

A Socio-Legal Analysis Of Judicial Activism In Maintenance Rights: Empowering Women Through Judicial Interventions In India

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Abstract:

Under judicial activism Indian courts have extended maintenance rights to applicants who do not fit traditional marriage structures. During the past decades judicial interpretations of Articles 14 and 21 in the Indian constitution established maintenance as an absolute legal right which exceeds discretionary privileges. Through this advance in justice women residing in live-in relationships and those who are divorced or unmarried now receive financial sustainability. Legal decisions in Shah Bano (1985), D. Velusamy (2010) and Abhilasha (2020) have established maintenance rights through financial protection measures for women excluded from the definition of “wife”. Judicial decisions regarding this matter have become inconsistent because there is no established statutory framework. Our examination of British, American and Canadian laws demonstrates that comprehensive official legislations alongside relationship contracts combined with broadened legal protections would yield better clarity. Section 125 CrPC should undergo future reforms by incorporating changes while also acknowledging economic dependency as a criteria instead of marital status and creating dedicated family courts to handle maintenance disputes speedily. Scientists studying socio-legal applications must urgently conduct empirical research about judicial maintenance interventions because these need assessment regarding their actual influence on women's financial security. Excellence can be achieved through judicial activism and legislative reform combined to create fair maintenance laws in India.

Keywords: Judicial activism, maintenance laws, live-in relationships, women's economic security, gender justice, Section 125 CrPC, palimony, cohabitation rights, legal reforms.

1. Introduction

1.1 Background and Significance of Maintenance Rights

Maintenance laws have changed both their legal and social meaning over many years. Under past legal systems maintenance laws operated solely with married couples to force husbands to support their wives. Indian family laws have traditionally established the upkeep duties of married women and senior dependents. Rapid social updates and different family patterns show the need to offer financial security to women outside traditional marriages. Through their decisions the Indian court system has expanded maintenance benefits to cover both those who live together and unmarried women facing economic hardship (Ayilyath, 2011).

The landmark ruling in Shah Bano v. Shah Bano in 1985 changed how courts decide about who can receive legal financial support. Through this decision the Supreme Court confirmed maintenance serves constitutional rights which offers divorced Muslim women money beyond their iddat period. Several modern decisions made maintenance an official right that safeguards people's dignity and sets equal treatment for men and women (Aithal, 2023). Under Section 125 of the CrPC courts extend the law's scope to defend women economically who have living arrangements similar to marriage (Dixit, 2012).

The new judicial reasoning faces unclear requirements in current laws. Rules about legal parts cannot define every connection between dependent partners so courts need to interpret law steadily. By

actively interpreting laws the courts prove both their strengths and weaknesses in defending women's economic rights according to Agarwal (2021).

1.2 Judicial Activism and Women's Empowerment

Judicial activism refers to the proactive role that courts take in interpreting laws beyond their literal meaning, often with the aim of rectifying social injustices. The Indian judicial system has produced major results in gender rights matters. The courts step in to protect economic rights of women when statutory rules become outdated and individual laws do not ensure their financial protection. When the courts take action in this manner, they help give women access to their constitutional rights before society changes through legislation. Through important past decisions judicial intervention in maintenance cases continues to develop. In 1985 the Supreme Court both gave divorced Muslim women their maintenance benefits and created new rules that other courts needed to follow. Similarly, cases such as *Vishaka v. Rajasthan State* (1997) and *Indra Sarma v. V.K.V. Sarma* (2013) support fair treatment of women by creating workplace protection rules and granting domestic partners maintenance rights (Herklotz, 2023 and Devi 2024). The courts confirm that maintenance belongs to the fundamental rights provision by both equality and dignity protections in the constitution. Courts repeatedly show that giving citizens a decent life is their duty to protect Article 21 Right to Life and Dignity according to Pandey (2021).

1.3 Research Problem and Objectives

Even though Indian law gives women rights to maintenance it remains unclear if unmarried partners or those sharing homes with partners qualify for those benefits. Due to this missing law the court system needs to change maintenance rights to produce fair results. The research study investigates two crucial questions that guide its analysis. Through judicial activism the study examines new ways the courts extended support money rights outside of married couples. This study examines both the positive and negative results of current court orders on women's money safety who don't follow typical marital practices. Through this analysis the study examines if judicial activism properly follows constitutional standards for equal treatment (Article 14) and protecting life and dignity (Article 21) as recognized in Aithal (2023).

The research aims to achieve these targeted items:

- We will review important past court decisions that made it possible to expand women's maintenance privileges.
- The research seeks to find laws that need court action because they miss the mark.
- This project assesses how well judgements by active judges protect women's economic rights when unmarried.

