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ALIMONY REFORM IN THE ERA OF GENDER NEUTRALITY AND FINANCIAL EQUITY

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ABSTRACT

The institution of alimony in India has historically evolved as a gender-protective mechanism premised on the economic dependency of wives within a patriarchal marital framework. However, rapid socio-economic transformation, increasing female workforce participation, and constitutional commitments to substantive equality have prompted a reconsideration of traditional maintenance jurisprudence. This paper examines the need for alimony reform in the era of gender neutrality and financial equity, analysing whether contemporary judicial trends adequately reflect changing marital dynamics. While provisions such as Sections 24 and 25 of the Hindu Marriage Act adopt gender-neutral language by permitting "either spouse" to claim maintenance, other statutory frameworks, including Section 144 of the Bharatiya Nagarik Suraksha Sanhita, remain textually wife-centric. Judicial pronouncements, particularly Rajnesh v. Neha[3], have introduced structured financial disclosure and emphasised income disparity, lifestyle parity, and economic vulnerability rather than gender stereotypes. Despite this progressive shift, significant inconsistencies persist due to broad judicial discretion, absence of uniform calculation guidelines, and the continuing tension between protective discrimination under Article 15(3) and equality principles under Article 14 of the Constitution.

This paper argues that meaningful alimony reform must move beyond formal neutrality toward a principled, income-based framework grounded in financial equity, transparency, and uniform standards. By critically analysing statutory provisions, judicial reasoning, and comparative models, the study seeks to evaluate whether Indian alimony law is transitioning from a gender- presumptive welfare model to an equitable redistributive mechanism. It concludes by proposing doctrinal and legislative reforms to ensure fairness, predictability, and constitutional coherence in maintenance adjudication.

KEYWORDS – *Alimony Reform, Gender Neutrality, Financial Equity, Maintenance Law (India), Constitutional Equality, Judicial Discretion, Income-Based Maintenance, Protective Discrimination, Financial Transparency, Family Law Reform*

INTRODUCTION

Marriage is not only a social institution but also an economic partnership where both spouses contribute in different ways, either financially or through unpaid domestic work. When a marriage ends, financial imbalance often becomes a major concern, especially for the spouse who is economically weaker. Historically, alimony was designed to protect women because they had limited access to education, employment, and property ownership. However, modern society has witnessed significant changes, including increased female workforce participation, better educational opportunities, and growing awareness of gender equality. These changes have created a need to reconsider traditional alimony principles so they reflect present-day realities. Reforming alimony laws with a focus on gender neutrality and financial equity can ensure fair treatment for all individuals regardless of gender.

Alimony, also known as spousal maintenance, refers to financial support provided by one spouse to another after separation or divorce. Traditionally, alimony laws were based on the assumption that women were financially dependent on men. However, social, economic, and legal changes have led to growing discussions about making alimony laws gender-neutral and financially equitable.

Understanding Alimony and Its Purpose

Alimony serves as financial support intended to reduce economic hardship after divorce. It aims to help the dependent spouse maintain a reasonable standard of living and transition towards financial independence. Courts generally consider several factors when deciding alimony, including income levels, duration of marriage, health conditions, childcare responsibilities, and contributions made during the marriage. Importantly, contributions are not always monetary, homemaking, caregiving, and emotional support are increasingly recognized as valuable contributions. Therefore, alimony is not simply compensation but a mechanism to ensure fairness after the dissolution of a shared life.

Conceptual Foundation of Alimony

The concept of alimony (maintenance) is based on the idea that marriage is not only an emotional or social bond but also a financial partnership. During marriage, both spouses usually contribute in different ways. One partner may earn income, while the other may take care of the home, children, or family responsibilities. Even though unpaid household work does not bring direct income, it plays an important role in supporting family life. When a marriage ends through divorce or separation, one spouse may face financial difficulty, especially if they were financially dependent or had fewer job opportunities.

[3] *Rajnesh v. Neha (2020).*

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Alimony is meant to provide financial support so that the economically weaker spouse can maintain a basic and dignified standard of living after separation.

