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Maintenance and Alimony: Do Indian Family Laws Overlook Working Husband's Burdens?

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*This paper examines maintenance and alimony provisions in Indian family law through the lens of evolving social norms and persistent legal realities. Historically, these laws presumed financially dependent wives and breadwinning husbands, reflecting a patriarchal society in which women rarely worked outside the home. Modern shifts marked by increased female workforce participation and growing instances of men facing severe financial and psychological distress have called these assumptions into question. High-profile cases, including suicides allegedly triggered by exorbitant settlement demands, underscore the need for a more balanced, gender-sensitive framework. Although statutes like the Hindu Marriage Act and the Protection of Women from Domestic Violence Act ostensibly address broader contexts, courts overwhelmingly award maintenance to wives, often treating husbands as perpetual payers. Judicial interventions, such as in *Rajneesh v Neba* (2020), emphasise transparent asset disclosure and balanced adjudication to prevent misuse and protect legitimate claimants. Nonetheless, allegations of false dowry or domestic violence complaints have raised concerns about exploitative practices that overburden working husbands. Simultaneously, many women still rely on alimony to avoid destitution, and genuine cases of domestic abuse or economic deprivation cannot be dismissed. As such, judges strive to reconcile competing claims, factoring in factors like child custody, potential misuse of criminal laws, and shifts in societal values regarding morality clauses. This paper contends that reforms such as stronger penalties for perjury, improved investigative protocols, and wider acceptance of husbands' maintenance claims should be coupled with enhanced mediation and*

mental health support. Through these measures, Indian family law can better uphold fairness for both spouses without undermining essential protective provisions.

Keywords: *maintenance, alimony, family law, gender neutrality, judicial reforms.*

INTRODUCTION

Indian family law and the intricacies concerning maintenance and alimony have been sources of extensive legal and social debate. From history, these laws came at a time when women did not work outside the home, and an average marriage relied on a breadwinning husband and a financially dependent wife. In earlier times, Indian society witnessed an upsurge of women joining the workforce, holding economic independence and independence. The shifting social realities at times notwithstanding, several questions remain about how far contemporary legal arrangements for maintenance and alimony fail to notice the heavy burden and vulnerability confronting working husbands. Cases of men accused of misuse of protective legislations, a tragic number of suicides linked to unbearable financial strain, and judicial comments on unbalance all show the need for a further, more modular, and nuanced inquiry into the matter.

Over the last decade, the Indian Supreme Court and various High Courts have held that to ensure fairness to both the cohabitants, the protection of women from destitution and the protection of men from such unjust or exploitative monetary demands aspires. However, it is a question of whether these judicial affirmations are put into practice. In the maze of Indian matrimonial litigation, one sees a maze of expectation, intent of legislation, and reality on the ground. In each case, one side of the husband and the other of the wife appear wedded to the victimhood. Sometimes, evidence is provided by wives alleging domestic abuse, dowry harassment, or cruelty, and husbands respond with claims of extortionate demands and law misuse, including complaints under Section 498A of the Indian Penal Code¹ and Protection of Women from Domestic Violence Act (2005)², allegations of maintenance demands that are inordinately large when compared to their means, etc.

¹ Indian Penal Code 1860, s 498A

² Protection of Women from Domestic Violence Act 2005

Within the many cases and commentaries of the last decade or so, there is evidence of the inherent tension of balancing these contradictory concerns. The intractability of lawfulness in an issue arising at the confluence of law, society, and the human psyche is illustrated by Supreme Court judgments, comments by High Court justices, and even tragic tales of dissolutions of marriages with far-reaching repercussions. The present discussion, in this manner, attempts to give a detailed and comprehensive impression of maintenance and alimony in India and explores whether the present law disregards or suffers from helplessness to fit the bill of working husbands.

HISTORICAL OVERVIEW OF MAINTENANCE AND ALIMONY IN INDIA

To understand how questions about potential burdens on husbands arise, one must first look at how the concept of maintenance developed in India. Historically, marital norms revolved around a patriarchal household in which husbands were obligated to provide for all economic needs, whereas wives tended to the home and children. During British colonial rule, early legislative measures such as the Criminal Procedure Code³ introduced provisions allowing financially disadvantaged wives (and, in some instances, children and aged parents) to seek basic monetary relief. The impetus behind these laws was grounded in social justice: that no individual, having once been financially supported by a spouse or parent, should be left in penury when that relationship ceases to exist in practice.

