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Anushka Srivastava

Law Student,

B.A.LL.B. (Hons), 5th Year

Amity Law School, Amity University, Lucknow

Dr. Anuj Kumar Sharma

Assistant Professor,

Amity Law School, Amity University, Lucknow

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A Critical Study of the Working of Maintenance Laws in India with Special Reference to Issues and Challenges

Anushka Srivastava

*Law Student,
B.A.LL.B. (Hons), 5th Year
Amity Law School, Amity University, Lucknow*

Dr. Anuj Kumar Sharma

*Assistant Professor,
Amity Law School, Amity University, Lucknow*

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ABSTRACT

In order to prevent destitution and provide financial stability for dependent spouses, children, and elderly parents, maintenance laws are a crucial part of India's social welfare and family justice system. The Hindu Marriage Act of 1955, the Hindu Adoptions and Maintenance Act of 1956, the Muslim Women (Protection of Rights on Divorce) Act of 1986, and other community-specific statutes supplement these provisions, which are mainly based on Sections 125 and 127 of the Code of Criminal Procedure of 1973. Articles 14, 15, and 39 of the Indian Constitution envision social justice, equality, and the protection of vulnerable segments of society, all of which are reflected in these statutes taken together. The actual implementation of maintenance legislation in India continues to be extremely problematic, notwithstanding the progressive purpose behind these rules. The rehabilitative efficacy of these statutes is greatly diminished by procedural delays, multiple proceedings, variable judicial criteria for calculating maintenance amounts, and inadequate enforcement measures. The goal of giving dependents, especially women and children, timely financial help is frequently undermined by protracted litigation. Furthermore, courts frequently make inflexible or antiquated assumptions about gender roles, earning potential, and financial dependence, which results in unfair decisions and feelings of bias. Arbitrariness in court decision-making is made worse by the absence of consistent criteria for evaluating income and economic realities. The statutory framework governing maintenance in India is critically examined in this research study, with a focus on the reach and constraints of Sections 125 and 127 of the CrPC. It evaluates how judicial discretion has influenced maintenance jurisprudence throughout time by examining significant court

rulings, including changing interpretations by the courts. The report also cites institutional and structural issues, including inadequate use of coercive methods against defaulters, weak enforcement agencies, and poor adherence to maintenance orders. The study also emphasises how legislative purpose and lived socioeconomic realities diverge, particularly when it comes to situations involving informal employment, hidden income, and evolving family patterns. The report suggests evidence-based amendments to increase the efficacy of maintenance legislation based on doctrinal analysis and judicial trends. These include creating consistent rules for determining maintenance, setting deadlines for application destruction, bolstering enforcement measures, and taking a gender-neutral but context-sensitive approach. The study comes to the conclusion that although the current legal framework is substantively adequate, systemic reforms that close the ongoing gap between law in principle and law in reality, judicial sensitivity, and administrative efficiency are the only ways to provide meaningful access to justice.

KEYWORDS

Maintenance, Social Justice, Judicial Discretion, Family Law, Enforcement.

INTRODUCTION

A key component of Indian family law is the idea of maintenance, which was created to alleviate dependents' financial vulnerabilities and keep society from becoming impoverished. The idea that those who are unable to support themselves should not be left to the mercies of poverty is reflected in the right to maintenance, which arises from the constitutional commitment to social justice and the concept of human dignity. In the Indian legal system, maintenance is acknowledged as a fundamental legal right that arises from the relationships of marriage, motherhood, and filial duty rather than just being a question of charity or social welfare. The way maintenance laws operate in India is complicated, striking a balance between contemporary ideas of equality and gender neutrality and traditional notions of family obligation.

