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SPOUSAL MAINTENANCE JURISPRUDENCE IN INDIA WITH SPECIAL REFERENCE TO THE JUDGEMENT OF MADAN KUMAR SATPATHY V. PRIYADARSHINI PATI: A CRITICAL APPRAISAL

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I. ABSTRACT

Spousal maintenance in India is undergoing a perceptible shift: from a framework that presumes long-term dependency of one spouse (traditionally the wife) to one that increasingly expects self-reliance, especially when the spouse is educated or gainfully employable. The Orissa High Court in Madan Kumar Satpathy v. Priyadarshini Pati³ held that a well-educated wife cannot remain idle merely to claim maintenance, emphasizing that the purpose of Section 125 CrPC is to aid those genuinely unable to support themselves. This signals a changing judicial trend, wherein qualifications, past work experience, and earning capacity are factors that courts consider in scaling down or adjusting maintenance obligations. Previously, maintenance was awarded based largely on need and dependency, often without rigorous scrutiny of the spouse's ability to work. Under this new trend, legal responsibility is being balanced with expectations of self-sufficiency. This paper critically analyses Madan Kumar Satpathy v. Priyadarshini Pati, explores the statutory regime and judicial practice of spousal maintenance in India, and compares these with the UK and USA approaches. It examines whether maintenance law is evolving toward greater gender equality and economic independence without sacrificing fairness, considers the challenges of enforcement and cultural constraints, and proposes reforms to ensure that maintenance regimes provide dignity and protection while promoting self-reliance.

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³ RPFAM No. 417 of 2023 (decided on February 07, 2025).

II. KEYWORDS

Spousal Maintenance; Self-Reliance; Dependency; Alimony; Gender Equality.

III. INTRODUCTION

The law of spousal maintenance has always been a contested and evolving domain within family law, reflecting the delicate balance between the duty of one spouse to provide financial support and the principle of individual self-reliance. In India, maintenance was historically understood as a husband's enduring obligation to sustain his wife after separation or divorce, a notion deeply rooted in patriarchal structures where women had limited access to education and employment.⁴ The statutory framework under Section 125⁵ of the Code of Criminal Procedure, 1973, and various personal laws such as the Hindu Marriage Act, 1955⁶, the Special Marriage Act, 1954⁷, and provisions relating to Muslim women, was primarily designed to prevent destitution and secure basic sustenance for dependent spouses.⁸

However, the social landscape has changed significantly. Increasing female educational attainment, economic participation, and the constitutional commitment to gender equality have influenced judicial attitudes toward maintenance. Courts have gradually shifted from treating spousal maintenance as an instrument of permanent dependency to considering it as a temporary measure to support the spouse until they can achieve economic independence.⁹ This transformation has sparked intense debate.

A recent milestone in this debate is the decision of the Orissa High Court in *Madan Kumar Satpathy v. Priyadarshini Pati*.¹⁰ In this case, the Court reduced a maintenance award by noting that an educated wife cannot simply choose to remain unemployed

⁴ Flavia Agnes, *Law and Gender Inequality: The Politics of Women's Rights in India* (Oxford University Press, Delhi, 4th edn., 2001).

⁵ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 125.

⁶ The Hindu Marriage Act, 1955 (Act 25 of 1955).

⁷ The Special Marriage Act, 1954 (Act 43 of 1954).

⁸ Paras Diwan, *Law of Marriage and Divorce: A Comprehensive Treatise on Matrimonial Laws of All the Indian Communities* (Universal Law Publishing - An Imprint of LexisNexis, Seventh edn., 2016).

⁹ Divyansh Singh, "Analyzing the Law and Evolution of alimony in India" 6 *International Journal of Research Publication and Reviews* 6857-6860 (May, 2025).

¹⁰ RPFAM No. 417 of 2023 (decided on February 07, 2025).

to claim maintenance, stressing that Section 125 CrPC¹¹ is intended to assist only those who are genuinely unable to maintain themselves. The Court's observation illustrates the judiciary's increasing insistence on self-reliance.¹² This represents a decisive departure from the earlier dependency-oriented model. It now highlights a changing judicial trend that mirrors developments in other jurisdictions such as the United Kingdom and the United States.

At the same time, this trend has not been free from criticism. The insistence on self-reliance, if applied mechanically, risks undermining the protective purpose of maintenance law and may leave vulnerable spouses without adequate support. Hence, the question arises: how should the law reconcile the twin objectives of preventing destitution and promoting independence?