When India achieved independence, this principle found renewed expression in various statutes, notably the Hindu Marriage Act 1955 (HMA)⁴ and the Hindu Adoption and Maintenance Act, 1956 (HAMA)⁵. While the HMA focuses primarily on the dissolution of marriage and includes provisions for maintenance both during litigation (Section 24)⁶ and post-decree (Section 25)⁷, the HAMA sets out broader guidelines for maintenance obligations toward wives, children, and aged parents under Hindu law. The key assumption underpinning these codified rules remained that the wife is, in the majority of cases, the spouse requiring economic support. Even though certain provisions, especially Section 25 of the HMA, used language that, in theory, allowed both

³ Code of Criminal Procedure 1973

⁴ Hindu Marriage Act 1955

⁵ Hindu Adoption and Maintenance Act 1956

⁶ Hindu Marriage Act 1955, s 24

⁷ Hindu Marriage Act 1955, s 25

spouses to seek maintenance, the social context and judicial practice typically reinforced the view that husbands are the paying party and wives the recipients.

Changing social realities have, in modern times, prompted courts to reevaluate these presumptions. The Indian Constitution's framework, particularly Article 15(3)⁸, which permits special provisions for women and children, and Article 39(a)⁹, which speaks of ensuring adequate means of livelihood for both men and women, allows for a balancing act. Yet, the shift toward wives participating in the workforce, building professional careers, and sometimes out-earning husbands has injected new complexities. Questions now arise: under what circumstances can a husband claim maintenance? How does a court weigh the earning capacity of a well-qualified wife who is not working? Does the law take into account a scenario in which a working husband is saddled with overbearing or exorbitant demands to the point of severe mental distress?

THE CONCEPT OF MAINTENANCE VS ALIMONY

Within Indian jurisprudence, the terms 'maintenance' and 'alimony' often appear interchangeably, though practitioners make some distinctions. Maintenance typically refers to periodic payments made to a dependent spouse and/or children, be it on a monthly or quarterly basis, during or after matrimonial proceedings. Alimony, in many contexts, connotes a lump-sum settlement granted upon divorce, intended to serve as a one-time financial arrangement that allows the recipient spouse to sustain themselves adequately post-separation.

Under Section 24 of the Hindu Marriage Act, known as 'pendente lite' maintenance, a financially weaker spouse can request interim relief to cover the costs of litigation and meet day-to-day needs while the court case is underway. This often includes the wife's legal expenses, household expenses, and care for children if she has custody. Once the case concludes, whether by divorce, judicial separation, or annulment, Section 25 of the same Act addresses the question of permanent alimony and maintenance. Under this provision, the court can order one spouse to pay either a fixed lump sum or regular installments to ensure that the other spouse remains

⁸ Constitution of India 1950, art 15(3)

⁹ Constitution of India 1950, art 39(a)

supported and can maintain the standard of living they had become accustomed to during the marriage.

Although Section 25 uses gender-neutral language, making it possible for a husband to claim maintenance, the predominant social context has, for decades, kept the focus on wives as recipients. Even so, the Supreme Court and High Courts have clarified in multiple judgments that the law's text allows husbands to receive support in appropriate circumstances. The debate surrounding whether working husbands are unfairly burdened stems from a range of concerns: that the law is unbalanced in implementation, that certain protective criminal laws are misused to extract higher monetary settlements, and that men's mental well-being can be neglected in the pursuit of ensuring social justice for women.

KEY STATUTORY PROVISIONS RELEVANT TO MAINTENANCE AND ALIMONY

Although the Hindu Marriage Act 1955 and the Hindu Adoption and Maintenance Act 1956 are perhaps the most commonly invoked in maintenance disputes among Hindus, several other laws cover parallel ground for different communities and general scenarios. The Special Marriage Act 1954¹⁰, for instance, has its provisions on alimony (Sections 36 and 37). The Divorce Act 1869¹¹ addresses Christians, including Sections 36 and 37 for alimony pendente lite and permanent alimony. The Parsi Marriage and Divorce Act 1936¹² Dedicated Sections 39 and 40 to pendente lite maintenance and permanent alimony for Parsis. Meanwhile, criminal law previously Section 125 of the Code of Criminal Procedure (CrPC)¹³, now replaced by Sections 144–148 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS)¹⁴ permits wives, children, and parents to seek financial support from a person, irrespective of that person's religion.

