

A RESEARCH ON THE LEGAL PROVISIONS RELATED TO DIVORCE LAW IN INDIA AND THEIR IMPACT ON THE MENTAL HEALTH OF CHILDREN WITH SPECIAL REFERENCE TO THE PARBHANI DISTRICT IN MAHARASHTRA

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ABSTRACT:

This study examines the legal provisions regulating divorce in India and their effects on the mental health of children, with a particular emphasis on the Parbhani district of Maharashtra. The study examines the historical development of divorce laws in India and focuses on crucial provisions of the Hindu Marriage Act of 1955. It reveals increased risks of anxiety, melancholy, and behavioural disorders, highlighting the profound impact divorce can have on children's mental health. In addition, the research examines relevant literature to provide a variety of perspectives on divorce and its effects on families. Using a mixed-methods research design that includes both quantitative surveys and qualitative interviews, the study aims to investigate the topic comprehensively. The sample consists of 100 children in the Parbhani district who are directly affected by divorce. The findings will inform policy discussions and highlight the importance of child-focused legal provisions in divorce proceedings. This study sheds light on the intricate relationship between legal frameworks and the mental health of children, shedding light on a crucial aspect of family law in India.

Keywords: Divorce Law, Legal Provisions, India, Mental Health, Children, Parbhani District, Maharashtra, Hindu Marriage Act 1955, Property Division, Anxiety, Risk-taking Behavior, Parental Divorce.

INTRODUCTION:

Before the commencement of Hindu Marriage Act 1955, it was termed that the union of Husband and Wife is inseparable. Manu said that husband cannot abandon wife by sale, abandonment and believed that there is

no method of separating them. But in Ancient Times Hindu Law did not recognize Divorce. But after the introduction of the Hindu Marriage Act 1955, there were lot of changes seen in the domain of laws of marriage and divorce. Under HMA 1955 Divorce is

mentioned in section 13, section 13-B, section 14 and section 15 Section 13 lays down the grounds by which divorce can be obtained. Section 14 says that spouses cannot issue petition for divorce until 1 year has gone of marriage but if exceptional circumstances arises then it can be entertained and these situations are when matter is related to bigamy or where the consent of the petitioner was taken by fraud, misrepresentation. Section 15 says that divorced person when may marry again and it lays down the limitation that the divorced person to marry again which are: when marriage dissolved by a decree of divorce and there is no right of appeal against decree or time of appeal has expired or appeal was presented but dismissed, then it would be legal for either party to marry again. Divorce in the simplest way can be defined as legal dissolution of marriage by legal process that is through Court but that's not it there are different procedure and law to get divorce in India like Hindu has different method, Muslims have different method and so as the Christians. In divorce not only Husband and wife gets separated but also involves custody of child and division of property. Children from divorced families may start externalizing their

feelings; this could result in conduct disorders, destructive behavior, and acting impulsively. Furthermore, children whose biological parents have divorced are more likely to engage in conflicts outside their homes. Mental Health Problems When a child's parents' divorce, it may result in the child developing mental health issues. There has been research indicating the extent of how divorce affects kids. As reported in the Parental Divorce and Child Mental Health Trajectories, parental divorce adversely affects some children more than others. Some children may experience short-term effects, whereas others may experience more long-term issues if they are not provided with the proper emotional support. Parental separation has evidence to suggest there is an increase in the likelihood of mental health problems arising in young people. Studies have shown that children aged between 7 and 14 whose parents divorced were 16% more likely begin to develop mental health problems, including anxiety and depression. Some of these mental health conditions may lead to risk-taking behavior. Young adults who have lived through parental divorce are more likely to participate in risky activities, including substance abuse and early sexual activity.

IMPACT ON THE MENTAL HEALTH OF CHILDREN:

Often the stress experienced through a divorce can negatively impact a child's academic grades. Often this stress can cause difficulty concentrating on school work and rebellious behavior, which can result in poor grades and impaired academic performance. Studies have indicated that children who have had to cope with divorce have, on average, achieved lower grades than children who have come from stable families. If you notice that a child's studies are beginning to suffer due to broken family dynamics, then support should be given to help them work through this challenging period.