This research attempts to critically examine that question through a doctrinal and comparative approach. It analyses the judgment in *Madan Kumar Satpathy v. Priyadarshini Pati*¹³ and its implications for the future of maintenance law in India, while situating the discussion within a comparative framework that includes the approaches of the UK and USA. By exploring statutory provisions, judicial interpretations, and contemporary scholarship, this study seeks to assess whether India's gradual move toward self-reliance in maintenance law achieves a fair balance or requires recalibration to ensure both dignity and justice for spouses.

A. Research Problem

The institution of spousal maintenance is intended to provide economic protection to a financially weaker spouse, but its application has become increasingly contested in modern Indian society. The central problem lies in balancing two competing objectives: protecting a spouse from destitution on the one hand, and encouraging economic self-reliance on the other. While Indian courts have historically leaned toward ensuring continuous support, recent judicial trends — most notably in *Madan*

¹¹ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 125.

¹² *Law Doesn't Appreciate Educated Wife Sitting Idle & Seeking Maintenance From Husband: Orissa High Court, LiveLaw*, 13 February 2025, available at: <https://www.livelaw.in/high-court/orissa-high-court/law-doesnt-appreciate-educated-wife-sitting-idle-seeking-maintenance-from-husband-orissa-high-court-283800> (last visited on 14 September 2025).

¹³ RPFAM No. 417 of 2023 (*decided on February 07, 2025*).

*Kumar Satpathy v. Priyadarshini Pati*¹⁴ – highlight a shift toward assessing educational qualifications, employability, and realistic earning potential when granting maintenance.

This change raises a pressing concern. On the one hand, insisting on self-reliance prevents idleness and ensures fairness by not burdening one spouse indefinitely. On the other hand, many spouses, especially women, face genuine obstacles such as lack of job opportunities, childcare responsibilities, and societal barriers that limit their economic independence. A strict self-reliance standard may therefore undermine the protective purpose of maintenance law, while a dependency-driven approach risks perpetuating financial reliance without incentive for empowerment.

The research problem, therefore, is whether the evolving approach to spousal maintenance in India achieves the right balance between protection and independence, and how insights from the United Kingdom and the United States, where rehabilitative and clean-break models dominate, can inform a more equitable system.

B. Research Objectives

This research has following objectives:

1. To examine the judicial shift in India from a dependency-based model of spousal maintenance to one that emphasizes self-reliance.
2. To analyse the significance of *Madan Kumar Satpathy v. Priyadarshini Pati*¹⁵ in shaping contemporary maintenance law.
3. To evaluate whether the principle of self-reliance strikes a fair balance between protection and independence of spouses.
4. To compare the legal framework of spousal maintenance in India with that of the United Kingdom and the United States.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

5. To identify the practical challenges and limitations in the enforcement of maintenance laws in India.
6. To assess how socio-economic and cultural factors affect the implementation of the principle of self-reliance.
7. To suggest reforms that can promote gender justice, dignity, and economic independence while preserving the protective purpose of maintenance.

C. Research Questions

1. How do the laws governing maintenance rights differ in their approach in India, UK and the USA?
2. How does the judiciary respond to such cases?
3. Do spousal maintenance laws demonstrate compliance with principles of equality and gender neutrality, or do these provisions remain primarily oriented towards protecting women as dependants?
4. On what basis is the amount of maintenance calculated in all these countries?
5. What reforms are important in Indian laws that help in creating harmony between the spouse's needs and self-reliance?

D. Research Hypothesis

This research is based on the hypothesis that spousal maintenance in India is moving away from a dependency-oriented model towards a framework that emphasises self-reliance and financial independence of the spouse. Also, the research asserts that in India, spousal maintenance laws promote the idea of women being more dependant on men for finances. But countries like UK and US have adopted the model of self-sufficiency and reinforces the principles of gender neutrality in terms of alimony rights.

E. Research Methodology

This research adopted “doctrinal and comparative legal methodology” to adequately address the complexity of the issue. It focuses on the deep analysis of the legal

framework governing spousal maintenance laws in three countries: India, UK and USA. It has collected data and relevant information through both primary and secondary sources. Primary sources consist of bare acts (The Bhartiya Nagarik Suraksha Sanhita, 2023, The Code of Criminal Procedure, 1973), relevant statutory framework and judicial decisions existing on the topic. Secondary sources take into consideration different textbooks, commentaries, journal articles and online databases (e.g., HeinOnline, Manupatra, Westlaw, Google Scholar etc.).

