

Maintenance Rights of Hindu Women: An Analysis

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Abstract—Maintenance is an important component of family law that seeks to ensure the economic security and dignity of women who are unable to sustain themselves independently. Under Hindu law, the concept of maintenance has evolved from a moral obligation rooted in religious principles to a legally enforceable right protected by statutory enactments and judicial decisions. The legal framework governing maintenance rights of Hindu women is primarily contained in the Hindu Adoptions and Maintenance Act, 1956, the Hindu Marriage Act, 1955, the Protection of Women from Domestic Violence Act, 2005, and the Bharatiya Nagarik Suraksha Sanhita, 2023. These statutes collectively seek to provide financial support to women facing neglect, desertion, domestic violence, or marital breakdown. Despite the existence of a comprehensive legal framework, the practical realization of maintenance rights remains a challenge due to procedural delays, inadequate assessment of income, non-compliance with court orders, and social barriers. Judicial intervention has played a significant role in expanding the scope of maintenance by recognizing it as a component of the right to live with dignity and by emphasizing the need for realistic and fair maintenance awards. This paper analyses the legal framework governing maintenance rights of Hindu women, examines important judicial developments, identifies contemporary challenges, and suggests reforms aimed at strengthening economic justice for women.

Index Terms—Maintenance, Hindu Women, Gender Justice, Gender Equality, Economic Security.

I. Introduction

Maintenance occupies a central position in family law because it seeks to ensure that individuals who are unable to support themselves are not left destitute. In matrimonial relationships, maintenance functions as a legal mechanism through which economic support is provided to a dependent spouse. For Hindu women, maintenance assumes particular significance because social realities often place women at a disadvantage in terms of economic independence and ownership of resources.¹

Historically, Hindu law regarded the maintenance of a wife as a sacred and obligatory duty of the husband. Ancient Hindu jurists considered marriage to be a religious sacrament, and the husband's duty to maintain his wife was viewed as an inseparable incident of that relationship. Although traditional Hindu law recognized certain proprietary rights of women through concepts such as *stridhan*, the principal form of economic protection available to women remained maintenance.²

¹ Paras Diwan, *Modern Hindu Law* 367 (Allahabad Law, Agency, Faridabad, 21st edn, 2018).

² J.D.M. Derrett, *Introduction to Modern Hindu Law* 172 (Oxford University Press, London, 1963).

The codification of Hindu personal laws after independence brought about significant changes in the legal status of women. The Hindu Adoptions and Maintenance Act, 1956 transformed maintenance from a moral obligation into a legally enforceable right. Similarly, the Hindu Marriage Act, 1955 introduced provisions relating to interim maintenance (section 24) and permanent alimony (section 25), thereby providing economic security during and after matrimonial disputes.³ These enactments reflected the constitutional commitment to equality and social justice embodied in Articles 14, 15 and 21 of the Constitution of India.

Judicial interpretation has further expanded the scope of maintenance rights. Indian courts have repeatedly emphasized that maintenance is not a matter of charity but a legal entitlement intended to preserve the dignity and standard of living of women. Through progressive decisions, courts have recognized that maintenance must be determined in accordance with contemporary social realities and should adequately protect women from financial hardship.⁴

II. Concept of Maintenance Under Hindu Law

The concept of maintenance under Hindu law extends beyond the mere provision of food and clothing. It includes all those necessities required for a dignified existence, such as residence, medical care, education, and other reasonable expenses consistent with the status of the parties (Section 3(b) of the Hindu Adoption and Maintenance Act, 1956). The law recognizes that family relationships generate reciprocal obligations and that individuals who are financially dependent should not be deprived of basic economic support.

Ancient Hindu legal texts imposed a duty upon the head of the family to maintain dependents, including wives, children, and elderly parents. The obligation was regarded as both moral and religious in nature. Hindu jurisprudence treated the maintenance of a wife as a continuing responsibility that could not be avoided merely because of personal inconvenience or financial difficulty.⁵

The modern legal framework governing maintenance is primarily contained in the Hindu Adoptions and Maintenance Act, 1956. Section 18 of the Act confers upon a Hindu wife the right to be maintained by her husband during her lifetime. The provision further permits a wife to claim separate residence and maintenance under specific circumstances, including cruelty, desertion, conversion, and the existence of another wife.⁶

The right of maintenance is not restricted solely to wives. The Act extends maintenance rights to widowed daughters-in-law (section 19), dependent children, and aged parents (section 20), thereby reflecting the

³ A.S. Altekar, *The Position of Women in Hindu Civilization: From Prehistoric Times to the Present Day* 185 (Motilal Banarsidass, Delhi, 2nd edn, 1959).