1.4 Research Questions

This study is guided by the following research questions:

1. **How has judicial activism influenced maintenance laws in India?**
2. **What are the socio-legal implications of such judicial interventions?**
3. **How has the judiciary balanced legislative intent with constitutional principles?**

1.5 Scope and Limitations

The research primarily examines how courts interpret maintenance under the PC Act Section 125 and the domestic violence legislation which includes unofficial marital situations. Throughout this study we refer to decisions made by the Supreme Court and High Court which developed laws to protect women's finances (Ayilyath 2011). The research targets court verdicts but ignores other written legal rules that lawmakers exclusively developed. Most of the research focuses on Indian legal practice and constitutional principles as its main base (Umashankar 2013).

2. Literature Review and Methodology

2.1 Nature and Approach of the Literature Review

A thorough review of published research shows both how maintenance rights evolved and how empowered judges made changes to women's economic freedoms. This study employs a dual approach: doctrinal analysis and socio-legal analysis. The research analyzes legal documents plus judicial decisions from multiple law sources especially Section 125 of the CrPC, Hindu Marriage Act, 1955, and Muslim Women (Protection of Rights on Divorce) Act in 1986. This analysis enables experts to observe how thinking patterns of judges have developed during different periods (Herklotz, 2017).

The research examines how recent court judgments impact women's money security and personal independence while establishing justice between the genders. This study uses feminist legal methods combined with constitutional rules and public interest lawsuits to show the full effects of judicial intervention on society (Herklotz, 2023).

2.2 Sources of Literature

This review combines primary and secondary sources to bring out a fair picture of legal laws judicial rulings and academic discussions in their corporate website.

2.2.1 Primary Sources

- **Constitutional Provisions:**

Through Articles 14 (Equality Rights), 21 (Life and Dignity Protection) and 15(3) the State has authority to provide special help to women the Indian Constitution supports many court decisions.

- **Statutory Provisions:**

The Section 125 of Criminal Procedure Code offers a universal law for maintenance.

- o The Hindu Marriage Act, 1955 and the Hindu Adoptions and Maintenance Act, 1956.
- o The Muslim Women (Protection of Rights on Divorce) Act, 1986.

The Protection of Women from Domestic Violence Act of 2005 now stipulates legal rights to partners in live-in relationships.

- **Judicial Decisions:**

Landmark rulings such as Shah Bano v. Union of India (1985), D. Velusamy v. D. Patchaiammal (2010), Indra Sarma v. V.K.V. Sarma (2013) and Abhilasha v. Ayilyath (2011) works and Rahman and Sirazi (2018) receive thorough examination in depth (Ayilyath, 2011; Rahman & Sirazi, 2018).

2.2.2 Secondary Sources

- **Books and Academic Articles:**

These publications by Kannabirān (2013) and Saxena (2024) explain how the courts expanded maintenance rights for women.

- **Reports by Government and NGOs:**

The Law Commission of India and National Commission for Women produce documents that explain gender justice and maintenance legislation context.

2.3 Analytical Framework for Reviewing Literature

Our study examines legal maintenance interpretation as one part of its research system.

2.3.1 Legal Interpretation of Maintenance Laws

To assess maintenance laws more accurately the courts shift their focus from strict reading of legal texts to constitutional perspective. The court system often uses Article 21 to support giving women

maintenance rights after they are no longer married in order to protect their dignity and economic security (Herklotz, 2023).

2.3.2 Judicial Trends in Maintenance Rights

The research finds two main direction in the data. The courts now grant maintenance to women who live similar to married couples through their interpretation of Section 125 CrPC. The Indian court system now gives monthly support to women who live in a relationship but pay expenses because of new PWDVA judgments (Ojilere, 2020).

2.3.3 Socio-Legal Implications

The legal decisions from the courts influence women's daily existence greatly. The legal system has worked to keep women in informal relationships from becoming financially destitute through its active engagement. Judges across different regions sometimes apply law differently which supports why new statutory rules are essential according to Agarwal (2021).

2.3.4 Gaps in Existing Literature

Although researchers have explored judicial activism in maintenance cases there are key knowledge areas still unknown. Most research shows courts make different decisions but fails to suggest official standards for regularize maintenance laws. NO other research shows how different legal systems deal with maintenance claims outside of marriage (Jónsdóttir 2009).