F. Literature Review

The expanding body of research in this area highlights the seriousness of the issue. While numerous studies have examined spousal maintenance within individual jurisdictions, there remains a relative scarcity of scholarship offering direct comparative analysis between different legal systems. In particular, limited attention has been given to a structured comparison of the approaches adopted in the UK, USA and India. Accordingly, the review of literature in this paper may be organised under the following thematic categories:

1. **Evolution and Legal Framework of Spousal Maintenance in India:** The research paper "*Analysing the Law and Evolution of Alimony in India*" by Divyansh Singh and Dr Reshma Umair (2025)¹⁶, provides a comprehensive overview of alimony laws, tracing their roots across personal and secular legal frameworks. Singh identifies a pattern of incremental reform that, while progressive on paper, often fails to deliver uniformity in implementation due to judicial discretion and varying personal laws. Further, Paras Diwan, in both *Family Law in India*¹⁷ (2022) and *Law of Marriage and Divorce*¹⁸ (2016), offers doctrinal clarity and statutory interpretation of maintenance laws under the Hindu Marriage Act, Special Marriage Act, and the CrPC. His works serve as foundational texts in understanding the broader legal schema of spousal maintenance.

¹⁶ Divyansh Singh and Dr Reshma Umair, "Analyzing the Law and Evolution of alimony in India" 6 International Journal of Research Publication and Reviews 6857-6860 (May, 2025).

¹⁷ Paras Diwan, *Family Law in India* (Allahabad Law Agency, 9th edn., 2022).

¹⁸ Paras Diwan, *Law of Marriage and Divorce: A Comprehensive Treatise on Matrimonial Laws of All the Indian Communities* (Universal Law Publishing - An Imprint of LexisNexis, Seventh edn., 2016).

2. **Judicial Interpretation and Trends in Maintenance Jurisprudence:** In the case of *Rajnish v. Neha*¹⁹, the Supreme Court standardized guidelines for maintenance, emphasizing timelines, disclosure of income, and interim support. This landmark judgment reasserted maintenance as a legal obligation, not mere charity. The decision in *Kirti v. Oriental Insurance Co.*²⁰ touched upon dependency and compensation, reinforcing the court's role in economic rehabilitation through judicially crafted relief.
3. **Gender Justice and Feminist Perspectives on Maintenance:** On this theme, three papers have been considered and reviewed. First is, "*Towards a Gender-Just Framework of Maintenance Laws*" by Kirti Singh²¹ (2022), argues for a shift in focus from a needs-based to a contribution-based assessment of maintenance. This paper advocates for recognizing unpaid domestic labour and ensuring women's financial autonomy post-divorce. Secondly, "*Women and Maintenance Law in India: A Critical Analysis*" by Archana Prashar²² (2018), critiques the inherent patriarchal bias within Indian personal laws that presume women's dependency and overlook structural economic barriers that hinder women's self-sufficiency. And lastly, in *Law and Gender Inequality* by Flavia Agnes²³ (2001), contextualizes maintenance within a larger discourse of women's rights, access to justice, and the socio-economic consequences of marital breakdowns in patriarchal societies.
4. **The Shift from Dependency to Self-Reliance:** The case *Madan Kumar Satpathy v. Priyadarshini Pati*²⁴ (2023) serves as a judicial turning point by emphasizing the court's disapproval of educated spouses choosing not to work and relying entirely on maintenance. It reflects a larger trend toward encouraging economic participation and discouraging misuse of maintenance provisions. The Orissa

¹⁹ (2021) 2 SCC 324.

²⁰ (2021) 2 SCC 166.

²¹ Kirti Singh, "Towards a Gender-Just Framework of Maintenance Laws" 379 *Journal of the Indian Law Institute* (2022).

²² Archana Parashar, "Women and Maintenance Law in India: A Critical Analysis" 245 *Journal of the Indian Law Institute* (2018).

²³ Flavia Agnes, *Law and Gender Inequality: The Politics of Women's Rights in India* (Oxford University Press, Delhi, 4th edn., 2001).

²⁴ RPFAM No. 417 of 2023 (*decided on February 07, 2025*).

High Court, in a 2025 ruling explicitly stated that “*law doesn’t appreciate educated wife sitting idle & seeking maintenance*,” reinforcing a move towards self-reliance, particularly when the spouse is capable of earning.

5. **Comparative Perspectives: Spousal Maintenance in UK and USA:** The Matrimonial Causes Act, 1973 (UK) allows courts to consider the income, earning capacity, and contributions (monetary and non-monetary) of both spouses when determining maintenance. The focus is on equitable distribution rather than long-term dependency. In the USA, maintenance (alimony) laws vary by state, but recent reforms across many jurisdictions aim to limit lifetime alimony and instead promote rehabilitative maintenance – where the receiving spouse is expected to become self-sufficient within a reasonable time post-divorce. This comparative approach reveals that both UK and US jurisdictions are moving toward short-term, goal-oriented support, aligning with the principle of restoring individual financial autonomy, not perpetuating economic reliance.