Section 125 of the Code of Criminal Procedure (CrPC), 1973, applicable to all religious communities, and a number of individual laws, including the Hindu Marriage Act, 1955, the Muslim Women (Protection of Rights on Divorce) Act, 1986, the Christian Marriage Dissolution of Marriage Act, 1869, and the Parsi Marriage and Divorce Act, 1936, make up the main legislation governing maintenance in India. A multi-layered legal framework reflecting India's secular and diverse approach to personal law is created by the various provisions for maintenance claims found in

each of these enactments. However, the real operation of maintenance laws exposes substantial gaps, contradictions, and difficulties that compromise the effectiveness of these protective measures, even in spite of the availability of broad court pronouncements and thorough statutory requirements.

Maintenance laws are less successful in accomplishing their stated goals due to a number of issues, including protracted adjudication delays, inconsistent interpretation of provisions across jurisdictions, gender discrimination in the application of maintenance principles, procedural complexity, insufficient maintenance award amounts, and enforcement issues. The functioning of maintenance laws in India is critically examined in this research article, which also examines the statutory structure, court interpretation, and the real-world difficulties plaintiffs encounter while requesting maintenance.

1. CONCEPTUAL FRAMEWORK AND STATUTORY PROVISIONS

1.1 Definition and Concept of Maintenance

Maintenance, in the context of family law, refers to the periodic payment of money or provision of sustenance to a person who lacks the means to maintain themselves. The concept encompasses not only payment of money but also the provision of food, clothing, shelter, medical, and education, depending on needs and circumstances of the dependent. The obligation to provide maintenance flows from the legal relationships established through marriage, affinity, and consanguinity and represents the principle that those with the capacity to earn and support must extend such support to those who cannot fend for themselves.

The Indian legal system recognizes maintenance as a form of social security that operates as a safety net for vulnerable members of society. In its landmark judgment in the case of *Rajnesh v. Neha* (2021), the Supreme Court reiterated that the object of Section 125 CrPC is to prevent vagrancy and destitution by compelling those who can support others to do so, thereby ensuring that no member of the family is left without basic means of subsistence. This pronouncement underscores the social justice dimension of maintenance laws and their pivotal role in securing the economic well-being of dependent family members.

1.2 Statutory Framework: Section 125 Code of Criminal Procedure, 1973

Section 125 of the Code of Criminal Procedure, 1973, stands as the most important and widely applicable provision governing the award of maintenance in India. This section applies to all persons in India, irrespective of their religion, caste, or community, making it a secular and universal statute in the context of family law. The scope of Section

125 extends to the provision of maintenance for wives, children, and parents who are unable to maintain themselves, and extends in certain circumstances to divorced wives as well.

The key elements of Section 125 CrPC include the following: First, the person liable to pay maintenance must have sufficient means to maintain the dependents. Second, the dependents must lack the means to maintain themselves. Third, the dependents must belong to a category recognized by the law as entitled to maintenance, specifically spouses, unmarried children, widows, and parents. Fourth, the applicant must have made an application before the Magistrate of the district in which the respondent resides or has property. The jurisdiction of Magistrates under Section 125 is concurrent with civil courts and is exercised in a summary manner, making it an accessible and expedient remedy for those seeking maintenance.

The maintenance to be awarded under Section 125 is determined at the discretion of the Magistrate, considering the needs of the applicant and the capacity of the respondent to pay. The statutory framework does not prescribe a fixed quantum, allowing for flexibility and individualized assessment of each case. However, this discretion has also led to significant variations in the quantum of maintenance awarded across different cases and jurisdictions, creating inconsistencies in the application of the law.

1.3 Statutory Framework: Other Enactments Relating to Maintenance

Beyond Section 125 CrPC, various personal law enactments provide for maintenance in specific circumstances. *Section 24 of the Hindu Marriage Act, 1955*, provides for interim maintenance and permanent alimony in matrimonial proceedings. *The Muslim Women (Protection of Rights on Divorce) Act, 1986*, provides for maintenance during the Biddat period and beyond, recognizing the specific entitlements of Muslim women post-divorce. *The Christian Marriage Dissolution of Marriage Act, 1869*, and the *Parsi Marriage and Divorce Act, 1936*, contain provisions relating to maintenance in matrimonial proceedings.

