

Maintenance of women under Personal Laws: Issues and concerns

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Abstract

It is important to comprehend how women are maintained under numerous personal laws, including Hindu, Muslim, Christian, and Parsi law, as well as how our nation's secularism affects personal laws. Hindu females are subject to two different categories of maintenance legislation in India. The first class of marital remedies takes into account support after a divorce or other dissolution of the marriage, such as nullification. The second type entails support throughout the duration of the marriage. A better economic situation for women and children is a priority, as is preventing immorality and reducing poverty. Maintenance claims on behalf of a wife, parent, "or child are permitted under Section 25 of the Hindu Marriage Act of 1955, Section 125 of the Criminal Procedure Code, and the Hindu Adoption and Maintenance Act of 1956. Alimony and other forms of financial assistance for a spouse or dependent are examined in an attempt to clarify the scope of the Hindu Adoption and Maintenance Act of 1956."

Keywords: Maintenance, adoption, women rights, hama, marriage

Introduction

Maintenance is defined as help or subsistence in the dictionary. None of the world's major faiths have a standard definition of "upkeep" in their marriage ordinances. However, the claimant's entitlement to apply for maintenance is unquestionably predicated on the premise that she is financially unable to maintain herself. The money from maintenance usually goes toward paying for food, clothing, and shelter. However, this extends beyond the claimant's basic right to life. "The provisions of those laws make this plainly clear by outlining the factors the court must consider in establishing the amount of maintenance to be paid. The court will determine the amount of maintenance based on a number of factors, including the parties' behavior, the value of their respective assets, the husband's earning capacity, and other factors." The financial circumstances of the parties and their standard of living throughout the marriage should be considered before settling on a maintenance amount.

Maintenance can be categorized into following

- **Temporary Maintenance:** It is given by the courts while the divorce proceedings are still continuing and is also referred to as maintenance pendente lite. The spouse who is a party to the proceedings is responsible for paying all necessary and urgent fees. The court may grant and accept satisfaction. The maintenance pendente lite is addressed differently in various personal laws, while other personal laws, such as Muslim law, do not specifically address the issue.
- **Permanent Maintenance:** As the name suggests, it refers to the payment of alimony on a periodic basis or on an ongoing basis after the proceedings have been resolved to the wife (or either husband, as permitted by Hindu Law). Because it lasts for as long as the person to whom it was granted lives, it is permanent in nature.

Maintenance Under Personal Laws

▪ Maintenance under Hindu Law^[1]

Hindu Marriage Act, 1955

Either the woman or the husband may ask for temporary financial assistance under the Hindu Marriage Act of 1955 (henceforth HMA). The claim for interim maintenance is based on the lack of any other means of financial assistance. Since the clause does not specify a maintenance amount, the court will use its discretion to set a fair amount. Similar to that, the claimant who lacks a source of independent income must receive maintenance pendente lite, and the other spouse is responsible for covering the claimant's financial needs for court costs.

Interim support is owed from the day the petition is filed until either the case is dismissed or a decree is granted. Interim maintenance is meant to cover the petitioner's short-term financial needs. Furthermore, the claimant's legal fees are covered by maintenance pendente lite. In *Manokaran v. Devaki* [2], it was decided that if the wife could prove she didn't have enough money to maintain herself independently at any time while the divorce was still pending, she might ask for maintenance pendente lite.

Temporary maintenance is covered under section 24 of the HMA, whereas permanent maintenance is covered by section 25. The relief offered under HMA Sections 24 and 25 is an ancillary maintenance benefit. The phrase "ancillary" is not defined anywhere in the Act, but generally speaking, it refers to something that is dependent on the passage of another measure and is not independent. The phrases "where in any proceeding under this Act" in section 24 and "at the time of passing of any decree" in section 25 imply that the relief can only be awarded if another judgment has been issued or a proceeding is ongoing, and not in any other circumstance. The maintenance supplied under this provision is not separate from the maintenance granted under section 18 of the Hindu Adoption and Maintenance Act of 1956. The term "ancillary relief" was used to describe this kind of help.