IV. CONCEPTUAL FRAMEWORK OF SPOUSAL MAINTENANCE

Spousal maintenance is a legal obligation imposed on one spouse to provide financial support to the other during marriage, separation, or after divorce. At its core, the concept seeks to ensure that a spouse is not left destitute and can maintain a reasonable standard of living. It is not intended to confer a benefit beyond what is necessary for sustenance and dignity, but rather to provide economic security when one spouse is unable to support themselves.

The purpose of spousal maintenance is multi-fold. Primarily, it addresses financial imbalance arising from the division of responsibilities within a marriage, where one spouse may have foregone career opportunities or remained dependent on the other for economic sustenance. Maintenance laws also recognise social realities, such as childcare, caregiving, or societal barriers that affect employability. Courts often evaluate the need for support based on factors such as income, earning capacity, age, health, standard of living during marriage, and the duration of marriage.

Underlying principles of spousal maintenance include equity, fairness, and dignity. The law aims to strike a balance between the dependent spouse's right to support and the paying spouse's obligation, ensuring neither party is unfairly burdened. A critical principle is that maintenance should encourage self-reliance without undermining protection, promoting financial independence where possible while safeguarding against hardship. In recent judicial trends, there is a growing emphasis on evaluating whether the claimant spouse can achieve self-sufficiency, reflecting a shift from unconditional dependency to responsibility-based support.

Overall, the conceptual framework provides a foundation for understanding how courts assess maintenance, the rationale behind support obligations, and the balance between protection and independence. It serves as a lens to evaluate statutory provisions, judicial interpretations, and comparative legal approaches in the subsequent sections of this study.

V. SPOUSAL MAINTENANCE IN INDIA: STATUTORY FRAMEWORKS

All the below written Acts aim to provide financial support to a spouse in need, the criteria for claiming maintenance, the quantum of maintenance, and the duration of support vary across these laws.

A. Section 125 CrPC²⁵ (Now Section 144 of Bharatiya Nagarik Suraksha Sanhita, 2023)²⁶

Section 125 of the CrPC, now encapsulated under Section 144 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, serves as a secular provision aimed at providing maintenance to wives, children, and parents who are unable to maintain themselves. The primary objective is to prevent vagrancy and destitution by ensuring that individuals who cannot support themselves are provided for by their relatives. This provision is applicable irrespective of the personal laws governing the parties

²⁵ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 125.

²⁶ The Bhartiya Nagarik Suraksha Sanhita (Act 46 of 2023), s. 144.

involved, thereby ensuring a uniform legal remedy for maintenance across various communities.

B. The Hindu Marriage Act, 1955²⁷

The Hindu Marriage Act, 1955, specifically Sections 24 and 25, addresses the issue of maintenance within Hindu marriages. Section 24 provides for maintenance pendent lite, ensuring that a spouse can claim maintenance during the pendency of divorce proceedings. Section 25 allows for permanent alimony and maintenance, considering factors such as the spouse's income, conduct, and other relevant circumstances. These provisions aim to ensure that a spouse is not left destitute during and after the dissolution of marriage.

C. The Special Marriage Act, 1954²⁸

The Special Marriage Act, 1954, applies to interfaith and inter-caste marriages. Section 36²⁹ of the Act provides for maintenance, allowing a spouse to claim maintenance during and after the dissolution of marriage and alimony pendente lite. The Act ensures that individuals entering into marriage under its provisions have access to maintenance rights, irrespective of their religion, thereby promoting secularism and equality.

D. The Muslim Women (Protection of Rights on Divorce) Act, 1986³⁰

The Muslim Women (Protection of Rights on Divorce) Act, 1986, was enacted to address the maintenance rights of Muslim women post-divorce. Section 3 of the Act mandates that a divorced Muslim woman is entitled to a reasonable and fair provision and maintenance from her former husband, to be paid during the iddat period. The Act aims to protect the rights of Muslim women who have been divorced by, or have obtained divorce from, their husbands.

²⁷ The Hindu Marriage Act, 1955 (Act 25 of 1955), ss. 24, 25.

²⁸ The Special Marriage Act, 1954 (Act 43 of 1954).

²⁹ The Special Marriage Act, 1954 (Act 43 of 1954), s. 36.