The existence of parallel provisions across different statutes has created complexities and overlapping jurisdictions. A person may seek maintenance under multiple enactments, and the interplay between these provisions has been a source of judicial confusion and inconsistency. The Supreme Court has attempted to clarify the relationship between these provisions through various judgments, but the issue of which provision takes precedence in particular circumstances remains contested in certain situations.

2. JUDICIAL INTERPRETATION AND LANDMARK JUDGMENTS

2.1 Evolution of Judicial Interpretation

The Indian judiciary has played a crucial role in shaping and expanding the scope of maintenance laws through progressive interpretations. The Supreme Court has consistently emphasized the social justice dimension of Section 125 CrPC and has interpreted its provisions liberally to ensure that the objectives of the law are achieved. Over the decades, the judiciary has moved away from rigid, technical interpretations toward a more purposive approach that focuses on the welfare and dignity of dependents.

In the early years following the enactment of Section 125 CrPC, the judiciary adopted a somewhat restrictive approach, focusing primarily on the strict legal requirements and formal procedures. However, with the passage of time and the increasing recognition of constitutional principles of equality and social justice, the courts have adopted a more expansive interpretation of the provision. The Supreme Court has recognized that the purpose of Section 125 is not to enforce a mere legal duty but to ensure that the fundamental right to dignity and sustenance is protected.

2.2 Rajnesh v. Neha (2021) and Guidelines on Maintenance

The Supreme Court's decision in *Rajnesh v. Neha* (2021) marked a significant development in maintenance jurisprudence in India. This landmark judgment provided comprehensive guidelines covering overlapping jurisdictions under different enactments, determination of the quantum of maintenance, the date from which maintenance is to be awarded, and the enforcement of maintenance orders. The case highlighted the persistent problems of delays and inconsistencies caused by non-disclosure of financial details by respondents in maintenance proceedings.

In response to these problems, the Supreme Court introduced several procedural innovations aimed at enhancing transparency and reducing delays. These innovations included the mandatory filing of affidavits of assets and liabilities by both parties, the adoption of standardized formats for disclosure of financial information, and the establishment of binding guidelines applicable across different statutes. The Court emphasized that financial disclosure should be comprehensive and that suppression of income or concealment of assets should attract appropriate legal consequences.

The judgment also addressed the important issue of the date from which maintenance should be awarded. The Supreme Court held that maintenance should generally be awarded from the date of the

application rather than from the date of the final order. This represented a significant shift from the earlier practice, where maintenance was often awarded only from the date of the final order, sometimes resulting in long backlogs of maintenance dues that were never recovered. By awarding maintenance from the date of application, the Court sought to ensure that dependents do not suffer economic hardship during the pendency of proceedings.

2.3 Recognition of Maintenance as a Matter of Social Justice

The Supreme Court has consistently held that maintenance is a matter of social justice and not merely a civil right. In several judgments, including the recent decision of the Allahabad High Court in January 2026, the Court has emphasized that Section 125 CrPC is rooted in principles of social justice and seeks to prevent destitution and vagrancy. The judiciary has cautioned against adopting mechanical or overly technical approaches while adjudicating maintenance claims and has stressed the need to account for social realities and human conditions on a case-by-case basis.

This jurisprudential stance reflects the constitutional commitment to social justice enshrined in Articles 15(3) and 39 of the Indian Constitution, which specifically mandate state action to protect women and children and ensure that the strength and health of workers are not abused. The courts have held that maintenance provisions are mechanisms through which the state enforces these constitutional obligations at the level of personal and family relationships.

2.4 Evolving Standards on Gender Neutrality

In recent years, the Indian judiciary has begun to address the gender-specific dimensions of maintenance laws and has moved toward a more gender-neutral approach. While historically, maintenance was primarily conceptualized as a wife's or mother's right, the courts have increasingly recognized that men, too, may be entitled to maintenance under certain circumstances. Cases such as *Kalyan Dey Chowdhury v. Rita Dey Chowdhury (2017)* have emphasized that maintenance should not become a tool of harassment but a means of genuine support, and that the principle of equality must be applied consistently regardless of gender.