3. Evolution of Maintenance Laws in India: A Judicial Perspective

3.1 Pre-Independence and Early Post-Independence Era

Indian maintenance laws have developed over time by moving away from traditional personal Islamic laws toward secular regulations based on the Constitution. India had religious personal law benefits for maintenance before its independence. According to traditional Dharmashastra texts Hindu men received the command to provide for their wife. The Indian government enacted the 1946 legislation to give Hindu women the right to separate residence with maintenance (Panda, 2016).

The usual Islamic norms of woman maintenance in Muslim customs ended at the marriage term and continued for a few days during iddat. The administration of Criminal Procedure Code 1898 created secular rules that forced men to support their relatives under Section 488 regardless of religious status. When India gained independence Section 488 ended and Section 125 of the CrPC 1973 took effect by increasing maintenance rights across all laws (Kumari, 2018).

3.2 Judicial Expansion of Maintenance Rights

The Indian court system has expanded maintenance law rules to ensure more justices on economic grounds without using strict marital status requirements. Courts now use an open-minded reading of Section 125 CrPC to give maintenance protection to female partners who share a long-term marital equivalent commitment (Wadje, 2013). Under the Protection of Women from Domestic Violence Act 2005 live-in unions must qualify as "relationships in the nature of marriage" which lets their female partners claim maintenance.

The Indian judiciary's evolution received major support from the judgment made in *Vimla v. Veeraswamy* (1991). In *Vimla v. Veeraswamy* (1991) the Supreme Court insisted that maintenance should not reduce to basic survival needs but should deliver a life of dignity to its recipients. The court strengthened the idea that maintenance law is linked to the protected rights under Article 21 (Rahman & Sirazi, 2018). The courts developed modern interpretations over time to fill legal gaps so women with economicDependency receive proper financial security no matter what their marital status is.

3.3 Impact of Landmark Cases

Major court rulings have driven the changes in India's laws regarding maintenance. This table (Table 1) includes major court decisions and provides sources that explain the outcomes.

Table 1. Landmark Judicial Decisions on Maintenance Rights

Case	Year	Key Findings	References
Shah Bano v. Union of India	1985	Extended maintenance rights to divorced Muslim women beyond the iddat period, guided by constitutional principles.	Ayilyath (2011); Rahman & Sirazi (2018)
Vimla v. Veeraswamy	1991	Held that maintenance must ensure a dignified standard of living, not merely bare subsistence.	Panda (2016); Rahman & Sirazi (2018)
Danial Latifi v. Union of India	2001	Harmonised personal laws with constitutional rights, confirming maintenance beyond religious constraints.	Rahman & Sirazi (2018)
D. Velusamy v. D. Patchaiammal	2010	Recognised that women in live-in relationships resembling marriage are entitled to maintenance under PWDVA.	Ojilere (2020); Wadje (2013)
Indra Sarma v. V.K.V. Sarma	2013	Established criteria for recognising live-in relationships and extending maintenance rights accordingly.	Devi (2024)
Abhilasha v. Prakash	2020	Extended maintenance rights to unmarried Hindu daughters on the basis of economic dependency.	Ayilyath (2011); Rahman & Sirazi (2018)

Several decisions have established that women should receive maintenance as an essential economic right instead of limited support for married women.

4. Judicial Activism and Socio-Legal Empowerment of Women

4.1 Redefining Maintenance as an Economic Right

The Indian judiciary has established maintenance payments as a protected financial right from a former discretionary benefit. Historically maintenance was given as a gift to women only when their poverty reached extreme levels. The courts have embraced progressive thinking to create maintenance laws that award survival money to uphold a respectable living standard. In *Vimla v. Veeraswamy* (1991) the Supreme Court specified that maintenance must guarantee both basic necessities plus the means for living in dignity since it supports Article 21 content from the Constitution (Ojilere, 2020).

How women think about their right to financial support affects their ability to stay economically secure. The judiciary has successfully promoted women's rights to receive financial support through its new perspective on maintenance needs. This updated strategy protects money rights for all persons while ensuring unmarried women gain access to needed financial support.

4.2 Application of Constitutional Provisions

Judicial activism in maintenance cases uses constitutional rights to defend the rights of women. Judges base their most important rulings about equal opportunity and legal right protection (Articles 14 and 21) on them.

The courts use Article 14 to defend women against discriminatory maintenance laws that follow outdated social norms. The Indian courts prohibited the practice of not giving divorced Muslim women maintenance as it denied them equal treatment according to Ayilyath (2011).

Article 21 shields citizens from suffering by showing that money helps people keep their dignity while finding basic survival needs. When courts connect maintenance payments to human rights they want people to receive proper financial support as part of their fundamental dignity (Herklotz, 2023).