³⁰ The Muslim Women (Protection of Rights on Divorce) Act, 1986 (Act 25 of 1986), s. 3.

VI. ANALYSIS OF MADAN KUMAR SATPATHY V. PRIYADARSHINI PATI³¹

A. Facts

1. The wife, Priyadarshini Pati, filed a maintenance application under Section 125 CrPC against her husband, Madan Kumar Satpathy, on account of dissension in the marriage and her inability to maintain herself.
2. The Family Court at Rourkela, in Criminal Proceeding No. 05 of 2014, granted maintenance of ₹ 8,000 per month to the wife.
3. The trial court (Family Court) assessed the husband's net "take-home" salary at ₹ 32,541 per month (from a gross salary of ₹ 45,362). It was also accepted that the husband has the obligation to maintain his dependent mother.
4. The wife submitted a disclosure affidavit of her assets and liabilities (as required under law) in compliance with the principle laid down by the Supreme Court in *Rajnesh v. Neha*. In that affidavit, she claimed to be jobless at the time of application. However, in cross-examination, she admitted that she had worked earlier in media houses (for example, in NDTV and in "Grihasthi Udyog Pvt. Ltd., Rourkela"). The Family Court had itself noted that she was well educated and "can support herself ... by doing a suitable job," but that she was presently unemployed.

B. Husband's Challenge

1. The husband (petitioner) challenged the Family Court's order via a revision petition under Section 19(4) of the Family Courts Act, 1984.
2. His contention was essentially that the maintenance award was excessive, especially given the wife's qualifications, past employability, and the fact she remained unemployed despite having capacity to work.

³¹ RPFAM No. 417 of 2023 (*decided on February 07, 2025*).

C. High Court Hearing

1. The Orissa High Court (Single Judge bench of Justice G. Satapathy) heard the revision petition on 7 February 2025 and rendered its oral judgment.

D. Issues

1. Whether a wife who is well educated and has definite prospects of earning can simply remain unemployed and claim the full maintenance awarded by the Family Court.
2. Whether the quantum of ₹ 8,000 awarded by the Family Court was justified in the backdrop of the husband's income, his obligations (including toward his mother), and the wife's capacity to maintain herself (to some extent).
3. What is the appropriate balance between the wife's need (claim) and the husband's liability (capacity), considering all relevant factors (income, dependents, future earnings prospects, etc.), in a maintenance case.

E. Judgement

1. The Orissa High Court allowed the revision petition in part. It modified the maintenance amount from ₹ 8,000 to ₹ 5,000 per month.

F. Reasoning/ Judicial Observations

1. The court accepted that the marital relationship and the fact of the application under Section 125 were undisputed.
2. The court accepted the assessed monthly net income of the husband as ₹ 32,541 and that he had a dependent mother to maintain.
3. The court placed weight on the fact that though the wife claimed to be unemployed, she had admitted in cross that she had prior employment in media houses, and she possessed good qualifications (Science degree + PG Diploma in Journalism & Mass Communication).
4. The court held that *"Law never appreciates those wives, who remain idle only to saddle the liability of paying maintenance on the husband by not working or not trying to work despite having proper and high qualification."*

5. The court noted that the legislature's intention in enacting Section 125 CrPC is to provide relief to wives who are genuinely unable to maintain themselves, not to those who refuse to make any efforts despite being qualified.
6. The court emphasized a balancing approach: the wife's claim must be weighed against the husband's income, obligations (including toward dependents), and the wife's own earning prospects. Based on all these factors, the court considered that interest of justice would be served by reducing the quantum by ₹ 3,000 (i.e. from ₹ 8,000 to ₹ 5,000).

VII. SELF-RELIANCE OVER DEPENDENCY: A CRITICAL PERSPECTIVE

A. Historical Position in India: Maintenance as a Duty of Husband → Wife's Long-Term Dependency

For many decades, Indian jurisprudence accepted as default the premise that a wife is economically dependent on her husband, which justified maintenance claims without rigorous inquiry into her capacity to earn. Indian courts treated maintenance as an unquestionable duty of the husband, based on personal laws and equity principles.³² It is not wrong to claim that this assumption was rooted in patriarchal norms where women were considered financially dependent on men.³³ This Section 125 of the Code of Criminal Procedure³⁴ was designed to provide a quick remedy for wives, reinforcing the idea of lifelong support from husband to wife without deeper inquiry into her earning capacity.³⁵

Courts usually emphasized the husband's duty over the wife's qualifications or potential earnings. In effect, this created a system where long-term dependency was

³² Paras Diwan, *Family Law in India* (Allahabad Law Agency, 9th edn., 2022).

