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Beyond dependency: Rethinking alimony for new-age Indian marriages

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Abstract

The institution of marriage in India is undergoing significant transformation, driven by urbanization, changing gender roles, economic empowerment, and evolving social norms. These shifts have profoundly influenced the legal and social frameworks surrounding alimony, which has traditionally served as financial support for the economically dependent spouse after divorce. The rise of short-term marriages, dual-income households, mutual consent divorces, and live-in relationships has challenged the conventional assumptions underpinning maintenance and alimony.

This paper offers a critical examination of how Indian matrimonial laws particularly the Hindu Marriage Act, the Special Marriage Act, Section 125 of the Criminal Procedure Code, and the Protection of Women from Domestic Violence Act, 2005 respond to these changing dynamics. It explores landmark judicial decisions that have progressively expanded the understanding of alimony, taking into account factors such as earning potential, lifestyle during the marriage, sacrifices made by spouses, and the value of non-financial contributions like caregiving and homemaking.

The study also addresses persistent challenges, including the misuse of maintenance provisions, inconsistent judicial interpretations, and gender biases that impact both men and women. It underscores the need for legal recognition of prenuptial agreements and maintenance rights in live-in relationships areas currently lacking clear legal framework in India. Drawing on international practices and evolving jurisprudence, the paper advocates for comprehensive legal reform aimed at creating a uniform, equitable, and enforceable maintenance regime that aligns with the realities of modern Indian relationships.

Keywords: Alimony, maintenance, judicial reform, gender

Introduction

The word alimony is derived from the Latin word *alimonia*, which means "nourishment, sustenance," from the verb *alere*, which means "to nourish", and from which the words alimentary and aliment, which guarantee the wife's housing, food, clothing and other necessities after divorce, also derive. The phrase "alimony" refers to the transfer of funds from one divorced spouse to the other. It is typically provided when one partner is unable to take care of their own needs ^[1]. Alimony refers to the legal obligation imposed traditionally on the husband to provide financial support to the wife following a divorce. This support is generally awarded when the woman is unable to meet her basic needs and maintain a standard of living independently. In many cultures, including Indian society, marriage is regarded as a sacred institution, carrying with it lifelong duties and responsibilities. Even when a couple is physically or emotionally estranged, the legal and moral obligations arising from marriage do not cease immediately upon separation.

A husband, despite an estranged relationship, is expected to take responsibility for his wife's maintenance and welfare if she cannot support herself. After a divorce, women, especially those who are financially dependent, often face significant economic, social and psychological challenges. In such cases, alimony acts as a legal safeguard, ensuring the woman does not become destitute or disadvantaged due to the end of the marriage. Importantly, alimony is not a matter of charity, but a legal right afforded to a divorced woman under various personal laws. It is designed to mitigate financial inequality that may arise as a consequence of divorce. Alimony may be granted as a lump-sum payment or through monthly/periodic instalments, depending on the specific circumstances and legal provisions applicable.

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In India, the concept of alimony is recognized across multiple personal law systems, including Hindu, Muslim and Christian laws, each providing specific guidelines regarding eligibility and enforcement. The overarching objective of awarding alimony is to uphold the rights of dependent spouses and ensure that they can continue to live with dignity and financial stability, even after the marital bond has been legally dissolved ^[2].

The concept of alimony or spousal maintenance has long been grounded in the assumption of unequal marital roles typically, a dependent wife and an earning husband. However, in contemporary India, this foundation is steadily eroding. Modern marriages are often characterised by short durations, financial parity, urban mobility, and individual autonomy. As more women enter the workforce and contribute equally to household incomes and as men become more open to domestic roles, the traditional rationale for awarding alimony becomes less clear-cut.

Simultaneously, the growing prevalence of live-in relationships, rising divorce rates (especially mutual-consent divorces), and increasing use of prenuptial agreements (even if not legally binding in India) complicate the application of alimony laws. Courts today are frequently confronted with cases where both spouses are educated, employed and financially stable, challenging the traditional binary of one as the provider and the other as the dependent. These evolving marital dynamics impact the right to alimony in India. For a better understanding, it is necessary to examine the relevant legal framework, recent jurisprudence and enforcement challenges. The analysis in this paper evaluates whether existing laws adequately protect the financially vulnerable party irrespective of gender while avoiding misuse or overreach. By comparing Indian practice with global trends, the paper aims to propose reforms that align with the realities of modern-day relationships, ensuring fairness, dignity and clarity in alimony adjudication.

