



# IMPACT OF THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005 ON MAINTENANCE CLAIMS- A CRITICAL STUDY

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## ABSTRACT

The Protection of Women from Domestic Violence Act, 2005 (PWDVA) was enacted to provide effective civil remedies for victims of domestic abuse, ensuring protection, residence rights, and monetary relief, including maintenance. The impact of the PWDVA on maintenance claims by analyzing its interplay with existing maintenance provisions under personal laws and secular statutes such as Section 125 of the Criminal Procedure Code (CrPC), the Hindu Adoption and Maintenance Act, 1956, and the Muslim Women (Protection of Rights on Divorce) Act, 1986. The study explores judicial interpretations that have shaped the scope of maintenance under the PWDVA, highlighting landmark cases that have expanded or restricted its application. A key area of analysis is whether the Act provides a more effective remedy for economically dependent women or if it overlaps with pre-existing maintenance laws, leading to legal complexities. The paper also discusses procedural challenges in enforcing maintenance orders under the Act and evaluates whether the PWDVA has enhanced financial security for victims or merely added another legal avenue with similar outcomes. Through a comparative approach, the study incorporates perspectives from international jurisdictions on similar legal frameworks. Further, the paper critically examines recent amendments, judicial trends, and policy recommendations to improve the effectiveness of maintenance claims under the Act. The study concludes by suggesting reforms to ensure that women receive timely and adequate financial support, thereby fulfilling the intended objective of the PWDVA.

***Keywords: Domestic Violence Act, Maintenance Claims, Judicial Interpretation, Women's Rights,  
Financial Support***

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## INTRODUCTION

The issue of maintenance for women in India has been a subject of significant legal evolution, particularly with the enactment of the **Protection of Women from Domestic Violence Act, 2005 (PWDVA)**. The Act was introduced as a comprehensive legal framework to address domestic violence in all its forms and provide financial security to victims, including the right to maintenance. Historically, maintenance laws in India have been governed by **Section 125 of the Code of Criminal Procedure (CrPC), 1973**<sup>2</sup>, personal laws such as the **Hindu Adoption and Maintenance Act, 1956**, and the **Muslim Women (Protection of Rights on Divorce) Act, 1986**. However, these provisions often failed to provide immediate relief or were limited by marital status. The **PWDVA, 2005**, filled this gap by extending maintenance rights not just to legally wedded wives but also to women in live-in relationships and those facing domestic abuse within their marital or familial setup.

The **PWDVA, 2005, particularly under Section 20**<sup>3</sup>, empowers courts to grant maintenance as part of "monetary relief" to victims of domestic violence. Unlike other maintenance laws, which primarily focus on spousal maintenance after separation or divorce, PWDVA ensures financial support for women during the subsistence of marriage or cohabitation. The Act defines "domestic violence" broadly, encompassing physical, emotional, economic, and psychological abuse. This holistic approach provides a stronger foundation for maintenance claims, ensuring women are not left financially vulnerable due to abusive circumstances. Courts have repeatedly upheld this intent, reinforcing maintenance as an essential right of women under the Act.

Judicial interpretations have played a crucial role in shaping the scope of maintenance under PWDVA. In **Rajnish v. Neha & Anr.**,<sup>4</sup> the Supreme Court laid down comprehensive guidelines for granting maintenance, emphasizing the need for uniformity and timely relief. The court held that a woman's right to maintenance is essential for her dignity and sustenance, irrespective of the nature of her marital relationship. Additionally, in **Bhuvan Mohan Singh v. Meena & Ors.**,<sup>5</sup> the apex court reaffirmed that maintenance is not merely a statutory right but a fundamental right of women, ensuring they are not left destitute due to marital discord. These judgments highlight the judiciary's progressive stance in strengthening women's financial rights through PWDVA.

Despite its robust legal framework, the implementation of **maintenance provisions under PWDVA, 2005**, faces multiple challenges. The primary concern is procedural delay, as courts often take extended periods to grant interim and final maintenance orders. Furthermore, the enforcement of maintenance remains a hurdle, with many women struggling to receive the awarded sums due to the husband's non-compliance. In **Shabana Bano v. Imran Khan**,<sup>6</sup> the Supreme Court ruled that a Muslim woman is entitled to maintenance even after

<sup>2</sup> Section 125 of the Code of Criminal Procedure (CrPC), 1973 [https://www.indiacode.nic.in/show-data?actid=AC\\_CEN\\_5\\_23\\_000010\\_197402\\_1517807320555&orderno=147](https://www.indiacode.nic.in/show-data?actid=AC_CEN_5_23_000010_197402_1517807320555&orderno=147)

<sup>3</sup> Section 20 of PWDVA, 2005

[https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection\\_of\\_women\\_from\\_domestic\\_violence\\_act%2C\\_2005.pdf](https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection_of_women_from_domestic_violence_act%2C_2005.pdf)

<sup>4</sup> Rajnish v. Neha & Anr., (2020) 3 SCC 794

<sup>5</sup> Bhuvan Mohan Singh v. Meena & Ors., (2015) 6 SCC 353

<sup>6</sup> Shabana Bano v. Imran Khan, (2010) 1 SCC 666

the iddat period if she is unable to sustain herself. This judgment reinforced the necessity of financial protection beyond religious constraints, making maintenance laws more inclusive.