LITERATURE REVIEW:

Rajesh Kumar Yadav et.al (2023): This paper explores the scope of introducing 'irretrievable breakdown' as a ground for divorce in India and other Asian countries. It discusses the concept of divorce and how it came into India, and explains the current situation of Asian countries with historical background. It also explains certain procedures to avoid the likelihood of new grounds for divorce being abused. When opposed to a few decades ago, marriage is now dissolvable in many

nations. The notion of irretrievable breakdown has been adopted as a cause for divorce in India. There are several safeguards in place to avoid abuse of the new grounds for divorce, such as securing a child's future and having the court declare the marriage dead.

Vani Bhushan et.al (2022): Divorce has a severe impact on society and families, with children suffering the brunt of the hardship. They are the victims of family strife, financial uncertainty and hardship, a lack of parental time and attention, and the loss of a link with the non-residential parent. Although the state has no specific policy for defending the rights and interests of children of divorced parents, there are laws that may assist them. As such, the current study's goal is to look at the reasons of divorce and the detrimental effects it has on the children of divorcees. It also seeks to investigate the legal options available to safeguard the interests of such youngsters. This research implies that measures aimed at mitigating the negative impacts of divorce on children should prioritize the development of suitable public laws to ensure their state protection.

Barikar C. Malathesh et.al (2021): The marginalized and vulnerable population like those with mental illnesses and other disabilities, senior citizens,

disaster victims and women are at risk of confronting violation of their rights. The Indian government has enacted the Legal Services Authority Act, 1987 in order to protect the rights of the previously mentioned vulnerable groups. In this article, the authors discuss the relationship between mental illness and rights violations, the significance of the Legal Services Authority Act of 1987 in preserving the rights of people with mental illness and other vulnerable groups, the various programmers under the aforementioned legislation, their provisions, and how to access them.

Aneesh Thadathil et.al (2020): This paper reviews research from India on the causes and effects of divorce. It analyzes 14 studies from 2000 to 2018 and finds that eight of them used quantitative methods. Divorce rates in India have increased over the years. The psychosocial determinants of divorce include economic factors, family dynamics, and social norms. Divorce has a negative impact on families and adolescents, including increased stress, depression, and anxiety.

Nasir Ahamd Bhat et.al (2019): Parenting is as old as the creation of the universe, and there is no shortage of knowledge books or theories that could make it easier to explain what parenting

is all about. Children with dual parenting are more likely to display anger and conflict than children with single parents. This implies that children of solitary parenting families are encouraged to be assertive and self-sufficient to take their own decisions. Children from single-parent households are slightly less likely to participate in social and recreational activities because they may receive socially acceptable and desirable responses.

Mamoon Khan Khattak et.al (2018): This research study examines the psychosocial effects of parental divorce on children in Pakistani society. It finds that parental divorce affects children in terms of parental loss, emotional and economic loss, stress, complex dynamics in relationships, and social and psychological problems. Parental divorce has severe socio-psychological outcomes for children, including parental loss, emotional and economic loss, stress, complex dynamics in relationships, and social and psychological problems. Parental divorce affects children in terms of their psychological and social development. It is recommended that every effort should be made to maintain the marital tie intact, and if divorce occurs, children should be

supported by both parents, society, and the state.

Lina Acca Mathew et.al (2017): This paper discusses child marriages in India and the Supreme Court of India's judgment in October 2017 which prohibited husbands from conducting sexual intercourse with a child-wife between 15-18 years of age. It also discusses recent judicial decisions which favour non-criminalization of sexual activity when a child is determined as mature and responsible enough to understand the implications of his/her sexual act. Child marriages in India are prohibited by law, but still exist due to traditional and cultural practices. In October 2017, the Supreme Court of India negated the permission for husbands to conduct sexual intercourse with a child-wife between 15-18 years of age.

Dinesh Bhugra et.al (2016): This paper examines the legal provisions related to marriage and divorce of persons with mental health problems in 193 countries. It finds that 37% of countries explicitly prohibit marriage by persons with mental health problems and 11% (21 countries) consider mental health problems as grounds for nullity of marriage. 37% of countries explicitly prohibit marriage by persons with mental health

problems. In 11% (21 countries) the presence of mental health problems can render a marriage void or can be considered grounds for nullity of marriage. Many countries are flouting basic human rights related to marriage for persons with mental health problems.