The legal framework for alimony in India is a complex interplay of personal laws, secular legislation and constitutional principles. This intricate structure reflects the ongoing societal debate between traditional familial obligations and contemporary ideals of economic justice. Beyond basic maintenance, Indian legislation has evolved to provide more comprehensive financial security by acknowledging and addressing various forms of economic abuse through pecuniary relief. This shift has reframed the understanding of economic inequalities within marriage, recognizing that financial dependence can perpetuate cycles of abuse and disparity. Specifically, Section 20 of the Protection of Women from Domestic Violence Act, 2005 extends monetary relief beyond mere maintenance, offering compensation for losses incurred due to domestic violence, including lost earning opportunities ^[3]. The Supreme Court of India's approach to determining alimony has significantly evolved over recent decades, marked by landmark judgments that have redefined economic justice in matrimonial cases.

Purpose of maintenance and Alimony

The fundamental goal of spousal maintenance is to provide financial support to a spouse who lacks sufficient income or property. This ensures they can maintain a standard of living comparable to what they enjoyed during the marriage. The purpose of maintenance and alimony extends beyond mere financial assistance, it is rooted in the principles of fairness,

equity and social justice. When a marriage ends, the economic disparity between the spouses often becomes more visible, particularly if one spouse sacrificed career opportunities, education, or personal advancement to manage the household, raise children, or support the other spouse's professional growth. Maintenance serves to bridge this gap by ensuring that the dependent spouse is not left destitute or forced into an abrupt and drastic reduction in their standard of living.

There are various provisions enshrined in various Indian laws, including Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (formerly Section 125 of the Code of Criminal Procedure, 1973), and Sections 24 and 25 of the Hindu Marriage Act, 1955. Additionally, specific religious personal laws also contain similar provisions. Maintenance can be sought in two forms: interim or periodic maintenance during the pendency of legal proceedings and permanent alimony, which is claimed after the divorce is finalised ^[4].

Constitutional Protection

The Preamble of the Indian Constitution embodies the spirit of equality and non-discrimination, asserting that all citizens, regardless of gender are entitled to equal treatment. It enshrines the ideals of social, economic and political justice, reinforcing the commitment to create an inclusive and egalitarian society. Although historically Indian society has witnessed prolonged suppression and marginalization of women, the framers of the Constitution, fully cognizant of these inequalities, incorporated specific provisions to ensure that women are accorded equal status in every sphere of life. These constitutional guarantees are further strengthened through the Fundamental Rights, particularly:

Article 14 ensures equality before the law and equal protection under the laws, affirming that women are entitled to the same legal rights and safeguards as men.

Article 15 prohibits discrimination on grounds of religion, race, caste, sex, or place of birth. Specifically, Article 15(3) empowers the state to make special provisions for women and children, thereby enabling affirmative action to correct historical imbalances and advance substantive equality. Together, the Preamble and Fundamental Rights lay the constitutional foundation for gender justice in India. They reflect the vision of a society where men and women are treated not only as equals under the law but also as equal participants in the nation's social, political, and economic life ^[5]. Therefore in India, the Constitutional framework allows special provisions to protect women's economic security after the dissolution of marriage, addressing historical gender-based disadvantages in access to resources and employment. By aligning with the Preamble's vision of equality, alimony laws aim to ensure that both spouses can participate fully and with dignity in social and economic life, even after separation.

Influence of international laws in the evolution of Indian Matrimonial Laws

India's matrimonial laws have undergone a significant transformation, largely influenced by international legal standards, especially those centred on human rights and gender equality. Since gaining independence, India has increasingly aligned its domestic legal system with global norms, drawing from various international conventions and treaties.

A major turning point was India's ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1993. This led to crucial reforms in Indian family law, aimed at bolstering women's rights within marriage^[6]. For instance, amendments were made to the Hindu Marriage Act and the Criminal Procedure Code, strengthening provisions like the right to maintenance and the option for women to live separately under specific conditions. Alongside these legislative changes, the National Commission for Women was established. This independent body plays a vital role in advocating for women's welfare, civil rights and legal reform, offering crucial advice on policies related to women's empowerment and legal protection.