More recent judgments, including cases like *Anju v. Rajesh (2022)*, have denied maintenance to wives who were educated and deliberately concealed their income to claim support. The Supreme Court has made clear that dishonesty in financial disclosure can lead to outright dismissal of maintenance claims, regardless of gender. This trend reflects India's journey from a paternalistic family law system toward one that strives

for gender neutrality and equity, while still recognizing the practical vulnerabilities of women in society.

3. ISSUES AND CHALLENGES IN THE WORKING OF MAINTENANCE LAWS

3.1 Prolonged Delays in Adjudication

One of the most significant challenges plaguing the working of maintenance laws in India is the persistent problem of prolonged delays in the adjudication of maintenance cases. Despite the statutory framework's intent to provide a summary and expedient remedy through the proceedings before Magistrates, the reality on the ground is markedly different. Maintenance cases often languish in courts for years, with dependents suffering economic hardship while awaiting final orders. The causes of these delays are multifaceted and include the following: the backlog of cases pending before Magistrates' courts, an inadequate number of judicial officers to handle family law matters, frequent adjournments due to the absence of parties or their counsel, and protracted proceedings requiring multiple hearings for evidence and arguments.

The delay in obtaining maintenance has serious consequences for dependents, particularly women and children. A wife awaiting maintenance during divorce proceedings may be rendered economically vulnerable and may lack resources to provide basic necessities for her children. Similarly, an aged parent seeking maintenance may face severe hardship while awaiting a final order. The *Rajnish v. Neha* judgment attempted to address this issue by directing that maintenance should be awarded from the date of application, but this does not address the underlying problem of delays in obtaining interim maintenance orders during the pendency of proceedings.

The infrastructure and resource constraints within the judicial system have made it difficult to expedite maintenance proceedings. Many district courts are severely understaffed, and Magistrates handling maintenance cases are often overburdened with multiple types of cases. The absence of specialized family law courts in many districts means that maintenance cases are handled by generalist Magistrates who may lack specialized knowledge of family law principles. Furthermore, the COVID-19 pandemic and subsequent restrictions on court functioning have exacerbated the problem of delays in many jurisdictions.

3.2 Inconsistent Interpretation and Application of Maintenance Principles

Another critical issue that undermines the efficacy of maintenance laws

is the inconsistent interpretation and application of maintenance principles across different jurisdictions and even within the same jurisdiction by different Magistrates. The discretionary nature of the determination of maintenance quantum has led to significant variations in awards in cases with similar facts and circumstances. While one Magistrate may award a substantial amount of maintenance based on the respondent's income, another may award a minimal amount in an apparently comparable case.

This *inconsistency arises from several factors*: the absence of binding guidelines prescribing the methodology for determining maintenance quantum prior to the Rajnesh judgment, the varying practices and approaches adopted by different judicial officers, the influence of personal judicial philosophies on the interpretation of statutory provisions, and the lack of regular appellate oversight due to the difficulty of obtaining appeals in maintenance matters. The issue is compounded by the fact that maintenance orders are often subject to variation under Section 127 CrPC based on changed circumstances, but the standards for granting such variations are not uniformly applied.

The Rajnesh judgment attempted to address this problem through the issuance of guidelines, but the effectiveness of these guidelines depends on their consistent application by Magistrates across the country. There is evidence that the guidelines have not been uniformly implemented in all jurisdictions, and some courts continue to follow earlier practices not fully aligned with the Supreme Court's directive. This inconsistency creates a situation where the protection afforded to dependents depends significantly on the jurisdiction in which they file their maintenance application.

3.3 Problems with Financial Disclosure and Suppression of Income

A persistent challenge in maintenance proceedings is the difficulty in ascertaining the true income and financial status of the respondent. Many respondents attempt to conceal or understate their income to minimize their maintenance liability. This is particularly problematic in cases where the respondent is self-employed, engaged in business, or has income from multiple sources that are not formally documented. The applicant often lacks access to the respondent's financial records and may struggle to prove the respondent's true financial capacity.