Shivaleela Basavaraj et.al (2016): Divorce, which was formerly considered a societal taboo, has grown in popularity in recent years. Divorce is the formal breakup of a socially and legally recognised marriage partnership, which changes the duties and privileges of the two individuals involved. It is also a significant life transitional period with far-reaching social, psychological, legal, personal, economic, and personal implications. A variety of variables contribute to the increased number of couples who opt to divorce. With this context in mind, the current article attempts to investigate the causes of the rising divorce rate in urban India and to analyse the socioeconomic factors behind rising divorce rates. The factors employed in the present research include the divorcees' education, income, and caste. These variables are used to calculate the divorce rate in Bidar.

Pathare, S.R. et.al (2014): This paper investigates judicial practices in divorce cases in India, exploring how gender and diagnosis of mental illness affect the decision to grant annulment or divorce. It finds that husbands filed 85% of the cases alleging mental illness of their spouse and many cases were granted divorce/nullity even in the absence of medical evidence. It highlights the need for standardized guidelines for lower courts. Husbands filed 85% of the cases alleging mental illness of their spouse. medical evidence for mental illness was presented in only 33% of cases and many cases were granted divorce/nullity even in the absence of medical evidence. Of Family Court cases reaching the High Court, 95% were male petitioners.

RESEARCH METHODOLOGY:

This study employs a mixed-method research design, combining both quantitative and qualitative approaches to comprehensively investigate the legal provisions related to divorce law in India and their impact on the mental health of children in the Parbhani district of Maharashtra.

1. Sampling Technique: This study's sample consists of 100 children who have been actively engaged in the

divorce process in the Parbhani area. To guarantee that the chosen participants satisfy the study's particular requirements, a purposive sampling approach will be used.

2. Data Collection:

a) Quantitative Data: To collect quantitative data, participants will be given a standardised questionnaire. The questionnaire will be intended to examine the children's mental health state and will contain standardised scales for assessing different aspects of mental health.

b) Qualitative Data: In-depth interviews with a sample of participants will be undertaken to acquire a better understanding of their emotional, psychological, and behavioural experiences connected to the divorce process. These interviews will be semi-structured, allowing for the exploration of distinct viewpoints.



Fig 1 Flow Chart methodology

3. Data Analysis:

a) Quantitative Analysis: The questionnaire data will be analysed using the Statistical Package for the Social Sciences (SPSS) software. Means, standard deviations, and frequencies will be computed as descriptive statistics. To investigate the correlations between variables and test hypotheses, inferential statistics such as t-tests and regression analyses will be used.

OBJECTIVES OF THE STUDY:

Objective 1: To identify and assess the legal laws concerning divorce law in India, as well as to investigate how they affect the mental health of children participating in the divorce process.

Objective 2: To examine the emotional, psychological, and behavioural impacts of divorce on children's mental health in India, as well as how these effects differ depending on age, gender, and other demographic characteristics.

HYPOTHESIS:

Hypothesis 1

Positive Hypothesis: H1: Clear and child-centric legal provisions related to divorce in India positively impact the mental health of children by reducing uncertainty and potential conflict.

Negative Hypothesis: H2: Ambiguous or contentious legal provisions related to

divorce in India negatively impact the mental health of children, leading to increased stress and emotional turmoil.

Hypothesis 2

Positive Hypothesis: H3: Divorce in India has varying but generally positive effects on children's mental health, as older children may experience increased autonomy and emotional relief.

Negative Hypothesis: H4: Divorce in India negatively impacts children's mental health, with younger children experiencing greater emotional distress and behavioral issues compared to older children.

SCOPE OF THE STUDY:

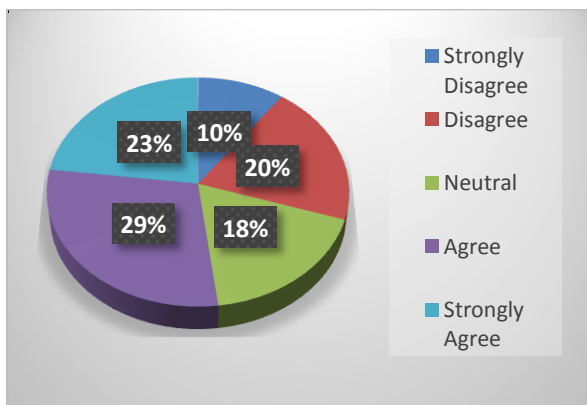
To give localized insights, this research will focus on the Parbhani area in Maharashtra. The study will look at important Indian legislation such the Hindu Marriage Act, the Muslim Personal Law, and the Special Marriage Act to see how these provisions affect children's mental health throughout divorce procedures. Data will be gathered via interviews, surveys, and case studies to analyse the practical implications of these legislative provisions in the Parbhani area, resulting in a more nuanced knowledge of this essential subject.

