Guidelines on Alimony

Why in news?

The Supreme Court set down comprehensive guidelines on alimony.

What is the reality?

- In India, for many girls, the inevitable reality seems marriage before completion of higher education.
- Girls are married off early and bear children long before they should.

What are the impacts?

- This reality triggers a state of poor maternal health.
- It is one of the root causes of high levels of child stunting and wasting in India.
- There is the possibility of a marriage not working out for varied reasons.
- This leaves behind the girl or young woman in extreme distress because often she is not financially independent.

What are the constitutional safeguards?

- Parliament and the courts have persistently enacted legislation to give women better rights.
- Article 15(3) and Article 39 are two key constitutional safeguards.
- **Article 15(3)** Nothing in this article shall prevent the State from making any special provision for women and children.
- **Article 39** directs state policy towards equal pay and opportunities for both men and women, and protecting the health of women and children.

What did the SC rule?

- The Supreme Court leaned on Article 15(3) and Article 39, and a host of other laws while setting down these guidelines.
- It ruled that an abandoned wife and children will be entitled to ‘maintenance’ from the date she applies for it in a court of law.

What are the specifics?

- In the judgment, the SC outlined specifics, including “reasonable needs” of a

wife and dependent children.
- It also looks into her educational qualification, whether she has an independent source of income, and if she does, if it is sufficient, to follow for courts on alimony cases.

How can the alimony be claimed?

- The SC lay down that women can make a claim for alimony under different laws, including,
    1. The Protection of Women from Domestic Violence Act, 2005
    2. The Section 125 of the CrPC, or
    3. The Hindu Marriage Act, 1955.
- It would be inequitable to direct the husband to pay maintenance under each of the proceedings.

What is the significance of this ruling?

- Keeping in mind the vastness of India and its inequities, the Court added how an order or decree of maintenance may be enforced under various laws and Section 128 of the CrPC.
- It said that the maintenance laws will mean little if they do not prevent dependent wives and children from falling into destitution and vagrancy.
- For women in India, these words offer a glimmer of hope.

Source: The Hindu

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