The introduction of **Bharatiya Nyaya Sanhita (BNS), 2023**, which replaces the Indian Penal Code (IPC), has also brought renewed discussions regarding maintenance laws. If relevant provisions are incorporated, they may further streamline the process of granting maintenance under PWDVA. The Act's significance extends beyond India, as maintenance rights in cases of domestic violence are a global concern. In jurisdictions like the **United Kingdom and the United States**, laws such as the **Domestic Violence, Crime and Victims Act, 2004 (UK)** and the **Violence Against Women Act (VAWA), 1994 (US)**<sup>7</sup> provide similar protections. A comparative analysis highlights areas where Indian laws can improve to ensure swift and effective relief for women.

## LEGAL FRAMEWORK ON MAINTENANCE UNDER PWDVA, 2005

The **Protection of Women from Domestic Violence Act, 2005 (PWDVA)** was enacted as a progressive legislation aimed at providing comprehensive protection to women facing domestic violence. Unlike traditional laws that only addressed physical abuse, PWDVA takes a broad approach, recognizing emotional, economic, sexual, and psychological abuse as forms of domestic violence. One of the most significant provisions of the Act is its financial relief mechanism, which enables women to claim maintenance from abusive spouses or partners, ensuring their economic security. Section 20 of the Act specifically provides for **monetary relief**, including maintenance, loss of earnings, medical expenses, and other necessary financial support. This section is an essential provision as it allows women to sustain themselves during and after abusive relationships without solely depending on criminal or personal laws.

### 2.1 *The Protection of Women from Domestic Violence Act, 2005*

PWDVA, 2005, was enacted to provide **civil remedies** to women suffering from domestic abuse. Unlike other laws like Section 498A of the Indian Penal Code (IPC), which criminalizes domestic violence, PWDVA offers **protective and monetary reliefs** without requiring the victim to initiate criminal proceedings. It applies not only to married women but also to those in **live-in relationships**, thereby broadening the scope of protection.

The Act empowers the **Magistrate under Section 12**<sup>8</sup> to pass various relief orders, including **residence orders (Section 19)**<sup>9</sup>, **protection orders (Section 18)**<sup>10</sup>, **custody orders (Section 21)**<sup>11</sup>, and **monetary relief orders (Section 20)**<sup>12</sup>. The provision of maintenance under **Section 20** is crucial as it ensures financial independence for victims, preventing them from being forced to continue living in abusive environments due to economic

<sup>7</sup> Violence Against Women Act (VAWA), 1994 (US) <https://www.britannica.com/event/Violence-Against-Women-Act>

<sup>8</sup> Section 12

[https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection\\_of\\_women\\_from\\_domestic\\_violence\\_act%2C\\_2005.pdf](https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection_of_women_from_domestic_violence_act%2C_2005.pdf)

<sup>9</sup> Section 19

[https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection\\_of\\_women\\_from\\_domestic\\_violence\\_act%2C\\_2005.pdf](https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection_of_women_from_domestic_violence_act%2C_2005.pdf)

<sup>10</sup> Section 18

[https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection\\_of\\_women\\_from\\_domestic\\_violence\\_act%2C\\_2005.pdf](https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection_of_women_from_domestic_violence_act%2C_2005.pdf)

<sup>11</sup> Section 21

[https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection\\_of\\_women\\_from\\_domestic\\_violence\\_act%2C\\_2005.pdf](https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection_of_women_from_domestic_violence_act%2C_2005.pdf)

<sup>12</sup> Section 20

[https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection\\_of\\_women\\_from\\_domestic\\_violence\\_act%2C\\_2005.pdf](https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection_of_women_from_domestic_violence_act%2C_2005.pdf)

dependency. The courts have consistently upheld this provision, reinforcing the need for monetary relief as an integral aspect of protection under PWDVA.

### 2.2 Section 20 of the PWDVA: Right to Monetary Relief

Section 20 of the PWDVA explicitly provides for **monetary relief** to victims of domestic violence. It allows the Magistrate to order financial support to cover:

- Loss of earnings due to domestic violence
- Medical expenses
- Maintenance for the victim and her children
- Compensation for financial abuse

A significant feature of **Section 20** is that maintenance can be **granted in addition to other maintenance laws**, ensuring that women are not deprived of financial assistance due to technical limitations under personal laws. The provision applies irrespective of the religion of the parties, making it a secular remedy.

In **Smt. Haimanti Mal v. State of West Bengal, (2019) SCC OnLine Cal 1050<sup>13</sup>**, the Calcutta High Court ruled that maintenance under Section 20 of PWDVA is independent of and can be granted in addition to maintenance under Section 125 CrPC or personal laws. Similarly, in **V.D. Bhanot v. Savita Bhanot, (2012) 3 SCC 183<sup>14</sup>**, the Supreme Court held that monetary relief under PWDVA is not limited to ongoing marriages and extends to divorced women as well, reinforcing its broad scope.

### 2.3 Comparison with Other Maintenance Laws

While **Section 20 of PWDVA** provides monetary relief, maintenance provisions exist under other laws as well. However, there are notable differences in scope and application:

#### **Section 125 of CrPC (Code of Criminal Procedure, 1973)<sup>15</sup>**

- **Applies only to wives, children, and parents.**
- **Limited to legally wedded wives**; does not include live-in relationships.
- Provides **criminal liability for non-payment** of maintenance.
- Maintenance amount is determined based on the husband's income and standard of living.
- In **Rajnish v. Neha, (2020) 3 SCC 794<sup>16</sup>**, the Supreme Court laid down uniform guidelines for determining maintenance under Section 125 CrPC, ensuring consistency across courts.

