



***STUDY REPORT ON  
MAINTAINANCE AMONG WOMEN IN MARITAL DISCORD  
CHALLENGES AND RECOMMENDATIONS***

**December 2023**

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## **RECOGNITION**

On behalf of Vasavya Mahila Mandali, Vijayawada, Andhra Pradesh, I would like to express my sincere gratitude to Shri Kesineni Srinivas Member of Parliament for taking forward the recommendations from the study report on Maintenance among Women in marital Discord to design and introduce Private Member Bill in Indian Parliament.

We wholeheartedly thank the institutional collaborations in conducting panel discussions: RV University Bangalore; NISWAS Bhuvaneswar; MNIMS Mumbai and Womenennovators New Delhi. We thank the valued contributors of panellists and provided insights for giving recommendations to Government of India to amend the section 125 Cr P C: Mr A. Raja Member of Parliament and Former Union Minister and Member Parliamentary committee on Law and Justice; Dr Faizullah Khan Member of Parliament, Dr Chakrapani IAS (retd), Dr Amar Pandey IPS (retd) and Former DGP Karnataka; Dr YSR Murthy Vice Chancellor RV University; Dr Sashmi Naik Director NISWASS, Odisha; Mrs Iman Kalyan Naik Deputy Superintendent of police of Crime against women and children wing Bhuvaneswar Odisha; Prof Navneeta Rath Director Centre for Women's Studies Utkal University; Mrs. Manasi Parhi Former Member Child Welfare Committee and Advocate; Dr Khushbu Jain Advocate Supreme Court of India. Mr. Shravan K Giri Advocate High Court of Mumbai; Mrs Ashwini Obulesh Advocate High Court of Karnataka; Dr Preetham Ghosh, Assistant Professor School of Law RV University; Dr Anagha Nimbkar Founder Anagha Legal Mumbai.

My wholehearted gratefulness to Archana Mittal, Development Consultant, and survivor of Domestic Violence for her constant support throughout the process; Dr. Mohini Giri, Founder, Guild of Service, New Delhi and Dr. B. Gangaiah, IES (Retd) for providing valuable inputs. I salute the brave sisters and daughters who shared their life stories of the legal journey of maintenance – Archana Pydah, Kamini Bharadwaj, Sirisha and Lakshmi Pavitra. I acknowledge the support and cooperation extended by Dr. Sangeeta Desai and Neeru Mishra; Subhashini Polisetty, and Vijaya Kankanala.

My special thanks to student interns from Symbiosis Law School, Hyderabad for documenting the best practices around the globe on Maintenance and thank Tisya Bagchi, student from Symbiosis Law school, Delhi for compiling the data received from various courts. I appreciate the support rendered in proof reading by KL University faculty- Dr Subha Gora K. I wholeheartedly appreciate the consistent secretarial assistance provided by the VMM staff: Vijaya Kumar Boddu, Ramanujaiah Gurram, Kesavulu Thokala, Lavanya Bolem, Sunita Kanaparti. My special thanks to media and for bringing visibility to the issues of women in maintenance and Change.org team for supporting and guiding in virtual campaign. Finally, word of thanks to all respondents who spared their valuable time and cooperated by providing the relevant and required information.

Dr. Keerthi Bollineni,  
President, Vasavya Mahila Mandali  
Vijayawada, INDIA

23<sup>rd</sup> December 2023

## STORIES STRAIGHT FROM THE HEART...

*Archana from Mumbai, in her fifties, highly educated woman suffered an abusive marriage for 32 years before she finally took the step of knocking the doors of the court to seek justice. She has been fighting a long-drawn battle of 7 years, wherein she had been misinformed by the lawyers, embroiled in multiple litigations, faced counter charges by her husband, and character assassination suits filed against her. She had a nervous breakdown and attempted suicide. Her small savings dried up. Her children asked her how long she was going to run in the courts for her cases. She did not have any answer for this.*

*Sirisha from Vijayawada is in her thirties and comes from lower middle-class family. She could not complete her education as she got married at the age of 18. She was a victim of domestic violence and was thrown out of home by her husband. Sirisha's husband unscrupulously filed for divorce without her knowledge by providing fake addresses. She says "my darker side of life has resulted in loss of concentration, loss of appetite, no trust and faith in systems and no hope in life". She filed for maintenance in 2015 and got the maintenance orders in 2018 but has not yet received one single penny. She has developed depression, anaemia, as well as severe indigestion issues.*

*Archana comes from a well-educated family and worked for an MNC. After her first marriage failed due to dowry issues, she lived with the stigma of a divorcee and then with the support of her family she made the decision to marry again for the second time in 2008. Her husband was an NRI and within 3 months he filed for divorce in the US courts while Archana is fighting the court case in Hyderabad. She says "maintenance claims must not be treated as matrimonial disputes and must be treated as Money suits by the Court, wherein the defaulter (person who does not pay maintenance) should be held accountable in Courts just like an individual who is held accountable in Courts after he defaults in loan payments to Banks"*

*"Kamini from Hyderabad is in her forties. She has 3 daughters and her husband is a government employee and her father-in-law worked in the army. As they preferred a son over a daughter, she was forced to undergo repeated pregnancies and during the sixth time when she refused, it started a series of altercations and displeasure towards her by her in laws and husband. Hence she walked out from her marital home to avoid any more altercations and discussions in front of impressionable age of kids who were only 4, 7 and 10.5 at that time... In 2019 she filed for maintenance which was granted, despite drawing lucrative Government salary her husband refused to pay dues saying it was a choice that she had made and will not pay any maintenance. Only after salary attachment orders, Kamini received it. The mother loses her prime years professionally and also to nurture a family by investing her time and energy to take care of the family but is deprived of money in the end by questioning her about her contribution to the family! Houses in the name or jewellery cannot be liquidated to take care of daily expenses. She says "Fast track courts are required to complete the case at the earliest. The minor children are forgoing their childhood as mother is running around the courts". It becomes even more challenging for the single mother as the case progresses at snail pace and the children grow so quickly, the decisions generally come later.*

*Lakshmi is 31 years from Vijayawada and has studied till class VI and works as daily wage earner. Problems with the husband started right after marriage with demands of dowry and with the birth of a girl child they multiplied. She has filed for maintenance and although orders have been passed, she has not received any money. She is suffering from anaemia and depression. Moreover, her daughter, who is now 11 years, has never received any affection from her father. But the school authorities insist that she brings her father's Aadhar card in school. This has led to emotional turmoil and identity crisis to the child.*

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## PRIVATE MEMBER BILL 259 OF 2022 TO FURTHER AMEND THE CODE OF CRIMINAL PROCEDURE, 1973 - AMENDMENT OF SECTION 125

Introduced in Lok Sabha, Lower House of Indian Parliament on 4th August 2023

By Sri. Kesineni Srinivas (Nani)

Member of Parliament

The Constitution makers had incorporated Directive Principles of State Policy (DPSP) with the vision to guide the law-making process in the country. Dr. B.R Ambedkar went on to state that the DPSP are the heart and soul of the Constitution. Article 39 states that “the state shall, in particular, direct its policies towards securing that the citizens, men and women equally, have the right to an adequate means of livelihood, that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.”