The burden of proof in establishing the respondent's true income has traditionally rested on the applicant, making it extremely difficult to challenge suppressed or falsified financial disclosures. While the Rajnesh judgment introduced mandatory affidavits of assets and liabilities, there is often insufficient verification of these affidavits, and respondents who file false affidavits may not face adequate consequences. Some

respondents continue to maintain that they lack any regular income or that their income is minimal, while evidence suggests they are living a lifestyle inconsistent with their stated means.

The lack of coordinated access to government databases containing income information, tax returns, and financial records has made it difficult for courts to independently verify the financial status of respondents. While the income tax authorities possess detailed financial information, this information is not readily accessible to courts in maintenance proceedings due to confidentiality considerations. Some courts have sought assistance from income tax authorities in determining the respondent's true income, but this process is slow and not uniformly available across jurisdictions. The challenge of establishing true income is a major factor contributing to inadequate maintenance awards in many cases.

3.4 Gender Discrimination and Evolving Concepts of Alimony

While maintenance laws are formally gender-neutral, their application has often been influenced by traditional patriarchal concepts of family roles and gender responsibilities. Historically, maintenance was primarily granted to wives and mothers based on the assumption that men are the primary breadwinners and women are economically dependent. However, with the increasing participation of women in the workforce and the recognition of women's economic independence, there has been a shift in judicial thinking regarding when maintenance should be granted to wives.

In recent years, there has been a troubling trend in some judgments denying or reducing maintenance to wives on the grounds that the wife is educated, employed, or has the capacity to earn. The courts have sometimes speculated about the earning capacity of wives, particularly in professional fields, and have based maintenance decisions on these speculative assessments rather than on actual earned income. This approach has been criticized as perpetuating gender discrimination by imposing higher standards of financial independence on wives than are imposed on husbands seeking maintenance.

The Allahabad High Court, in its recent 2026 judgment, has rejected the misuse of educational qualifications and speculative earning capacity as grounds for denial of maintenance. The Court has reinforced the principle that maintenance decisions should be based on actual circumstances rather than assumptions about earning potential. However, the problem persists in some lower courts and reflects a broader tension between recognizing women's economic independence and acknowledging the continued vulnerabilities and social constraints

that women face in the employment market.

Conversely, a new issue that has emerged in recent years is the increasing number of cases where men are seeking maintenance from wives. While this represents a progressive move toward gender neutrality, courts have often been more sceptical of such claims and have imposed higher evidentiary standards. The challenge lies in moving toward truly gender-neutral application of maintenance principles while still recognizing the practical realities of gender inequality in employment and earning capacity in Indian society.

3.5 Issues Related to Overlapping Jurisdictions and Multiple Proceedings

The existence of maintenance provisions across multiple statutes has created problems of overlapping jurisdictions and the possibility of multiple proceedings relating to the same subject matter. A person may simultaneously pursue maintenance under Section 125 CrPC and under Section 24 of the Hindu Marriage Act before civil courts. While the Supreme Court has held that the application of one provision does not preclude the applicability of another, the practical effect has been the involvement of parties in multiple proceedings for essentially the same relief, resulting in duplication, inconsistency, and increased litigation costs.

Furthermore, the relationship between maintenance awarded under Section 125 CrPC and maintenance awarded under personal law provisions has been a source of confusion. The Supreme Court has clarified that maintenance under Section 125 is a matter of social justice and is not confined to the iddat period or other limitations that may apply under personal law provisions. However, this clarification has not entirely resolved the practical difficulties that arise when parties are pursuing maintenance through multiple forums simultaneously.

The issue is further complicated by the fact that a person who obtains maintenance under one statute may later seek additional maintenance under another statute, raising questions about double recovery and the principle of *res judicata*. Courts have struggled to balance the need for flexibility with the need to prevent abuse of the legal system through successive claims for maintenance in different forums.