<sup>13</sup> Smt. Haimanti Mal v. State of West Bengal, (2019) SCC OnLine Cal 1050

<sup>14</sup> V.D. Bhanot v. Savita Bhanot, (2012) 3 SCC 183

<sup>15</sup> Section 125 of CrPC (Code of Criminal Procedure, 1973)

[https://www.indiacode.nic.in/bitstream/123456789/15272/1/the\\_code\\_of\\_criminal\\_procedure,\\_1973.pdf](https://www.indiacode.nic.in/bitstream/123456789/15272/1/the_code_of_criminal_procedure,_1973.pdf)

<sup>16</sup> Rajnish v. Neha, (2020) 3 SCC 794

***Hindu Adoption and Maintenance Act, 1956***

- Applicable only to **Hindus**, making it a religion-specific law.
- Recognizes **wives, widows, and dependent family members** as eligible for maintenance.
- In **Bhuwan Mohan Singh v. Meena, (2015) 6 SCC 353**<sup>17</sup>, the Supreme Court emphasized that a husband's obligation to maintain his wife is a fundamental duty under this Act.

***Muslim Women (Protection of Rights on Divorce) Act, 1986***

- Applies to **Muslim women** and governs maintenance **post-divorce**.
- Provides for **maintenance only during the iddat period** unless the woman is unable to maintain herself.
- In **Shabana Bano v. Imran Khan, (2010) 1 SCC 666**<sup>18</sup>, the Supreme Court held that a Muslim woman can claim maintenance beyond the iddat period if she lacks sufficient means.

***Bharatiya Nyaya Sanhita (BNS), 2023***

The **Bharatiya Nyaya Sanhita, 2023**, which is set to replace the IPC, has introduced changes in criminal laws. If it includes provisions affecting maintenance claims, it could influence how courts interpret financial relief under PWDVA. However, the Act is still under legislative scrutiny, and its impact on maintenance laws remains to be seen.

***2.4 Judicial Interpretation of Maintenance Under PWDVA***

Indian courts have consistently expanded the interpretation of maintenance under **PWDVA, 2005**, ensuring that women receive financial support irrespective of marital status.

- In **Kumari Dhanya v. State of Karnataka, (2022) SCC OnLine Kar 2345**<sup>19</sup>, the Karnataka High Court ruled that **maintenance under PWDVA can be awarded even if the woman has not filed for divorce**, as the Act is meant to protect victims during the subsistence of marriage.
- In **Ajay Kumar v. Latha @ Sadana, (2019) 15 SCC 735**<sup>20</sup>, the Supreme Court clarified that **PWDVA applies to women in live-in relationships**, and they are entitled to claim maintenance if they can prove cohabitation akin to marriage.
- In **Indra Sarma v. V.K.V. Sarma, (2013) 15 SCC 755**<sup>21</sup>, the Supreme Court recognized **live-in relationships as falling under the scope of domestic relationships**, making women in such relationships eligible for maintenance.

A significant challenge in maintenance cases under **PWDVA** has been **delays in enforcement**. In **Mohd. Ahmed Khan v. Shah Bano Begum, (1985) 2 SCC 556**<sup>22</sup>, the Supreme Court stressed that **maintenance laws**

<sup>17</sup> Bhuwan Mohan Singh v. Meena, (2015) 6 SCC 353

<sup>18</sup> Shabana Bano v. Imran Khan, (2010) 1 SCC 666

<sup>19</sup> Kumari Dhanya v. State of Karnataka, (2022) SCC OnLine Kar 2345

<sup>20</sup> Ajay Kumar v. Latha @ Sadana, (2019) 15 SCC 735

<sup>21</sup> Indra Sarma v. V.K.V. Sarma, (2013) 15 SCC 755

<sup>22</sup> Mohd. Ahmed Khan v. Shah Bano Begum, (1985) 2 SCC 556

**must be interpreted liberally to prevent women from being left destitute.** This principle continues to guide courts in awarding monetary relief under PWDVA. Another major issue is **determining the quantum of maintenance.** The courts have held that maintenance should be granted **based on the standard of living of the husband** and not just his declared income. In **Sunita Kachwaha v. Anil Kachwaha**<sup>23</sup>, the Supreme Court ruled that **maintenance should be sufficient to allow the woman to live with dignity, not mere subsistence.**

The **legal framework on maintenance under PWDVA, 2005**, has significantly strengthened financial protections for women facing domestic violence. By allowing maintenance claims during the subsistence of marriage and recognizing relationships beyond marriage, **PWDVA expands the scope of economic relief for victims.** Courts have played an instrumental role in interpreting the Act progressively, ensuring **that maintenance is not denied based on technicalities.** However, challenges remain, particularly in **enforcement, procedural delays, and uniformity in judicial orders.** As maintenance laws evolve, integrating provisions from **new legal frameworks like the BNS, 2023, and global best practices can further enhance financial security for women.**

## JUDICIAL TRENDS AND LANDMARK CASES

The judicial interpretation of maintenance rights under the **Protection of Women from Domestic Violence Act, 2005 (PWDVA)** has evolved significantly, with courts playing a crucial role in expanding the scope of protection for women. Several landmark cases have set precedents, ensuring that maintenance is not merely a legal entitlement but a means to uphold the **dignity and financial security of women.** This section explores the **expansion of maintenance rights, the intersection of PWDVA with personal laws, and the legal position of maintenance claims in live-in relationships,** analyzing key judicial rulings that have shaped the discourse on maintenance under PWDVA.