Historically, alimony was mostly provided to women because they often had limited access to education, employment, and property rights. Laws were framed on the assumption that men were primary earners and women were financially dependent. However, social conditions have changed significantly. Today, many women are educated, employed, and financially independent, while some men may also depend on their spouses. Because of these changes, modern legal thinking increasingly supports gender neutrality, meaning either spouse can claim maintenance if financial need exists. The focus has shifted from gender assumptions to fairness and actual financial circumstances.[4]

Another important principle in alimony is financial equity. This means decisions should be fair rather than strictly equal. Courts usually consider income, health, age, childcare responsibilities, lifestyle during marriage, and future earning potential. Non-financial contributions such as homemaking and caregiving are also increasingly recognized as valuable. The goal is not to punish one spouse but to prevent financial hardship and ensure a balanced outcome after divorce.[5]

In countries like India, courts including the Supreme Court of India have emphasized that maintenance should be based on financial need, dignity, and fairness rather than traditional gender roles. Judicial decisions have also stressed that maintenance is a legal right aimed at social justice, not charity. Overall, the conceptual foundation of alimony rests on shared responsibility, fairness, and the recognition that marriage involves both emotional and economic cooperation. Modern reforms aim to ensure equality, protect financially weaker spouses, and reflect changing social realities.[6]

Constitutional Framework: Equality and Gender Neutrality

The idea of equality in alimony laws comes from the principles of the Constitution of India, which guarantees fairness and equal treatment for all citizens. Article 14 ensures equality before the law, meaning laws related to maintenance or alimony should treat individuals fairly without discrimination. This supports the idea that financial support after divorce should depend on actual need rather than gender assumptions, especially in a diverse society like India.

Article 15(1) prohibits discrimination based on sex, while Article 15(3) allows special provisions for women to protect them from social and economic disadvantages. This creates a balance between gender neutrality and protective discrimination. Earlier, many alimony laws favoured women due to historical inequality, but modern discussions focus on fairness for both spouses. Courts today increasingly follow the idea of substantive equality, which means real fairness based on circumstances rather than simple equal treatment. Judges often consider financial status, responsibilities, and contributions of both spouses instead of relying only on gender roles.

Some legal scholars debate whether gender-specific alimony laws conflict with constitutional morality, which emphasizes dignity, equality, and justice. The current trend is toward gender- neutral alimony policies that ensure financial fairness while still protecting vulnerable spouses.

Statutory Framework Governing Alimony in India

In India, alimony or maintenance is governed by various personal and secular laws rather than a single uniform legislation. The Hindu Marriage Act, 1955 permits either spouse to seek financial assistance during legal proceedings and to request permanent alimony after divorce if they cannot support themselves.[7] Likewise, Section 125 of the Criminal Procedure Code, 1973(now section 144 of BNSS) offers a quick secular remedy for wives, children, and parents who lack sufficient financial means, with the aim of preventing poverty and social hardship.[8] Another important statute is the Protection of Women from Domestic Violence Act, 2005, which allows women facing domestic violence to obtain monetary relief, including maintenance for basic needs.[9]

Furthermore, the Special Marriage Act, 1954 regulates civil and interfaith marriages and includes provisions for maintenance after separation. Although many of these laws are written in gender-neutral language, their actual implementation often still reflects traditional ideas about women's financial dependence. Judicial interpretation has played a major role in shaping how these laws function. In Shamima Farooqui v. Shahid Khan, the court stressed that maintenance should ensure a dignified life rather than mere survival.[10]

[4] *Hindu Marriage Act, 1955 – Sections 24 & 25 deal with interim and permanent alimony.*
[5] *Mohd. Ahmed Khan v. Shah Bano Begum (1985) – Recognized maintenance as a matter of social justice.*
[6] *Rajnesh v. Neha (2020) – Supreme Court guidelines on fair maintenance assessment.*
[7] *Hindu Marriage Act, 1955 – Sections 24 and 25 (interim and permanent alimony).*
[8] *Criminal Procedure Code, 1973 – Section 125 (maintenance for dependents).*
[9] *Protection of Women from Domestic Violence Act, 2005 – Monetary relief provisions.*
[10] *Shamima Farooqui v. Shahid Khan (2015) – Maintenance must ensure dignified living.*

