the act of divorce for avoiding future troubles. These deeds are mostly executed on an unstamped paper and are rarely registered, though registration is resorted to if stamp paper is used. They are usually written in the presence of the caste *panchayat* concerned and are witnessed by them. Turning now to the customary ceremonies, it would be convenient to study them by groups of castes for which returns have been received. We shall therefore divide them into the following groups :—

Serial No.	Name of Groups	Number of castes included in the groups
1	Advanced	Barot, Bhavsar, Ghanchi, Khambhar, Lewa Patidar, Luhana, Soni, Sutar, Tapodhan and Vyas Brahmans.
2	Intermediate	Anjana Chaudhari, Barad, Baria, Bava, Darji, Gosai, Kadia, Kalal, Kadwa Patidar, Kansara, Khatri, Kharwa, Kumbhar, Machhi, Mali, Rajput, Sathwara, Tamboli, Targala and Valand.
3	Depressed classes ..	Bhangi, Chamadia, Garoda, Hadi, Meghwal, Turi, Vankar (Dhed) and Vansfoda.
4	Primitive and Forest Tribes	Gamit, Chodhra, Dhodia, Dubla, Kokna, Nayaka, Tadvi, Talavia, Vasawa.
5	Rest	Bajania, Bhandari, Bharathai, Bhoi, Dhobi, Charan, Dabgar, Gondha, Khawas Lakkadfoda, Od, Sadhu, Sagaria, Sarania, Teli, Vagher, Vaghri.
6	Muslim	Bhadela, Chawan, Fakir, Ghanchi, Hazam, Kasai, Khatri, Khoja, Malek, Memon, Mochi, Molesalam, Momna, Pathan, Pinjara, Rangrej, Shaikh, Sepoy, Sindhi, Tai and Vohra.

(i) Amongst the Advanced section, the release deed is executed in all the castes though amongst Sonis, oral divorce is operative. Amongst Luhanas and Tapodhan Brahmans the deed is mutually executed. The Bhavsar and the Sathwara women in Kalol taluka have to take off their bangles in token of the divorce. The Khambhars in Visnagar have the practice of tearing the end of their women's *gown* (upper garment) in the presence of the *panchas*. On the other hand, the Lewa Patidars in Harij have to tear off an end piece of the husband's *salia* (turban cloth) which has to be given to the wife. The Sutars in Mehnsana and the Lewa Patidars in Vyara allow the divorced woman to retain an ornament of her choice from amongst those given to her by the husband.

(ii) In the Intermediate class too, the *fargati* takes the form of a written deed though amongst Kadias, it takes the oral form, i.e., the husband orally asks the woman to go away—(*chaliya*). The Kumbhars in Patan also do not require a written divorce deed. The Anjana Chaudhari execute it mutually and the Kumbhars and Darjis have to do it in the presence of

the *panchas*. The Rajputs execute it on the village boundaries. The Anjanas and Kadwas, and Darjis in the Kalol mahal, and the Sathwaras in Mehsana, and the Targalas require the woman to remove her bangles : amongst the Barias in Petlad, both the husband and wife tear off the ends of their garments in addition. The Khavas in Beyt have the practice for the husband to utter to his wife the words “*tu tare raste thai ja*” (you can now go your own way). Amongst the Gosains in Mehsana and Kumbhars in Khambha mahal, it is customary for the husband to tear off an end of his turban and give it to the woman in token of her release; the Kumbhars in addition have to utter to the woman, the words “*tu mari ma bahen chhe*” (you are my mother or sister); the Valand husband in Khambha also has to call her “*ma bahen*”.

(iii) Over and above the written *fargati*, there is, in the Depressed Class castes, a practice for the woman to remove her bangles and return them to the husband or sometimes, as amongst Bhangis in Bhadrans to break or throw them away. Amongst these classes in the Ratanpur mahal, the deed is always written on the boundary of the village. Amongst Dheds in the Damnagar mahal, it is usual to write in the divorce deed, the words “*bannene kain leva deva nathi*” (either of them has nothing to do with the other).