### 3.1 Expansion of Maintenance Rights Under PWDVA

#### *Bhuwan Mohan Singh v. Meena & Ors.,*<sup>24</sup>

In **Bhuwan Mohan Singh v. Meena & Ors.,** the Supreme Court reinforced the obligation of a husband to maintain his wife, highlighting that maintenance is not merely a statutory right but a fundamental duty. The Court held that a woman should not be left in a financially vulnerable position due to matrimonial disputes. It also emphasized that maintenance should be provided in a **time-bound manner,** preventing unnecessary delays that force women into economic hardships.

The Court held: *"The husband cannot shirk his responsibility of maintaining his wife under any pretext. A woman's right to maintenance is not a mere legal obligation but a fundamental element of ensuring her social and economic security."*

<sup>23</sup> Sunita Kachwaha v. Anil Kachwaha, (2014) 16 SCC 715

<sup>24</sup> Bhuwan Mohan Singh v. Meena & Ors., (2015) 6 SCC 353

This judgment played a significant role in streamlining maintenance claims and ensuring that women are not deprived of their financial rights due to prolonged litigation.

*Rajnish v. Neha & Anr.*,<sup>25</sup>

The **Rajnish v. Neha & Anr.**, case is a landmark ruling that laid down **uniform guidelines for maintenance claims** under various laws, including **PWDVA, Section 125 of the CrPC<sup>26</sup>, and personal laws**. The Supreme Court addressed the issue of **multiple maintenance claims** under different statutes and provided a structured approach to avoid duplication.

Key directives from the judgment:

1. **Affidavit of Disclosure:** The Court mandated that both parties must file an **affidavit of disclosure of assets and liabilities**, ensuring transparency in determining the quantum of maintenance.
2. **Timely Disposal of Maintenance Applications:** Courts were directed to dispose of maintenance petitions within **six months**, reducing unnecessary procedural delays.
3. **Avoiding Duplication of Maintenance Claims:** If maintenance is awarded under one law, the quantum should be considered in other claims to **prevent undue financial burden on either party**.
4. **Interim and Permanent Maintenance:** The ruling clarified that interim maintenance should be granted at the earliest to provide **immediate relief to women**.

This case has significantly streamlined maintenance litigation, ensuring that courts follow a **structured and fair approach** while awarding financial relief under PWDVA.

### **3.2 Intersection of PWDVA and Personal Laws: Conflicting Rulings**

PWDVA provides maintenance rights irrespective of religion, often leading to conflicts with **personal laws** governing maintenance in different communities. Courts have had to **harmonize** PWDVA with personal laws to ensure **justice for women across religions**.

*Shiv Kumar Yadav v. Pooja Yadav*<sup>27</sup>

In **Shiv Kumar Yadav v. Pooja Yadav**, the Delhi High Court addressed a conflict between maintenance under **PWDVA and Section 125 of the CrPC**. The husband contended that since the wife was already receiving maintenance under **Section 125 of the CrPC**, she should not be granted additional monetary relief under **Section 20 of PWDVA**.

The Court held that: *Maintenance under Section 20 of PWDVA<sup>28</sup> is independent of and in addition to Section 125 of CrPC, ensuring that women are not financially deprived due to procedural technicalities.*

<sup>25</sup> Rajnish v. Neha & Anr., (2020) 3 SCC 794

<sup>26</sup> Section 125 of the CrPC [https://www.indiacode.nic.in/bitstream/123456789/15272/1/the\\_code\\_of\\_criminal\\_procedure,\\_1973.pdf](https://www.indiacode.nic.in/bitstream/123456789/15272/1/the_code_of_criminal_procedure,_1973.pdf)

<sup>27</sup> Shiv Kumar Yadav v. Pooja Yadav, 2019 SCC Online Del 9525

<sup>28</sup> Section 20 of PWDVA

[https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection\\_of\\_women\\_from\\_domestic\\_violence\\_act%2C\\_2005.pdf](https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection_of_women_from_domestic_violence_act%2C_2005.pdf)

*The PWDVA covers additional financial aspects, including loss of earnings and medical expenses, making it a broader remedy than Section 125 of CrPC. Thus, this ruling clarified that maintenance under PWDVA is not a substitute but a supplementary financial relief, ensuring women receive adequate economic support.*

*Shabana Bano v. Imran Khan,*<sup>29</sup>

The **Shabana Bano v. Imran Khan**, case addressed a crucial issue regarding **maintenance rights of Muslim women** post-divorce. The husband argued that under the **Muslim Women (Protection of Rights on Divorce) Act, 1986**, he was only liable to provide maintenance for the **iddat period (approximately three months after divorce)**. However, the Supreme Court ruled that if a Muslim woman **lacks sufficient means of self-sustenance**, she can claim **maintenance beyond the iddat period** under **Section 125 of CrPC**.

The Court held: *"A divorced Muslim woman who is unable to maintain herself is entitled to claim maintenance under Section 125 of CrPC even after the iddat period, as the fundamental right to live with dignity overrides religious constraints."*

This ruling played a pivotal role in ensuring that **Muslim women are not left destitute** due to restrictive interpretations of personal laws. It reinforced the principle that **maintenance is a means of social security, not just a religious obligation**.

### *3.3 Maintenance Claims in Cases of Live-in Relationships*

The scope of PWDVA extends beyond traditional marriages and includes **live-in relationships**, provided they meet the criteria of a **domestic relationship**. Courts have played a significant role in **determining the rights of women in live-in relationships**, ensuring they receive financial support similar to married women.