STATEMENT OF THE PROBLEM:

The research will look at the present divorce rules, how they are implemented, and the socio-cultural setting in Parbhani to see how they affect children's mental health. The study attempts to identify difficulties and potential for changing the legal framework to better preserve the mental health of children during divorce proceedings in this particular geographical location by evaluating issues such as custody arrangements, parental conflict, and support services.

RESULTS AND DISCUSSION:

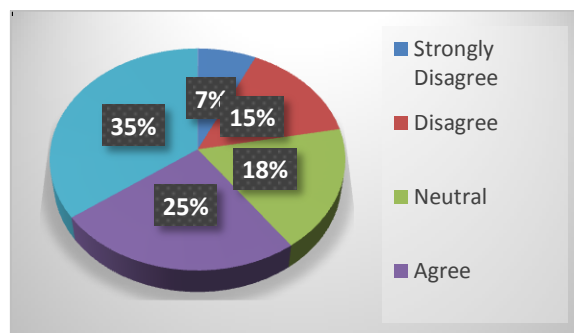
a. Children of divorced parents often experience increased stress and anxiety.



The table presents data on the perspectives regarding the impact of divorce on children's stress and anxiety levels. It is evident that a majority of respondents hold the belief that children from divorced families undergo heightened levels of stress. Specifically,

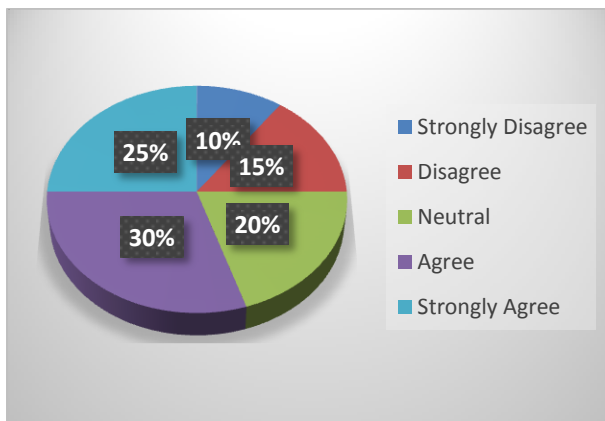
52% of the participants either agree (29%) or strongly agree (23%) with this statement. Conversely, a combined total of 30% either disagree (20%) or strongly disagree (10%). Another 18% maintain a neutral stance on the matter.

b. Ambiguous or contentious legal provisions related to divorce can negatively impact the mental health of children.



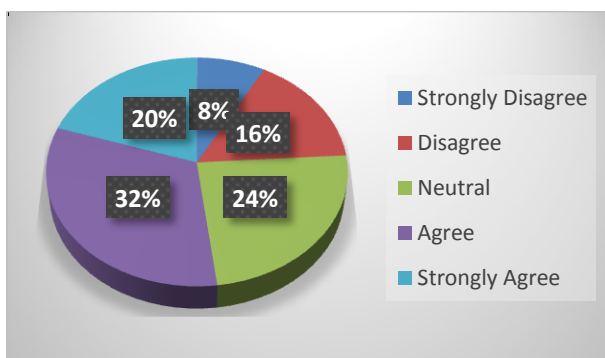
The table presents data on respondents' opinions regarding the impact of ambiguous or contentious legal provisions related to divorce on children's mental health. The results show a range of viewpoints. A significant portion, 35%, strongly agree that such provisions can have a negative effect. Following closely, 25% agree, while 18% remain neutral. On the other hand, 15% disagree and 7% strongly disagree with the statement.

c. Clear and child-centric legal provisions related to divorce can reduce uncertainty and emotional turmoil for children.



The table illustrates responses to the statement regarding child-centric legal provisions for divorce. It shows that 30% of respondents agree and 25% strongly agree that clear and child-centered legal provisions can diminish uncertainty and emotional distress for children. Conversely, 10% strongly disagree, while 15% disagree, indicating some dissenting opinions. A significant portion, 20%, remains neutral on the matter.

d. The mental well-being of children should be a primary consideration when making divorce-related laws and regulations.

