MAINTENANCE AND ALIMONY IN INDIA: FROM GENDER-BASED PROTECTION TO ECONOMIC JUSTICE

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ABSTRACT

Maintenance and alimony constitute essential components of family law in India, serving as mechanisms to prevent economic deprivation and promote fairness following marital breakdown or separation. Historically, maintenance laws have predominantly focused on protecting women who lack independent financial resources and are unable to maintain themselves. However, changing family structures, increasing female participation in the workforce, evolving gender roles, and growing recognition of individual autonomy have generated renewed debate about the objectives and scope of maintenance jurisprudence. The Indian legal framework comprises multiple statutory provisions, including Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, Sections 24 and 25 of the Hindu Marriage Act, 1955, the Hindu Adoptions and Maintenance Act, 1956, and the Protection of Women from Domestic Violence Act, 2005. These provisions differ in their objectives, eligibility requirements, and available remedies. Judicial decisions, particularly *Rajnesh v. Neha* (2020), have attempted to improve consistency in the determination and enforcement of maintenance orders. This paper critically examines the historical development, constitutional foundations, statutory framework, and judicial interpretation of maintenance and alimony in India. It evaluates the relationship between gender-based protection and economic justice, with particular attention to financial dependency, unpaid domestic work, income disparities, procedural delays, and the financial vulnerability of both spouses. The paper argues that maintenance law should remain sensitive to structural gender inequalities while adopting a fair, evidence-based assessment of economic need, earning capacity, financial contributions, and post-separation responsibilities. It recommends improved procedural efficiency, transparent financial disclosure, effective enforcement, and carefully designed reforms to strengthen substantive economic justice.

Keywords: Maintenance, Alimony, Economic Justice, Gender Equality, Family Law, Matrimonial Disputes, Financial Dependency, Judicial Pronouncements, Gender Neutrality, India.

Introduction

Maintenance and alimony occupy an important position in Indian family law because they address the economic consequences of marriage, separation, divorce, and family breakdown. The dissolution or breakdown of a marital relationship often affects the financial security of one or both spouses, particularly where one partner has depended on the other for income, housing, healthcare, and other necessities. Traditionally, Indian society has assigned different economic and domestic responsibilities to men and women. Men have frequently been regarded as primary financial providers, while women have undertaken a substantial share of unpaid domestic work, childcare, and care for elderly family members. Although these patterns are changing, economic inequalities and unequal access to employment continue to influence maintenance disputes.

Maintenance law developed partly to prevent a spouse or dependent family member from becoming destitute because another person with sufficient means refuses to provide financial support. It therefore performs a protective function by ensuring access to basic necessities and reducing the economic consequences of family breakdown.

Alimony is generally associated with financial support payable to a spouse in matrimonial proceedings, particularly during or after divorce. Maintenance is a broader expression that may include interim support during litigation, continuing financial assistance after separation, and support for children or other eligible dependants. The precise meaning and availability of each remedy depend on the applicable statute. In India, maintenance rights arise under several enactments. Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), provides a summary remedy concerning the maintenance of wives, children, and parents within its statutory scope. Sections 24 and 25 of the Hindu Marriage Act, 1955, provide for maintenance pendente lite and permanent alimony, respectively. The Hindu Adoptions and Maintenance Act, 1956, contains additional maintenance provisions, while the Protection of Women from Domestic Violence Act, 2005, provides monetary relief in qualifying cases of domestic violence.

These laws reflect different legislative objectives. Some provisions are designed specifically to protect women against financial vulnerability, while others permit either spouse to seek maintenance subject to statutory conditions. The central issue is whether maintenance law should remain primarily a mechanism of gender-based protection or evolve towards a

broader model of economic justice. This question requires a careful distinction between formal equality and substantive equality. Treating both spouses identically in every circumstance may overlook historical discrimination and unequal domestic responsibilities. Conversely, assuming that only women can experience financial dependency may fail to recognise economically vulnerable husbands and other eligible claimants. Accordingly, a just maintenance system should recognise structural gender inequalities while assessing each claim through relevant evidence concerning income, assets, earning capacity, financial dependency, unpaid domestic contributions, and reasonable needs.