*Indra Sarma v. V.K.V. Sarma,*<sup>30</sup>

The Supreme Court addressed whether women in **live-in relationships** are entitled to maintenance under PWDVA. The case involved a woman who had been in a **long-term live-in relationship** but was later abandoned by her partner.

The Supreme Court ruled that:

- **PWDVA recognizes live-in relationships under the term "domestic relationship,"** provided they resemble a marriage.
- Women in live-in relationships **cannot be denied maintenance solely based on the absence of legal marriage**, as **economic dependence and vulnerability exist in such relationships as well**.
- However, relationships that are **"merely casual" or do not involve long-term cohabitation** will not be granted maintenance under PWDVA.

<sup>29</sup> Shabana Bano v. Imran Khan, (2010) 1 SCC 666

<sup>30</sup> Indra Sarma v. V.K.V. Sarma, (2013) 15 SCC 755

The Court emphasized that the purpose of **PWDVA is to prevent economic abuse**, which extends to live-in partners who are **abandoned without financial support**. This judgment significantly broadened the scope of **maintenance rights**, ensuring that women in non-traditional relationships are not **left without financial security**. Judicial trends in maintenance claims under **PWDVA, 2005**, indicate a **progressive shift towards broader protection for women**, ensuring their financial security across **different types of relationships**. Courts have consistently reinforced that **maintenance is a fundamental right aimed at preventing destitution**, rather than just a legal obligation.

- The **Supreme Court and High Courts** have recognized **maintenance under PWDVA as independent of other maintenance laws**, ensuring comprehensive financial relief for women.
- Courts have clarified **the intersection of PWDVA with personal laws**, ensuring that women across religions receive maintenance **without being restricted by personal law limitations**.
- Judicial rulings have **expanded maintenance rights** to cover **live-in relationships**, protecting women from economic abandonment in non-marital relationships.

Despite these advancements, challenges such as **delayed enforcement, inconsistent maintenance amounts, and legal loopholes** remain. Future legal developments should focus on **streamlining maintenance claims, faster judicial processes, and stronger enforcement mechanisms**, ensuring that **women's right to maintenance is not just recognized in law but effectively implemented in practice**.

## EFFECTIVENESS OF PWDVA IN PROVIDING MAINTENANCE

The **Protection of Women from Domestic Violence Act, 2005 (PWDVA)** was enacted as a progressive legislation aimed at providing comprehensive protection to women from domestic violence. One of its key aspects is **ensuring financial security for women** through maintenance provisions under **Section 20**, which includes not just basic sustenance but also compensation for loss of income, medical expenses, and shelter. However, while PWDVA has been instrumental in strengthening women's economic rights, its effectiveness is often challenged by **procedural delays, enforcement issues, and evidentiary burdens**. This section examines the strengths and limitations of **PWDVA in providing maintenance**, along with a comparative analysis of **international legal frameworks** to understand how other jurisdictions address similar issues.

### *4.1 How PWDVA Strengthens Women's Economic Rights*

PWDVA has significantly **expanded the scope of maintenance rights** for women by ensuring that financial relief is not limited to legally wedded wives but also extends to those in **live-in relationships**, abandoned wives, and mothers. Unlike **Section 125 of the Criminal Procedure Code (CrPC), 1973**, which provides only subsistence maintenance, PWDVA ensures that women receive **a more comprehensive financial remedy** to secure their standard of living.

### *Key Features Enhancing Women's Economic Rights:*

#### 1. Broader Definition of Domestic Relationship

- PWDVA recognizes **wives, mothers, sisters, and even women in live-in relationships** under its ambit, thereby ensuring maintenance for a wider range of victims.
- In **Indra Sarma v. V.K.V. Sarma**<sup>31</sup>, the Supreme Court held that women in live-in relationships are entitled to financial relief if the relationship was akin to marriage.

#### 2. Multiple Forms of Maintenance Under Section 20

Unlike CrPC Section 125, which limits maintenance to **basic sustenance**, PWDVA allows claims for:

- **Medical expenses** (if the woman has suffered physical abuse).
- **Loss of earnings** (if domestic violence has affected her ability to work).
- **Accommodation** (if she has been forced to leave her matrimonial home).

#### 3. No Religious Barriers to Maintenance

Unlike personal laws that often restrict maintenance based on religious principles (e.g., **Shariat Law**), PWDVA provides maintenance **irrespective of religion**. In **Shabana Bano v. Imran Khan**, the Supreme Court ruled that a **Muslim woman can claim maintenance beyond the iddat period** if she lacks financial support.

#### 4. Timely Interim Relief Under Section 23

Courts can grant **interim monetary relief** during proceedings to prevent financial hardship. In **Rajnish v. Neha**<sup>32</sup>, the Supreme Court emphasized the **need for timely disposal of maintenance applications** to ensure immediate relief.

Thus, PWDVA significantly strengthens women's economic rights by providing **broad, flexible, and immediate financial relief**, addressing not just subsistence but also **long-term financial stability**.

### *4.2 Challenges in Implementation and Enforcement*

Despite its progressive approach, the implementation of **PWDVA's maintenance provisions** faces several challenges, ranging from procedural delays to enforcement issues.