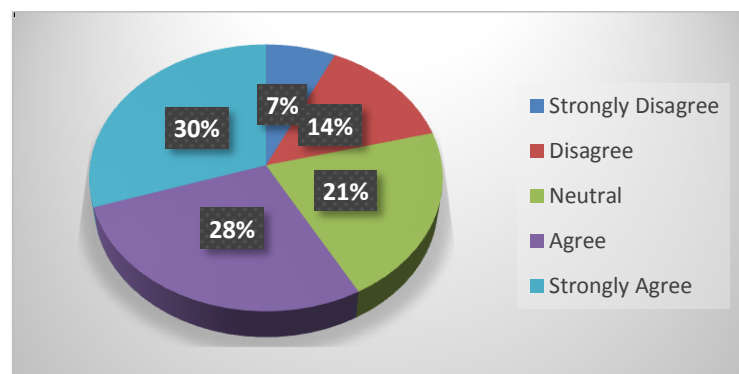


The table presents data on individuals' responses to the statement that emphasizes prioritizing the mental

well-being of children in divorce-related laws and regulations. The majority of respondents (52% in total, including those who strongly agree and agree) support this idea, highlighting its importance. On the other hand, 24% remain neutral, and 24% (comprising those who disagree and strongly disagree) express reservations or opposition to this notion

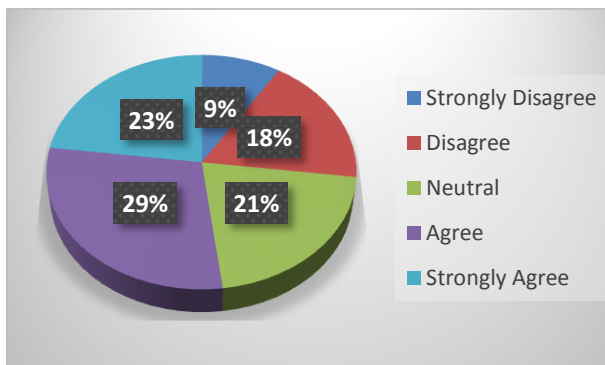
• Independent Variable: Legal provisions related to divorce law in India.

a. The legal provisions related to divorce in India are clear and easy to understand.



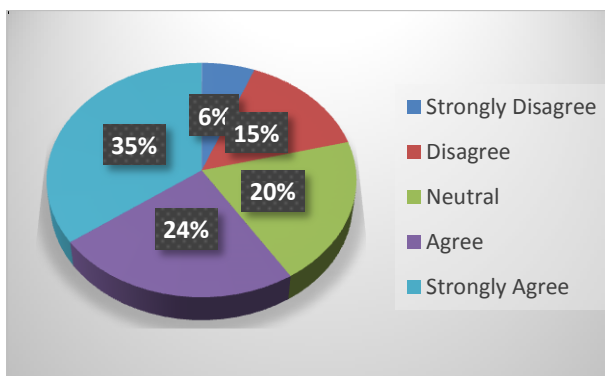
The table illustrates responses to a statement regarding the clarity of legal provisions related to divorce in India. According to the data, 7% strongly disagree, 14% disagree, 21% are neutral, 28% agree, and 30% strongly agree with the statement.

b. The legal provisions related to divorce in India prioritize the best interests of children involved.



The table illustrates reactions to a statement about divorce laws in India and its focus on children's welfare. It demonstrates a variety of viewpoints: There are 9% who severely disagree, 18% who disagree, 21% who are indifferent, 29% who agree, and 23% who strongly agree.

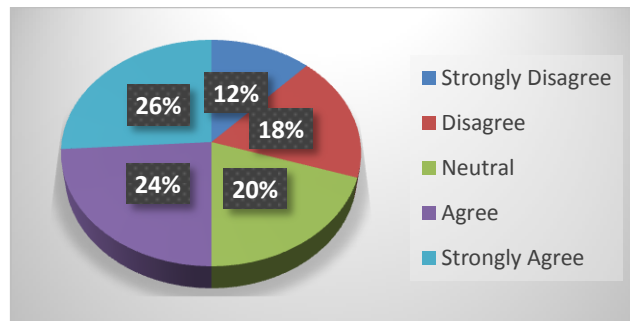
c. Divorce laws in India appropriately cover concerns such as child custody, visitation, and financial support for children.



The table contains poll data on attitudes concerning the sufficiency of divorce-related legal provisions in India, focusing on issues about child custody, visitation, and financial assistance. According to the replies, 6% strongly disagree, 15% disagree, 20% are neutral, 24% agree, and 35% strongly

agree that the current legislative system adequately addresses these challenges.