Furthermore, India's commitment to the International Covenant on Civil and Political Rights (ICCPR) reinforced its constitutional pledges of personal liberty, equality before the law, and access to justice^[7]. The Indian judiciary has increasingly referenced these international obligations when interpreting and applying matrimonial laws, thereby weaving a global rights-based perspective into domestic legal thinking. The interaction between deeply rooted cultural norms and evolving international legal Principles has made Indian matrimonial law both dynamic and adaptable. It continues to change, reflecting shifting societal values, international commitments and the need to balance individual rights with social expectations. However, this complex legal landscape also presents opportunities for misuse and manipulation, both within domestic legal contexts and through the selective use of international principles. Grasping this intricate historical and legal journey is key to understanding the current state and challenges of matrimonial law in India. It's also crucial for envisioning meaningful reforms that effectively balance tradition, modernity and justice.

Matrimonial Laws in India: A Domestic Perspective

Before British colonial rule, marriage in India was primarily governed by a diverse mosaic of personal laws. Each religious and cultural community, Hindus, Muslims, Christians, and others, adhered to their traditions, customs, and sacred texts for matters concerning marriage, divorce and family life, fostering a deeply pluralistic legal landscape^[8].

Hindu Matrimonial Laws

The systematic codification of Hindu family law commenced during the colonial period, culminating in the landmark Hindu Marriage Act, 1955. This legislation marked a pivotal shift, standardizing legal principles for marriage, divorce, maintenance, and adoption for Hindus, including Buddhists, Jains and Sikhs. The Act replaced a disparate collection of customary practices, introducing uniformity by, notably, abolishing polygamy and establishing statutory grounds for divorce such as cruelty, desertion, mental illness, religious conversion and incurable leprosy. It also formalized procedures for restitution of conjugal rights and judicial separation, thereby firmly embedding Hindu matrimonial law within a modern legal framework.

Muslim Matrimonial Laws

In contrast, Muslim personal laws largely remain uncoded, deriving their authority from Islamic sources,

such as the Qur'an and Hadith. The Muslim Personal Law (Shariat) Application Act, 1937, formalized the application of Shariat in personal matters, enabling Muslims to regulate marriage, divorce, maintenance (*nafaqah*) and other related issues through religious doctrine. However, this lack of codification has often led to an absence of uniform procedural safeguards, inviting legal scrutiny and controversy. A significant judicial intervention in this sphere was the Supreme Court's landmark 2017 ruling in *Shayara Bano v. Union of India*,^[9] which declared the practice of instant triple *talaq* (*talaq-e-biddat*) unconstitutional, striking down a practice that allowed a Muslim man to unilaterally and instantaneously divorce his wife.

Christian Matrimonial Laws

Christian marriage and divorce in India continue to be governed by the Indian Divorce Act of 1869. This colonial-era statute, though amended over time, still largely reflects its historical origins and applies exclusively to members of the Christian community. It permits divorce on conventional grounds such as adultery, cruelty and desertion.

Secular Marriage Law

To provide a secular alternative for all citizens, the Indian legislature enacted the Special Marriage Act, 1954. This Act facilitates interfaith and civil marriages, operating entirely outside the purview of personal laws. It uniformly governs marriage, divorce and maintenance for all Indian citizens who choose to marry under its provisions, irrespective of their religious affiliation. This Act is particularly crucial for couples seeking inter-religious or non-religious unions, ensuring legal recognition and procedural uniformity in India's diverse society^[10]. As seen above, the legal framework governing alimony and maintenance in India is multifaceted, shaped by a combination of personal laws, secular statutes, and dynamic judicial interpretations. Hindu personal law, through the Hindu Marriage Act, 1955 and the Hindu Adoption and Maintenance Act, 1956, permits both spouses to seek maintenance, factoring in elements such as income, property and conduct. Similarly, Muslim personal law, guided by the Muslim Women (Protection of Rights on Divorce) Act, 1986 and principles of Sharia include provisions like '*iddat*' maintenance and '*mehr*', alongside remedies under Section 125 of the Criminal Procedure Code (CrPC). Christian and Parsi communities are governed by the Indian Divorce Act, 1869 and the Parsi Marriage and Divorce Act, 1936, both of which offer provisions for temporary and permanent alimony.