(iv) As in the other classes, amongst the Forest Tribes too, the release is given in writing. The Dhodias in Gandevi and the Nayakdas generally execute it mutually. Amongst the Gamits in Songadh taluka and the Vasawas in Mangrol, the *panch* is called together and offered wine to drink. But amongst the former it is the practice for the husband to give to the wife a new garment, of which an end is torn afterwards to signify the act of separation. The Dhodias in Mahuva remove the *mangalsutra* from the woman's neck and an end of her gown is torn. But the most curious practice prevails amongst the Bhils in Baroda district. In Baroda mahal, the Phil husband and wife wishing to have a divorce are made to sit on the two banks of a *kotar* by the *panch* who then fix the amount of divorce and ask one of the parties to deal a blow to the tree nearby in token of separation. In Sinor, however, it is the practice to cut the very tree under which the *fargati* is written. Amongst Chodhras in Songadh the husband is required to give in writing an undertaking that he would not object to the woman taking another husband.

(v) Amongst the castes grouped under the Rest also, the *fargati* is generally given in writing. Amongst the Charans and Sagarias it is executed mutually. Amongst Vaghers, the written document is entrusted to a respectable third party to preserve. Amongst Dhobis, it is required to be witnessed by two or three persons on the husband's side. The Vaghris go to the *Simada* of the village and write it there. Amongst Ods, it is the practice to write the words “*a kanya tene Bapne marjiman ave te thekane valave: a kanya uper have maro koi pan prakarno hak rahyo nathi.*” (This girl can be sent to any place her father fancies; I have now no kind of right upon her.) Amongst the Telis, the death ceremonies are performed as if the woman is dead. The Khavas in Beyt have the practice for the husband to utter to his wife the words, “*tu tare raste thai ja*” (you can now go your way) or “*ture ane mare ajthi fargati chhe*” (you and I are separated from today). Amongst Sadhus, after breaking her bangles, the woman has to bathe before she can marry again. Amongst the Hindu divorce practising castes in Dhari mahal, the deed of release is executed in a solitary place, outside the village, by the hands of one who is not of good repute in the village (*gam man saro na ganayo hoi eva manasna hathe*).

(vi) Amongst Muslims, it is customary amongst all castes thrice orally to utter the words signifying the act of separation in the presence of at least two *panchas* or other witnesses, though *fargati* is also passed in writing generally. The Memons in Harij and Musalmans generally in Bhadrans say to the wife “*tu mari ma bahen chhe*”, while in Sinor, the Memons declare before the *panchas* “*mhe hak oothavyo chhe*” (I waive my right over her). The Vohras in Sinor make such a declaration before the *Mulla* while those in Vijapur have to bathe and then utter words signifying *tallak* with *Kurane Sharif* in their hands. The Sindhis in Khambha ask the woman to go away (*chali ja*). Other castes follow the general usage of a document and an oral *tallak*.

21. The Price of Divorce—When a wife is divorced or sues for divorce, she, her relatives or her new spouse is required to give a certain amount in exchange for her release to her first husband in almost all castes, the only exception being the Khatri, Dabgar, Tapodhan, Tamboli, Luhana and Vyas Brahman castes in which nothing is given to the husband. The amount so given is called “*vel*” and the fixing of the amount depends on (i) the age of the woman, (ii) the expenditure incurred by the divorced husband in marriage, (iii) social circumstances of the parties, and (iv) the need for her on the part of her new spouse. This amount varies from Rs. 10 in the Nayakdas to Rs. 5,000 amongst the Lewa Patidars. This amount is fixed by the *panchas* in certain castes, e.g., Navsari Kachhias, Luhanas, Dhobis, Vaghris, Talavias and Garodas. During the last ten years, 287 cases of divorce were registered in the Sub-Registrar's offices. In 100 out of these, no price was given to husband for divorce, but in the remaining cases, various

amounts were given to the party concerned in exchange for divorce. The marginal table gives these cases by the amount of money given. It gives a very good idea of the price that is paid for it. Moreover it is usual in all castes to exact a certain amount (varying according to the conditions of the parties) as fine from either of the parties, the new spouse or the defaulting party. The amount varies from Re. 1 to Rs. 125. Amongst Kachhias and Otaras, the caste has got to be feasted.