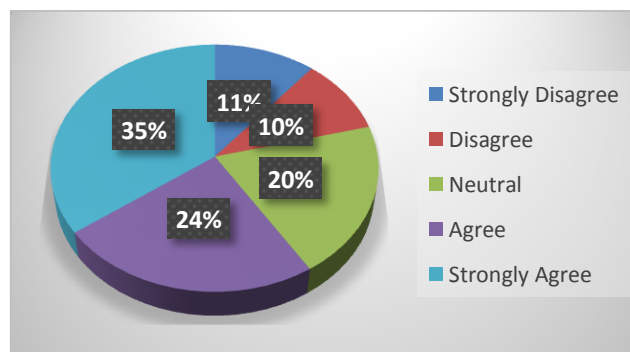
d. Divorce laws in India emphasise amicable settlement and minimise friction between parents.



The table displays poll answers about divorce legal provisions in India. 50% (12% strongly disagree, 18% disagree) feel that these rules do not successfully foster peaceful settlements. However, a sizable 50% (24% agree, 26% strongly agree) feel they assist to reducing parental conflict.

Objective 2

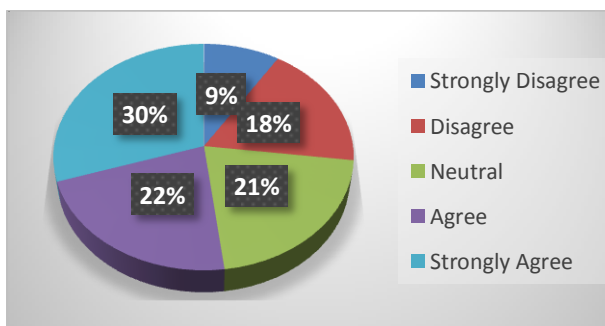
Divorce benefits children's mental health by providing a more stable and calm atmosphere for them.



The table displays statistics on people's perceptions on the effect of divorce on children's mental health. A large majority, 59% (Agree and Strongly

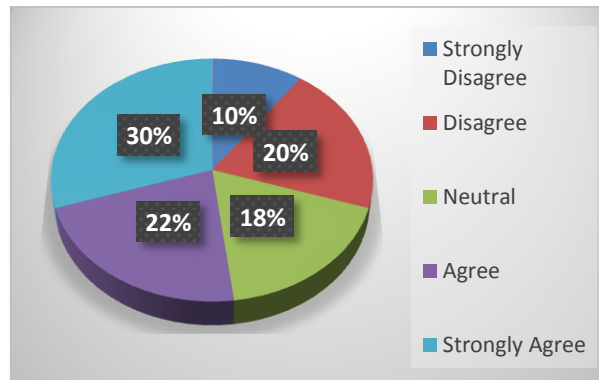
Agree combined), feel divorce is beneficial, citing a more stable and tranquil atmosphere as the explanation. In contrast, 21% (Strongly Disagree and Disagree combined) share an opposing viewpoint.

Divorce often leads to emotional distress for children, such as feelings of sadness or confusion.



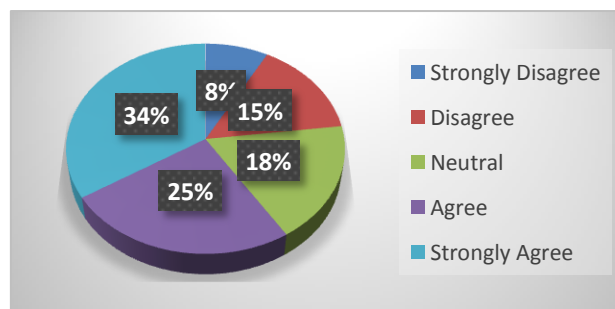
The table displays poll data on people's reactions to the assertion that divorce often creates emotional discomfort for children, such as grief or uncertainty. The majority of respondents (59%) agreed or strongly agreed with this statement, while 21% disagreed. Only 21% of those polled agreed or strongly agreed.

Children of divorced parents may experience improved mental health as they adapt to new family dynamics.



The chart shows how children of divorced parents may have better mental health as they adjust to new family dynamics. Notably, a sizable proportion (54.3%) agrees or strongly agrees with this statement, whereas a lesser proportion (19.9%) disagrees to some degree. Surprisingly, a sizable proportion (25.8%) remain undecided.