The Special Marriage Act, 1954, applicable irrespective of religion, allows either spouse to claim maintenance, granting wide discretion to courts in determining the quantum and duration. Section 125 CrPC functions as a secular remedy aimed at preventing destitution, offering maintenance to wives, children and parents through a relatively expedient process, albeit with a statutory cap. Additionally, the Protection of Women from Domestic Violence Act, 2005 extends the right to maintenance to women in live-in relationships. Judicial decisions have significantly influenced the interpretation and application of these laws, recognizing the homemaker's economic value, emphasizing a right to live with dignity and offering clarity on the computation of maintenance. Despite these progressive strides, the existing system faces notable

challenges such as inconsistencies across personal laws, procedural delays, enforcement difficulties and the need to align with evolving social realities and gender roles. The ongoing discourse around the introduction of a Uniform Civil Code reflects a broader effort to create a standardized, equitable approach to maintenance laws across communities in India ^[11].

Judicial Perspectives

In India, the judiciary has played a pivotal role in shaping the principles and law on alimony through progressive interpretations of statutory provisions like Section 125 of the Cr. P.C., the Hindu Marriage Act, and the Special Marriage Act. Courts have clarified that alimony aims to prevent destitution and ensure a spouse's right to live with dignity, not merely as a charitable gesture. Landmark rulings have also extended maintenance rights to women in live-in relationships and emphasized gender-neutral support in certain cases, thereby broadening the scope of social justice in matrimonial disputes.

A pivotal shift is evident in the *Rajnesh v. Neha* judgment ^[12]. Unlike earlier rulings that largely focused on basic subsistence, this case established comprehensive guidelines for calculating maintenance. It mandated a more holistic assessment, considering factors such as the educational qualifications and professional aspirations of both spouses, as well as the standard of living they maintained during their marriage. This marked a departure from simpler, need-based calculations ^[13]. In *Kusum Sharma v. Mahinder Kumar Sharma*, ^[14] the court emphasized the necessity for both spouses to disclose complete and truthful financial details to facilitate a just and equitable determination of alimony. The ruling underlined that transparency from both parties is essential for arriving at a fair maintenance order.

In *Ravi Kumar v. Julmidevi*, ^[15] the court reaffirmed that while a wife has the legal right to claim maintenance, the husband's financial capacity must also be taken into account. The judgment called for a balanced and realistic approach in assessing alimony, ensuring fairness to both parties involved ^[16].

In *Mamta Jaiswal v. Rajesh Jaiswal*, ^[17] the Madhya Pradesh High Court, has ruled in this instance that well-qualified spouses who would prefer to do nothing but sit about and not look for a way to support themselves should be discouraged. In addition, it is decided that a woman who is contesting for a divorce cannot wait to hold her husband accountable for failing to provide *pendente lite* alimony during the divorce proceedings. In this particular case, the Madhya Pradesh High Court had decided that capable wives should not discourage well-qualified spouses who would rather do nothing but lounge around and not hunt for a method to support themselves.

In *Omar Abdullah vs. Payal Abdullah & Ors.*, ^[18] the Delhi High Court has ordered the trial court to determine whether the wife's petition under section 125 Cr. P.C. can be maintained first. The Court determined that the issue of the interim maintenance award and the petition's maintainability under section 125 Cr. P.C. are linked. Before awarding interim maintenance, the court in question must determine if the woman was unable to support herself and whether her husband neglected or refused to provide for her. Only then may the matter be further pursued.

Principles Governing Alimony

The grant of alimony is not automatic; it is determined by the court after a careful consideration of multiple factors ^[19]. The objective is to ensure that the financially dependent spouse, usually the wife, receives fair financial support after the dissolution of marriage. In the landmark case of *Rajnesh v. Neha*, ^[20] the Supreme Court of India laid down a structured framework by identifying eight key criteria for determining alimony. These include:-