³³ Flavia Agnes, *Law and Gender Inequality: The Politics of Women's Rights in India* (Oxford University Press, Delhi, 4th edn., 2001).

³⁴ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 125.

³⁵ Law Commission of India, "252nd Report on Right of the Hindu Wife to Maintenance: A relook at Section 18 of the Hindu Adoptions and Maintenance Act, 1956 (Jan, 2015).

both expected and accepted, with limited incentive or pressure on the claimant spouse to become financially independent.

B. Emergence of Gender-Neutral Approach: Recognition of Wives' Earning Capacity

Over time, courts in India have begun to shift from the dependency paradigm toward one that treats spouses more equally. Judicial decisions increasingly examine whether a wife has educational qualifications, work experience, or potential employability. Maintenance orders are now less often automatic and more often conditioned upon showing inability to sustain oneself, rather than mere status of being married. This is a shift towards gender neutrality.

For example, In *Madan Kumar Satpathy v. Priyadarshini Pati*³⁶, the Orissa High Court held that a well-qualified wife cannot demand unlimited maintenance if capable of self-sustenance, though some support may still be granted.³⁷ Similarly, in *Rajnesh v. Neha*³⁸, the Supreme Court mandated income and asset disclosure by both spouses, ensuring fairness and preventing misuse of maintenance laws.

C. Critique of the Self-Reliance Principle

1. Positive Dimension:

Emphasizing self-reliance brings several benefits.

- It promotes the dignity of the dependent spouse by acknowledging their capacity and encouraging economic activity, education, or training.
- The self-reliance principle encourages independence and equality in marriage, preventing lifelong financial dependency.
- It also prevents open-ended financial obligations that may burden the paying spouse and can reduce the scope for litigation by fixing clearer criteria (earning capacity, income disclosure, realistic expectations).

³⁶ RPFAM No. 417 of 2023 (*decided on February 07, 2025*).

³⁷ *Ibid.*

³⁸ (2021) 2 SCC 324.

- It also protects the paying spouse from unreasonable burdens and aligns with international practices like rehabilitative alimony in the United States, where support is often time-bound and linked to skill development.

2. Negative Dimension:

On the other hand, strict application of self-reliance can be problematic in India, where women's labour force participation remains low despite rising education levels.

Studies show that female participation in India's workforce has hovered around 27-31%, and barriers like caregiving, unsafe workplaces, and societal bias still persist. As a result, qualified women may not secure jobs despite their degrees and denying maintenance in such cases risks injustice.

D. Balance of Justice: Support Must Ensure Dignity Without Creating Undue Reliance

A just maintenance law must balance protection and self-reliance. A balanced approach requires judicial sensitivity to socio-economic realities. Courts must examine actual employability, not just formal qualifications, and consider years spent as homemakers, childcare responsibilities, and regional employment opportunities. The Supreme Court in *Rajnish v. Neha* emphasized structured guidelines for deciding maintenance, ensuring support where genuinely needed while discouraging misuse. Recent surveys show an upward trend in rural women's employment – from 24.6% in 2017-18 to 41.5% in 2022-23 – which courts may consider in evaluating potential self-sufficiency.³⁹

VIII. COMPARATIVE STUDY OF SPOUSAL MAINTENANCE: INDIA, UK AND USA

While the principle of spousal maintenance is recognised across jurisdictions, its application varies greatly depending on the social, economic, and cultural context. A comparison between India, the United Kingdom, and the United States reveals three

³⁹ *Female Labour Force Participation Rate (Female LFPR), Periodic Labour Force Surveys: Economic Advisory Council to PM*, Livemint, 28 June 2023, available at: <https://www.livemint.com/economy/female-labour-force-participation-rate-female-lfpr-periodic-labour-force-surveys-economic-advisory-council-to-pm-11733831334121.html> (last visited on 14 September 2025).

distinct models of balancing support and self-reliance. The comparison has been made on the following points:

A. Dependency versus Self-Sufficiency Model

1. In India, the model has historically been dependency-based, where the wife is presumed to need long-term financial support from her husband.⁴⁰ However, courts are increasingly recognising self-sufficiency, assessing education, skills, and employability of women.
2. In the UK, the principle of a “clean break” settlement under the Matrimonial Causes Act 1973⁴¹ promotes economic self-sufficiency after divorce, discouraging lifelong dependency. The courts encourage rehabilitative orders that help spouses transition to independence.
3. In the USA, the self-sufficiency model dominates, with rehabilitative alimony aimed at equipping the dependent spouse for employment, except in rare cases of permanent alimony (e.g., long marriages, disability).