Further, the Protection of Women from Domestic Violence Act 2005 covers the concept of 'monetary relief,' which may include the maintenance of wives (or female partners) as well as their children in case of domestic violence. The multiplicity of possible ways to seek maintenance can create parallel or overlapping claims with confused amounts of final amounts, and also sometimes a claim of abuse of process. For that matter, the Supreme Court in *Rajneesh v Neha*

¹⁰ Special Marriage Act 1954

¹¹ Divorce Act 1869

¹² Parsi Marriage and Divorce Act 1936

¹³ Code of Criminal Procedure 1973, s 125

¹⁴ Bhartiya Nagarik Suraksha Sanhita 2023

(2020)¹⁵ acknowledged the difficulties in reconciling multiple claims under different statutes and advised that there must be a systematic approach while dealing with such claims by ensuring that unscrupulous litigants are not able to get dual or conflicting orders by way of disclosures and affidavits.

EVOLVING JUDICIAL PERSPECTIVES: BALANCING PROTECTIONS AND POSSIBLE MISUSE

The judiciary's efforts over the past few high-profile cases to find the right balance between protecting real victims of economic hardship and preventing individuals from exploiting these provisions for unfair and unjust monetary gain have been revealed as a litany of. The Supreme Court came up with one of the best examples in the case where it was observed that a wife could not demand alimony just to balance out his ex-husband's wealth, being a successful businessman, and being worth a net worth. While it is essential to have a reasonable standard of living for the dependent spouse, the husband's post-separation earnings or prosperity are not a perpetual shared asset for the wife, and the Court stressed that.¹⁶

Parallely, certain judgments stress that existing penal provisions, notably Section 498A of the Indian Penal Code (addressing cruelty by the husband or in-laws) and sections of the Protection of Women from Domestic Violence Act, 2005, are meant to be 'beneficial legislations' for women. The courts have repeatedly warned that 'strict laws cannot be misused as tools to chastise, threaten, domineer, or extort.' Yet, in the face of social reality, allegations abound that some litigants file spurious criminal complaints or invoke multiple serious charges to force large settlements. The Supreme Court itself has commented on how law enforcement might arrest the husband's family members, including elderly parents, based solely on the lodging of an FIR, damaging familial relationships irreparably.

¹⁵ *Rajneesh v Neha* AIR 2021 SC 569

¹⁶ 'Strict laws are for women's welfare, not for extorting money from husband: Supreme Court on divorce and alimony' *Times of India* (02 January 2025) <<https://timesofindia.indiatimes.com/life-style/relationships/love-sex/strict-laws-are-for-womens-welfare-not-for-extorting-money-from-husband-supreme-court-on-divorce-and-alimony/articleshow/116515303.cms>> accessed 05 March 2025

SPECIFIC ILLUSTRATIONS FROM RECENT JUDGMENTS AND ARTICLES

In reviewing contemporary examples—some provided in the form of Supreme Court judgments, others reflected in High Court orders we find multiple illustrations of how concerns regarding burdens on husbands have gained traction.

***Case of Kiran Jyot Maini v Anish Patil (2024)*¹⁷:** Alimony of such an enormous sum amounting to INR 2 crore was ordered by the Supreme Court for the husband to pay. The Court reached that figure after determining social status, earning capacity, and standard of living, but the husband’s defense pointed out that very large sums can be claimed, raising an apprehension that the husband’s liabilities are not so vetted that a miserably unfair percentage of the whole is obtained by the husband.

***Vinny Kohli v Devendra Kohli (2018)*:** In this case, the Supreme Court awarded a lump sum of INR 1.5 crore as alimony, keeping in mind factors like duration of the marriage, economic state of the marriage and sacrifices that the wife had borne. But, of course, that was in an impartial application of the court’s aim to be equitable, and the subsequently growing sums being asked of husbands in an increasingly litigious environment can give rise to some among them thinking that they could be taken advantage of if they were lucky enough to be enjoying significant good incomes or family wealth.

***Rajneesh v Neha (2020)*:** This judgment established guidelines to ensure transparency in maintenance proceedings, requiring both parties to submit affidavits detailing their incomes, assets, and liabilities. The impetus was to prevent the spousal or parental support system from degenerating into guesswork or unscrutinized claims. This pronouncement also responded to allegations that wives sometimes inflate claims by hiding their sources of income, while husbands might hide assets to minimise maintenance obligations.