- **Social and Financial status of the parties:** The court evaluates the economic and social standing of both spouses. This includes an assessment of financial assets, lifestyle, and affluence. Parameters such as ownership of property, number and type of vehicles, possession of luxury items like air conditioners, or amenities such as a swimming pool may be considered. The underlying principle is that the wife should be able to maintain a lifestyle comparable to what she enjoyed during the marriage, particularly if the couple belonged to an affluent class.
- **Standard of living during the marriage:** The wife's standard of living while residing in the marital home is a significant factor. The court seeks to ensure that divorce does not reduce her to a lower standard of living than what she was accustomed to. If the couple led a luxurious lifestyle, the alimony granted is likely to reflect that.
- **Reasonable needs of the wife and dependent children:** Alimony should meet the essential and reasonable needs of the wife and any dependent children. While the wife is entitled to seek continued financial support, the court ensures that her demands remain fair and proportionate. For instance, it may not be justified for her to claim exclusive rights over multiple properties without a legitimate need.
- **Educational Background and Employment Status of Both Parties:** The court takes into account the academic qualifications, professional skills, and employment status of both spouses. In long-term marriages, if the wife is educated but had to leave her career to support the household, this compromise is factored into the alimony calculation. Her current and potential earning capacity also play a role.
- **Sacrifices made by the wife for family obligations:** If the wife had to forgo professional opportunities or resign from employment to care for the family, the court may quantify this as a loss of income. This is particularly relevant when her sacrifice was necessitated by her husband or his family. The court balances this against her current earning ability when deciding the quantum of support.
- **Independent Income and Assets of the applicant:** The court considers any existing sources of income, property, or financial assets owned by the spouse seeking alimony. If the wife has an independent income or a legal right in ancestral or family property, these are weighed against her financial needs.
- **Legal expenses incurred by the wife:** If the wife is unemployed or financially dependent, the court may award litigation costs as part of the alimony. These costs are meant to ensure that the wife is not financially burdened while asserting her legal rights. The amount is

generally verified and awarded upon completion of the proceedings.

- **Financial Capacity and Obligations of the Husband:** The husband's ability to provide support is also examined. This includes his monthly income, existing liabilities, loans, and maintenance obligations toward other dependents. While the court insists on upholding the wife's right to a dignified life, it does so within the realistic means of the husband's financial condition ^[21].

Together, these criteria form the foundation upon which Indian courts assess alimony claims, ensuring a fair, balanced, and context-sensitive approach. The aim is not only to provide financial relief but to uphold the dignity and security of the dependent spouse post-divorce. Further refining the concept, *Jasbir Kaur Sehgal vs. District Judge Dehradun* ^[22] expanded "reasonable needs" beyond mere survival, ensuring that maintenance allows for a comfortable standard of living. Subsequent rulings have built upon this, particularly by emphasizing cases where women have sacrificed their careers for familial duties. This progressive reasoning reflects a crucial step by the courts in acknowledging and valuing the non-monetary contributions of a spouse to the family's economy, such as childcare and household management ^[23]. The Supreme Court of India has recently raised concerns over the misuse of domestic violence and dowry laws, cautioning that such legal provisions should not be exploited in matrimonial disputes for unjust monetary advantages ^[24]. In the context of alimony, the Court clarified that a divorced wife cannot claim permanent alimony merely to equalize wealth with her former husband. While she is entitled to maintenance that reflects the standard of living she enjoyed during the marriage, any subsequent improvement in the husband's financial status post-divorce cannot serve as grounds for inflated alimony demands.

In the landmark case of *Kiran Jyot Maini v. Anish Pramod Patel*, ^[25] the Supreme Court laid down important parameters for determining alimony. The Court held that the status of the parties, including their social standing, lifestyle, and financial background, must be carefully assessed. It further mandated that courts consider the reasonable needs of the wife and dependent children, including essential expenses such as food, clothing, housing, education, and medical care.

Concerns of male spouses in alimony settlements

Divorce is undoubtedly taxing for everyone involved, but the challenges men face in alimony cases are often overlooked. Society frequently assumes men are solely to blame for marital breakdowns and are always financially capable of providing post-divorce support. This gendered perception creates significant hurdles for male spouses, leading to financial strain, social stigma, and legal biases during alimony proceedings. Traditionally, alimony is seen as a husband's financial obligation to his ex-wife, particularly when she can't maintain the same lifestyle she enjoyed during the marriage. While this support is rooted in fairness and equity, we must acknowledge that men can also experience profound emotional, social, and economic hardship during and after these disputes.