The wording “any decree” in section 25 of HMA is not defined anywhere. ““But Supreme Court in Ramesh Chandra Ram Pratapji Daga v. Rameshwari Ramesh Chandra Daga, held that the term” ‘passing of any decree’ means when any decree is passed under Hindu Marriage Act, section 25 is maintainable. Therefore, even in the petition of restitution of conjugal rights or of a void marriage or of a voidable marriage or of judicial separation or of divorce, in any case, the maintenance under section 25 can be claimed.

The alimony or maintenance can be claimed by either of spouse under section 25 of HMA. Even the husband can claim the maintenance under this section.

In case of Komalam Amma v. Kumari Pillai [3], the Supreme Court held that relief under section 25 of HMA includes the provision of separate residence also if the situation is such that they are not expected to live with each other. Therefore, when the court will pass the orders of maintenance under section 25 then in such case then the court may also provide the provision relating to separate residence.

“Practice to be taken into consideration for the purpose of deciding maintenance”

In case of Neeta Rakesh v. Rakesh Jain [4], The Supreme Court ruled that while determining maintenance payments under Section 25, The following considerations are obligatory for the Court to make.

The income of the applicant and the respondent

- The properties of the applicant and respondent
- Social status of the parties/background and the financial conditions of the parties

When deciding how much maintenance each party must pay, the court must take into account their respective incomes and assets. The wife is usually entitled to a sum that would allow her to continue living at the same comfortable level she did before to the divorce.

Defences against the maintenance under section 25

When the permanent maintenance is passed under section 25 it can be changed, varied or even rescinded in the following situations (as provided under sub section 3 of section 25)

- If the individual in whose favor support was ordered under this provision has since remarried;
- In the event that your wife is unchaste;
- In the event that the spouse has engaged in extramarital sexual activity.

In these cases, the court may modify, vary or rescind the maintenance at its discretion.

“Hindu Adoption and Maintenance Act, 1956 [5]”

“HAMA (the Hindu Adoption and Maintenance Act of 1956) details the responsibilities of husbands in providing financial support for their wives. Both the Special Marriage Act and the Hindu Marriage Act must have been passed for a marriage between two Hindus to be recognized under this legislation.” Therefore, whether a marriage is solemnized under HMA or SMA, the primary criterion is that both spouses be Hindu at the time of the marriage. it doesn’t matter.

Under this Act, the term maintenance is provided under section 3(b) which provides that the term maintenance includes the provisions relating to (i) food (ii) shelter (iii) clothes (iv) education (v) medical facilities.

While the Act does address spousal support in Section 18, there is no provision for maintenance pendente lite. Question arose whether in HAMA, wife can claim the maintenance pendent lite or not. In case of Neelam Malhotra v. Rajendra Malhotra [6], the Delhi High Court held that right to claim maintenance pendente lite is the inherent right of wife. Even though no provision is made relating to it in HAMA, still the husband is bound to provide it. Therefore, even in the absence of specific provision relating to maintenance pendente lite in HAMA, still wife can claim it as a right under proceedings of section 18 of HAMA.

“The provisions of maintenance of wife under the section 18 of HAMA can be divided into two parts:”

- (a) wife claiming maintenance while living with husband
- (b) Wife claiming maintenance while living separately from husband

a. wife claiming maintenance while living with husband

If the woman resides with her husband, she has the right to receive support from her husband under section 18(1) of HAMA. No matter when they tied the knot, a Hindu husband has the legal obligation to provide for his wife for the rest of her life. The husband is responsible for providing for his wife in the home. No one in the family, including her spouse, is responsible for providing for her. In order to claim maintenance under section 18(1), wife has to prove the she is Hindu and she is living with her husband. Thus, if wife ceased to be a Hindu, she cannot claim maintenance.