⁴ *Rajnesh v. Neha* (2021) 2 SCC 324.

⁵ P.V. Kane, *History of Dharmasastra*, Vol II 596 (Bhandarkar Oriental Research Institute, Poona, 1941).

⁶ Hindu Adoptions and Maintenance Act 1956, s.18.

broader welfare-oriented philosophy of Hindu family law. This approach demonstrates the legislature's intention to protect vulnerable family members from economic hardship and social insecurity.

Judicial decisions have consistently interpreted maintenance provisions in a liberal manner. Courts have emphasized that maintenance must be realistic and should enable a woman to live with dignity rather than merely survive. In determining maintenance, courts frequently consider factors such as the income of the parties, their standard of living, educational qualifications, and social status. Consequently, maintenance has emerge.

III. Statutory Framework Governing Maintenance Rights of Hindu Women

The legal framework relating to maintenance rights of Hindu women is founded upon multiple statutory enactments that collectively seek to ensure financial security and social protection. Unlike traditional Hindu law, where maintenance was primarily a moral obligation, modern legislation provides enforceable legal remedies through which women can claim support from their husbands and family members. The statutory framework demonstrates the legislature's intention to balance familial responsibilities with the constitutional mandate of gender justice and equality.

The Hindu Adoptions and Maintenance Act, 1956 constitutes the principal legislation governing maintenance rights under Hindu personal law. Section 18 of the Act grants every Hindu wife the right to be maintained by her husband during her lifetime. The provision recognizes maintenance as a continuing legal obligation arising out of the marital relationship. Significantly, the Act permits a wife to live separately without forfeiting her right to maintenance under specified circumstances such as desertion, cruelty, conversion to another religion, leprosy, concubinage, or the existence of another wife. This provision reflects the legislature's recognition that women should not be compelled to endure oppressive marital conditions merely to secure financial support.⁷

The scope of Section 18 has been interpreted broadly by courts to ensure effective protection of women. The provision acknowledges that maintenance is not merely a means of subsistence but a mechanism for preserving the dignity and well-being of women. Consequently, courts have repeatedly held that a husband cannot evade his statutory obligation merely by alleging financial difficulties when he possesses the capacity to earn and support his wife.⁸

In addition to wives, the Hindu Adoptions and Maintenance Act extends protection to widowed daughters-in-law through Section 19. The provision enables a widowed daughter-in-law who is unable to maintain herself

⁷ U.P.D. Kesari, *Modern Hindu Law* 411 (Central Law Publications, Allahabad, 24th edn, 2021).

⁸ *Chaturbhuj v. Sita Bai* (2008) 2 SCC 316

from her own earnings or property to seek maintenance from her father-in-law, provided the latter possesses sufficient means. This statutory protection recognizes the vulnerable economic position often faced by widows in Indian society and seeks to prevent their marginalization after the death of their husbands.

The Act further imposes an obligation upon Hindu parents to maintain their legitimate and illegitimate children during minority. The provision also recognizes the right of aged or infirm parents to claim maintenance from their children. The inclusion of parents within the maintenance framework reflects the traditional Hindu concept of familial responsibility and reinforces the welfare-oriented character of the legislation.⁹

Apart from the Hindu Adoptions and Maintenance Act, the Hindu Marriage Act, 1955 plays a crucial role in protecting the economic interests of women involved in matrimonial litigation. Section 24 empowers courts to grant interim maintenance and litigation expenses to a spouse who lacks sufficient independent income to maintain himself or herself during the pendency of proceedings. The objective of the provision is to ensure that financial disadvantage does not prevent a party from effectively participating in legal proceedings.¹⁰

The significance of interim maintenance lies in its immediate protective function. Matrimonial disputes often extend over several years, and women without independent income may face severe financial hardship during this period. By providing temporary financial assistance, Section 24 seeks to preserve equality between the parties and prevent economic coercion. Judicial decisions have consistently emphasized that applications for interim maintenance should be disposed of expeditiously to achieve the purpose of the provision.¹¹

Section 25 of the Hindu Marriage Act, 1955 authorizes courts to award permanent alimony and maintenance at the time of passing a decree or subsequently. The provision grants wide discretion to courts in determining the amount of maintenance after considering factors such as the income and property of the parties, their conduct, and other relevant circumstances. The objective is to ensure long-term financial security for the economically weaker spouse following dissolution or alteration of the marital relationship.