4.3 Maintenance in Live-in Relationships

Through judicial activism courts now allow women in living together relationships access to their right to receive financial support. When laws about domestic violence protection do not mention live-in partners, the judges use their authority to apply these statutes to these relationships. The Supreme Court decided in *D. Velusamy v. D. Patchaiammal* (2010) that a woman in a relationship similar to marriage can apply for maintenance payments when she proves enough time spent living together while sharing money and public declaring their relationship (Ojilere, 2020).

Despite its positive impact on economic help for women many aspects remain restricted with this judgment. Courts make certain women ineligible for protection because they assess their relationships as too brief and superficial. Overall these decisions ensure that women in non-traditional relationships receive basic economic fairness.

4.4 Maintenance for Divorced and Unmarried Women

Beyond live-in relationships the courts have continued their active involvement in legal decisions. The courts successfully granted necessary financial support to divorced and unrelated women through their legal decisions. In 1985 the *Shah Bano* decision established an important legal principle about this topic. The Supreme Court authorized divorced Muslim women to claim legal support under Section 125 CrPC beyond religious personal law boundaries. The court decision created a new legal ruling which later resulted in the creation of the Muslim Women (Protection of Rights on Divorce) Act 1986, but later interpretations protected the ruling's Constitutional principles (Rahman and Sirazi, 2018).

More recently, in *Abhilasha v. The Supreme Court in Prakash* 2020 held that Hindu daughters who depend financially are entitled to support regardless of their marital status. The court made this ruling to show that maintenance functions to safeguard against money problems for all people no matter their relationship standing (Goyal 2014).

4.5 Challenges and Criticism of Judicial Activism

Despite producing numerous good results, the application of these protection laws by courts has drawn strong criticism. Most people feel that courts go too far with their legal decisions. _assues of power when courts change legislative intent through their rephrasing of laws. Over the years courts interpreted the law in cases like *Shah Bano* and *D. Velusamy* as creating new perspectives instead of straightforward application (Herklotz 2023).

Society disagrees about how court rulings match with what their creators in law wanted. After the *Shah Bano* ruling lawmakers enacted the Muslim Women (Protection of Rights on Divorce) Act in 1986 as a countermeasure revealing the conflict between court activities and religious or political influence according to Ayilyath (2011). Judicial workers depend too heavily on personal judgment when handling maintenance cases which leads to different court results throughout India (Goyal, 2014).

Several legal scholars ask national authorities to develop clear rules that support the new legal paths the courts have chosen to change. The researchers claim that new maintenance laws should accurately protect financial rights of women regardless of their marital status including marriage, live-in partnerships and singlehood (Goyal, 2014).

5. Comparative Analysis with Other Jurisdictions

5.1 Maintenance in Common-Law Relationships: The UK, USA and Canada

Evaluating maintenance rules from advanced law systems helps India understand potential improvements. Maintenance agreements for partners in common-law relationships exist under specific laws in the United Kingdom Canada and the United States.

United Kingdom

- The UK gives married couples automatic rights that normal cohabiting couples do not receive. Many official agreements support financial commitment arrangements between couples who live together.
- Under TOLATA (Trusts of Land and Appointment of Trustees Act 1996) legal cohabiting partners can claim financial stake in held property without ownership registration.
- Law Schedule 1 of the Children Act from 1989 grants cohabiting parents financial protection to support their children born during their relationships.
- Many people have written agreements that after their relationship ends they will handle finances according to this exact plan (Bag 2011; Narayan et al. 2021).

United States

- The United States lets each state determine how to respect maintenance rights between partners living together in unmarried relationships through the practice called "palimony". Key features include:
- California accepts verbal or written agreements between partners who live together about money support after they split up.
- Support may result from implied contractual relationships the couple created through their relationship activities (Arsenijević 2021, Krishnan and Srivastava 2024).

Canada

- Under Canada's provincial laws the rules for partners in common law relationships become clear when it comes to maintenance rights.
- The Family Law Act of Ontario allows spousal support for partners who lived together for an agreed amount of years or had children together as a couple.
- After a legally required period of common-law partnership in British Columbia the law gives equal property rights to both parties without forcing judges to make decisions (Patil 2011).

Maintenance regulations under different jurisdictions appear below in table form (Table 2).