b. Wife claiming maintenance while living separately

Section 18(2) of HAMA provides the grounds where the wife can claim maintenance while living separately. General rule is wife who is living separately from husband cannot claim maintenance but section 18(2) provides that if she has some justified reason for separately then she can claim maintenance while living separately. Following are grounds on which a wife may live separate without forfeiting her right of maintenance

- If her spouse is guilty of desertion, which means he left her without a valid cause, without her knowledge, or against her will; if he willfully neglected her; or if he cheated on her, she may file for divorce.
- if he has treated her cruelly enough to give her cause to believe that living with him will be harmful or injurious, or if he has a virulent form of leprosy;
- whether he still has any living wives;
- if his concubine lives with him or he often visits her when his wife is at home;
- if he is no longer a Hindu since he has converted to another faith;
- If there is any other reason that might justify staying apart.

In order for a wife's withdrawal from her husband's company to be deemed reasonable, the court must find that she has "grave and weighty" grounds to do so due to the husband's behavior.

According to Section 19 of the Act, a father-in-law is responsible for supporting his bereaved daughter-in-law.

According to this clause, Having no means to live off her own parents is a prerequisite for the father-in-law to provide for his daughter-in-law. If her parents have a sizable estate, would she be able to live off of it, and if not, under what circumstances will she be unable to support herself or her parents?. The daughter-in-law's parents must be heard for this reason. If they are included as parties to the lawsuit, this is feasible. Any decision made without them will not be binding. The topic of the father-in-law's responsibility is not brought up when the daughter-in-law can support herself out of the parents' inheritance. There's also the question of whether or not the father-in-law has any coparcenary assets that he's withholding from the daughter-in-law. When the daughter-in-law remarries, the father-in-law's responsibility to her ceases as well.

Amount of maintenance

The Hindu Adoption and Maintenance Act's Section 23 details the considerations that must be considered while determining maintenance payments. The Next Steps

- The Parties' Current Standing;
- The claimant's essential needs;
- The bare necessities that each sane guy must have;
- The total market worth of all Respondent property, including tangible and intangible;
- The respondent's monthly income;
- The total number of family members that rely on the respondent for financial support;
- The closeness or distance between them

Maintenance of women under Muslim Law^[7]

According to Islamic law, a woman is guaranteed monetary support from her husband. Even in the absence of a prenuptial agreement, a Muslim husband has a religious duty to maintain his marriage to his wife. A Muslim husband has no obligation to support a woman who was married in violation of Islamic law, with the exception of circumstances in which the marriage is invalid owing to a lack of witnesses. The husband owes the wife maintenance, which is considered a debt. It is a separate and distinct right. The husband has a duty to support his wife, but only as long as she is faithful and obedient, fulfilling her own married duties.

If the wife's health, age, or a malfunctioning organ prevents the consummation, She has not breached her husband's marriage duties, thus he must continue to support her. The pre-nuptial agreement allowed the woman to request sustainable maintenance in the case of abuse as future maintenance. Any relative besides a wife cannot make a claim for maintenance arrears. Despite the fact that the wife is capable of supporting herself from her own assets, the right to maintenance still exists.

No matter her religion (Kitabiyyah or Islam), financial status (rich or poor), emotional state (loved or hated), or age (young or elderly), it is the man's responsibility to care for his wife. Whether she lives in the marital home or with her parents, the woman has no legal entitlement to spousal support from her husband since she is too young to be married.

It is the man's responsibility to support his wife after they are legally married and she has reached the age of majority, regardless of whether she needs financial assistance. If, however, she refuses to live with her spouse without good cause, she will lose her claim to maintenance. If the woman

disobeys her reasonable husband's demands, she will lose her right to maintenance. This does not apply if the wife's disobedience was warranted by the circumstances or if her departure from the family was the result of cruelty on the husband's part. Therefore, the woman might file a maintenance claim against the husband if he unlawfully refused to provide financial assistance. However, she is not entitled to retroactive support. In the absence of an agreement to the contrary, maintenance payments must begin on the decree date.