Conceptual Understanding of Maintenance and Alimony

Maintenance refers to financial support provided by one person to another where the applicable law recognises a duty or entitlement to such support. Depending on the relevant statute, it may cover reasonable living expenses, food, clothing, accommodation, healthcare, education, and other necessary expenditure.

In family law, maintenance serves a protective and redistributive function. It seeks to reduce the risk that a person who has depended economically on a spouse or family member will be left without adequate resources. The entitlement to maintenance is not necessarily based on poverty alone. Courts may consider the parties' financial circumstances, standard of living, reasonable needs, income, assets, earning capacity, and other factors recognised by the relevant legal provision.

Meaning of Alimony

Alimony generally refers to financial support awarded to a spouse in matrimonial proceedings. It may take the form of periodic payments or a lump-sum award, depending on the governing law and the circumstances of the case. Under the Hindu Marriage Act, 1955, Section 24 addresses maintenance pendente lite and litigation expenses, while Section 25 concerns permanent alimony and maintenance. Section 24 permits either the wife or the husband to apply for relief where the statutory requirements are met, including the absence of sufficient independent income for personal support and necessary litigation expenses. Section 25 empowers the court to grant permanent alimony and maintenance in accordance with its terms. These provisions demonstrate that maintenance and alimony are not exclusively synonymous with financial assistance payable by a husband to a wife. Under certain statutory

frameworks, either spouse may qualify.

Interim and Permanent Maintenance

Interim maintenance provides financial assistance while matrimonial or related proceedings remain pending. It is particularly important because litigation may continue for a considerable period, during which a financially dependent party may struggle to meet ordinary expenses or participate effectively in the proceedings.

Permanent alimony concerns longer-term financial support following a matrimonial decree or at a subsequent stage permitted by the applicable statute. The two forms of relief serve related but distinct purposes. Interim maintenance addresses immediate financial needs during litigation, whereas permanent alimony requires consideration of the circumstances relevant to continuing support after the matrimonial proceedings.

Maintenance as an Instrument of Economic Justice

Economic justice requires more than the formal recognition of legal rights. It requires that individuals have a reasonable opportunity to meet their essential needs and are not unfairly disadvantaged by the economic consequences of family responsibilities.

Maintenance may serve this objective by recognising financial dependency, unequal earning opportunities, contributions to household management, and the consequences of career interruptions. At the same time, maintenance should not be treated as an automatic penalty against the higher-earning spouse. The purpose is to provide legally justified financial support based on the relevant circumstances rather than to punish a party merely because the relationship has ended.

Constitutional Foundations of Maintenance Law

Article 14: Equality Before the Law

Article 14 of the Constitution guarantees equality before the law and equal protection of the laws. It provides a constitutional foundation for evaluating whether maintenance rules operate fairly and reasonably. Maintenance disputes frequently involve significant differences in income, assets, education, employment, and bargaining power. A formally equal legal

process may fail to deliver substantive equality if one party cannot afford legal representation or meet basic expenses during litigation. The constitutional principle of equality therefore supports procedures that enable both parties to present accurate financial information and obtain a fair determination. However, Article 14 does not require every maintenance provision to be gender-neutral. Legislative distinctions may be constitutionally justified where they respond to recognised inequalities and satisfy the applicable constitutional standards.

Article 15: Gender Equality and Protective Measures

Article 15 prohibits specified forms of discrimination and permits special provisions for women and children under Article 15(3). The constitutional framework recognises that women may experience disadvantages arising from historical discrimination, unequal access to employment, unpaid care responsibilities, and economic dependence. Gender-specific maintenance provisions may therefore operate as protective measures designed to address substantive inequality rather than as arbitrary privileges. Nevertheless, the existence of gender-based protection does not eliminate the need to recognise financial vulnerability among other legally eligible persons. A comprehensive understanding of economic justice must distinguish between protective legislation addressing structural disadvantages and statutory provisions that expressly permit either spouse to seek relief.