***Jharkhand High Court’s Observations on “Punitive” Maintenance*¹⁸:** In a case widely reported (and reflected in the article referencing the court’s statement that “marriage should not

¹⁷ *Kiran Jyot Mheni v Anish Patil* (2024) 7 SCR 942

¹⁸ Bhavya Singh, ‘Maintenance Obligations Should Not Burden A Husband To The Point Of Marriage Becoming A Punishment: Jharkhand High Court’ (*Live Law*, 18 October 2023) <<https://www.livelaw.in/high-court/jharkhand-high-court/jharkhand-high-court-maintenance-quantum-burden-husband-wife-qualified-240443>> accessed 05 March 2025

become a punishment”), the High Court reduced a wife’s monthly maintenance from INR 40,000 to INR 25,000 on finding that the husband’s actual income and liabilities were not fully taken into account. The learned judge observed that while a husband must ensure the wife’s living standard is not drastically reduced, it does not mean the law can “squeeze milk” out of him so that “marriage becomes a felony.” This balanced recognition that maintenance awards must be fair to both parties is a powerful commentary on the complexities of the system.

***Bengaluru Techie Atul Subhash’s Suicide Case*¹⁹:** Perhaps the most troubling instances are those in which the alleged financial and psychological pressures culminate in the ultimate tragedy: suicide. As recounted in one of the articles, Bengaluru techie Atul Subhash left behind a 90-minute video and a 24-page note detailing how demands for a substantial divorce settlement, cited as INR 3 crore, coupled with constant harassment, allegedly drove him to take his own life. His family members have since claimed that the child was also being used as leverage, thereby adding further emotional strain on him.²⁰ Whether or not the demands were unreasonable remains to be established conclusively in court, but the situation underscores the severe mental health implications that these disputes can carry for husbands who feel, rightly or wrongly, that they have no viable escape.

GENDER-NEUTRAL LETTER VS WOMEN-CENTRIC REALITY

At the legislative level, one might argue that a fair reading of Section 25 of the Hindu Marriage Act and certain provisions in other personal laws suggests a fundamentally gender-neutral stance. The text of the laws does not necessarily restrict the paying spouse to be the husband. Indeed, there are a few examples of women being ordered to pay maintenance to unemployed or underemployed husbands. However, the ground-level application remains that a large majority of maintenance awards flow from husbands to wives. This phenomenon partly reflects the entrenched socio-economic disparity that still exists in many marriages, where women, especially in semi-urban or rural areas, are less likely to be employed, and if they are, their incomes may be lower relative to their husbands.

¹⁹ ‘Techie Atul Subhash Death: Bail Granted to Wife, In-laws Under Condition of Availability for Trial’ *Indian Express* (07 January 2025) <<https://indianexpress.com/article/cities/bangalore/techie-atul-subhash-death-bail-granted-to-wife-in-laws-under-condition-of-availability-for-trial-9763649/>> accessed 05 March 2025

²⁰ *Ibid*

Yet there is no denying that in metropolitan centres, a growing segment of couples has near-equal or higher-earning wives. In such scenarios, courts have occasionally recognised the possibility of awarding maintenance to the husband if the evidence showed he was indeed the more financially vulnerable party post-separation. Nonetheless, the knowledge of such legal possibilities is less widespread, and men often hesitate to file for maintenance due to cultural biases or the stigma associated with being perceived as dependent on a spouse.

THE MISUSE PARADIGM: ARE HUSBANDS ALWAYS THE VICTIMS?

An equally compelling counterpoint to the narrative of husbands being overburdened or exploited by the system is that these laws evolved precisely because women historically faced and, in many regions, continue to face harsh economic realities upon separation. Even today, a significant proportion of Indian women are financially dependent, earning minimal wages or none at all, while also potentially bearing the responsibility of caring for children. In such circumstances, protective legislation like Section 498A IPC or the Domestic Violence Act is indispensable in preventing domestic abuse and penalising perpetrators of dowry demands.

Yet repeatedly, courts have held that the existence of 'some misuse' by no means justifies the deprivation or diminution of such protection in true cases entirely done with.²¹ What this essentially means is that there's not much to worry about with these wives weaponising legal provisions for illicit financial gain, but that actual instances of abuse are still shockingly widespread. Statistics about domestic violence and dowry deaths show the extent of the truth that many women do need these mechanisms to protect their lives and well-being.²¹

In this way, the courts face a difficult task in discerning genuine allegations from frivolous ones. In pursuit of justice, the Supreme Court has bellowed for better police investigative skills, asking for police and the lower courts to exercise due diligence in the handling of arrests and for the taking of an arrest as no admission of guilt. The Courts, in doing so, stress that it is inconceivable that beneficial legislation was transformed into a punitive weapon.