Even if the issue does not arise under Section 125 of the Code of Criminal Procedure 1973, a husband who has abandoned or mistreated his wife to the point where she cannot remain with or live with him is obligated to provide for her while she lives apart from him. The following are some examples of when a wife's right to spousal support ends

- a. She is too young for sexual activity;
- b. Don't let your spouse see you at all until absolutely necessary;
- c. lacks obedience;
- d. Never paid his home a visit;
- e. refuses to live with him without a good cause;
- f. Leaving a spouse without a good explanation
- g. abandons him;
- h. Runs away with a companion.

Following a divorce, A Muslim woman is eligible for spousal support throughout the Iddat period and after, if applicable, the time between the end of the Iddat and the day she was given notice of the Talak. The maintenance order will no longer be binding when the Iddat term has ended.

The woman may seek spousal support in the court where she resides at the time of the divorce and where she is served with divorce papers. Hiba-jewels has filed for divorce in the county where the wife resides. A widow is not entitled to support from her late husband's fortune beyond what she inherits or what is provided for in his will.

Maintenance under Muslim Personal Law

Only during the time, she is adhering to her Iddat can a divorced wife request maintenance from her ex-husband. Three menstrual cycles or, if pregnant, until childbirth are the limits of Iddat after divorce. The former husband's obligation is limited to the iddat period and nothing more.

“Maintenance of Muslim women under the Section 125 of Criminal Procedure Code”

After a Muslim husband remarries, his first wife is still legally entitled to support payments, “according to the Supreme Court's decision in Begum Subanu alias Saira Banu v. A.M. Abdool Gafoor.” If a Muslim woman's husband refuses to provide for her without good cause, she has the right to sue him in civil court for maintenance, following her country's personal law. She may also pursue her legal remedy under the Criminal Procedure Code.

The Criminal Procedure Code provides that a Muslim woman in need may seek a support order under section 125. The court might then compel the husband to pay an allowance for his wife's upkeep, which cannot be more than 500 rupees per month.

It's OK to refer to a "divorced wife" as a "wife." The law also protects a Muslim woman who has just divorced her

husband. Under Section 127(3), a divorced wife's right to maintenance is terminated and she is no longer required to pay alimony in the following cases

- When a lady who has been divorced remarries;
- In cases when a divorced woman has already received all of the money she was entitled to under personal or customary law,
- When a woman willingly gives up her right to receive alimony after getting a divorce from her spouse.

“In *Mohd. Ahmad Khan v. Shah Bano Begum* [AIR 1985 SC 945.], If a Muslim woman who has been divorced from her spouse does not remarry, the Supreme Court has previously declared that she is still deemed a wife for the purposes of Section 125 and is thus entitled to maintenance from her ex-husband. The precedent set by *Shah Bano* would have lasting effects on legal practice. The Muslim Women (Protection of Rights on Divorce) Act, 1986, was enacted to overturn this ruling.”

“Maintenance under the Muslim Women (Protection of Rights on Divorce) Act, 1986

Maintenance during the Iddat: A The ex-husband has an obligation to provide the divorced wife with fair assistance during the Iddat.”

Maintenance after the Iddat: A divorced woman may be eligible to maintenance payments from the relatives who stand to inherit her inheritance if she continues to rely on her ex-spouse for financial support after the Iddat. If she does not have any such relatives, or if they are unable to care for her, then it is the responsibility of the Waqf Board in the state in which she lives to do so.

“The Muslim Women (Protection of Rights on Divorce) Act of 1986 removed the need of complying with Sections 125-128 of the Criminal Procedure Code during the divorce process for Muslim women.”