Further Article 39 reinforces Article 15(3) of the Constitution of India which provides that: “Nothing in this article shall prevent the State from making any special provision for women and children.” Together the two Articles uphold the rights and subsequent duties of the state towards the vulnerable sections of society.

Presently, a women can claim maintenance under various laws ranging from Section 125 of the Criminal Procedure Code (CrPC) to various sections of different personal laws. It is an established and widely acknowledged fact that economic prosperity and women empowerment go hand-in-hand. Moreover, a nation’s progress is judged as per its ability to enforce contracts. However, seven decades since independence, the women of our country still run from pillar to post to seek enforcement of their maintenance contracts.

Across the globe, developed countries have formulated stringent guidelines to ensure the enforcement of maintenance contracts. For instance,

- In Australia, the contracts are registered with the child support register and the amount is automatically deducted from the income tax installment of the payer.
- Further in Finland, the maintenances amount is revised every year depending on the shift in the cost-of-living index.

In India, this can be adopted in relation to a purchasing index in consonance with the trend of inflation. Therefore, ensuring that the maintenance contracts are enforced and ensure a sustainable amount to the aggrieved women.

By virtue of judicial pronouncements and other steps, rights of women have been restored but it will become fruitful only when under lying thinking is changed and only if maintenance orders are properly enforced. It is imperative that the laws are framed to ensure the effective enforcement of the contracts, reduce the burden of pending cases and ensure smooth procedure. Only when women, who are the first teachers of a child, get their due, the nation can realize the dream envisioned by the constitution makers, of a just and equitable society. (Annexure 1 Private Member Bill)

## PAN INDIA STUDY ON MAINTANANCE AMONG WOMEN IN MARITAL DISCORD

The evidence-based PAN India Study is conducted by Vasavya Mahila Mandali (www.vasavya.org), Vijayawada, Andhra Pradesh in the period 2018 to 2022 by using quantitative and qualitative methods.

The pan India data collected from the courts in India by Vasavya Mahila Mandali, (VMM) through Right to Information (RTI) for the period of 01 April 2018 till 31st March 2020 is a reflection of the status of maintenance cases which is represented below.

Laws under which cases have been filed	Number of cases
The Hindu Marriage Act 1955 (Sec 25)	70477
The Hindu Adoption and Maintenance Act 1956 [Sec 18, 19]	7637
The Criminal Procedure Code 1973 [Sec 125]	76245
The Protection of Women from Domestic violence Act 2005	216442
<b>Total</b>	<b>370801</b>
Interim Orders passed	22041
Execution petitions filed	41934

### Recommendations from the study on Maintenance among women in Marital Discord

1. Maintenance Act to be framed by aligning different sections in various laws such as: 125 Cr PC, The Prevention of women from Domestic violence Act, Family laws of various religions, to bring in uniformity and speedy disposal of cases.
2. Create a National Registry of domestic abusers/offenders
3. Streamline of alimony/interim maintenance/final settlement procedure:
  - a. In case husband has property, then one time settlement order to be passed and lump sum amount to be given by verifying the assets held by the husband.
  - b. The order of maintenance should be notified to employer of the person liable to pay monthly allowance. The employer (both government and corporate) should be directed to deduct from the salary of such person, sum equivalent to the amount of maintenance ordered by the court.
  - c. The retirement funds of the husband working in organisation need to be tapped and attachment orders to be implemented so that the maintenance money can be provided to the wife.
4. Existing one stop centres, domestic violence cells, legal cell authority and Swadhar homes to be brought under one umbrella to have better coordination with Police and achieve seamless issue resolution.

5. A well-coordinated Monitoring System to track the maintenance case should be created by police department at each police unit. This will ensure better focus on issue of summons and warrants and follow ups.
6. A fund should be created by GOI to support women fighting maintenance cases.

Annexure -02: Study Report on Maintenance among Women in Marital Discord: Challenges and Recommendations

## PETITION ON CHANGE.ORG

A petition titled ‘Maintenance Law–Uphold Right to Live with Dignity and Respect for Women in Marital Discord’ is filed on change.org an advocacy platform by Dr. Keerthi Bollineni in March 2020 and is being supported with 84,000 signatures.

<https://www.change.org/MaintenanceLaw>

## RECOMMENDATIONS FROM PANEL DISCUSSIONS

VMM conducted panel discussions throughout India in 2023- Delhi, Bangalore, Bhuvanewar, Mumbai. Panellists are Members of Parliament, Indian Administrators, Police officers of higher cadre, Legal experts and academicians.

The suggestions came from the expert Panellists are:

- 1) A separate law to be framed for maintenance for women, children and elderly. It must constitute at each district level ‘Quasi-Judicial body’ with three members - a Magistrate, District Collector and Women experienced in dealing with family matters. This body deals with all maintenance cases without having a legal process to court and also the applicant directly represent their case to the body, so that there won’t be delay and fasten the process both for interim and final order. The order given by this Quasi-Judicial Body is the final.
- 2) OMNES – It’s the responsibility of the state to protect and reach the victim in upholding human rights. State is the protector for the women, children and elderly facing maintenance issues and support the victims. If it is being violated treat it as breaking the human rights, hence the state responsibility to be clearly spelt in the domestic laws such as maintenance and in case of violation the case can be taken up as ‘suo moto’.
- 3) If the husband/Partner has not paid the maintenance the ‘Quasi-Judicial body’ will pay from a fund available with it to the applicant and collect from the husband.
- 4) As the women are facing lot of struggles to come to courts online video conferencing mechanism to be initiated through this Quasi-Judicial body.
- 5) The Quasi-Judicial body to be formed in similar way like Child welfare committee to resolve the maintenance issues with enquiry only not investigation.
- 6) Need to have robust mechanism for accountability of the maintenance cases by using the technology to track the status of each complainant that will uphold the rights of the women in completing the process in a time bound nature and quality deliverables.

Video links of the panel discussions:

- Delhi: <https://www.youtube.com/watch?v=dUAukaOYhII&t=18s>
- Bhuvanewar: <https://www.youtube.com/watch?v=YljXR3Zx4EQ>
- Bangalore: <https://www.youtube.com/watch?v=cNfMxOURxiA&t=2675s>



## Annexure -01: INTRODUCED PRIVATE MEMBER BILL 259 OF 2022 IN LOK SABHA

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT)

BILL, 2022

BY

SHRI SRINIVAS KESINENI, M.P.

A

BILL

to further amend the Code of Criminal Procedure, 1973.

Be it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called Code of Criminal Procedure (Amendment) Act, 2022.

(2) It shall come into force with immediate effect.

Short title and commencement.