²¹ 'Wife Cannot Seek Alimony to Equalise Husband's Current Wealth: Supreme Court' *Economic Times* (20 December 2024) <<https://economictimes.indiatimes.com/news/india/wife-cannot-seek-alimony-to-equalise-husbands-current-wealth-supreme-court/articleshow/116495145.cms?from=mdr>> accessed 06 March 2025

THE PSYCHOLOGICAL TOLL ON WORKING HUSBANDS

One major issue where men claim to be victimised arises when the threat of lengthy litigation, social stigma, arrest, or public shaming builds psychological pressure. Several suicides, one of them being the Bengaluru techie, provide ample evidence that the consequences can be so grim if a person feels he is pushed to the wall.²² “When men do turn to social programs, etc., there are shelters and counselling, but the converse doesn’t happen much,” say men. What compounds this is that, in general, there’s a weird taboo about men talking about their mental health struggles, much less suicidal ideation.

Husbands in such circumstances worry not just about the financial disaster but also about losing the child and the custody of their children, which often leads to separation or severing the father-child relationship. The father would have, if the mother gets legal and physical custody, possibly but not necessarily limited visitation, or even, in some worst of cases, he may have no visitation with the child because of violence or allegations of violence. Make an ad for the possibility that a father’s elderly parents will be arrested on the charge of cooperation, and one can imagine the sinister effect of social, economic, and psychological anxiety provoked.

RECENT CALLS FOR REFORM AND JUDICIAL SUGGESTIONS

If judges applied all that law judiciously, the law as written is robust enough to address whatever imbalances that arise; in numerous judgments, courts have said so. In *Rajneesh v Neha*, for example, the Supreme Court mentioned the need for a 'comprehensive & accurate' disclosure of income, assets, and liabilities on the part of both spouses. If rigorously enforced, this guideline would eliminate the possibility of a dependent spouse knowing that he or she has assumed earning capacity in return for which his or her spouse will assume liability for any surprise asset wealth, and would also proscribe the spouse who may be trying to conduct asset hunting through simultaneous concealment of assets.

Similarly, the Supreme Court and several High Courts have followed mediation and conciliation mechanisms. According to logic, if couples go through an alternative dispute resolution process, in many cases, they can amicably settle their maintenance and custody problems without having

²² Arushi Gupta and Harini Raghupathy, ‘Is the Indian Family Law System Stacked Against Men?’ *Indian Express* (08 January 2025) <<https://indianexpress.com/article/opinion/columns/indian-family-law-system-men-9767437/>> accessed 06 March 2025

to get entangled in terribly adversarial battles in the courts. Using a neutral mediator, both spouses can come to a better-appointed financial understanding, avoid emotional storms, and possibly reach a more balanced and less explosive arrangement for each other and, as appropriate, any child.

But that question remains: is it necessary to have a more explicit legislative or policy-based configuration? Other legal scholars contend that one of the provisions in the Hindu Marriage Act that permits a maintenance order to be revoked by order of the court because the wife's performance has been 'unchaste' or the husband has had extramarital relations is anachronistic in current conventions of personal liberty and post-separation privacy. On the other hand, some are demanding that such clarifications be incorporated into the anti-dowry or domestic violence legislation to prevent false or exaggerated claims and make them liable to the law. The answer is to do so without casting aspersion on the protective essence of those laws.

CHILD CUSTODY BATTLES AND THEIR LINK TO MAINTENANCE DISPUTES

Child custody is another way of taking into account the burdens on working husbands. Where the custody of the children is in one or the other spouse's hands, the spouse dispensing the custody of the children is also likely to derive higher maintenance. Courts are usually ready to put younger children, who are typically younger than five or six, with the mother to take advantage of maternally provided nurturing during the initial part of the life period. Despite this, there have been allegations that the mother is 'weaponising' child custody to secure higher settlements or using a child's welfare as a bargaining chip in bail hearings and settlement negotiations.