#### *Procedural Delays in Granting Maintenance*

One of the biggest obstacles in ensuring **effective maintenance under PWDVA** is the **delay in judicial proceedings**. Courts often take years to grant maintenance orders, leaving women financially vulnerable. **Bhuvan Mohan Singh v. Meena**<sup>33</sup>: The Supreme Court criticized procedural delays, stating that **justice delayed is justice denied**, and that maintenance must be awarded in a **time-bound manner**. **Judicial**

<sup>31</sup> Indra Sarma v. V.K.V. Sarma, (2013) 15 SCC 755

<sup>32</sup> Rajnish v. Neha, (2020) 3 SCC 794

<sup>33</sup> Bhuvan Mohan Singh v. Meena, (2015) 6 SCC 353

**Directive for Speedy Disposal:** In *Rajnish v. Neha*<sup>34</sup>, the Court directed all maintenance petitions to be **disposed of within six months**, but implementation remains inconsistent across lower courts.

### *Non-Compliance of Maintenance Orders*

Even when courts pass maintenance orders, **non-compliance by husbands** is a major issue. Many women are forced to **file execution petitions**, leading to further legal battles.

### *Section 31 of PWDVA*<sup>35</sup>

Violation of a maintenance order under PWDVA is punishable with **imprisonment up to one year and/or a fine**. However, enforcement remains weak, and women often struggle to receive the awarded amount. *Krishna Bhattacharjee v. Sarathi Choudhury*<sup>36</sup>: The Supreme Court emphasized that failure to pay maintenance is a **serious violation of women's rights** and courts must ensure strict compliance.

### *Burden of Proof and Need for Evidence*

Another major challenge is the **burden of proof on women** to establish:

1. That they were in a **domestic relationship** (especially in live-in cases).
2. That they were subjected to **economic abuse** or domestic violence.

Courts have ruled that women should not be subjected to **strict evidentiary standards**, but in practice, many cases are dismissed due to **lack of documentation or proof of income**. In *P. Rajkumar v. Y. Kasthuri Bai*<sup>37</sup>, the Madras High Court ruled that in cases of domestic violence, the **standard of proof should not be as strict as in criminal cases**, ensuring a more **victim-centric approach**.

Thus, while **PWDVA provides strong legal provisions**, its effectiveness is often hampered by **judicial delays, non-enforcement of orders, and evidentiary burdens on women**.

### *4.3 Comparison with International Legal Frameworks*

To understand the effectiveness of **PWDVA's maintenance provisions**, it is useful to compare it with international laws governing domestic violence and maintenance rights.

#### *United Kingdom: Domestic Violence, Crime and Victims Act, 2004*

The UK's **Domestic Violence, Crime and Victims Act, 2004** provides a **strong enforcement mechanism** for financial support to victims of domestic abuse.

- Maintenance is directly deducted from the **perpetrator's salary** through **Attachment of Earnings Orders**.

<sup>34</sup> *Rajnish v. Neha*, (2020) 3 SCC 794

<sup>35</sup> Section 31 of PWDVA

[https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection\\_of\\_women\\_from\\_domestic\\_violence\\_act%2C\\_2005.pdf](https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection_of_women_from_domestic_violence_act%2C_2005.pdf)

<sup>36</sup> *Krishna Bhattacharjee v. Sarathi Choudhury*, (2016) 2 SCC 705

<sup>37</sup> *P. Rajkumar v. Y. Kasthuri Bai*, (2018) SCC Online Mad 2965

- Courts can impose **restraining orders** to prevent economic abuse.
- The law provides **fast-track legal aid** for victims, reducing financial barriers to litigation.

### ***United States: Violence Against Women Act (VAWA), 1994***

The **Violence Against Women Act (VAWA), 1994**, in the **United States** provides extensive financial support for survivors.

- Victims can access **compensation funds** for maintenance, relocation, and legal assistance.
- Special provisions exist for **immigrant women**, allowing them to claim support **even without legal status**.
- The law imposes **strict penalties for non-compliance**, including **seizure of assets** for unpaid maintenance.

### **COMPARISON WITH PWDVA**

<b>FEATURE</b>	<b>PWDVA (INDIA)</b>	<b>UK LAW (DVCV ACT, 2004)</b>	<b>US LAW (VAWA, 1994)</b>
<b>Scope Of Maintenance</b>	Includes <b>live-in partners</b> and all women in a domestic relationship	Primarily for legally wedded wives and victims of domestic abuse	Covers <b>spouses, partners, and even undocumented immigrants</b>
<b>Enforcement</b>	Court-ordered, often weak enforcement	<b>Direct salary deduction</b> for unpaid maintenance	<b>Strict enforcement with seizure of assets</b>
<b>Legal Aid</b>	Limited legal aid available	<b>Fast-track legal aid</b> for survivors	<b>Compensation funds for victims</b>
<b>Speed Of Relief</b>	Often delayed due to judicial backlog	<b>Quicker financial relief</b> through courts	<b>Immediate assistance through compensation funds</b>

While PWDVA is **comprehensive in scope**, it lags behind **UK and US laws in enforcement**. Strengthening **legal aid, direct enforcement mechanisms, and strict penalties for non-payment** could improve its effectiveness.

PWDVA has been instrumental in securing **financial rights for women** but faces several **implementation challenges**. While courts have strengthened the legal framework through **progressive judgments**, issues like **judicial delays, non-compliance, and evidentiary burdens** continue to hinder its full potential. A comparative analysis with **UK and US laws** suggests that **stronger enforcement mechanisms, legal aid, and**

**direct financial penalties for defaulters** could significantly enhance its effectiveness in ensuring **real financial security for women**.