The enactment of the Protection of Women from Domestic Violence Act, 2005 marked a significant development in the protection of women's economic rights. The legislation recognizes that domestic violence often has serious financial consequences and therefore empowers magistrates to grant monetary relief to aggrieved women (section 20). Such relief may include maintenance in addition to compensation for expenses incurred as a result of domestic violence. Unlike traditional maintenance provisions, the Act adopts a rights-

⁹ The Hindu Adoptions and Maintenance Act 1956, s.20.

¹⁰ Kusum, *Family Law Lectures* 297 (LexisNexis, Gurugram, 6th edn, 2020).

¹¹ *Savitri v. Govind Singh Rawat* (1985) 4 SCC 337.

based approach and seeks to provide comprehensive remedies addressing both economic and non-economic forms of abuse.

The legal framework governing maintenance rights was further strengthened through the continuation of maintenance provisions under the Bharatiya Nagarik Suraksha Sanhita, 2023. These provisions preserve the social justice objective of ensuring that wives, children, and parents are not left destitute due to neglect by persons having sufficient means. The maintenance remedy under criminal procedure law is particularly significant because it offers a comparatively speedy and summary mechanism for obtaining financial support.¹²

The existence of multiple statutory remedies demonstrates the importance attached by Indian law to the economic protection of women. However, the multiplicity of proceedings sometimes creates practical difficulties, including overlapping claims and inconsistent maintenance awards. Judicial efforts have therefore increasingly focused on harmonizing these remedies to prevent duplication and ensure fairness.

IV. Contemporary Challenges in the Realization of Maintenance Rights of Hindu Women

Despite the existence of an extensive statutory framework and progressive judicial pronouncements, the effective realization of maintenance rights continues to face numerous challenges. The gap between legal entitlement and practical enforcement remains one of the most significant concerns in Indian family law. While legislation seeks to provide economic security to women, social realities often prevent them from fully benefiting from these legal protections.

One of the most persistent challenges is the delay in disposal of maintenance proceedings. Family disputes frequently involve prolonged litigation extending over several years. Women who approach courts seeking financial support are often compelled to wait for considerable periods before receiving relief. Such delays undermine the very purpose of maintenance laws, which are intended to provide immediate economic assistance to dependent spouses. The financial hardship experienced during prolonged litigation can compel women to abandon their claims or accept inadequate settlements.

Another significant problem relates to the determination of income. In many maintenance proceedings, husbands conceal their actual earnings, understate their assets, or deliberately avoid employment to reduce their financial liability. The absence of a uniform and transparent mechanism for income assessment often results in disputes and inconsistent maintenance awards. Although courts have increasingly required

¹² Bharatiya Nagarik Suraksha Sanhita 2023, s.144.

disclosure of financial information, practical difficulties continue to affect accurate determination of earning capacity.¹³

The issue of inadequate maintenance awards also remains a matter of concern. In several cases, courts have granted maintenance amounts that are insufficient to meet the basic needs of women, particularly in urban areas where living expenses are considerably higher. Inflation, rising healthcare costs, educational expenses, and housing requirements have significantly increased the financial burden on dependent spouses. Yet maintenance awards do not always adequately reflect these economic realities.

Social and cultural factors further complicate the enforcement of maintenance rights. Many women hesitate to initiate legal proceedings due to fear of social stigma, family pressure, or economic dependence upon their husbands. In traditional communities, maintenance claims are sometimes perceived as an attack on family honour rather than a legitimate assertion of legal rights. Consequently, women may choose to endure economic hardship rather than engage in prolonged legal disputes.