The Atul Subhash case, as described in various articles, underscores these complexities: allegations that the wife was using child custody to influence the trajectory of bail proceedings, combined with claims that the father's family fears for the child's safety, highlight a deeply contentious environment. Whether these allegations are proven accurate or not, they illustrate how easily the child's best interests can become entangled in a financial or criminal dispute.²³

²³ 'Atul Subhash Suicide: Supreme Court Grants Custody of Bengaluru Techie's Son to Estranged Wife' *Indian Express* (21 January 2025) <<https://indianexpress.com/article/cities/bangalore/supreme-court-atul-subhash-son-custody-wife-9789240/>> accessed 06 March 2025

Legal experts increasingly recommend that child custody discussions be kept separate from spousal financial disputes to the greatest extent possible. A child's right to have a meaningful relationship with both parents and a stable environment should not be compromised by the frustrations and conflicts of the parents' financial disagreements.

THE PERSPECTIVE ON SECOND WIVES AND VOID MARRIAGES

Beyond the immediate question of burdens on working husbands, another dimension to the debate involves the second-wife scenario. Traditionally, if a Hindu man marries a second wife without lawfully divorcing the first, that second marriage is void. Classic legal interpretations held that the second wife, being in a void marriage, could not claim maintenance under the Hindu Marriage Act. However, cases like *Badshah v Sou. Urmila Badshah Godse* (2013)²⁴ paved a more compassionate approach, wherein the Supreme Court recognised that a wife deceived into a void marriage and genuinely dependent on the husband should not be left destitute. This principle resonates with the notion of equity that the law strives for, but also means the man could be financially obligated to two spouses if the first marriage was still valid. If the man in question is an ordinary professional earning a modest salary, the cumulative financial obligations could be enormous.

In light of such circumstances, men sometimes lament that the law punishes them severely for bigamy (which is certainly an illegal act) while leaving them no recourse if the second marriage was undertaken in good faith by the second wife or if the man was coerced socially into such an arrangement. Regardless, the crucial factor is that the spouse genuinely misled or in need will receive some measure of protection, preserving the law's protective spirit but reinforcing men's concerns about disproportionate burdens.

QUESTIONS OF MORALITY AND CONSTITUTIONAL FREEDOMS

Several commentators have highlighted that Indian law still retains some moralistic elements, especially in provisions such as Section 25(3) of the Hindu Marriage Act, which allows the court to rescind maintenance if the wife is found not to have remained chaste or if the husband has had sexual relations with someone else. With adultery having been effectively decriminalised in

²⁴ *Badshah v Urmila Badshah Godse* (2014) 1 SCC 188

Joseph Shine v Union of India (2018)²⁵, the modern constitutional ethos suggests a more liberal stance on adult consensual relationships post-separation. Critics argue that requiring a divorced or separated woman to remain “chaste” to continue receiving maintenance effectively impinges on her bodily autonomy and personal liberty, especially in circumstances where the marriage is already dissolved.

Husbands, however, point out that if the wife is cohabiting with another partner who can financially support her, it is unfair to demand that the ex-husband continue paying maintenance. Courts thus attempt to balance moral arguments with practical ones: the fundamental objective is to prevent a financially dependent spouse from descending into destitution, not to police moral choices.

THE NEED FOR GREATER MENTAL HEALTH SUPPORT AND MEDIATION

One needs to look at the cases where there are women in actual fear of destitution or cases of husbands feeling trapped due to huge settlement demands and possible criminal actions, and there is no doubt that India’s legal environment does not have strong enough social and psychological support systems. Prolonged matrimonial litigation can be debilitating due to its contributing stress on the emotional state of mind. Many couples who do not find relief through alternative dispute resolution mediation, to name only one example, lose the plot to the adversarial, rollercoaster experience of dates in court, increasingly expensive legal costs, and growing enmity.

While family courts in India have had some success establishing mediation centres associated with them, the role of mediation centres acts as a good alternative to more confrontational dialogues, helping spouses come to pragmatic settlements that keep the status of both parties as well as, especially, the children in mind. Open discussions between parties about the actual income, liabilities, living expenses, and possible compromises are possible during mediation. While this is not a cure-all, it is often a more lasting result than bitter litigation.

Additionally, more robust institutional support of the kind that provides mental health counselling to litigants who might be under severe stress is also available. But currently, this is

²⁵ *Joseph Shine v Union of India* (2019) 3 SCC 39

still too much about legal solutions. But, as our Bengaluru techie suicide examples show, doing timely psychological intervention for persons who are in despair can save their lives.