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In Rajnesh v. Neha, guidelines were laid down to improve financial disclosure and ensure fair maintenance assessment.[11] Similarly, in Bhuwan Mohan Singh v. Meena, the court highlighted the need for speedy disposal of maintenance cases to prevent prolonged financial hardship.[12] Through such rulings, the Supreme Court of India has encouraged fairness, transparency, and a more balanced approach to spousal support. Overall, India's alimony framework combines traditional protective measures with modern trends toward gender neutrality and financial fairness.

Judicial Trends Toward Gender Neutral Maintenance

Traditionally, maintenance law was based on assumption that husband is breadwinner. Slowly, there is shift from gender based presumption to financial capacity. The landmark case of Rajesh v Neha[13] emphasis on financial realism rather gender stereotype.

In the case of Chand Rathore v Prakash Singh Rathore[14] court reform that there is gender neutral provisions of maintenance and either husband or wife can seek maintenance from their spouse. In Rani Sethi v Sunil Sethi[15] the court recognised husband right to claim maintenance when wife is financially strong capable of maintenance herself. In case of Manish Jain v Akansha Jain 2017,[16] court confirm that maintenance cannot be granted to spouse capable of maintenance herself. In another case Chaturbhuj v Sitabhai[17] court granted maintenance to wife as her income insufficient to meet her needs.

Judges give attention to education qualification, professional skills, previous employment history and check weather unemployment is voluntary. Maintenance jurisprudence is inherently discretionary and based on principal of equity and justice, which make uniformity difficult without statutory formula.

Financial Equity vs Gender Bias Debate

The discussion surrounding financial equity versus gender bias in alimony centers on whether maintenance should be based solely on income or if other factors should be taken into account. Some argue that the higher-earning spouse should provide financial support to the lower- earning partner, making alimony strictly income-based. However, relying only on income does not always capture the full extent of contributions made during the marriage. Numerous spouses, particularly homemakers, support the family economically through unpaid work such as childcare and managing the household, even though these contributions do not generate direct income.

Modern courts have recognized that husbands can pursue spousal support if they are financially dependent on their wives, reflecting a shift towards gender neutrality. In marriages where both individuals have an income, concerns about maintaining a reasonable quality of life after divorce arise, especially with significant income differences. As a result, the ongoing discussion focuses on fairness, shared responsibilities, and true financial need instead of traditional gender roles.

Alimony and Social Change

Live in Relationship

Indian courts have acknowledged that women involved in live-in relationships can seek maintenance under the Protection of Women from Domestic Violence Act, 2005, as well as Section 125 of the Code of Criminal Procedure, 1973, provided their relationship resembles that of a marriage. The determination of maintenance is contingent on the specifics of each case and whether the relationship exhibits characteristics of a marital partnership.[18]

In the case of D. Velusamy vs. D. Patchaiammal,[19] the Supreme Court of India clarified under what circumstances a live-in relationship can be regarded as akin to marriage for the purpose of maintenance claims. The Court indicated that partners must publicly represent themselves as husband and wife, both be of the legal age to marry, be unmarried and legally eligible to marry, and cohabit voluntarily in a common household. Relationships that are casual or short- term do not meet these criteria.

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[11] *Rajnesh v. Neha (2020) – Guidelines on maintenance determination and disclosure.*
[12] *Bhuwan Mohan Singh v. Meena (2014) – Emphasis on timely maintenance decisions.*
[13] *Rajnesh v. Neha & Anr., (2021) 2 SCC 324.*
[14] *Family Court Appeal No. 4 of 2022.*
[15] *Rani Sethi v. Sunil Sethi, 2011 SCC OnLine Del 4680.*
[16] *Manish Jain v. Akanksha Jain, (2017) 15 SCC 801.*
[17] *Chaturbhuj v. Sita Bai, (2008) 2 SCC 316.*
[18] *https://www.drishtijudiciary.com/editorial/legal-status-of-live-in-relationships*
[19] *Shraddha Suman, "Live in Relationship in India: A Socio-Legal Study." The Advocates League, 2023.*

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Additionally, Section 388 of the Uttarakhand Uniform Civil Code Act, 2024 states that if a woman is abandoned by her live-in partner, she may seek maintenance from the court in the jurisdiction where they last resided together.