3.6 Inadequacy of Maintenance Awards and Living Standards

In a significant number of cases, the quantum of maintenance awarded by courts is grossly inadequate when measured against the actual needs of dependents and the cost of living. Maintenance awards often fail to account for inflation and the rising costs of education, healthcare, and

necessities. Many Magistrates award maintenance amounts that were standard decades ago without adjusting for the substantially increased cost of living. This means that while a maintenance order may exist on paper, it often provides inadequate protection against destitution for the dependent.

The problem is compounded by the fact that maintenance orders are not automatically indexed for inflation. While Section 127 CrPC provides for variation of maintenance on changed circumstances, the burden lies on the applicant to prove that circumstances have changed and to seek revision. Many dependents are unaware of their right to seek revision, and the process of obtaining revision orders is itself protracted and costly. As a result, maintenance amounts that were already inadequate at the time of the award become increasingly inadequate with the passage of time.

The inadequacy of maintenance awards is particularly acute in cases where the respondent's income has increased significantly since the date of the award. A respondent who has become substantially wealthier may continue to pay the same maintenance amount fixed years earlier, while the dependent continues to struggle with inadequate resources. The burden on the dependent to prove changed circumstances and seek revision is onerous and often impractical.

3.7 Enforcement Challenges and Recovery of Arrears

Even when maintenance orders are obtained, the practical challenge of enforcement remains formidable. Many respondents simply ignore maintenance orders and fail to pay the prescribed amount, leaving dependents without the financial support that courts have deemed necessary. The mechanisms for enforcement of maintenance orders, while theoretically robust, often prove inadequate in practice. Contempt proceedings against defaulters are slow, and the consequences for non-compliance are sometimes insufficient to compel payment.

The problem of arrears of maintenance is particularly severe in India. Long arrears accumulate as respondents persistently default on their maintenance obligations, and dependents are often unable to recover these arrears even after years of legal proceedings. The civil remedies available for recovery of maintenance arrears, such as garnishment of wages or attachment of property, are not uniformly and effectively utilised across courts. In many cases, respondents who have the means to pay simply refuse to do so, knowing that enforcement will be protracted and costly.

The COVID-19 pandemic further exacerbated enforcement challenges as

courts were unable to conduct in-person proceedings, and respondents citing loss of employment or reduced income sought exemption from maintenance payments. While some courts were more sympathetic to such claims, others were stricter in their approach, creating further inconsistency in the enforcement of maintenance orders.

3.8 Difficulties in Application of Maintenance Laws to Diverse Family Structures

The modern Indian family structure has become increasingly diverse, with an increasing number of individuals living in relationships outside traditional marriage, blended families, and same-sex partnerships. The existing maintenance laws, which are largely predicated on traditional family structures centred on marriage and biological parenthood, have struggled to accommodate these diverse arrangements. While Section 125 CrPC applies to all persons regardless of religious affiliation, its application to non-traditional family structures remains unclear in many respects.

The question of whether maintenance can be claimed by unmarried partners, in the context of the concept of "live-in relationships," has been addressed in some judgments, but the law remains unsettled. Similarly, the rights of children born outside wedlock, while protected in principle, sometimes face practical barriers in being asserted. The emergence of same-sex partnerships has raised entirely new questions about the applicability of maintenance provisions that were drafted with heterosexual relationships in mind. Courts have begun to grapple with these issues, but a clear and comprehensive legal framework is lacking.

4. SYSTEMIC ISSUES AND STRUCTURAL DEFICIENCIES

4.1 Judicial Infrastructure and Resource Constraints

The effective functioning of maintenance laws is severely hampered by inadequate judicial infrastructure and resource constraints. The Magistrate's courts, which have primary jurisdiction over Section 125 maintenance cases, are chronically understaffed and overburdened. In many districts, a single Magistrate may handle maintenance cases alongside criminal trials, bail applications, and numerous other types of cases, making it impossible to devote adequate time to each case. The number of judges and supporting staff has not kept pace with the growth in litigation, resulting in enormous case backlogs.