SUMMATION OF THE DEBATE: DO INDIAN FAMILY LAWS OVERLOOK WORKING HUSBANDS' BURDENS?

When all of the above is put together in a synthesis, what this means is that 'Do Indian family laws ignore the burdens borne by working husbands?' does not fit in a binary yes or no. At the same time, these laws were based on a societal foundation to protect women from abject poverty and social marginalisation. Considering the existence of many patriarchal structures still in existence, it makes sense that women's protection is still a necessity. On the other hand, however, the rapidly mounting number of cases in which men lay out oppressive financial demands and misuse of criminal complaints, followed by mental anguish, are by no means anomalies that can be overlooked.

In recent years, not only the Supreme Court but several courts have also provided various cautionary remarks indicating a growing awareness among the courts over the need to strike a balance. The implication seems to be that if women's protection laws are not stringently implemented, then they should prompt no female suffering, but that all means must be taken to prevent them from being used as a weapon against women. In addition, the suicides, to which hedge funds have occasionally been linked with connection to gigantic settlement demands or alleged harassment, highlight how serious the problem is. All procedural safeguards are not flawless, but reforming the procedural safeguards must be accompanied by strict due diligence of enforcement agencies, and orders of maintenance must be fixed without any lack of awareness of the genuine financial position of both parties.

POSSIBLE AVENUES FOR REFORM AND FUTURE DIRECTIONS

Better Implementation of Transparency Measures: Following the guidelines of *Rajneesh v Neha* (2020), courts can mandate standardised affidavit filings detailing all assets, liabilities, income, and expenses. Penalties for perjury or false statements in these affidavits should be strengthened to deter fraudulent claims.

Enhanced Investigative Protocols for Criminal Allegations: Police must exercise caution before making arrests under allegations such as dowry harassment or domestic violence,

ensuring a preliminary inquiry is conducted so that old, infirm relatives are not arrested without a basis. A more structured approach that includes mediation or counselling in certain less severe disputes could help prevent indefinite litigation and misuse.

Rethinking Section 25(3) of the Hindu Marriage Act: If India's constitutional values have moved beyond a punitive approach to private relationships, this provision should be reconsidered. Courts can instead adopt a principle focusing on the practicalities of whether the financially dependent spouse still needs support or whether they have found another partner who provides for them, rather than moral judgments about chastity.

Greater Recognition of Husbands' Maintenance Claims: While it remains a smaller percentage, men can indeed be victims of harsh economic realities, especially if they have lost employment or faced health complications. The judiciary and society at large should normalise the idea that a well-off wife may be required to pay maintenance to a less financially secure husband. This would reflect true gender neutrality.

CONCLUDING REFLECTIONS

Laws related to maintenance and alimony in India entail a social contract that states that a spouse, mostly a wife, should never be exploited once there is a dissolution of marriage. However, these provisions do not doubt to be important for the protection of genuine victims of abuse or desertion. Despite this, there has been increasing judicial and public scrutiny of the misuse of this risk amidst a changing society and the already considerable pressures on husbands. Observations from recent times of the Supreme Court as well as of various High Courts betoken a definite judicial endeavour to check the excessive monetary demands, give a fair valuation of each spouse's real financial capacity, and further, bring children's welfare to the topmost place.

Even with these intentions, the road to perfect equilibrium does not exist, as matrimonial disputes are so personal and often so emotionally charged. The need of the hour is to tread a compassionate, balanced course, as exemplified by a Bengaluru techie's suicide, leaving behind detailed allegations of harassment instead of an exorbitant settlement. Similarly, cases from the Jharkhand High Court establish that courts can interfere in reducing maintenance that is too high, as we are told that 'Marriage should not be a punishment.'

At a more general level, one might assume that though Indian family laws pay no heed to working husbands' burdens, they have simply drawn those burdens as a product of a system primarily oriented to the historically visceral vulnerabilities of women. The need for the law to change is growing with more and more women being financially independent, with social norms changing to accommodate equal contributions from both male and female parties, and with men willing to openly discuss counselling about, or suffering from, mental health issues. All of these are part of the shared responsibility to strike a judicious balance between protecting real victims and not hammering frivolous or malicious litigants. In our crux of shifting social mores and legislative realities, it is good to see the progressive clarifications in the Indian judiciary that can summon fairness for both spouses, absent imperilling the fundamentals upon which the laws rest.