Amount in Rupees	Total
No consideration	100
1—50	4
50—100	16
100—250	53
250—500	42
500—1,000	43
1,000—2,000	11
2000 and over	8
Part cash and part kind ..	10
Total ..	287

Besides this, the woman is required to return all ornaments that she might have received from the husband to be divorced and also any consideration received by her father in exchange for her. Amongst Bharwads in Harij, it is one of the conditions of divorce that woman cannot be given in marriage in the neighbouring villages or to the relatives of the divorced husband. Amongst Muslims, however when a woman is divorced, the husband has to give her some amount in the form of *meher*. This is to maintain her during the time (which is generally four months) she cannot marry again. The amount varies from a rupee and a quarter amongst Charans to Rs. 600 amongst Pinjaras. Amongst Ghanchis in Atarsumbha, the *panchas* sometimes prevail upon the woman to forgo the amount of *meher*. Amongst Fakirs, if the woman wants to have a divorce against the will of the husband she has to give an amount fixed by the *panchas* to her husband. Amongst Shaikhs, if she sues for divorce, nothing is given to her.

22. Divorce and Resort to Courts—It is only when the *panchas* fail to bring about a divorce, the parties resort to courts for separation.

The marginal table gives the number of suits and appeals filed in the different courts with their results in all such suits during the decade (1921-30). But we have seen already that no less than 2,884 divorces were registered under the Act upto the end of February 1931, i.e., 7½ years since the Marriage and Divorce Registration Act came into force. It would be interesting in this connection to know the grounds for which the parties had to go to the court. These grounds are given in the margin along with the number of cases. It may be noted that of the 224 cases, in no less than 220 the wife had to go to the court as a plaintiff while the husband figured as such in only 4 cases. This shows that it is only the weaker sex that is obliged to resort to court for separation.

Divorce suits or appeals	Total	Allowed	Rejected	Other-wise disposed of	Pending disposal
Original suits ..	224	81	120	1	13
First appeal ..	43	9	33	..	1
Second appeal ..	12	1	11	..	..

It would be interesting in this connection to

Grounds for suits	Number of cases
Ruthless beating	145
Incompatibility of temperament ..	17
Husband running away from home ..	15
Marrying another woman	12
Impotence	6
Husband's addiction to drinking liquor ..	5
Other	24

23. Divorce and Inheritance—It is the general practice that the children of the divorced mother remain with their legitimate father and inherit his property. Only where the husband waives his right over the children the latter go with the mother and inherit the step-father's property, e.g., amongst Chunvalias in Kodinar. In Beyt amongst Bavas and in Rabaris in Kodinar if the sucking child accompanies the mother and does not return to his or her legitimate father, it inherits the step-father's property. Amongst Mochis in Khambha if the woman has no children by her second husband those of the first get benefit of inheriting the second husband's property.

24. Conclusion—The discussion can now be brought to a close with a final word of caution; the heterogeneous mass of information, an analysis of which is attempted in these pages, does not give any solid ground to build theories upon—nothing short of clear tabulable figures can give that. Yet the descriptive material may be of some use to study tendencies of different communities, their racial characteristics and the effect of literacy upon their social customs—as revealed by their divorce practices. It may be mentioned here at the risk of repetition that divorce customs will shed more light on the ways of thinking of the various communities if studied in conjunction with marriage customs. However such as the material was available, its treatment on the present lines was the only possible one. It is to be hoped that after an interval of years the operation of the new Act will give the student enough reliable statistics capable of more definite analysis.

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