2. In the Code of Criminal Procedure, 1973, in section 125, after clause (2), the following clauses shall be inserted, namely:-

“(2A) Notwithstanding anything contained in sections 24 and 25 of the Hindu Marriage Act, 1955, sec 19 of the Hindu Adoptions and Maintenance Act, 1956, The Muslim Women (Protection of Rights on Divorce) Act, 1986, the Indian Divorce Act, 1869.-

(a) the Magistrate may award a lump sum amount for the maintenance as a one-time settlement in an order after due verification of the assets held by the husband, including the ascertainment of any immovable or movable property possessed by the husband;

(b) in case the award is in the form of a monthly allowance, the order shall be duly notified to the employer of the person liable to pay the monthly allowance if the person is employed and the employers shall be directed to deduct from the salary of such person a sum equivalent to the amount of maintenance ordered by the court;

Explanation.- The employer shall include government entities under article 12 of the Constitution and the private entities.

(c) the retirement funds of the husband working in an organisation to which the preceding clause applies shall be used for the purposes of fulfilling the maintenance award and the employer after receipt of the order under sub-section (2) shall deposit in court the details regarding the retirement funds of the employee in question; and

(d) any property, whether movable or immovable, built, bought, or constructed during the course of marriage shall be equally divided between the two parties to the divorce.

(2B) Notwithstanding anything contained in sub-section (1), an aggrieved woman living in a shared household shall be entitled to interim maintenance without proof of marriage.

Explanation.- For the purposes of this sub-section,-

(a) “aggrieved woman” and “shared household” shall have the same meaning as assigned to them in the Protection of Women from Domestic Violence Act, 2005 (43 of 2005); and

(b) "interim maintenance" shall be calculated for the aggrieved woman and the minor children, if any with the help of maintenance professionals appointed on a contractual basis by the court from a pool of eligible professionals, experts in family law and finance in accordance with cost of living index:

Provided that if the applicant has moved a petition to seek maintenance under different laws, the same information shall be communicated by the applicant to the relevant courts through an affidavit, within thirty days of the institution of the petition:

Provided further that the Court shall adjust or setoff the amount awarded in the previous proceedings, while determining whether any further amount is to be awarded in the subsequent proceeding:

Provided also that the order passed in the previous proceedings requires any modification or variation, such modification or variation shall be made in the same proceeding."

Amendment to Section 125.

TO BE INTRODUCED IN LOK SABHA

Bill No. 259 of 2022

STATEMENT OF OBJECTS AND REASONS

The Constitution makers had incorporated Directive Principles of State Policy (DPSP) with the vision to guide the law-making process in the country. Dr. B.R Ambedkar went on to state that the DPSP are the heart and soul of the Constitution. Article 39 states that “the state shall, in particular, direct its policies towards securing that the citizens, men and women equally, have the right to an adequate means of livelihood, that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.”

Further Article 39 reinforces Article 15(3) of the Constitution of India which provides that: “Nothing in this article shall prevent the State from making any special provision for women and children.” Together the two Articles uphold the rights and subsequent duties of the state towards the vulnerable sections of the society.

Presently, a women can claim maintenance under various laws ranging from Section 125 of the Criminal Procedure Code (CrPC) to various section of different personal laws. It is an established and widely acknowledged fact that economic prosperity and women empowerment go hand-in-hand. Moreover, a nation’s progress is judged as per its ability to enforce contracts However, seven decades since independence, the women of our country still run from pillar to post to seek enforcement of their maintenance contracts.

Across the globe, developed countries have formulated stringent guidelines to ensure the enforcement of maintenance contracts. For instance, in Australia, the contracts are registered with the child support register and the amount is automatically deducted from the income tax installment of the payer. Further in Finland, the maintenances amount is revised every year depending on the shift in the cost-of-living index. In India, this can be adopted in relation to a purchasing index in consonance with the trend of inflation. Therefore, ensuring that the maintenance contracts are enforced and ensure a sustainable amount to the aggrieved women.

By virtue of judicial pronouncements and other steps, rights of women have been restored but it will become fruitful only when under lying thinking is changed and only if maintenance orders are properly enforced. It is imperative that the laws are framed to ensure the effective enforcement of the contracts, reduce burden of pending cases and ensure smooth procedure. Only when women, who are the first teachers of a child, get their due, the nation can realise the dream envisioned by the constitution makers, of a just and equitable society.

Hence, this Bill.

NEW DELHI;

SRINIVAS KESINENI

November 21, 2022.

## ANNEXURE

### EXTRACTS FROM THE CODE OF CRIMINAL PROCEDURE, 1973

(Act No. 2 of 1974)

\* \* \* \* \*

125. (1) If any person having sufficient means neglects or refuses to maintain—

(a) his wife, unable to maintain herself, or

(b) his legitimate or illegitimate minor child, whether married or not, unable to maintain itself, or

(c) his legitimate or illegitimate child (not being a married daughter) who has attained majority, where such child is, by reason of any physical or mental abnormality or injury unable to maintain itself, or

(d) his father or mother, unable to maintain himself or herself,

a Magistrate of the first class may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or such child, father or mother, at such monthly rate as such Magistrate thinks fit and to pay the same to such person as the Magistrate may from time to time direct:

Provided that the Magistrate may order the father of a minor female child referred to in clause (b) to make such allowance, until she attains her majority, if the Magistrate is satisfied that the husband of such minor female child, if married, is not possessed of sufficient means:

Provided further that the Magistrate may, during the pendency of the proceeding regarding monthly allowance for the maintenance under this sub-section, order such person to make a monthly allowance for the interim maintenance of his wife or such child, father or mother, and the expenses of such proceeding which the Magistrate considers reasonable, and to pay the same to such person as the Magistrate may from time to time direct: Provided also that an application for the monthly allowance for the interim maintenance and expenses of proceeding under the second proviso shall, as far as possible, be disposed of within sixty days from the date of the service of notice of the application to such person.

Explanation.—For the purposes of this Chapter,—

(a) “minor” means a person who, under the provisions of the Indian Majority Act, 1875 (9 of 1875) is deemed not to have attained his majority;

(b) “wife” includes a woman who has been divorced by, or has obtained a divorce from, her husband and has not remarried.

(2) Any such allowance for the maintenance or interim maintenance and expenses of proceeding shall be payable from the date of the order, or, if so ordered, from the date of the application for maintenance or interim maintenance and expenses of proceeding, as the case may be.

(3) If any person so ordered fails without sufficient cause to comply with the order, any such Magistrate may, for every breach of the order, issue a warrant for levying the amount due in the manner provided for levying fines, and may sentence such person, for the whole or any part of each month’s allowance for the maintenance or the interim maintenance and expenses of proceeding, as the case may be remaining unpaid after the execution of the warrant, to imprisonment for a term which may extend to one month or until payment if sooner made:

Provided that no warrant shall be issued for the recovery of any amount due under this section unless application be made to the Court to levy such amount within a period of one year from the date on which it became due:

Provided further that if such person offers to maintain his wife on condition of her living with him, and she refuses to live with him, such Magistrate may consider any grounds of refusal stated by her, and may make an order under this section notwithstanding such offer, if he is satisfied that there is just ground for so doing.

Explanation.—If a husband has contracted marriage with another woman or keeps a mistress, it shall be considered to be just ground for his wife’s refusal to live with him.