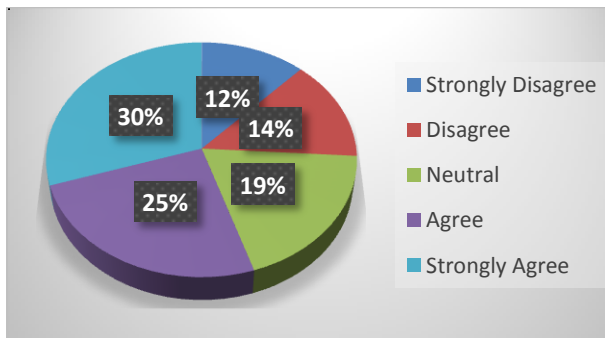
Divorce can have a negative impact on children's psychological well-being, leading to issues like anxiety or depression.



The table depicts people's reactions to the assertion that divorce may harm children's psychological well-being, perhaps leading to anxiety or sadness. The replies are graded on a five-point scale, from "Strongly Disagree" to "Strongly Agree." It is clear

that the majority (59%) agrees or strongly agrees with the statement.

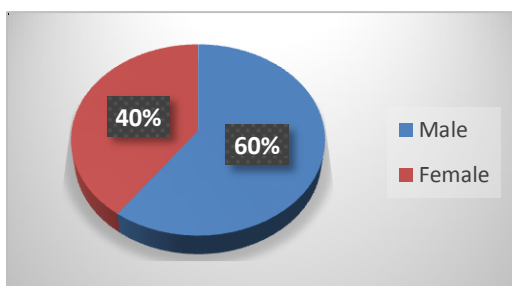
Divorce may lead to behavioral changes in children, such as acting out or withdrawal.



- **Independent Variables:** Age, gender, and other demographic factors.

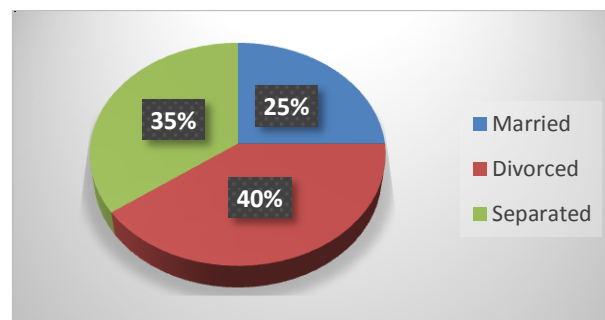
The table displays the interpretation of survey responses regarding the effect of divorce on the behaviour of children. Respondents were asked to indicate their level of agreement with the statement that divorce may result in behavioural changes in offspring. The majority of respondents were either in agreement (25%) or strongly in agreement (30%). 19% of respondents remained neutral, while only 14% and 12% of respondents strongly disagreed.

Gender:



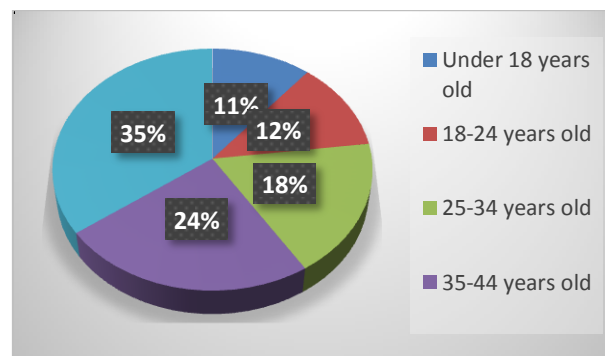
The table shows gender distribution statistics, with 60 people classified as male and 40 as female, for a total of 100 respondents. Males make up 60% of the sample, while females make up 40%, according to the percentages.

Marital Status of Parents:



The marital status of parents in a sample of 100 people is shown in the table. It is discovered that 25% of the parents are married, 30.2% are divorced, and 63.6% are separated.