LGBTQ Right to Maintenance

Section 125 of the Code of Criminal Procedure grants the right to maintenance primarily to a legally wedded wife, ensuring she receives financial support following a separation. However, currently in India, same-sex marriages are not legally acknowledged. As a result, LGBTQ partners often cannot seek maintenance or alimony when their relationship ends, even if they have cohabited for an extended period. This results in a legal void where such partners might experience financial instability after separation. Numerous legal experts advocate for reforms to make maintenance laws more inclusive and to offer equal protection to all partners, irrespective of their gender or sexual orientation.[20]

Challenges in Implementation

There are several practical problems in applying alimony laws. One major issue is concealment of income, where a spouse hides real earnings or assets to reduce the amount of maintenance. Enforcement can also be difficult if the paying spouse refuses to comply with court orders. Delays in court proceedings often cause financial hardship to the dependent spouse, as maintenance cases may take years to resolve. Another challenge is the existence of multiple laws providing similar remedies, which can create confusion and overlapping claims.

Reform Proposals

To improve fairness and clarity, experts suggest creating a uniform and gender-neutral spousal support law. A clear statutory formula for calculating maintenance could reduce inconsistency in court decisions. Making financial disclosure mandatory would increase transparency and prevent hiding of income. Time-limited rehabilitative alimony could help the dependent spouse become financially independent instead of relying on long-term support. Encouraging mediation-based settlements may also reduce conflict, save time, and promote mutually agreeable solutions.

Future of Alimony in India

The future of alimony in India is gradually moving beyond the traditional idea that only a wife needs maintenance. The focus is shifting toward the broader concept of spousal economic justice, where financial support after divorce depends on actual financial need and fairness rather than gender. Marriage is increasingly viewed as a partnership in which both spouses contribute, either by earning income or by managing household and family responsibilities.

Alimony laws are also expected to reflect the principles of equality and dignity laid down in the Constitution of India. The emphasis in the coming years is likely to be on gender-neutral rules, financial transparency, and fair assessment of income and responsibilities. This approach aims to ensure balanced and just outcomes that match changing social and economic realities.

CONCLUSION

In conclusion, the future of alimony in India is likely to focus more on fairness than on traditional gender roles. Instead of assuming that only women need financial support, courts are increasingly looking at the real financial situation of both spouses. Marriage is now seen as a partnership where both partners contribute in different ways, and these contributions should be respected even after divorce.

Alimony laws are expected to follow the values of equality and dignity given in the Constitution of India. In the future, decisions will likely depend on financial need, transparency, and shared responsibility. This shift can help create a more balanced and just system of spousal support in modern society.

REFERENCES

1. *Code of Criminal Procedure, 1973*
2. *Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) Protection of Women from Domestic Violence Act, 2005 Uttarakhand Uniform Civil Code Act, 2024*
3. *Pallavi Tayal Chadda, Shaping Quantum: The Hon'ble Supreme Court of India on Maintenance and Alimony, KNM & Partners (January 27, 2026) https://knm.in/blog/shaping-quantum-the-honble- supreme-court-of-india-on-maintenance-and-alimony/accessed February 16, 2026*
4. *Ishitha G Urs and Thoti K K, "Criteria for Alimony Payment in India" (2025) 6(1) Journal of International Commercial Law and Technology 235–243.*
5. *Sharika Rai and Santhosh Prabhu, "Beyond Dependency: Rethinking Alimony for New-Age Indian Marriages" (2025) 5(2) International Journal of Law, Justice and Jurisprudence 354–361*

[20] *https://bisanilegal.com/right-of-lgbtq-couples-in-matrimonial-laws-in..*