(4) No wife shall be entitled to receive an allowance for the maintenance or the interim maintenance and expenses of proceeding, as the case may be, from her husband under this section if she is living in adultery, or if, without any sufficient reason, she refuses to live with her husband, or if they are living separately by mutual consent.

(5) On proof that any wife in whose favour an order has been made under this section in living in adultery, or that without sufficient reason she refuses to live with her husband, or that they are living separately by mutual consent. Order for maintenance of wives, children and parents.

\* \* \* \* \*

**LOK SABHA**

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**A**

**BILL**

**to further amend the Code of Criminal Procedure, 1973.**

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**(Shri Srinivas Kesineni, M.P.)**

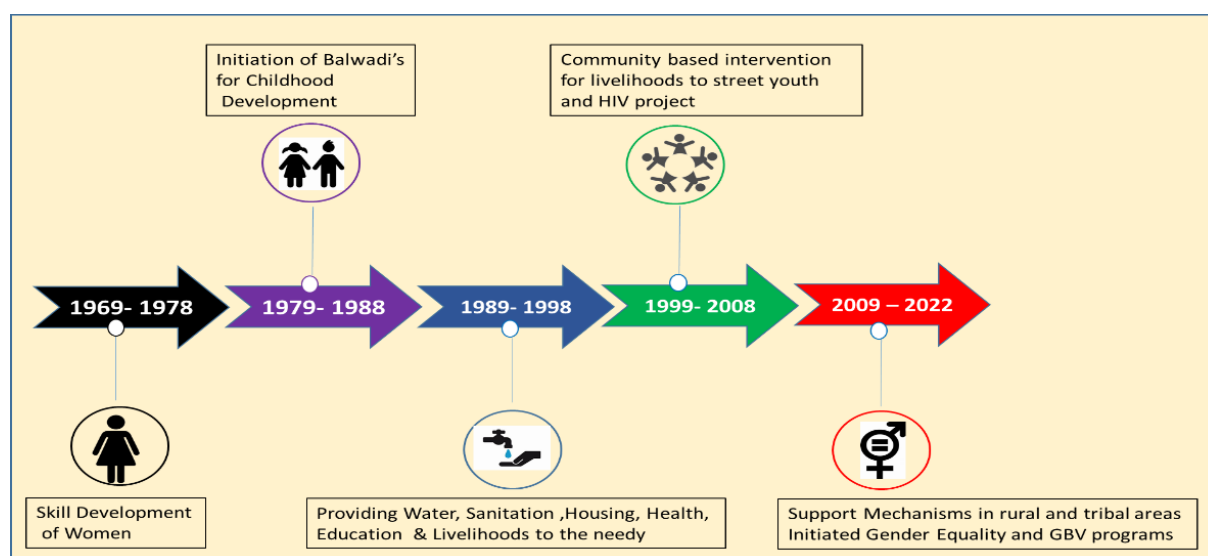
## Annexure-02: STUDY REPORT ON MAINTENANCE AMONG WOMEN IN MARITAL DISCORD: CHALLENGES AND RECOMMENDATIONS

### ABOUT VASAVYA MAHILA MANDALI (VMM) – BACKGROUND

Vasavya Mahila Mandali (VMM), an NGO working in the space of empowering women, children and youth has a rich legacy of 53 years. VMM was founded in 1969 in Vijayawada, Andhra Pradesh, by Chennupati Vidya, former Member of Parliament and was inspired by the Gandhian principles of justice, social development and equality. From 2018 Dr Keerthi is spearheading Vasavya Mahila Mandali and is instrumental in taking up the task of unfolding the challenges of women in marital discord in the execution of maintenance.

The broad vision of VMM is Empowering women, children and families by increasing happiness and ensuring a sustainable society with human values. VMM's work over a span of more than 5 decades is depicted as below

**Figure 1 Work over the past 50 years**



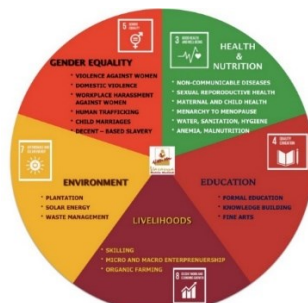
### *VMM – Scope of Activities and Outreach*

VMM works on a holistic model of creating sustainable communities. It has worked with various government ministries and departments, civic societies, corporates and bilateral agencies. The five key thematic areas which VMM focuses are: Health and Nutrition; Education; Gender equality; Livelihoods and Environment. Under the various key thematic



areas VMM has undertaken programmes and initiatives for making a difference in the lives of the communities.

**Figure 2: VMM Thematic Areas of Work in line with SDGs**



### ***Research & Publication:***

VMM also has a robust Research and Publication vertical which ensures that the community-based initiatives and programmes as well as evaluation studies get properly documented and its finding shared so that the community issues get visibility. VMM also conducts evidence-based research for improving the situation either through policy interventions or with effective implementation by having discussions and meetings at various levels with victims / survivors, their family members, academicians and the service providers.

### ***VMM Outreach***

The programmes and initiatives carried on through various thematic areas have impacted thousands of women, girls, men, and boys.

**Table 1: VMM Outreach**

VMM reach thematic wise 52 years					
Thematic area	Male	Female	Boys	Girls	Total
Health & Nutrition	402,986	409,375	293,005	297,643	<b>1,403,009</b>
Education	601	5,018	6,141	10,541	<b>22,301</b>
Livelihood	7,673	9,369	7,681	7,682	<b>32,405</b>
Human rights	669,303	766,743	98,501	122,825	<b>1,657,372</b>
Environment	184,533	181,668	178,831	174,731	<b>719,763</b>
<b>Total</b>	<b>1,265,096</b>	<b>1,372,173</b>	<b>584,159</b>	<b>613,422</b>	<b>3,834,850</b>

## EXECUTIVE SUMMARY

Women, all over India irrespective of their socio-economic, educational status or their geographical location (urban/rural) have long been struggling to receive maintenance from their spouses. The glaring issue of not receiving maintenance is compounded by the multitude of problems which women face of verbal and physical violence and not getting support to maintain basic living standards impacting not only the women's health but also impacting the children's health and education. While there are existing laws that a woman can take recourse to claim maintenance, be it the personal laws or sec 125 of the criminal procedure code or Domestic Violence Act, the fact remains that in spite of the various provisions in laws, women are struggling to receive maintenance. It is acknowledged that economic success and prosperity of a nation is closely connected with its ability to enforce contracts and resolve disputes. As per Duflo there is a bidirectional relationship between economic development and women empowerment and this empowerment includes improving the ability of a woman to access rights, earning opportunities, education, health and political participation.

The pan India data collected by Vasavya Mahila Mandali, (VMM) Vijayawada, Andhra Pradesh through Right to Information (RTI) for the period of 01April 2018 till 31<sup>st</sup> March 2020 is a reflection of the status of maintenance cases which is represented below in the form of a table.