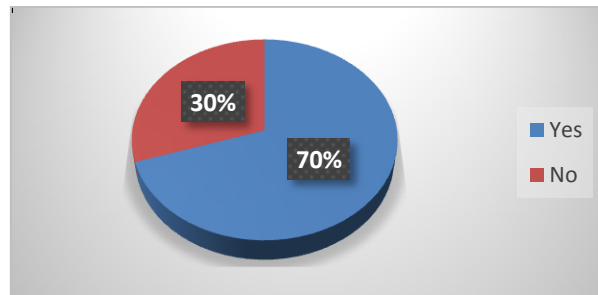
Age:



This table displays information on the age distribution of a sample or population. It divides people into six age categories, from "Under 18 years old" to "45-54 years old." The table displays the frequency (number of people) in each age group and the percentage of the

overall sample size, which is 100. This information helps us to determine the age makeup of the group, with the "45-54 years old" category having the biggest representation (35%), followed by other age groups in declining order.

Have you experienced any significant changes in your life since your parents' divorce or separation?



The table provides information on the effects of parental divorce or separation on people. Out of 100 respondents, 70% said they had seen substantial changes in their life, while 30% said they had not.

Case Processing Summary			
		N	%
Cases	Valid	100	100.0
	Excluded ^a	0	.0
	Total	100	100.0

a. Listwise deletion based on all variables in the procedure.

According to the summary of case processing, all 100 cases were valid and included in the analysis. Using listwise

deletion, no cases were excluded based on any variables. This indicates that all available data were analysed.

Reliability Statistics	
Cronbach's Alpha	N of Items
.705	13

ANOVA ^a						
Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	80.722	1	80.722	247.841	.003
	Residual	31.918	98	.326		
	Total	112.640	99			

a. Dependent Variable: Do you think the existing legal provisions in India adequately consider the mental well-being of children exploring divorce? amount of

b. Predictors: (Constant), Are you aware of an existing legal provision in India that address the mental health concerns of children exploring divorce? amount of

variation in the dependent variable. The

F-statistic of 247.841 indicates that the predictor variable is a strong and significant predictor of the dependent variable (p 0.001). As a result, we should embrace this model since it gives useful insights on the relationship.

b. With a Sum of Squares of 31.918, the "Residual" row reflects the unexplained variation in the dependent variable. The F-statistic for the residual is not supplied, but it is irrelevant in assessing whether the model should be accepted or rejected.

Coefficients ^a						
Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	.519	.201		2.579	.011
	Divorce benefits children's mental health by providing a more stable and calm atmosphere for them.	.842	.054	.847	15.743	.000

a. Dependent Variable: Divorce can have a negative impact on children's well-being, leading to issues like anxiety or depression. According to the regression analysis, there is a statistically significant link between divorce advantages (creating a stable and quiet environment) and children's mental health. The

unstandardized coefficients (B) of 0.842 is positive and statistically significant (t = 15.743, p 0.001), demonstrating that increasing divorce rewards has a beneficial influence on the mental health of children.

CONCLUSION:

Divorce law, notably the Hindu Marriage Act 1955, has resulted in changes in the marriage and divorce realms in India. However, the study discovered that divorce may have a number of detrimental effects on children's mental health. Children raised in divorced homes are more likely to be

agitated and nervous. Divorce rules that are ambiguous or harsh may have a substantial influence on children's mental health, causing emotional pain. In contrast, clear and child-centered legal provisions may assist children decrease ambiguity and emotional pain. The research also discovered that divorce has different consequences on

children's mental health depending on their age. Older children may feel greater autonomy and emotional relief, but younger children are more prone to suffer emotional discomfort and behavioural problems. The study emphasizes the need of putting children's mental health first when creating divorce-related legislation and regulations. It also implies that the clarity and child-centeredness of legal arrangements are important in minimizing the harmful effect of divorce on children's mental health. Furthermore, the methodology of the research employs a mixed-method approach that combines quantitative and qualitative data gathering and analysis. It collects information from 100 children who are actively engaged in divorce proceedings in the Parbhani area.

FUTURE SCOPE

The study of divorce law and its impact on the psychological health of offspring. Beyond the district of Parbhani, additional research could delve into specific regional variations in India. State-by-state and demographic-by-demographic comparisons would provide a deeper understanding. In addition, longitudinal studies could monitor the long-term effects on

children, providing invaluable insights to policymakers and mental health professionals. In addition, investigating interventions and support systems for children during divorce proceedings is a crucial area for future study.

LIMITATION

The study focuses on the Parbhani area of Maharashtra, which may not adequately reflect India's broad socio-cultural environment. Furthermore, the small sample size of 100 youngsters may restrict the generalizability of the results. The research is based on self-reported data, which is susceptible to memory bias. Furthermore, extrinsic variables not examined in this study may have an impact on children's mental health throughout divorce procedures.

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