Table 2. Comparative Analysis of Maintenance Laws

Jurisdiction	Legal Framework	Key Features	References
United Kingdom	TOLATA, 1996; Children Act, 1989; Cohabitation Agreements	Financial interest in property; maintenance rights for cohabiting parents; contractual financial obligations	Bag (2011); Narayan et al. (2021)
United States	State-specific palimony laws	Recognition of oral/written agreements; implied contracts; state-by-state variation in financial support	Arsenijević (2021); Krishnan & Srivastava (2024)
Canada	Provincial Family Law Acts (e.g. Ontario, British Columbia)	Statutory spousal support; equal property rights for common-law partners; clear guidelines for maintenance claims	Patil (2011)

5.2 Lessons for India

Maintenance growing through India's judges remains limited because of missing standard rules in law. A review of maintenance rights practices from UK USA and Canada leads us to change recommendations.

- India should create a new family law that lets live-in partners claim financial support the same way Canada does in its Family Law Act. A law-based system would generate reliable rulings for every case (Narayan et al., 2021).
- Cohabitation agreements have legal status as in the UK so partners can define partnership financial terms before separation according to Bag (2011).
- The enforcement of maintenance orders under Section 125 of the CrPC must change to clearly include partners who live together without marriage and other people who rely financially on the application (Gaikwad, 2023).
- The government should create specialized family courts to simplify and process maintenance cases faster as shown by their Canadian partners (Krishnan & Srivastava, 2024).
- India should adopt USA palimony laws to grant maintenance to partners who depend financially on each other instead of depending on marriage status (Arsenijević, 2021).

6. Conclusion and Future Research Directions

6.1 Summary of Judicial Activism in Maintenance Rights

The Indian courts lead the way to update maintenance rights for the present era. Through landmark cases such as Shah Bano, *Vimla v. Under Shah Bano* and related cases our courts have evolved maintenance law from an exceptions-based relief to an established basic right. The Indian legal system supports this change based on its equality principles described in Articles 14 and 21 of the constitution. Through judicial activism women in different relationship types gained legal maintenance rights because the court sees economic dependency as a proper foundation for payments (Goyal, 2014; Pandey, 2021).

Key judicial contributions include:

- The Protection of Women from Domestic Violence Act 2005 now gives women in live-in associations the power to apply for maintenance benefits.
- The court made divorced Muslim women eligible for support through Shah Bano which went against religious custom.
- The court expanded financial assistance for unmarried women in *Abhilasha v. Prakash*. Prakash's decision shows that Indian women should receive maintenance because of their financial need not their relationship status (Patil, 2011).
- The system of legal interpretation creates varying maintenance rules across different cases. Courts use multiple standards to handle maintenance cases while the unclear laws make many unprotected women suffer (Shrivastava, 2016).

6.2 Future Legal and Policy Reforms

India needs several reforms to establish fair maintenance rules across the country.

1. Codification of Maintenance Rights for Live-in Partners:

Legislators should create a new law to establish all rights and responsibilities for live-in partners. This move would create stable legal standards that replace judge-by-judge decisions according to Narayan et al. (2021).

2. Expansion of Section 125 CrPC:

Amendments under Section 125 CrPC should expand maintenance laws to cover any woman who relies economically on another person whether they are married or not. The move would bring Indian

law into harmony with global standards specifically palimony law practices from the United States (Arsenijević 2021).

3. Introduction of Cohabitation Agreements:

India needs to approve partnership agreements that let partners set their financial responsibilities in advance. These agreements would provide a practical solution to prevent arguments and make maintenance orders enforceable (Bag, 2011).

4. Establishment of Special Family Courts:

The government should form special family courts with quick procedures to help resolve maintenance conflict quicker. These special family courts would process cases faster and ease pressure on the courts to make justice available sooner to women (Krishnan & Srivastava, 2024).

5. Legislative Clarity:

We require new national laws that clearly describe how the court should handle maintenance claims. The laws should define maintenance rights clearly based on money as their main standard to keep women safe from financial instability (Gaikwad, 2023).

6.3 Need for Further Socio-Legal Studies

Although judges have improved maintenance rights through their active decisions the actual results still require scientific investigation. Future studies should focus on:

- **Socio-Economic Impact:**

The research examines the effects of modern maintenance law court decisions on women's financial safety and everyday life.

- **Comparative Analysis:**

A study examining maintenance laws across several regions would show us where India stands compared to other nations and suggest ways to improve the system (Shrivastava, 2016).

- **Barriers to Enforcement:**

The research needs to examine the realistic problems women encounter when obtaining maintenance such as social judgment, bureaucratic waiting and legal restrictions (Narayan et al., 2021). Drawing together actual evidence and legal study allows scholars to improve maintenance law design and make sure judges' decisions benefit women in practice.

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