Laws under which cases have been filed	Number of cases
The Hindu Marriage Act 1955 (Sec 25)	<b>70477</b>
The Hindu Adoption and Maintenance Act 1956 [Sec 18, 19]	<b>7637</b>
The Criminal Procedure Code 1973 [Sec 125]	<b>76245</b>
The Protection of Women from Domestic violence Act 2005	<b>216442</b>
<b>Total</b>	<b>370801</b>
Interim Orders passed	<b>22041</b>
Execution petitions filed	<b>41934</b>

(Source: RTI filed by Vasavya Mahila Mandali)

VMM has also garnered the support of public through its online campaign to address the issue of non-maintenance

**Online petition on Change.org petition - 84000 signatures (approx.)**

### **Key objectives of the report**

- To document the current challenges on the issue of maintenance through collection of ground data
- To bring out recommendations and suggest changes to bring in effective implementation of the orders so as to end the suffering of lakhs of women

### **Recommendations**

1. Maintenance Act to be framed by aligning different sections in various laws such as: 125 Cr PC, The Prevention of women from Domestic violence Act, Family laws of various religions, to bring in uniformity and speedy disposal of cases.
2. Create a National Registry of domestic abusers/offenders
3. Streamline of alimony/interim maintenance/final settlement procedure:
  - a. In case husband has property, then one time settlement order to be passed and lump sum amount to be given by verifying the assets held by the husband.
  - b. The order of maintenance should be notified to employer of the person liable to pay monthly allowance. The employer (both government and corporate) should be directed to deduct from the salary of such person, sum equivalent to the amount of maintenance ordered by the court.
  - c. The retirement funds of the husband working in organisation need to be tapped and attachment orders to be implemented so that the maintenance money can be provided to the wife.
4. Existing one stop centres, domestic violence cells, legal cell authority and Swadhar homes to be brought under one umbrella to have better coordination with Police and achieve seamless issue resolution.
5. A well-coordinated Monitoring System to track the maintenance case should be created by police department at each police unit. This will ensure better focus on issue of summons and warrants and follow ups.
6. A fund should be created by GOI to support women fighting maintenance cases.

## ADVOCACY EFFORTS TO BRING IN CHANGE IN MAINTENANCE CLAIMS

VMM has taken up issues of women's rights from its inception and carried out numerous programmes for the benefit of women, children and society. Over the years, the outreach of its programs through its various verticals have impacted thousands. While this may be true, it is also cognisant of the fact that domestic violence and gender-based violence has been a perennial problem. The economic dependence upon the husband and the marital family further puts the woman in a vulnerable position. It has been estimated that one in 3 women in India are victims of domestic violence. The Family counselling centre run by VMM sees on an average 300 to 400 cases every month, be it on the issue of violence, separation, dowry, rape or sexual harassment/assault. The escape route out of such abusive marriages is separation, however, there are numerous challenges that come in the way for a woman to seek divorce.

Women have been running from pillar to post to get legal relief in case of marital dispute and for claiming maintenance. While Indian laws do have a provision for claiming maintenance under the code criminal procedure, 1973 as well as under the respective personal laws, what is ironic is that the right to claim maintenance is not absolute and neither the procedure to obtain it simple. The confidence to fight a legal battle and take legal recourse against husband who has been abusive and violent is taken by few. Many a times the vicious cycle of violence continues for the very simple reason that the women and her children are financially dependent upon the man. With no property and financial backing or support, little to no knowledge of the legal proceedings to claim maintenance, and societal stigma, all of it pulls back the woman to take a strong stand against the husband.

**Issues and Challenges Faced by Women**

<b>Legal</b>	<b>Economic</b>	<b>Societal</b>	<b>Family</b>	<b>Health</b>
Multiplicity of litigation	Limited money for survival and on top of it resources are spent over legal battles	Concerns over family honour and social stigma associated for taking legal action	Difficulty in breaking the cycle of violence and abuse due to patriarchal mind-set	Non-Maintenance impacts the physical and mental health of women and their children
Gaps and ambiguity in law  Quantum of money is not defined. Children above 18 years do not get maintenance	Women may be educated but not necessarily economically independent as skills required to secure job are inadequate	Limited options to fall back on in case women are driven out of their homes. Shelter homes of government have restriction on age of dependents and number of dependents	Members of the family are aware of the violence but do nothing to prevent it	Stress induced illness such as diabetes, hypertension as well as depression leading to suicidal tendencies
Misled by lawyers, no legal direction  Lack of awareness of free legal aid services	Time spent in doing unpaid work and thus no skills/training to take up paid activity	Insensitivity, inertia on part of the police to execute search warrants  Revictimisation of victims by the systems due to lack of coordination between different law enforcing agencies after court orders	Children who have witnessed violence and abuse experience higher levels of learning disorders, mental illness and substance abuse	Lapse of health insurance policies due to lack of financial stability thereby increasing cost of health
Absence of effective, efficient and professional counsellors at family court who can provide legal support/assistance with sensitivity	Absconding men who absolve of their responsibility to pay maintenance	Character assassination of the woman who asks for maintenance	The health and well-being of the parents of the women who files for maintenance does get impacted	

## Mechanisms

With all these challenges that women face, VMM realised the urgent need for a mechanism which ensures maintenance and economic relief to the woman seeking justice and has initiated steps to bring in change while accessing maintenance rights

S.no	STEPS	ACTIVITIES
1	Gathering data on issue of non-maintenance	Preliminary survey of 100 women who have filed cases for maintenance
2	Seeking expert opinions (legal, police, victims, activist)	Organised a Round Table Meeting with a view to brainstorm and come with recommendations on how the maintenance issue could be better executed
3	Pan India data collection on Maintenance cases	RTI filed and connected through district courts, high courts and supreme court
4	Garnered public support	Online petition filed and 84000 signatures received
5	Support from the elected representatives	Representation letter sent and connected to the 543 Members of Parliament highlighting the issue of maintenance
6	Comparison of the existing laws in other countries on Maintenance	Collaborative study undertaken through law college to understand the relief measures available to women under maintenance laws in various countries
7	Opinions from legal experts	Interview with eminent experts in the field of legal matters
8	Economic, Health and other impact that women undergo for claiming maintenance	Qualitative study of 38 women who are in the legal procedure of Maintenance and its execution
9	Ongoing efforts: Prevention, Redressal and Rehabilitation	Family counselling, legal aid, Mahila Mitra initiative, legal awareness, support from community, resolving and negotiating with husband and their families to provide maintenance

### ***Preliminary survey:***

VMM conducted a preliminary survey of 100 women who had filed for maintenance in Vijayawada. This survey gave an indication of the magnitude of problems that women face and how the issue of non-maintenance has impacted their basic survival and health of self and children.