Article 21: Life and Human Dignity

Article 21 protects life and personal liberty. Judicial interpretation has connected the right to life with dignity and the conditions necessary for meaningful human existence. Maintenance can contribute to the protection of dignity by preventing a financially dependent person from being deprived of basic necessities after separation or divorce. The importance of maintenance is not limited to subsistence. Depending on the applicable legal framework and circumstances, financial support may help preserve reasonable living conditions and enable a person to participate effectively in legal proceedings.

However, Article 21 should not be interpreted as creating an unlimited or automatic entitlement to a particular amount of maintenance. Specific rights and remedies must be determined under the governing statutes and applicable judicial principles.

Directive Principles of State Policy

Article 39(a) directs the State to secure adequate means of livelihood for men and

women equally, while Article 39(e) addresses the protection of the health and strength of workers and others. Article 39(f) concerns opportunities for children to develop in conditions of freedom and dignity. Article 15(3), read alongside these Directive Principles, supports the broader objective of social justice reflected in maintenance legislation.

In *Rajnesh v. Neha* (2020), the Supreme Court discussed maintenance as a measure of social justice and issued guidelines intended to improve consistency in maintenance proceedings. The constitutional framework thus supports a system that protects vulnerable individuals while ensuring fair adjudication according to law.

Statutory Framework Governing Maintenance and Alimony in India

Bharatiya Nagarik Suraksha Sanhita, 2023

Section 144 of the BNSS provides for maintenance of wives, children, and parents in specified circumstances where a person having sufficient means neglects or refuses to maintain an eligible claimant. The provision includes a remedy for a wife who is unable to maintain herself, eligible children, and parents who satisfy the statutory conditions. It also permits interim maintenance and reasonable expenses of proceedings during the pendency of the application. Section 144 is the successor to Section 125 of the Code of Criminal Procedure, 1973. The BNSS came into force on 1 July 2024, subject to the applicable commencement arrangements.

This remedy is important because it provides a relatively accessible statutory mechanism for addressing neglect or refusal to maintain eligible dependants. It is not confined to determining permanent alimony following divorce. The provision's eligibility conditions must be applied according to its language and relevant judicial interpretation. It should not be inaccurately described as a universally gender-neutral maintenance remedy for every financially dependent spouse, because its categories and requirements are specifically defined by law.

Hindu Marriage Act, 1955

The Hindu Marriage Act contains two particularly significant provisions.

Section 24: Maintenance Pendente Lite and Expenses of Proceedings

Section 24 permits either the wife or the husband to apply for interim maintenance and litigation expenses when the applicant lacks sufficient independent income for personal support and necessary litigation costs. The provision is important because it recognises that economic vulnerability during matrimonial litigation may affect either spouse. Its gender-neutral wording allows the court to assess the parties' circumstances without assuming that financial dependency is necessarily limited to women.

Section 25: Permanent Alimony and Maintenance

Section 25 empowers the court to grant permanent alimony and maintenance at the time of passing a decree or subsequently, in accordance with the statutory requirements. Relevant considerations include the parties' income, property, conduct, and other circumstances of the case. The provision also allows modification, variation, or rescission in specified circumstances. Sections 24 and 25 demonstrate that Indian matrimonial law can recognise financial need without making gender the sole determinant of eligibility.

Hindu Adoptions and Maintenance Act, 1956

The Hindu Adoptions and Maintenance Act, 1956, provides additional maintenance rights within its statutory scope. Section 18 concerns maintenance of a Hindu wife by her husband, subject to the statutory conditions. Section 19 addresses maintenance of a widowed daughter-in-law in specified circumstances. Section 20 concerns maintenance of children and aged parents, while Sections 21–23 address other relevant matters, including dependants and the determination of maintenance.

Section 23 identifies considerations relevant to determining the amount of maintenance, including the position and status of the parties, reasonable wants, justification for separate residence where relevant, the value of the claimant's property and income, and the number of persons entitled to maintenance. The Act illustrates that maintenance law operates through different statutory relationships. It also demonstrates why a single, uniform rule cannot automatically be applied to every claimant.