Once a marriage ends, mutual blame and litigation, sometimes involving false accusations, can complicate matters further. The law, designed to protect vulnerable

spouses, should never become a tool for misuse or coercion. As the Supreme Court rightly stated, "A wife cannot seek alimony merely to equalize the wealth of her husband." The goal of alimony is to ensure a decent standard of living, not to punish or enrich one party ^[26]. Some of the issues are discussed below:

- **Social Stigma:** Men are still largely perceived as the primary financial providers and heads of households. Society often assumes the man is at fault for the marriage's failure, making him morally and legally obligated to pay alimony. This ingrained bias creates immense emotional pressure, damages reputations, and leads to isolation even before a legal verdict is reached.
- **Difficulty in Proving Financial Inability:** Although the law requires the wife to demonstrate her need for financial support, in practice, the burden often shifts to the husband to prove he cannot pay. Many male spouses struggle to convince courts they lack sufficient assets or income, especially when wives exaggerate their financial worth. This imbalance frequently results in unjustly high alimony awards.
- **Gender Bias in Legal Interpretation:** While Indian law technically allows either spouse to claim maintenance or alimony, courts predominantly award it to women. The deeply held presumption that men are financially independent and women are inherently dependent continues to sway judicial decisions. Men's claims for alimony, even when financially justified, are rarely granted or taken seriously, highlighting a pervasive gender bias within the legal system.
- **Complex and Burdensome Alimony Calculations:** Courts sometimes determine alimony amounts that exceed the husband's actual earning capacity, often based on outdated or inaccurate financial assessments. This imposes an excessive financial burden, making it difficult for the male spouse to meet other personal or familial obligations and sometimes leading to enforcement actions or legal penalties.
- **False Allegations and Legal Misuse:** In some cases, false claims of domestic violence, dowry harassment, or cruelty are fabricated to gain leverage in alimony negotiations. These allegations, regardless of their truth, can tarnish reputations and complicate legal proceedings. The misuse of protective legal provisions not only undermines genuine claims but also places undue emotional and legal pressure on male spouses.

Therefore, while alimony is a vital legal right designed to provide post-divorce support for financially dependent spouses, it's crucial to acknowledge the significant challenges faced by male spouses during these proceedings. A balanced, gender-neutral approach is imperative, one that genuinely considers the financial condition, personal circumstances, and social realities of both parties. Alimony laws should fulfil their true purpose: to provide dignified support, rather than perpetuate stereotypes or injustice under the guise of equity ^[27].

Changing social dynamics of marriage

India is undergoing a notable transformation in its social structure, particularly in urban settings. Increasingly, women are pursuing higher education, participating actively in the workforce, and assuming leadership positions across various sectors. At the same time, societal attitudes are

shifting to accommodate men's growing involvement in domestic responsibilities, including child-rearing and household management. In light of these evolving roles, there is a pressing need for gender-neutral laws that accurately reflect contemporary realities. Such laws recognize that financial dependency is no longer confined to one gender and that traditional assumptions about family roles are becoming increasingly outdated. In the context of alimony, a gender-neutral legal approach would assess the financial capabilities, responsibilities and needs of both spouses, rather than defaulting to the presumption that the husband must always provide financial support to the wife. This approach promotes fairness, equity and adaptability in a rapidly changing social landscape ^[28].

Contemporary Changes: Towards fairer alimony and maintenance laws

Recent legal changes in India regarding alimony and maintenance demonstrate an increasing recognition of evolving social dynamics, pushing for a more balanced and fair legal system. A key development is the move towards gender-neutral language in statutes like the Hindu Marriage Act and the Special Marriage Act. This allows either spouse to claim maintenance based on their financial need and earning capacity, moving away from the old assumption that wives are always the default recipients.

Indian courts have also increasingly acknowledged non-financial contributions such as homemaking and child-rearing as having real economic value. Landmark Supreme Court rulings in *Parvin Kumar Jain v. Anju Jain* ^[29] and *U. Sree v. U. Srinivas*, ^[30] in particular, highlight the need for a fair assessment of these traditionally undervalued roles within a marriage. Another vital shift involves considering earning potential. Judges now evaluate both parties' educational backgrounds, qualifications and job prospects, recognising that women today are more likely to be economically self-reliant. Furthermore, efforts have been made to tackle delays in family court proceedings. The Supreme Court has mandated that maintenance applications be decided within 60 days, with interim maintenance addressed within four weeks. Some states have even introduced fast-track courts for family disputes to prevent undue hardship during lengthy trials. Collectively, these developments signal a departure from outdated assumptions of lifelong dependency. They pave the way for a system that better reflects modern gender roles, current economic realities and the evolving nature of marriage and family life in India.