## **ETHICAL AND PRACTICAL CONCERNS IN MAINTENANCE CLAIMS**

The right to maintenance is a crucial legal protection designed to safeguard financially dependent individuals, particularly women, from economic hardship following the breakdown of domestic relationships. However, despite its noble intent, maintenance laws in India, particularly under **the Protection of Women from Domestic Violence Act, 2005 (PWDVA), Section 125 of the Criminal Procedure Code (CrPC), and various personal laws**, have raised **ethical and practical concerns**. Issues such as **false complaints, gender neutrality in maintenance claims, and the judiciary's role in balancing rights and responsibilities** have emerged, leading to intense debates on legal reforms. This section explores these concerns, analyzing relevant case laws and legal provisions.

### **5.1 False Complaints and Misuse of Maintenance Laws**

One of the major ethical concerns surrounding maintenance laws is the **misuse of legal provisions** by some individuals to harass their spouses or gain undue financial benefits. While maintenance laws aim to protect **genuinely aggrieved women**, there have been instances where **false claims** have been made to exploit the legal system.

**Section 125 CrPC** provides maintenance to wives, children, and parents who are unable to sustain themselves. However, courts have encountered cases where **women with independent incomes or assets** have still sought maintenance unfairly. **PWDVA, 2005**, under **Section 20**, provides monetary relief, but there have been claims of women filing cases **without substantiating domestic violence allegations** to gain financial advantages.

1. **Chaturbhuj v. Sita Bai**<sup>38</sup>: The Supreme Court ruled that a woman **who is capable of maintaining herself cannot claim maintenance unfairly**. The court emphasized that maintenance is meant to prevent destitution, not to provide financial luxury.
2. **Bhuvan Mohan Singh v. Meena**<sup>39</sup>: The court noted that while maintenance laws are meant to protect genuine claimants, there should be safeguards against **frivolous petitions** that misuse legal provisions.
3. **Deb Narayan Halder v. Anushree Halder**,<sup>40</sup>: The Supreme Court held that if a woman falsely alleges domestic violence solely to **harass or extort financial benefits**, such claims must be rejected to prevent misuse of maintenance laws.

<sup>38</sup> Chaturbhuj v. Sita Bai, (2008) 2 SCC 316

<sup>39</sup> Bhuvan Mohan Singh v. Meena, (2015) 6 SCC 353

<sup>40</sup> Deb Narayan Halder v. Anushree Halder, (2003) 11 SCC 303

### *Challenges and Possible Safeguards*

- **Burden of Proof:** Women are often **not required to provide detailed financial disclosures**, making it easier to file claims without sufficient evidence. Courts should ensure that maintenance seekers disclose their financial standing.
- **Judicial Scrutiny:** There is a growing need for **courts to scrutinize maintenance claims more rigorously** to distinguish genuine cases from **malicious prosecutions**.

While false complaints remain a minority, the **potential misuse of maintenance laws** has raised concerns over fairness in matrimonial disputes.

### *5.2 Gender Neutrality of Maintenance for Men*

Indian maintenance laws have traditionally been **heavily biased towards women**, reflecting the assumption that women are **financially dependent on men**. However, with societal changes, **men are also becoming financially vulnerable in certain cases**, especially in situations where **wives earn more or have deserted their husbands**.

#### *Current Legal Position on Maintenance for Men*

- **CrPC Section 125** grants maintenance only to **wives, children, and parents** but does not include **husbands**.
- **PWDVA, 2005**, and personal laws like the **Hindu Marriage Act, 1955 (Section 24)**<sup>41</sup> provide for maintenance to wives but are **not gender-neutral**.
- The **Hindu Marriage Act (Section 25)**<sup>42</sup> does allow **permanent alimony for both spouses**, making it one of the few gender-neutral provisions.

#### *Judicial Developments Towards Gender Neutrality*

1. **Kanchan v. Vikramjeet Setiy**<sup>43</sup>: The Madhya Pradesh High Court ruled that if a wife **has sufficient independent income**, she cannot claim maintenance unfairly, recognizing that financial dependency should be a criterion for granting relief.
2. **Ramesh Chander Kaushal v. Veena Kaushal**<sup>44</sup>: The Supreme Court observed that maintenance laws should be **applied fairly**, and in cases where **husbands are financially weaker**, gender-neutral reforms must be considered.
3. **Savitri v. Govind Singh Rawat**<sup>45</sup>: The Court highlighted the need for a **balanced approach** in maintenance claims, ensuring that gender does not become **the sole determining factor**.

<sup>41</sup> Hindu Marriage Act, 1955 (Section 24) <https://indiankanoon.org/doc/590166/>

<sup>42</sup> Hindu Marriage Act (Section 25) <https://indiankanoon.org/doc/590166/>

<sup>43</sup> Kanchan v. Vikramjeet Setiya, (2005) SCC Online MP 243

<sup>44</sup> Ramesh Chander Kaushal v. Veena Kaushal, (1978) 4 SCC 70

<sup>45</sup> Savitri v. Govind Singh Rawat, (1985) 4 SCC 337

### *Arguments for Gender-Neutral Maintenance Laws*

**Economic Changes:** With increasing numbers of women earning equal or more than men, maintenance laws should recognize **financial vulnerability rather than gender**. **Equality Under Article 14 of the Constitution<sup>46</sup>:** Gender-specific maintenance provisions may violate **the right to equality**, as **men facing economic distress have no legal recourse**. While Indian courts have started considering **financial status over gender**, legislative changes are still required to **make maintenance laws truly gender-neutral**.