“Several petitions challenging the constitutionality of the Act were filed with the Supreme Court. In *Danial Latifi and others v. Union of India* [(2001) 7 SCC 740], the Muslim Women's Act of 1986 was challenged via public interest litigation (PIL) under Article 32 of the Indian Constitution. The Supreme Court rejected a writ petition that questioned whether the Muslim Women's Rights Act of 1986 was constitutional.” The Court maintained the Act's constitutionality and summed up its reasoning as follows

- In the event of a divorce, a Muslim husband has a responsibility to provide reasonably and equitably for his ex-wife's future, which includes maintenance payments. The husband must provide a fair and equitable provision during the Iddat time that will continue after the Iddat period has ended.
- According to the Act, a Muslim husband's obligation to provide for his ex-wife after a divorce does not cease with the iddat term.
- If a Muslim woman who has been divorced from her husband but has not remarried and is unable to care for herself does not receive financial support from her children or parents after the iddat period, she has the right to sue them for their share of the property she will leave them when she dies. If no other family members are able to contribute financially, the magistrate may issue a maintenance order to the State Wakf Board established by the Act.

- “Since the provisions of the Act do not contradict Articles 14, 15, or 21, the Court ruled that the Act is constitutional.”

After the Iddat era ended, Muslim women who had been divorced were still protected by the courts. In *Sabra Shamim v. Maqsood Ansari* [2004] 9 SCC 616, According to a ruling by Canada's highest court, a Muslim divorcee is entitled to spousal support not only during the Iddat period but for the rest of her life.

In *A. Yousuf v. Sowramma*^[8], The court has declared that if a husband fails to provide for his wife for two years, A divorce decree in favor of the woman is within her legal rights. This holds true despite the fact that the woman likely contributed to her husband's inability to provide.

Maintenance of Women under Christian Law

A Christian wife might file a civil or criminal lawsuit against her husband to collect alimony. There is no legal restriction against interested parties pursuing criminal and civil processes simultaneously. Contrary to civil proceedings, religion of the parties has no bearing on criminal proceedings.

Christian wives who are divorced in India have access to maintenance payments because to the Indian Divorce Act of 1869. The Indian Divorce Act of 1869 governs a Christian woman's maintenance rights, and it applies only to Christians. The Act's maintenance requirements may be found in Chapter 9, Articles 36–39. The criteria for awarding maintenance are the same as in Parsi law, and the rules are same^[9].

Sections 24 of the Hindu Marriage Act and 36 of the Indian Divorce Act are almost interchangeable 1869, with the distinction that, according to Christian law, only the wife may seek interim maintenance, not the husband. Christian divorced wives need not worry if they are unable to provide for themselves during the adjustment time after their divorce since the law has a remedy in store for them.

“She may file for alimony in a civil or High Court under Section 37 of the Indian Divorce Act, 1869,” and her husband would be obligated to give her monthly payments for the rest of his life.

In accordance with section 37, The court might order payments once a week or once a month. In any such case, the court may issue a judgment ordering the husband to make periodic payments to the wife for her support in an amount determined by the court to be fair and reasonable. With the proviso that, In the event that the husband is unable to make the payments as they become due, the Court may vacate the order, modify it, “might temporarily suspend it with regard to all or any of the money ordered to be paid and thereafter restore the same order whole or partial, as the Court sees fit.”

The need of trustees is recognized by the Christian canon law. If the court determines that the wife is entitled to alimony, it may order the payments to be made to her or to a trustee designated by the court on her behalf, as provided for in Section 38 of the Indian Divorce Act, 1869. The court has the authority to impose whatever terms and limitations it sees fit, and it may replace the trustee at any time it sees fit. In *Cheriyar Varkey v. Thresia* [AIR 1955 TC 255.], The Travancore-Cochin High Court's Full Bench deliberated the husband's obligation to provide support for his wife. After careful consideration by the authorities, it was decided that,

under the personal law of the Christians in the Travancore-Cochin State, the husband would be required to provide for his wife in the event that she refused to live with him for valid reasons.

Alternatively, in the secular arena, Except for the personal law of Christians, Penal Code section 125 of 1973 is always in effect.