Despite the progressive strides in Indian alimony and maintenance laws, their implementation remains uneven across different courts and regions. Judicial discretion plays a significant role here, meaning individual judges' perspectives can heavily influence outcomes. This leads to wide variations in the interpretation and application of new approaches, resulting in inconsistencies in judgments. The legal system is grappling with the challenge of balancing deeply rooted traditional views with modern realities.

While there's an undeniable trend towards more equitable treatment, deeply ingrained societal norms and expectations continue to influence legal decisions. Judges often find themselves navigating complex social realities while trying to apply evolving legal principles. In essence, while India has made significant progress in addressing biases in these laws, challenges persist. The legal system is slowly adapting

to reflect the changing roles and expectations within modern Indian marriages, but the pace of change isn't uniform. There's still considerable work to be done to ensure consistent and fair application of these evolving principles across all courts and regions in India ^[31].

Scope for reform in Indian maintenance laws

To address contemporary challenges in alimony and maintenance, India needs a multi-pronged reform strategy focusing on legislation, institutional mechanisms, procedural improvements, enhanced enforcement, and specialized training. A modernised, secular maintenance law is essential. This new legislation should standardize core principles for calculating maintenance across personal laws while allowing flexibility for individual circumstances. Crucially, it must explicitly recognize and quantify indirect economic contributions to a marriage, such as domestic work and childcare. Clear statutory guidelines for calculating quantum, similar to Canada's Spousal Support Advisory Guidelines, are also needed. These guidelines should consider factors like marriage duration, age of parties, professional sacrifices, and pre-divorce living standards, while still allowing the judge's discretion to deviate when necessary ^[32]. Achieving true gender equality in India's legal landscape necessitates several key amendments to personal laws concerning maintenance for both men and women.

One critical area for reform is the recognition of live-in relationships. Despite their growing prevalence, there's no direct legal provision to govern maintenance rights for individuals in relationships akin to marriage. This leaves partners, often women, vulnerable without a clear legal framework for financial support if the relationship ends ^[33].

In recent times, marriages and relationships have become increasingly susceptible to breakdown, making it both practical and prudent for couples to consider executing a prenuptial agreement before marriage. While many Western countries recognize and enforce prenuptial agreements as legally binding, India has yet to formally adopt this practice within its legal framework. It is imperative that India acknowledges the public interest served by such agreements and takes steps to provide them with legal validity. Granting statutory recognition to prenuptial contracts would not only promote clarity and fairness in matrimonial matters but also help safeguard the rights and expectations of both parties in the event of a separation ^[34].

Conclusion

India's legal framework for alimony and maintenance is in a significant, albeit gradual, state of transformation. This evolution is being propelled by shifting marital dynamics, evolving gender roles and a growing demand for equitable justice. Historically, these laws were built on the premise of men being financial providers and women being dependents. However, with the rise of dual-income households, increased female workforce participation and a greater acknowledgment of men's contributions to domestic and caregiving roles, these traditional assumptions are being critically re-evaluated.

Judicial pronouncements, especially from the Supreme Court, have been instrumental in reshaping alimony by adopting a more nuanced and context-sensitive approach. Courts have also taken proactive steps to speed up maintenance proceedings and mandate interim relief, aiming

to mitigate the harm caused to financially dependent spouses by procedural delays. Despite these progressive advancements, significant challenges persist. There's an undeniable inconsistency in judicial interpretation across different jurisdictions and deep-seated gender biases continue to influence how alimony is perceived and enforced. Male spouses, too, face stigma, legal hurdles and a lack of recognition when seeking maintenance, underscoring the urgent need for gender-neutral laws that assess financial dependence and contribution objectively, rather than based on prescriptive gender roles.

Furthermore, the absence of legal recognition for prenuptial agreements and live-in relationships exposes critical gaps in the current legal framework. This renders it ill-equipped to handle the complexities of modern relationships. As societal norms continue to evolve, there is a pressing need for a uniform, secular and gender-just maintenance code that is firmly rooted in the principles of dignity, equity and financial fairness for all.

In essence, while India has made commendable progress in aligning its alimony laws with contemporary realities, genuine reform requires a comprehensive, inclusive approach. This approach must uphold the constitutional promise of equality and justice for all spouses, irrespective of their gender or marital status. A legal regime that is truly "future-ready" must transcend outdated assumptions and embrace the lived realities of modern Indian families.

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