Enforcement of maintenance orders presents another major challenge. Even after obtaining favourable orders from courts, many women encounter difficulties in recovering maintenance amounts. Deliberate non-compliance by respondents, procedural obstacles, and delays in execution proceedings often reduce the effectiveness of judicial remedies. The inability to ensure timely enforcement weakens public confidence in the legal system and diminishes the practical value of maintenance rights.¹⁴

These challenges demonstrate that the effectiveness of maintenance laws depends not only upon legislative enactment but also upon efficient implementation, judicial sensitivity, and societal acceptance. Addressing these issues is essential for ensuring that maintenance rights serve their intended purpose of protecting women from economic vulnerability and promoting gender justice.

V. Recent Judicial Developments Relating to Maintenance Rights of Women

In recent years, Indian courts have made significant contributions towards strengthening the maintenance rights of women. Judicial decisions have increasingly emphasized that maintenance is not merely a statutory benefit but an essential component of social justice and human dignity. The courts have also attempted to remove procedural obstacles that often prevent women from obtaining effective financial relief.

In *Rajnesh v. Neha*¹⁵, the Supreme Court issued comprehensive guidelines governing maintenance proceedings across different statutes. The Court addressed the problem of overlapping maintenance claims

¹³ Kirti Singh, *Rethinking Gender Justice and Maintenance Laws in India* 96 (Women Unlimited, New Delhi, 2013).

¹⁴ National Commission for Women, *Report on Women's Access to Justice* 54 (Government of India, New Delhi, 2018).

¹⁵ (2021) 2 SCC 324.

and directed parties to disclose previous proceedings to avoid conflicting orders. The judgment also laid down principles regarding determination of income, disclosure of assets, interim maintenance, and enforcement of maintenance orders. The decision remains the leading authority on maintenance jurisprudence in India.

In *Aditi @ Mithi v. Jitesh Sharma*¹⁶ (2023), the Supreme Court reiterated the importance of adhering to the guidelines laid down in *Rajnish v. Neha*. The Court set aside a High Court order reducing maintenance awarded to a minor daughter and emphasized that courts must provide adequate reasons while modifying maintenance orders. The judgment reinforced the principle that the welfare of the child remains paramount in maintenance proceedings.

The Allahabad High Court in *Sonam Yadav v. State of Uttar Pradesh* (2025) held that interim maintenance should ordinarily be awarded from the date of filing of the application rather than the date of the order. The Court observed that delays in judicial proceedings should not prejudice women seeking financial support and that maintenance laws are intended to provide immediate relief to dependent spouses and children.

In a significant decision delivered by the Bombay High Court (Nagpur Bench) in 2025, the Court held that a woman's educational qualifications alone cannot be used as a ground for denying maintenance. The Court clarified that the mere possession of academic qualifications does not establish financial independence and that actual earning capacity must be examined on the basis of evidence.

Another important ruling of the Bombay High Court emphasized that maintenance cannot be denied merely because the wife's family is financially well-off. The Court observed that the legal obligation of maintenance arises from the marital relationship and not from the economic status of the woman's parental family. Maintenance must therefore be assessed on the basis of the needs of the wife and the financial capacity of the husband.

In *Shamima Farooqui v. Shahid Khan*¹⁷, the Supreme Court emphasized that maintenance should not be symbolic in nature. The Court held that a woman is entitled to live with dignity and reasonable comfort and that maintenance must be sufficient to secure such a standard of living. The judgment has frequently been relied upon in subsequent maintenance cases involving inadequate awards.

In *Bhuwan Mohan Singh v. Meena*¹⁸, the Supreme Court observed that maintenance proceedings should not be treated as ordinary litigation. The Court stressed that maintenance laws exist to prevent destitution and social injustice and that courts must ensure timely disposal of such claims.

¹⁶ Criminal Appeal No. 3446 of 2023 (SC).

¹⁷ (2015) 5 SCC 705.

¹⁸ (2015) 6 SCC 353.

In *Chaturbhuj v. Sita Bai* ¹⁹, the Supreme Court clarified that the object of maintenance law is to prevent vagrancy and economic hardship. The Court held that a husband with sufficient earning capacity cannot avoid his legal obligation by claiming unemployment or financial difficulty.

In *Jasbir Kaur Sehgal v. District Judge, Dehradun* ²⁰, the Supreme Court held that while determining maintenance, courts must consider the social status of the parties, the standard of living enjoyed during marriage, and the reasonable needs of the claimant. This principle continues to guide maintenance adjudication across India.