Protection of Women from Domestic Violence Act, 2005

The Protection of Women from Domestic Violence Act, 2005, provides remedies for women who experience domestic violence within relationships covered by the Act. Section 3

defines domestic violence to include physical, sexual, verbal, emotional, and economic abuse within the statutory framework. Section 20 permits monetary relief for expenses and losses resulting from domestic violence, including maintenance for the aggrieved person and her children where the statutory conditions are met.

The Act also provides for protection orders, residence orders, custody orders, and compensation in appropriate cases. Its purpose differs from that of a general maintenance provision. The legislation addresses domestic violence and its consequences rather than merely providing a mechanism for resolving differences in income between spouses. Accordingly, monetary relief under the Act should be analysed in the context of the alleged domestic violence and the remedies available under the statute.

Special Marriage Act, 1954

The Special Marriage Act, 1954, provides a civil framework for marriages solemnised under its provisions. Sections 36 and 37 concern alimony pendente lite and permanent alimony, respectively. These provisions establish mechanisms for financial support in matrimonial proceedings under the Act. Their operation must be considered according to the statutory language and applicable judicial interpretation. They form part of the wider framework through which Indian law addresses the financial consequences of matrimonial litigation and dissolution.

Muslim Personal Law and Statutory Maintenance Rights

Maintenance claims involving Muslim parties must be examined with reference to the relevant personal law, statutory provisions, and judicial precedents. The Muslim Women (Protection of Rights on Divorce) Act, 1986, provides a statutory framework concerning the rights of divorced Muslim women. Its provisions have been interpreted by the Supreme Court in important decisions.

In *Mohd. Ahmed Khan v. Shah Bano Begum* (1985), the Supreme Court considered the application of Section 125 of the Code of Criminal Procedure to a divorced Muslim woman unable to maintain herself. The judgment generated significant legal and political debate concerning personal law and maintenance.

In *Danial Latifi v. Union of India* (2001), the Supreme Court upheld the constitutional validity of the 1986 Act while interpreting its provisions concerning the financial arrangements

to be made for a divorced woman.

More recently, in *Mohd. Abdul Samad v. State of Telangana* (2024), the Supreme Court addressed the availability of the secular maintenance remedy under Section 125 of the former Code of Criminal Procedure to a divorced Muslim woman. The judgment is important when examining the relationship between general maintenance law and the statutory framework governing divorced Muslim women. The applicable remedy must be determined with reference to the current law, the relevant statutory provisions, and the circumstances of the claimant.

Judicial Developments in Maintenance and Alimony

Judicial interpretation has significantly influenced the principles governing maintenance and alimony in India. The courts have addressed eligibility, financial disclosure, quantum, interim relief, economic dependency, and enforcement.

***Rajnesh v. Neha* (2020)**

The Supreme Court's decision in *Rajnesh v. Neha*, (2021) 2 SCC 324, is a leading judgment on the administration of maintenance proceedings. The Court examined difficulties arising from multiple maintenance proceedings, delays in deciding interim applications, inconsistent financial disclosures, and uncertainty in determining the amount payable. The judgment established important procedural guidelines, including the filing of affidavits disclosing assets and liabilities, consideration of overlapping maintenance orders, and principles for determining the quantum and commencement of maintenance.

The Court emphasised the importance of financial transparency and directed that maintenance ordinarily be awarded from the date of the application, subject to the applicable legal framework. Although the judgment principally concerned provisions then in force, its guidance remains significant when considering corresponding maintenance proceedings under successor legislation, subject to the current statutory context. From an economic-justice perspective, the decision is important because it seeks to reduce procedural inequality and improve consistency in judicial decision-making.

***Shamima Farooqui v. Shahid Khan* (2015)**

In *Shamima Farooqui v. Shahid Khan*, (2015) 5 SCC 705, the Supreme Court emphasised that maintenance is not intended merely to keep a claimant alive at a subsistence

level. It should be sufficient to enable the claimant to live with reasonable dignity, having regard to the relevant circumstances.

The judgment underscores the protective purpose of maintenance law and the responsibility of a person with sufficient means to maintain an eligible claimant. Its significance lies in the recognition that maintenance must be assessed in a manner consistent with the objective of preventing destitution and preserving dignity.