### ***Roundtable Meeting:***

VMM specifically arranged a round table meeting with the objective of understanding the problems women face and to provide possible solutions and recommendations in addressing

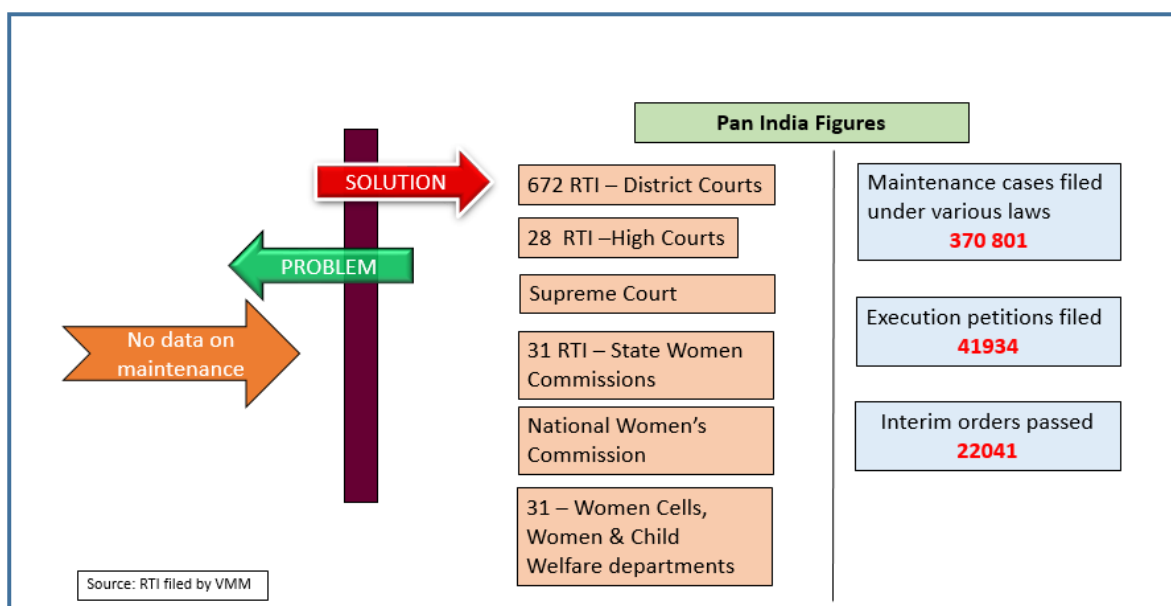


the issue of non-maintenance. The meeting was attended by legal experts, academicians, police department, domestic violence cells, counsellors, social activists, Mahila Mitra, and survivors of domestic violence and abuse. While the discussions brought into focus existing drawbacks in the legal system, it also put forth a robust plan of recommendations.

### ***RTI to seek maintenance data at pan India level:***

VMM realised that currently there is no data available as to how many cases are filed for maintenance by women in the different courts of India and under which specific laws. In the absence of any data it is difficult to highlight the vulnerability and difficulties which women face. Thus, the humongous task of filing RTI initiative was taken by VMM. A total of 672 District courts, 28 High courts, Supreme Court, 31 State women commission, National women commission, 31 departments dealing with women cells, domestic violence, women and child welfare departments were contacted. This data collection exercise was undertaken for the period 01Apr 2018 till 31<sup>st</sup> March 2020.

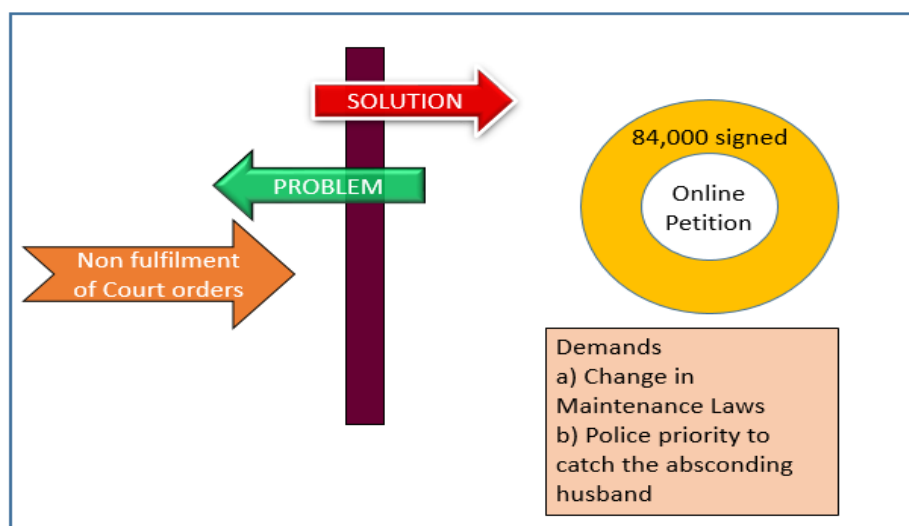
**Figure 3: RTI to Seek Maintenance Data**



### ***Change Org petition:***

VMM started an online petition to highlight the issue of non-receipt of maintenance despite court orders and to address the need for better execution of the existing laws. There are various laws in India which give the wife the right to claim maintenance, however, they vary as personal religious laws are different for each religion. A study conducted by VMM brought into focus that only 40 percent of husbands pay maintenance for few months and then discontinue. While the court orders need to be respected in true letter and spirit, husbands resort to absconding tactics to escape paying the maintenance and criminalisation is not the solution. The online petition recommends that the police should put in efforts to search such absconding husbands who try to shrug the responsibility of paying maintenance. The petition also stresses the need to amend existing laws while upholding the basic right to live a life of dignity and respect for women in marital discord. The petition has garnered support of approximately 84,000 people. The petition can be accessed on <http://chng.it/Y4LqvTmG>

**Figure 4: Change.org Petition**



### ***Connecting with the 543 Members of Parliament (MP):***

In order to visible the plight of lakhs of women who are seeking maintenance, VMM connected with the MP's of the country to bring to their notice the need to change the maintenance laws in the country and bring relief to those who are denied justice for a long time. A letter was drafted and sent to all the MP's to sensitise them on this burning issue.

***Collaboration and study on maintenance laws of different countries:***

VMM collaborated with students from Symbiosis Law School, Hyderabad, and they brought out a study which analysed and compared the existing laws in various countries. The study brings into perspective the state of legal safety measures and their efficacy and where India stands in this respect. It also helps to benchmark the provisions and to understand if the same can be implemented in India.

***Sought legal experts and opinions:***

VMM connected with various legal experts to understand the loopholes in the existing laws and what can be done to plug the loose ends so that women who seek maintenance are given their rights and can lead a life with dignity which is being denied to them. The experts have recommended changes and pinpointed the steps that need to be taken.

***Qualitative Study to understand the issues on maintenance:***

VMM conducted a qualitative study of 38 women to bring out the struggles which women and their children face in marital discord when they claim maintenance. The study also focuses on how the legal struggles without economic relief has impacted the women's physical, mental, emotional health and the impact it had on the children. It questions whether the dignity and respect which women rightly deserve is being given to them. It also examines the support systems which women turn to in times of distress.

***Prevention, Redressal and Rehabilitation:***

VMM has developed innovative interventions to address the issue of marital discord which primarily stems from violence. It has opted the Prevention, Redressal and Rehabilitation strategy where the women victims are counselled and through counselling sessions and support mechanisms are given confidence and moral support to live a life with dignity. The Mahila Mitra, a social initiative with Andhra Pradesh Police has been started to mobilise community support and assist women to approach police stations, domestic violence cells, and negotiate with the husband and his family and ensure active involvement of the community elders.