“Maintenance of Women under Parsi Law”

“Both the Parsi Marriage and Divorce Act and the Indian Divorce Act include maintenance requirements that are quite similar to one another. The Parsi Marriage and Divorce Act,” like its Indian equivalent, addresses alimony payments to the wife or her trustees and maintenance pendente lite under sections 38-41.

Temporary maintenance may be awarded to either spouse under Section 39 of the Act if neither is able to generate enough income to cover their own living expenses plus the costs of the litigation. One of the parties will apply to the court for interim maintenance. While deciding on an appropriate weekly or monthly amount to be paid toward the expenditures, the court will take into account both parties' incomes.

To the extent of the defendant's ability to pay, “Any court with jurisdiction under the Act, at the time of passing any decree or at any time thereafter, upon application made for that purpose by either the wife or the husband, may order the defendant to pay the plaintiff for her or his maintenance and support, such gross sum or such monthly or periodic sum, for a term not exceeding the plaintiff's life.”

Permanent maintenance orders may be changed or revoked if the court determines that one of the parties' circumstances has changed significantly after the original order was issued. The right to maintenance will terminate for the person who received the order if they remarried, failed to remain chaste if they were the wife, or engaged in sexual activity with a woman outside of marriage if they were the husband.

“If the court rules that the wife is entitled to maintenance,” it might determine whether the money should go to her, to a court-appointed guardian, or to a court-authorized trustee.

“Maintenance of women under Criminal Procedure Code”

Section 125 of Criminal Procedure Code provides a secular provision under which person belonging to any religion can claim maintenance whether the person is Muslim, Sikh, Hindu, Christian etc. Even if they have no basis for a maintenance claim under relevant local law, they may nevertheless rely on this clause. Even if a Muslim woman loses her right to alimony after the iddat period, she retains that right under Section 125 of the Family Code. Despite the fact that a woman may seek maintenance under many sections of Hindu law (including HMA and HAMA), she can still do so under section 125. Therefore, Section 125 stands on its own and is not subject to the laws of the states in which the parties reside.

The term “wife” in section 125 is denoted as wife of a valid marriage and unannulled voidable marriage. Thus wife of void marriage and the wife of annulled voidable marriage can't claim maintenance under section 25. In case of *Badshah v. Urmila Badshah* 2014 SC 869. [the Supreme Court held that if the marriage is void because it is bigamous marriage and the wife was not aware about the husband's first marriage then in such case she can claim

maintenance under section 125 notwithstanding the fact that her marriage is void.

As per explanation of section 125 the wife who is divorcee, no matter whether the divorce has been taken by husband or wife, can also claim the maintenance under this provision. But in such case she can claim maintenance only till she remains unmarried. If she marries her right to maintenance repudiates.

Circumstances under which wife can claim maintenance from husband

In order to claim maintenance under section 125 the wife has to prove following points

- “She is unable to maintain herself;
- The husband is having sufficient means to maintain her;”
- The husband neglects or refuses to maintain her.

If these points are proved then wife is entitled to claim maintenance. The maintenance that has to be given must be according to the standard and status, which she enjoyed at her matrimonial home.

Territorial Jurisdiction

According to section 126, “the application for maintenance under section 125 can be filled in the following districts:”

- Where the husband is residing;
- Where husband usually resides;
- Where the husband and wife last resided together;
- Where wife resides.

In this regard, application has to be made to the Judicial Magistrate First Class. For the application of section 125, the JMFC has the subject matter jurisdiction to decide the matter i.e., the question of maintenance.

Orders of the court

After passing the orders of the maintenance the husband become bound to pay maintenance to wife. If husband does not pay maintenance so ordered then in such case within one year from the day when it becomes payable, the wife can make an application for breach of such orders. On such application, the court may issue the warrants for levy of fine as provided under section 421 of CrPC. Section 125(3) further provides that the court can also imprison the person for one month.