***Chaturbhuj v. Sita Bai* (2008)**

In *Chaturbhuj v. Sita Bai*, (2008) 2 SCC 316, the Supreme Court considered the meaning of a wife's inability to maintain herself under the former Section 125 of the Code of Criminal Procedure.The judgment explained that the provision is designed to prevent destitution and vagrancy and should not be interpreted as requiring a claimant to demonstrate absolute starvation. The case is relevant to the broader principle that maintenance proceedings should focus on genuine financial circumstances and the protective purpose of the applicable legislation.

***Manish Jain v. Akanksha Jain* (2017)**

In *Manish Jain v. Akanksha Jain*, (2017) 15 SCC 801, the Supreme Court considered the determination of interim maintenance under Section 24 of the Hindu Marriage Act. The decision illustrates that maintenance is not determined solely by the income of the respondent. The court must consider the financial circumstances of both parties, the reasonable needs of the applicant, and other relevant factors. This approach supports a contextual assessment rather than a rigid formula.

***Kalyan Dey Chowdhury v. Rita Dey Chowdhury* (2017)**

In *Kalyan Dey Chowdhury v. Rita Dey Chowdhury*, (2017) 14 SCC 200, the Supreme Court considered the amount of permanent alimony in the circumstances of the case.The judgment is frequently discussed in connection with the assessment of maintenance as a proportion of the respondent's income. However, it should not be treated as establishing a universal percentage applicable to every maintenance dispute. The quantum of maintenance depends on the relevant statutory provision and the facts of each case, including income, reasonable needs, assets, responsibilities, and other circumstances.

***Shailja v. Khobbanna* (2018)**

In *Shailja v. Khobbanna*, (2018) 12 SCC 199, the Supreme Court considered the relevance of a claimant's capacity to earn when determining maintenance. The case is important because it illustrates the distinction between possessing the ability to work and actually having sufficient independent income to maintain oneself. The legal assessment should not automatically deny maintenance merely because a claimant is educated or potentially employable. The court must consider the evidence and applicable statutory requirements. This principle is particularly relevant to economic justice because it prevents assumptions about earning capacity from replacing a proper assessment of actual financial circumstances.

***Mohd. Ahmed Khan v. Shah Bano Begum* (1985)**

The decision in *Shah Bano* remains a landmark in the development of maintenance law in India. The Supreme Court considered the availability of the general maintenance remedy under Section 125 of the former Code of Criminal Procedure to a divorced Muslim woman who was unable to maintain herself.

The judgment placed the question of maintenance within the broader framework of social justice and generated continuing debate about the relationship between secular statutory remedies and personal laws. Its enduring significance lies in the recognition that financial vulnerability following divorce raises questions of legal protection, equality, and access to justice.

***Danial Latifi v. Union of India* (2001)**

In *Danial Latifi v. Union of India*, (2001) 7 SCC 740, the Supreme Court examined the constitutional validity and interpretation of the Muslim Women (Protection of Rights on Divorce) Act, 1986. The Court interpreted the statutory obligation concerning a divorced woman's future needs in a manner that required a reasonable and fair provision to be made and paid within the statutory iddat period. The judgment is significant because it illustrates how judicial interpretation can reconcile statutory provisions with constitutional concerns about fairness and financial security.

From Gender-Based Protection to Economic Justice: A Critical Analysis

The transition from gender-based protection to economic justice is one of the central

debates in contemporary maintenance law. Historically, maintenance provisions have responded to the economic vulnerability of women who lack independent income and who may have undertaken substantial domestic responsibilities during marriage. This protective approach remains necessary because gender-based disadvantages have not disappeared. However, the changing nature of employment, education, family responsibilities, and household arrangements requires a more comprehensive understanding of economic dependency.

The Continuing Importance of Gender-Based Protection

Women may face economic disadvantage because of unpaid domestic work, interruptions in employment, unequal remuneration, childcare responsibilities, and limited access to assets. Following separation or divorce, these disadvantages can become particularly severe. A woman who has devoted years to family responsibilities may find it difficult to re-enter employment or obtain an income comparable to that of her former spouse.