## **REVIEW OF EXISTING LEGAL PROVISIONS FOR MAINTENANCE AND COMPARATIVE ANALYSIS OF OTHER COUNTRIES**

### **Society's outlook towards marriage and divorce**

In India, marriage and the customs and traditions around marriage are celebrated and considered to be an integral part of one's culture and life irrespective of the religious faith that one follows. The relationship between man and woman gets sanction in the society through marriage and thus marriage is considered a significant event from the perspective of the individual, family and society. While some religions believe it as a sacred union, others consider it as a contract. Since marriage is considered to be building blocks of society, any act, event which results in dissolution of marriage, separation or divorce is looked down by the society and woman is blamed for the break-up of the institution of marriage. The fact that women are not on equal footing in the institution of marriage is also reflected in the terms of the treatment she is meted out by the in-laws and her husband while going through the process of separation. The challenges begin not only in gathering courage and confidence to come out of a troubled marriage, but also in taking the legal approach and finally to claim and receive maintenance. The process of up keeping the basic standards of living poses a huge challenge when she is denied maintenance and the entire process of claiming maintenance becomes nerve wrecking experience. It thus becomes necessary to evaluate the existing laws for maintenance that women can resort to.

### **Existing laws in India for women to claim maintenance**

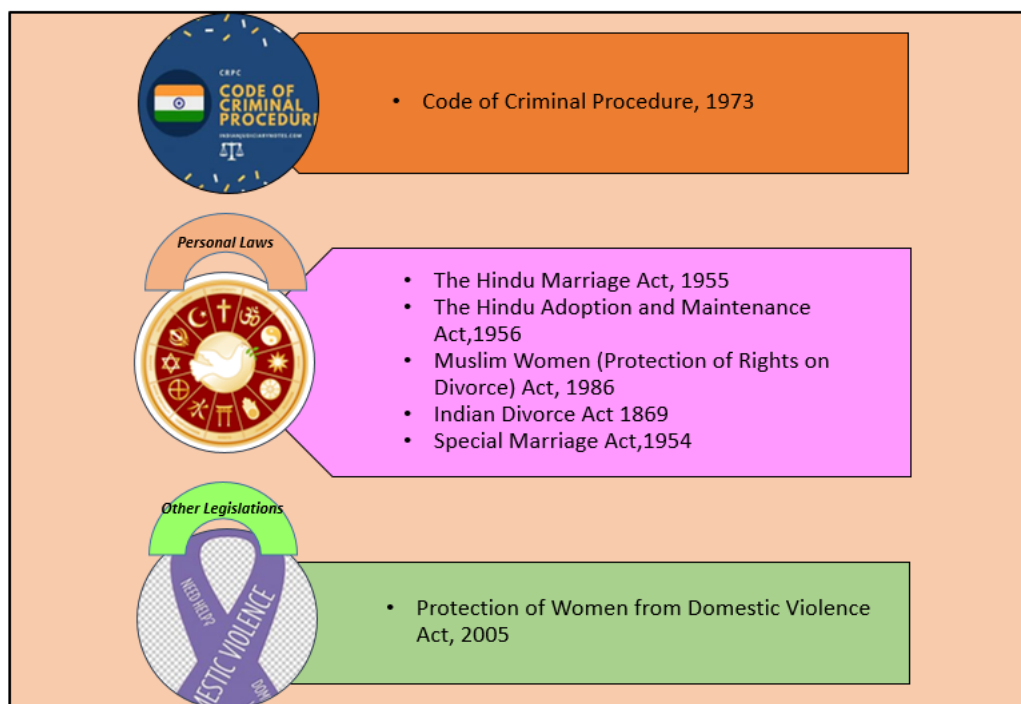
The legal obligation of a man to make adequate preparation towards his dependent wife and children to maintain themselves in case of marital discord, is termed as Maintenance. The amount of maintenance is either decided by a mutual settlement between the husband and the wife, or in accordance with the order received from the court. The Constitution of India provides many rights to the wife which includes right to live with respect and dignity, right to the residence at the house of her husband, to have an equal share in the property etc. Currently, wife can claim maintenance from her husband under

- The Section 37 of the Special Marriage Act, 1954,
- Sections 24 and 25 of the Hindu Marriage Act, 1955
- Section 125 of the Cr.P.C. ,1973
- Section 20 of the Protection of Women from Domestic Violence Act, 2005

- Sec 19 of The Hindu Adoptions and Maintenance Act, 1956.
- The Muslim Women (Protection of Rights on Divorce) Act, 1986.
- The divorced Christian women can claim maintenance under the Indian Divorce Act, 1869.

Guidelines were framed by the Supreme Court of India bench of Indu Malhotra and R. Subhash Reddy, JJ on 04.11. 2020 – Rajesh/ Neha.

**Figure 5: Existing laws through which women can claim maintenance**



#### **Conditions for claiming maintenance under code of criminal procedure, 1973:**

For the purpose of this report, we are mainly concerned about maintenance that the wife can claim from her husband. Some of the conditions under which a wife can claim maintenance are as under

#### ***Unable to maintain herself:***

It means 'unable to earn a livelihood'. In short the wife does not have other means or source to maintain herself. Such maintenance would include neither penurious nor luxurious expenses but those expenses required for daily necessities and for keeping away from starvation. Maintenance is to be provided irrespective of the education status.

#### ***Neglect or Refusal to maintain:***

The neglect or refusal to maintain on husbands part is to be proved by the wife and only then the order of maintenance can be passed. Such neglect or refusal can be expressed or implied.

Refusal means a failure to maintain when asked to do so, while neglect means a failure on the part of the husband to maintain, even in the absence of the demand. The term neglect includes disregard of duty either wilfully or unintentionally. The term Refusal always means a wilful or deliberate act. Wife must prove neglect or refusal with satisfactory evidence.

***Having sufficient means:***

The term sufficient means is not an absolute term but rather in relation to a particular individual taking into consideration his occupation, trade, status, education and other attending circumstances for the person liable to pay maintenance. Thus 'Means' does not only mean tangible property or source of income of the husband, but also his capacity, potentiality and status. Insolvency, becoming monk/sadhu or no means is not a ground on which husband can be exonerated from payment of maintenance to his wife.

***Offer to Maintain:***

The husband gets an opportunity to make an offer to maintain his wife on her living with him and the wife has the right to decide on it on just ground alone. The wife can refuse to accept the offer and the court must see whether there is sufficient reason for refusing to go with the husband. The offer should be genuine and sincere efforts to be made by him as well as concrete steps taken. Sec 125 of the Code of Criminal Procedure, 1973, is only meant for removing the vagrancy and starvation and therefore the offer referred here is only to provide her with food, clothing and lodging.