The infrastructure of courts has also not evolved to meet modern requirements. Many magistrates' courts lack adequate facilities for hearing cases, and the physical space available is often cramped and unsuitable. The absence of specialised family law courts in many districts

means that judges handling maintenance cases may lack specialized training in family law issues. The judicial officers overseeing these cases are often not given adequate support in the form of research assistance, case management support, or access to updated legal literature.

Furthermore, the supporting infrastructure necessary for effective adjudication of maintenance cases—such as facilities for obtaining evidence, mechanisms for verifying financial information, and systems for enforcing orders—is often inadequate. The absence of efficient systems for tracking compliance with maintenance orders and identifying defaulters makes enforcement difficult.

4.2 Lack of Specialized Training and Judicial Expertise

Another structural issue is the lack of specialized training in family law and maintenance jurisprudence for judicial officers and court staff. While Section 125 deals with socially sensitive issues affecting vulnerable populations, judicial officers handling these cases may not have received adequate training in family law principles, gender sensitivity, or social dynamics affecting maintenance disputes. The continuing legal education programs available to judges do not always provide sufficient focus on family law matters.

The lack of judicial expertise in family law has implications for the quality of reasoning in maintenance judgments, the evidentiary standards applied, and the consideration of social context in arriving at decisions. Courts have sometimes adopted rigid legal approaches that do not fully consider the human and social dimensions of maintenance disputes. A more specialized and trained judiciary would likely result in more nuanced and contextually appropriate decisions.

4.3 Absence of Comprehensive Data and Monitoring Mechanisms

There is a glaring absence of comprehensive data on maintenance cases, the outcomes of these cases, and trends in maintenance awards. The judiciary does not maintain detailed, publicly accessible records of maintenance cases, the grounds on which maintenance is granted or denied, the amounts awarded, and the enforcement rates of these orders. This lack of data makes it difficult to identify systemic problems, monitor compliance with Supreme Court guidelines, and undertake evidence-based reforms.

The absence of monitoring mechanisms means that variations in the application of maintenance principles across different jurisdictions often go undetected and uncorrected. Without systematic data collection and analysis, it is difficult to assess whether the judicial system is functioning equitably and effectively in delivering maintenance justice. The

administrative bodies overseeing the judiciary do not appear to have established mechanisms for regular review and monitoring of the quality of maintenance adjudication.

4.4 Procedural Complexity and Accessibility Issues

Despite the intent of Section 125 to provide a summary and simple remedy, the actual procedure for obtaining and enforcing maintenance has become increasingly complex. The requirement to file applications in proper format, to serve notices on the respondent, to appear on multiple dates, and to produce evidence according to procedural rules creates barriers to access, particularly for economically disadvantaged dependents who may lack resources to hire counsel or navigate the legal system.

The procedural rules applicable to maintenance proceedings have accumulated through numerous amendments and judicial precedents, creating a complex body of law that is not easily accessible or understandable to lay persons. The high illiteracy rates in certain regions of India mean that accessing the formal legal system is difficult for many potential applicants, particularly women from rural and economically disadvantaged backgrounds. The language of the courts, the written formats required, and the formal procedures create barriers that prevent many deserving dependents from obtaining the protection afforded by maintenance laws.

5. RECOMMENDATIONS AND CONCLUSIONS

5.1 Recommendations for Reform

Based on the critical analysis undertaken in this paper, the following recommendations are proposed for strengthening the working of maintenance laws in India:

- a) ***Urgent need to establish specialised family law courts*** with dedicated judges trained in family law jurisprudence and gender-sensitive approaches to adjudication. These courts should have sufficient infrastructure, supporting staff, and resources to handle maintenance cases expeditiously. The creation of specialized courts would ensure consistency in the application of maintenance principles and would allow judges to develop expertise in this sensitive area.

- b) Implementation ***of the Supreme Court's guidelines*** issued in *Rajnish v. Neha* should be monitored systematically, and periodic review mechanisms should be established to assess the extent to

which these guidelines are being followed across different jurisdictions. Judicial training programs should be conducted regularly to ensure that all judges are aware of and applying the guidelines consistently.