Gender-specific protection can therefore serve a legitimate corrective purpose. It recognises that equal treatment in form does not necessarily produce equality in practice. A shift towards economic justice should not be interpreted as a reason to remove protections designed to address these inequalities. Instead, reform should ensure that such protections operate effectively and that financial claims are determined on the basis of relevant evidence.

Recognition of Economically Vulnerable Husbands

Although women have historically been the principal beneficiaries of many maintenance remedies, economic dependency is not exclusively a female experience. A husband may be unable to maintain himself because of disability, illness, unemployment, age, or other circumstances. In certain marriages, one spouse may have sacrificed career opportunities to support the other's professional advancement or to undertake domestic responsibilities.

Sections 24 and 25 of the Hindu Marriage Act, 1955, expressly permit either spouse to seek relief subject to the statutory conditions. Recognising such claims does not negate the importance of women's protection. It demonstrates that financial vulnerability should be assessed through the relevant legal framework rather than through stereotypes about gender

and earning capacity.

Unpaid Domestic Work and Financial Contributions

Household management, childcare, support for elderly relatives, and other forms of unpaid labour contribute to the economic functioning of a family. These activities may enable the other spouse to pursue employment, education, or professional advancement. However, unpaid domestic contributions do not automatically create ownership rights or determine a particular maintenance amount under every statute.

Courts should consider such contributions where relevant to the governing law and the circumstances of the claim. A fair assessment should recognise the economic consequences of domestic responsibilities without replacing the applicable statutory criteria with an inflexible formula.

Maintenance and Financial Independence

The objective of maintenance is not necessarily to make a claimant permanently dependent on another person. Depending on the circumstances, financial support may provide stability while the claimant seeks employment, completes education, recovers from illness, or adjusts to the consequences of separation.

Nevertheless, financial independence should not be used as a simplistic justification for denying maintenance. The existence of educational qualifications or a theoretical ability to earn does not necessarily establish that a claimant has sufficient actual income. Courts must distinguish between earning capacity and actual financial resources, while considering the relevant statutory requirements.

Fairness to the Paying Spouse

Economic justice also requires attention to the financial position of the person ordered to pay maintenance. A maintenance order should be based on a fair assessment of the parties' income, assets, reasonable needs, liabilities, and dependent family members. An amount that ignores the respondent's genuine financial obligations may create additional hardship or make compliance difficult.

At the same time, a respondent should not be permitted to avoid lawful responsibilities through concealment of income, artificial reduction of earnings, or non-disclosure of assets. Financial disclosure, scrutiny of relevant evidence, and reasoned judicial decisions are therefore essential to achieving fairness for both parties.

Overlapping Proceedings and Inconsistent Orders

A claimant may seek maintenance under more than one statutory provision where the law permits. Such proceedings can create complications if different courts are unaware of existing orders or if overlapping awards are not properly considered.

In *Rajnesh v. Neha*, the Supreme Court addressed these problems and established guidelines intended to improve coordination and transparency. The decision supports a system in which all relevant maintenance orders and proceedings are disclosed and considered. This helps prevent duplication while ensuring that legitimate claims are not defeated merely because a remedy is available under another enactment.

Delay and Effective Enforcement

The effectiveness of maintenance law depends not only on the recognition of entitlement but also on the timely delivery and enforcement of relief. Long delays in deciding interim applications can undermine the purpose of maintenance. A financially dependent claimant may be unable to meet basic expenses or participate effectively in proceedings while awaiting a decision.

Non-compliance with maintenance orders creates further difficulties. Enforcement mechanisms must be applied effectively, subject to the governing statute and procedural safeguards. A fair system should therefore combine timely adjudication, transparent disclosure, proportionate orders, and effective enforcement.

Suggestions and Recommendations

Strengthen Coordination Among Maintenance Laws: The legislature and judiciary should continue to promote clarity concerning the interaction of maintenance remedies under different statutes. Existing procedural safeguards should be implemented effectively so that courts can identify overlapping proceedings, consider earlier orders, and avoid unjustified duplication

without denying legitimate entitlements.

Improve the Timeliness of Interim Maintenance: Interim maintenance applications should receive prompt attention because delays can undermine the protective purpose of the law. Courts should apply appropriate case-management procedures and ensure that financial disclosure is completed without unnecessary adjournments. Timely decisions would reduce hardship and improve confidence in the justice system.