These judicial developments collectively demonstrate a progressive shift in Indian maintenance jurisprudence. Courts are increasingly recognizing the economic realities faced by women and interpreting maintenance laws in a manner that promotes dignity, equality, and substantive justice. The recent trend indicates a movement towards greater uniformity, transparency, and effectiveness in maintenance proceedings, thereby strengthening the legal protection available to Hindu women.

VI. Conclusion and Suggestions

Maintenance constitutes one of the most important legal safeguards available to Hindu women under Indian family law. Historically rooted in moral and religious obligations, the concept of maintenance has evolved into a legally enforceable right supported by constitutional values and statutory enactments. The Hindu Adoptions and Maintenance Act, 1956, The Hindu Marriage Act, 1955, the Protection of Women from Domestic Violence Act, 2005, and the Bharatiya Nagarik Suraksha Sanhita, 2023 collectively provide a comprehensive framework aimed at securing the economic welfare of women.

Judicial intervention has played a decisive role in strengthening maintenance rights and ensuring that statutory provisions are interpreted in a manner consistent with principles of social justice. Landmark decisions of the Supreme Court have emphasized that maintenance is not a matter of charity but a legal entitlement intended to preserve dignity, prevent destitution, and promote substantive equality. Through progressive interpretation, courts have expanded the scope of maintenance jurisprudence and adapted it to changing social realities.

Despite these developments, significant challenges continue to affect the realization of maintenance rights. Delays in adjudication, inadequate enforcement, concealment of income, social barriers, and inconsistent maintenance awards often prevent women from obtaining effective relief. These challenges highlight the gap between legal entitlement and practical implementation. Addressing these concerns requires not only legislative reform but also institutional efficiency and greater social awareness.

¹⁹ (2008) 2 SCC 316

²⁰ (1997) 7 SCC 7

The study demonstrates that maintenance is fundamentally linked to the broader goals of gender justice and women's empowerment. Economic security enables women to exercise autonomy, participate more effectively in society, and live with dignity. Consequently, maintenance laws should be viewed not merely as family law provisions but as instruments for achieving constitutional commitments to equality and social welfare.

VII. Suggestions

- The effectiveness of maintenance laws depends not merely upon the existence of statutory provisions but upon their practical implementation. Although Indian family law has evolved significantly in protecting the economic interests of women, several reforms are necessary to ensure that maintenance rights are realized in a meaningful manner. Strengthening maintenance mechanisms would not only enhance the economic security of women but would also advance the constitutional objectives of equality, dignity, and social justice.
- One of the foremost reforms required is the establishment of a uniform framework for determining maintenance. At present, maintenance awards often vary considerably depending upon the facts of individual cases and the discretion exercised by different courts. While judicial discretion remains necessary, the absence of standardized criteria sometimes results in inconsistent outcomes. The formulation of comprehensive guidelines regarding assessment of income, standard of living, educational qualifications, and financial obligations would promote greater uniformity and predictability in maintenance proceedings.
- Another important reform concerns the speedy disposal of maintenance applications. Delays in adjudication undermine the purpose of maintenance laws because financial assistance is often required immediately after separation or marital discord. Special procedural mechanisms may be introduced to ensure time-bound disposal of maintenance claims.
- The enforcement of maintenance orders also requires significant improvement. Existing mechanisms are often inadequate to ensure timely recovery of maintenance amounts. Legislative reforms should strengthen execution procedures by imposing stricter consequences for wilful non-compliance. Measures such as attachment of salary, seizure of movable property, and enhanced penalties for deliberate evasion may improve compliance with maintenance orders. .
- Legal awareness programmes should also be strengthened. A considerable number of women remain unaware of the remedies available under maintenance laws. Government agencies, legal services authorities, and civil society organizations should undertake awareness campaigns aimed at educating women regarding their legal rights. Increased awareness would empower women to seek appropriate remedies and reduce their vulnerability to economic exploitation.

In conclusion, while Indian law has made substantial progress in protecting the maintenance rights of Hindu women, continuous efforts are required to ensure that these rights are effectively enforced. A legal system that guarantees timely, adequate, and enforceable maintenance contributes significantly to the realization of social justice and the advancement of women's rights in contemporary India.

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