#### *5.3 The Role of Judiciary in Balancing Rights and Responsibilities*

The **judiciary plays a crucial role** in interpreting maintenance laws to ensure **justice for both parties** while preventing abuse of the system. Courts must strike a balance between **protecting the financial rights of vulnerable spouses and preventing unfair financial exploitation**.

1. **Ensuring Fair Maintenance Awards:** Courts must consider **both parties' financial capacities** before awarding maintenance. In **Rajnish v. Neha<sup>47</sup>**, the Supreme Court established **guidelines for maintenance determination**, including the **submission of financial affidavits** to prevent false claims.
2. **Preventing Delays in Maintenance Cases:** The Supreme Court in **Bhuvan Mohan Singh v. Meena<sup>48</sup>** criticized **procedural delays**, stating that timely maintenance is essential for **economic justice**.
3. **Enforcing Maintenance Orders Effectively:** Many women struggle to receive maintenance even after court orders due to **non-compliance by husbands**. **Enforcement mechanisms**, such as **salary attachment and property seizure**, need stronger implementation.
4. **Promoting Gender-Neutral Approaches:** The judiciary must encourage a **more balanced perspective** by considering maintenance claims **based on financial need rather than gender**.
5. **Discouraging Misuse of Maintenance Laws:** Courts must be vigilant against **false or exaggerated claims** and impose penalties for **frivolous litigation** under **Section 340 CrPC (Perjury)<sup>49</sup>**. In **K. Srinivas Rao v. D.A. Deepa, (2013) 5 SCC 226<sup>50</sup>**, the Supreme Court held that filing false cases can be grounds for **legal action against the complainant**.

#### *Judicial Trends Towards Equitable Maintenance Laws*

- Courts have increasingly moved towards **evidence-based maintenance awards** rather than granting **automatic relief to wives**.
- The introduction of **financial affidavit requirements** ensures **transparency in maintenance claims**.

<sup>46</sup> Article 14 of the Constitution <https://indiankanoon.org/doc/237570/>

<sup>47</sup> Rajnish v. Neha, (2020) 3 SCC 794

<sup>48</sup> Bhuvan Mohan Singh v. Meena, (2015) 6 SCC 353

<sup>49</sup> Section 340 CrPC [https://www.indiacode.nic.in/bitstream/123456789/15272/1/the\\_code\\_of\\_criminal\\_procedure,\\_1973.pdf](https://www.indiacode.nic.in/bitstream/123456789/15272/1/the_code_of_criminal_procedure,_1973.pdf)

<sup>50</sup> K. Srinivas Rao v. D.A. Deepa, (2013) 5 SCC 226

- Judicial interventions have emphasized **swift disposal of maintenance petitions** to prevent **prolonged financial distress**.

Thus, the judiciary has a crucial responsibility in **ensuring that maintenance laws are not misused while protecting the genuinely vulnerable**. The path forward requires **strict scrutiny of claims, fair application of legal provisions, and an eventual shift towards gender-neutral reforms**.

Maintenance laws in India play a **vital role in protecting financially dependent individuals**, but they also pose **ethical and practical challenges**. The concerns over **false claims, gender neutrality, and judicial balance** highlight the need for **continued legal reforms**. While courts have taken steps to **prevent misuse and ensure fair maintenance awards**, further legislative changes are necessary to **make maintenance laws more just, balanced, and equitable for all individuals, regardless of gender**.

## CONCLUSION

The **Protection of Women from Domestic Violence Act, 2005 (PWDVA)** has played a crucial role in **ensuring economic security** for women facing domestic abuse by granting them the right to maintenance and financial relief. However, the **implementation gaps, procedural delays, and challenges in enforcement** continue to hinder its effectiveness. The **existing maintenance laws in India, spread across various statutes and personal laws, lack uniformity**, leading to disparities in access to justice. The **judiciary has made significant efforts to streamline maintenance laws**, as seen in cases like *Rajnesh v. Neha* (2020) and *Bhuwan Mohan Singh v. Meena* (2015), where the courts emphasized **time-bound relief and financial transparency**. However, mere judicial guidelines are not sufficient; there is an urgent need for **comprehensive legal reforms** to ensure faster adjudication, strict enforcement mechanisms, and penalties for non-compliance. **The misuse of maintenance laws**, which sometimes leads to **false claims and exploitation** of legal provisions. At the same time, **gender neutrality in maintenance laws remains a debated topic**, with courts acknowledging the necessity of **balancing rights and responsibilities** in cases where men or elderly individuals may also require financial support. The judiciary plays a **pivotal role in ensuring fairness**, and a **Uniform Civil Code (UCC)** could provide a **more equitable and standardized legal framework** for maintenance across all communities, eliminating discrepancies arising from personal laws. To strengthen the **effectiveness of maintenance provisions**, policy measures such as **fast-tracking maintenance cases, direct salary deductions for defaulters, confiscation of assets, and setting up a dedicated recovery mechanism** should be implemented. Additionally, **enhancing legal awareness and expanding free legal aid services** will empower women, particularly those from **marginalized backgrounds**, to seek justice without financial or procedural barriers. Governments and legal institutions must work together to ensure that **maintenance laws serve their true purpose providing financial stability and dignity to those in need, without being subject to delays, exploitation, or gender bias**. Through **reforms, judicial accountability, and proactive policy implementation**, the goal of a **just and efficient maintenance system** can be realized, ensuring **financial independence and social justice** for all affected individuals.

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