“Maintenance of Women under Domestic Violence Act, 2005”

The victim is entitled to monetary compensation under Section 20 of the Domestic Violence Act. An additional or alternative order of support for the victim and her minor children according to subparagraph (d) of section 125 of the Criminal Procedure Code, an order of maintenance under clause (d) of section 20 may be issued. The Magistrate may make an order forcing the defendant to give reparation to the aggrieved party under Section 20 of the Code of Civil Procedure, as well as to pay for the harmed party's and her children's maintenance, in accordance with Section 125 of the Criminal Procedure Code of 1973 or any other legislation now in force, including a wage commensurate with the affected party's usual level of life. However, the Bombay High Court ruled in *Koushik Gharami v. Sangeeta Gharami* (Criminal Writ Petition No. 32 of 2014) that

section 20 of the Act does not permit the granting of monetary relief unless the domestic violence allegations in the Complaint are proven.

The Courts have explicitly outlined the distinction between the requirements of Section 125 of the CrPC and the provisions of the Domestic Violence Act regarding maintenance. Domestic violence and the provisions under Section 125 CrPC have different goals and objectives. While the Domestic Violence Act was passed by the Parliament to stop domestic violence against women who share a home. Vagrancy is discouraged by Section 125 of the Criminal Procedure Code in cases when a wife has been deserted and is not receiving any financial assistance.

Even after a divorce, a wife has the legal right to file a support claim under civil law and under Section 125 of the Criminal Procedure Code, but she cannot be subjected to domestic violence because she is no longer living with her husband or family and has the freedom to live wherever she chooses. She is entitled to maintenance claims and other legal remedies. According to the law, she has a right to request custody of the children, but denying her this right does not constitute domestic abuse. This is not how domestic violence is viewed.

It's intriguing to see how the Prevention of Domestic Violence Act has led to the development of a new method for giving maintenance. In the case of *D. Velusamy v. D. Patchaiammal* ^[10], the Supreme Court determined that a woman who was in a relationship comparable to marriage (a live-in relationship), even if she was not lawfully wedded under section 125, could nonetheless seek maintenance under the Protection Against Domestic Violence Act.

“Maintenance of women under the Prohibition of Child Marriage Act, 2006”

When the District Court annuls the child marriage, It may order the male party to the contract to provide financial assistance for the female party either temporarily or permanently. If one of the contractual parties is a minor, the other's support payments will be made by the male's parents or guardians. The female contractual party is entitled to support up until her subsequent marriage.

Maintenance payments can be made on a regular basis or all at once. The amount of maintenance will be decided after taking into account the child's needs, her way of life, and the paying party's financial resources. The district court has the authority to make a suitable order in regards to the female contracting party's place of residence. An suitable custody order for the children of such a child marriage should be issued by the district court, with consideration given to the children's welfare and best interests. Maintenance and visitation orders will also be issued by the court if necessary. Regardless of whether the court has declared the marriage to be invalid, all children born or conceived from it will be considered to be legitimate offspring. In the event of a change in circumstances, the court may alter, modify, or cancel any order imposed under Sections 3, 4, and 5 (i.e., regarding maintenance and residency).

Applications may be filed with the district court with jurisdiction over

- the defendant's or child's residence,
- the location of the marriage ceremony,
- the parties' most recent place of abode, or
- where the petitioner resides at the time the petition is filed to seek spousal support or child support for a

spouse or child of the marriage is relevant to issues of child custody.

Conclusion

The rules of maintenance that are outlined in the numerous personal laws and the secular law of CrPC are not always the same. Sophisticated secular law, like as the Protection of Women from Domestic Violence Act of 2005's Section 125 CrPC, has made it possible to fulfill the right of maintenance to the needy husband. The various personal laws have their own relevance. Each personal law tries to protect the women from the unfair treatment of her husband and society. The effective implementation of these provisions of the maintenance under the various personal laws is very important for empowering the women even if she is separated from her husband.

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