Promote Consistent Financial Disclosure: The guidelines established in *Rajnesh v. Neha* should be implemented consistently in accordance with their applicable legal context. Both parties should provide accurate information about income, assets, liabilities, employment, and relevant financial obligations. Where legally justified, courts should examine discrepancies and non-disclosure to ensure that orders are based on reliable evidence.

Adopt a Contextual Approach to Economic Vulnerability: Courts should assess financial dependency through a careful examination of the parties' actual circumstances. Relevant factors may include income, assets, reasonable living expenses, health, age, dependent children, employment opportunities, career interruptions, and domestic contributions, to the extent permitted by the governing law. No single factor should automatically determine the outcome where the applicable statute requires a broader assessment.

Preserve Necessary Gender-Specific Protections: Reform towards economic justice should not weaken protections designed to address structural inequalities affecting women. Gender-specific remedies should continue to serve their statutory purposes, particularly where domestic violence, economic abuse, or long-term financial dependency is established. At the same time, courts should recognise gender-neutral entitlements where the legislature has expressly provided them.

Improve Enforcement of Maintenance Orders: Maintenance orders should be enforced effectively under the applicable statutory framework. Authorities and courts should ensure that claimants understand available enforcement procedures and that non-compliance is addressed through lawful mechanisms. Effective enforcement is essential to ensuring that judicial relief has practical value.

Expand Access to Legal Aid: Legal services authorities should provide accessible assistance

to individuals who cannot afford representation in maintenance proceedings. Public awareness programmes should explain eligibility requirements, relevant documentation, available remedies, and the consequences of non-disclosure or non-compliance.

Encourage Empirical Research: Future studies should analyse anonymised judicial data to examine the duration of proceedings, interim maintenance outcomes, enforcement rates, and the factors considered in determining the quantum of maintenance. Research should also examine the experiences of economically vulnerable claimants and the practical operation of gender-neutral remedies. Evidence-based research would assist policymakers in distinguishing between problems that require legislative amendment and those that arise primarily from procedural delays or inconsistent implementation.

Conclusion

Maintenance and alimony remain essential instruments of economic protection within the Indian legal system. Their importance arises from the fact that marriage and family relationships involve not only emotional and social commitments but also economic responsibilities and unequal distributions of paid and unpaid work. The traditional protective orientation of maintenance law has been necessary to address the financial vulnerability experienced by many women following separation or divorce. Gender-specific remedies continue to serve an important role where they respond to structural inequalities, domestic violence, and economic dependency.

At the same time, contemporary family structures and changing economic circumstances require a more comprehensive understanding of financial vulnerability. The availability of gender-neutral remedies under Sections 24 and 25 of the Hindu Marriage Act, 1955, demonstrates that Indian law can recognise maintenance claims by either spouse where the statutory requirements are satisfied. The constitutional principles of equality, dignity, and social justice provide a broader foundation for evaluating the fairness of maintenance arrangements. Judicial decisions, particularly *Rajnesh v. Neha*, have also contributed to greater procedural consistency through financial disclosure requirements and guidelines for determining maintenance.

Nevertheless, challenges remain concerning overlapping proceedings, delays, inconsistent financial disclosures, valuation of unpaid domestic work, and enforcement of

orders. These difficulties may prevent individuals from receiving the protection contemplated by law. The appropriate direction for reform is not the automatic replacement of gender-specific protection with an undifferentiated model of gender neutrality. Rather, it is the development of a system that combines substantive gender equality with a fair assessment of individual economic circumstances. Maintenance should be determined according to the governing statute, actual financial need, available resources, earning capacity, relevant domestic contributions, and the rights of dependent family members. Courts must also ensure that lawful obligations are enforced and that proceedings are conducted without unnecessary delay.

Ultimately, the movement from gender-based protection to economic justice should preserve the protective purpose of maintenance law while strengthening fairness, transparency, accountability, and access to remedies. Such an approach would better reflect the constitutional commitment to equality and dignity and the practical realities of family relationships in contemporary India.

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