B. Duration of Maintenance

1. In India, the duration is often undefined and continues until remarriage, cohabitation, or proof of changed circumstances, though courts have occasionally granted time-bound maintenance.
2. In the UK, courts prefer short-term rehabilitative maintenance, only extending duration when independence is not possible.
3. In the USA, many states impose statutory caps on the duration of alimony, often proportionate to the length of the marriage (e.g., Florida limits it to 75% of marriage length).

⁴⁰ Paras Diwan, *Family Law in India* (Allahabad Law Agency, 9th edn., 2022).

⁴¹ The Matrimonial Causes Act, 1973 (Chapter 18).

C. Quantum of Maintenance

1. In India, quantum depends on the husband's income, standard of living, and reasonable needs of the wife, often without uniform statutory guidelines.⁹
2. In the UK, quantum is guided by Section 25 of the Matrimonial Causes Act⁴², which considers income, property, earning capacity, standard of living, and contributions to the family.
3. In the USA, quantum varies by state but typically considers needs vs. ability to pay, with some states using statutory formulae to calculate maintenance.

D. Judicial Approach

1. Indian courts have adopted a welfare-oriented approach, stressing that maintenance ensures dignity and prevents destitution. However, judicial discretion leads to inconsistent orders.
2. UK courts balance fairness and independence, with case law like *Miller v. Miller; McFarlane v. McFarlane*⁴³ emphasising a clean break while compensating for sacrifices made during marriage.
3. US courts emphasise rehabilitation and fairness, focusing on restoring earning capacity rather than indefinite support, though appellate courts intervene when lower courts award excessive or insufficient maintenance.

E. Laws Governing Maintenance

1. India: Section 125 CrPC⁴⁴, Hindu Marriage Act 1955⁴⁵, Special Marriage Act 1954⁴⁶, Muslim Women (Protection of Rights on Divorce) Act 1986, and judicial precedents.

⁴² The Matrimonial Causes Act, 1973 (Chapter 18), s. 25.

⁴³ [2006] UKHL 24, [2006] 1 FLR 1186.

⁴⁴ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 125.

⁴⁵ The Hindu Marriage Act, 1955 (Act 25 of 1955).

⁴⁶ The Special Marriage Act, 1954 (Act 43 of 1954).

2. UK: Matrimonial Causes Act 1973⁴⁷ (Sections 23–25), Children Act 1989⁴⁸ (for child-related maintenance).
3. USA: State-specific family codes (e.g., California Family Code §§ 4320–4339; Florida Statutes § 61.08), showing diversity across states.

F. Gender Neutrality and Equality

1. In India, while statutes use gendered language (wife claiming from husband), courts are slowly moving towards gender-neutral interpretations, recognising that even husbands may claim maintenance under some laws.
2. In the UK, maintenance laws are formally gender-neutral, though women remain the majority of claimants due to socio-economic patterns.
3. In the USA, statutes are also gender-neutral, but studies show women disproportionately receive alimony due to existing gender pay gaps and caregiving responsibilities.

IX. CRITICAL CHALLENGES IN MAINTENANCE LAW

Despite progressive statutory frameworks and judicial interventions, spousal maintenance remains an area riddled with challenges. These challenges are not merely legal but also deeply embedded in social, cultural, and institutional contexts.

The following are some of the challenges:

A. Cultural and Social Factors:

Maintenance law in India is strongly influenced by patriarchal norms, which limit women's access to education and employment opportunities, leaving them financially dependent on husbands even after divorce.⁴⁹ The courts have often acknowledged that a homemaker's contribution is equally valuable, yet in practice, her lack of independent earnings reinforces her dependency.⁵⁰ Unlike in the UK and USA, where

⁴⁷ The Matrimonial Causes Act, 1973 (Chapter 18), s. 23-25.

⁴⁸ The Children's Act, 1989 (Chapter 41).

⁴⁹ Archana Parashar, "Women and Maintenance Law in India: A Critical Analysis" 245 *Journal of the Indian law Institute* (2018).

⁵⁰ *Kirti v. Oriental Insurance Co.* (2021) 2 SCC 166.

higher female labour force participation makes self-sufficiency more realistic, in India the structural barriers hinder this transition.⁵¹ Thus, any attempt to push for a purely self-reliant model risks ignoring the gendered realities of Indian society.