- c) ***Need for mechanisms to ensure comprehensive and truthful financial disclosure*** by respondents in maintenance proceedings. This could include coordination with income tax authorities, banking regulators, and other government agencies to provide courts access to verified financial information. The use of technology, such as digital verification of income through income tax returns and bank statements, could significantly improve the accuracy of financial assessments.
- d) ***The quantum of maintenance should be periodically reviewed and revised*** to account for inflation and changes in the cost of living. Automatic indexation of maintenance for inflation could be introduced, or at least maintenance orders should specify the methodology for periodic revision based on inflation indices. This would ensure that maintenance awards retain their protective value over time.
- e) ***Enforcement mechanisms need to be substantially strengthened.*** Dedicated enforcement officers could be appointed to track compliance with maintenance orders and to initiate proceedings against persistent defaulters. The use of civil remedies such as garnishment of wages, attachment of bank accounts, and recovery through tax mechanisms should be made more routine and efficient. Criminal penalties for contempt of court orders should be applied more consistently to deter non-compliance.
- f) ***Overlapping jurisdictions created by multiple maintenance statutes should be rationalised.*** Consideration should be given to consolidating maintenance provisions under a unified statute applicable across religions and personal law regimes. Alternatively, clearer guidelines should be established for determining which statute should apply in specific circumstances and what happens when multiple proceedings are pending.
- g) The ***scope of maintenance laws should be expanded*** to recognize and protect diverse family structures, including unmarried partners, same-sex couples, and other non-traditional family arrangements. This would ensure that the protective scope of maintenance laws reflects the reality of contemporary Indian families.
- h) ***Legal aid and public awareness programs should be substantially expanded*** to make maintenance laws more accessible to economically disadvantaged persons. Free legal services should be readily available to those seeking maintenance, and awareness

campaigns should educate potential applicants about their rights and the procedures for claiming maintenance.

5.2 Conclusion

Maintenance laws in India represent an important mechanism for ensuring that vulnerable members of society—particularly women, children, and elderly parents—are protected from destitution through the enforcement of family members' obligations to provide support. The statutory framework, comprising Section 125 CrPC and various provisions in personal law statutes, establishes a comprehensive legal basis for such protection. The Indian judiciary, through progressive interpretations and landmark judgments, has expanded the scope and application of these laws and has emphasized their social justice dimension.

However, the practical working of maintenance laws reveals significant gaps and challenges that undermine their efficacy. Prolonged delays in obtaining maintenance orders, inconsistent application of maintenance principles across jurisdictions, difficulties in establishing the true financial capacity of respondents, gender-based biases in application, inadequacy of maintenance awards, and difficulties in enforcement all contribute to a situation where many dependents who are legally entitled to maintenance are unable to obtain it in practice. These systemic issues reflect broader problems of judicial infrastructure, resource constraints, lack of specialized expertise, and gaps between the law as written and the law as implemented.

The Supreme Court's interventions through landmark judgments such as *Rajnish v. Neha* represent important steps toward improving the situation. However, the full implementation of these guidelines remains a work in progress, and many systemic issues require more comprehensive structural reforms that go beyond judicial direction. Specialized family law courts, improved judicial training, mechanisms for financial verification, strengthened enforcement procedures, and rationalization of overlapping statutory provisions are necessary to ensure that maintenance laws achieve their stated purpose of preventing destitution and protecting the dignity of vulnerable family members.

Ultimately, the effectiveness of maintenance laws depends not only on the quality of the statutory framework and judicial interpretation but also on the political will to allocate adequate resources to the judicial system, to prioritize family law matters in the allocation of these resources, and to implement systemic reforms that address the structural deficiencies that currently plague the working of these laws. Until these steps are taken, maintenance laws will continue to operate with limited effectiveness, leaving many dependents who are legally entitled to

maintenance without adequate protection in practice. The time has come for a comprehensive review of maintenance laws and the judicial systems administering them, with a view to bringing them into alignment with constitutional principles of social justice and human dignity.

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