B. Misuse and Over-Dependency:

Another critical challenge is the misuse of maintenance provisions. Some courts have raised concerns about claims being used for “unjust enrichment” when an educated or employable spouse deliberately avoids work to continue receiving maintenance.⁵² So, the narrative of misuse can sometimes overshadow genuine claims, especially when women face systemic barriers to employment.

C. Enforcement Issues:

Even when maintenance is awarded, enforcement remains a major hurdle. In India, delays in litigation, underpayment, and the procedural difficulty of execution often render maintenance orders ineffective. Studies show that women often spend years in court chasing arrears, undermining the very purpose of the relief.⁵³ The Indian system, continues to suffer from weak execution, which perpetuates the cycle of dependency and vulnerability.

D. Gender Justice Dilemma:

Maintenance law often operates within a gender justice dilemma. While it is designed to protect vulnerable women, it has also been criticised for being one-sided by ignoring situations where husbands may also be dependent. Though the Supreme Court in *Rajnish v. Neha*⁵⁴ directed that maintenance should be gender-neutral and extended to both spouses depending on financial need, in practice the law still heavily favours wives. The Indian framework is gradually moving in that direction but remains constrained by societal assumptions about male breadwinning and female dependency.

⁵¹ Kirti Singh, “Towards a Gender-Just Framework of Maintenance Laws” 379 *Journal of the Indian Law Institute* (2022).

⁵² Shalu Nigam, “Judicial Trends in Spousal Maintenance in India” 88 *Journal of the Indian Law Institute* (2017).

⁵³ *Ibid.*

⁵⁴ (2021) 2 SCC 324.

E. Impact on the Institution of Marriage:

Maintenance disputes frequently exacerbate marital conflict, prolong litigation, and increase bitterness between spouses. Protracted disputes over quantum, duration, and arrears not only burden courts but also undermine the possibility of amicable settlement. The prospect of long-drawn maintenance battles discourages reconciliation and accelerates breakdown of the marriage.

X. CONCLUSION

The law of spousal maintenance is one of the most sensitive areas of family law. It deals not just with financial support but also with questions of dignity, fairness, and gender justice. Traditionally, Indian law saw maintenance as the husband's duty and the wife's right. This made women long-term dependents and reinforced patriarchal structures. However, recent judicial trends, including the case of *Madan Kumar Satpathy v. Priyadarshini Pati*, show that the law is shifting towards a new balance. Courts are now examining whether a spouse is truly dependent or capable of being self-reliant.

This shift brings both opportunities and challenges. On the one hand, it promotes equality and discourages misuse of the law. On the other hand, it risks ignoring the real social and economic barriers that many women face in becoming financially independent. In a country where women's workforce participation is still low, and where domestic responsibilities fall mostly on women, complete reliance on the "self-sufficiency" model may cause injustice.

Comparative study with the UK and USA shows that other jurisdictions have already moved towards models like clean-break settlements and rehabilitative maintenance, where support is given for a limited period to help a spouse become self-sufficient. These systems offer valuable lessons for India. They show that maintenance should not be endless, but should be strong enough to help the weaker spouse stand on their own feet. Reform is needed to create a system that is gender-neutral, enforceable, and based on real social conditions. Therefore, maintenance law must promote fairness and equality between both partners.

XI. SUGGESTIONS

After an in-depth study carried on this topic, following suggestions have been made:

1. Maintenance should not make one spouse permanently dependent. Instead, it should be designed in a way that helps the dependent spouse build skills, get employment, or become financially independent. At the same time, for those who genuinely cannot support themselves—like aged spouses, homemakers with no means of income, or disabled partners—the law must provide strong and long-term support.
2. A major problem in India is that even when courts pass orders for maintenance, payments are delayed or not made at all. To fix this, systems such as direct deduction of maintenance from salary, automatic bank transfer, or attachment of property of the defaulting spouse should be implemented.
3. The law should focus on *financial need and dependency*, not on gender. In modern times, there are situations where husbands may be financially weaker and wives may be better earners. In such cases, husbands should also be able to claim maintenance without stigma. This would make the law more consistent with the constitutional principle of equality.
4. Maintenance is often fixed once and then left unchanged for years, even when circumstances change. For example, the paying spouse may lose their job, or the receiving spouse may get employment. In such situations, courts should have the power to revise, increase, or reduce maintenance depending on the facts. This will make the system more dynamic and fairer.
5. Many spouses, especially women in rural or less-educated backgrounds, are not even aware of their right to maintenance. Legal aid programmes, awareness drives, and easy access to family courts should be promoted so that genuine claimants can actually benefit from the law.

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