**Best Practices followed in other countries**

VMM, along with students from Symbiosis Law School, Hyderabad, undertook a study to analyse the maintenance laws in various developed countries so that the best practises followed can be source of guidance for policy recommendations. The maintenance laws of the following countries were studied: Canada, Australia, France, Finland, Germany, Japan, New Zealand and United States of America. Some of the notable best practices that need to be highlighted are given as below.

***Collection of maintenance by deduction from wages and salary:***

This practice is followed in Australia, wherein, it is the duty of the employer to reduce the required amount from the salary of the husband and pay to the spouse's account. It requires the employer to keep records of all the payments made and attracts punishment for failure of the same.



***Power to alter the interest in property belonging to the husband:***

In Australia, Family Court has the power to alter the interest in property depending on the need. The court decides on sharing of the property which belongs to the husband taking into consideration the woman's non-financial contribution such as home making and child caring.

***Spousal Maintenance registered with Child Registrar:***

The procedure of enforcement of Spousal Maintenance is implemented in Australia where the maintenance liability is registered with Child Support Registrar. There is automatic deduction from income tax instalment of the payer and the Centrelink paying it to the entitled, be it child or spouse.

***Compensatory Maintenance for wives:***

In Canada, the Supreme Court has upheld spousal support to be an entitlement, often indefinitely based on compensatory principles. The justice system takes into account the sacrifices that wives in marriages commit even in a developing society, which shrinks their career opportunities when they assume the role of the primary caregiver of their child. The judgements ensured that spouses in longer marriages enjoy similar living standards. Even when the spouses were both economically independent, certain spouses, mainly wives, were granted additional support to contribute to their incomes.

***Spousal Support Advisory Guidelines:***

The Department of Justice of Canada initiated the formulation of advisory guidelines in 2001 to reduce ambiguity and provide predictability while determining cases of spousal support. It was aimed to provide structure to a field of law that was otherwise decided based on discretionary powers and fact-basis. The Guidelines drastically altered the day to day determination of maintenance by not only changing how such determination is done, but also the perspective on the outcome of support applications. The guidelines help in shaping client expectations of not just the applicants who seek maintenance, but also payers who are liable to pay.

***Seizing federal payments:***

Family court of Canada empowers the government to take payments of employment insurance benefits and income tax refunds to pay the spousal support. The government is also empowered to take away a certain portion of the federal pension benefits a support payer is to receive and pay it towards a spousal support order.

***Suspension of passport and federal/provincial license:***

The Family Orders and Agreements Enforcement Assistance Act in Canada empowers the Maintenance Enforcement Program to request for a suspension or denial of a person holding a Canadian passport. Additionally, it can request for cancellation of certain licenses like marine and aviation in cases of non-payment of spousal support for more than 3 months and if dues for maintenance exceed a particular threshold.

***Negative impact on Credit standing and seizure of property:***

Provincial and territorial laws differ in Canada. Some courts may also order to seize personal or real property or report the defaulting support payer to credit bureaus which may affect their ability to get loans in the future.

***Periodical increases in maintenance amount:***

In Finland, the courts grant for periodical increase in maintenance allowance depending on the cost of living index which reflects the increase in living standards year on year.

***Compensatory Benefit:***

In France, The French law prescribes a lump sum amount to be paid in the form of compensatory benefit. Where the division of functions between the spouses had been favourable to one and to the detriment of the other, such compensatory benefits are ordered Interim Duty to support and assist even after dissolution of marriage.

***Equalisation of property:***

In Germany, on divorce or termination of marriage, the property that was acquired by spouses during marriage is equalised. The increase in worth of the properties gained after the marriage is evenly split between the two partners, as this excess is believed to be due to the contributions of both spouses.

***Effective mechanism for enforcement:***

In the United States of America, the mechanism for spousal support is strong and no one can escape the liability, the penalties which are administered for safeguarding the rights of spouse in need of maintenance are strictly implemented.

**Figure 6: Best Practices w.r.t claiming spousal maintenance followed in developed countries**

	Australia	Canada	Finland	France	Germany	New Zealand	Japan	USA
Spousal Maintenance	✓	✓	✓	✓	✓	✓		✓
Child support	✓	✓			✓	✓		
Penalty for contravention	✓	✓		✓	✓	✓		✓
Division of Property	✓				✓	✓	✓	✓
Considers non-financial contribution of women/compensatory benefit	✓	✓		✓	✓			
Increase in Maintenance			✓					
Suspension of passport/license		✓						
Direct Deduction from salary	✓							
Impact on credit score		✓						
Guidelines/Table for maintenance		✓			✓			

### INSIGHTS OF THE QUALITATIVE STUDY

The qualitative study was undertaken with a view to understand the experiences of women who have filed for maintenance. The aim was to understand the kind of financial, emotional and legal struggles they undergo as one important relationship in their life, which is marriage, gets dismantled. The insights of the study undertaken not only give a glimpse of the day to day challenges which women undergo while securing justice, but also the long term impacts which hamper their overall wellbeing. The study then looks at the support systems they fall back on in absence of employment opportunities. The sample size of the study is 138. All these women have undertaken legal recourse to seek justice. While 50% of women have low levels of education (below class XII), other 50 % of women have completed graduation and even post-graduation. While most of the respondents come from a relatively lower socio-economic background with low educational status, there are women who are doctors, computer software professionals, law graduates who are also fighting cases in court for maintenance. These interviews have been conducted and documented by the Research team of Vasavya Mahila Mandali. Following are some of the observations from the interviews taken.

### ***Problems crop up in early stage of married life:***

The journey towards knocking the doors of the court is a long one and there are plenty of reasons why the marriage fails. However, the common observation found is that problems crop up in the early stages of marriage, though woman waits for many years before taking the step to approach police and court. The common problems that women from the study have talked about are extra marital affairs of the husband, domestic violence that includes physical, verbal, emotional, sexual abuse. Character assassination of the woman and suspicion on her character, unmet dowry demands, insistence on a male child, impotency, misunderstandings which keep growing, alcohol addiction are some of the many reasons that lead to breakdown of marriage.

### ***Education, Work and Available Support:***

Women, whose education is below class XII and who are unskilled. find it very difficult to survive, even those with education who have not worked during their married life and thus it becomes difficult to enter job market. The long drawn court proceedings too hamper those who have regular jobs. Women seeking maintenance thus depend upon their parents and their natal family to take care of them and their children. There is absolutely no support from the in-laws.

### ***Legal Challenges:***

There are various legal challenges that women face and the legal journey is an arduous one. Courts are sensitive towards the plight of women, however, the minimum gap between two petitions is one year. So the woman has to compulsorily wait for a year before she can apply for additional/new petition. The amount of maintenance as approved and passed by the court order varies from INR 2000 per month to INR 50,000 per month depending on each case. However, the challenge is to get the husband to pay this amount. The husband resorts to various tactics to avoid paying the maintenance, abscond from the city, proclaim to the judge that they are no longer employed and thus are incapable of giving any maintenance, transfer their property to brother/mother to avoid giving any share to the estranged wife. There are also instances where the husband is willing to stay in jail for not paying the maintenance. They also harass, coerce and exhaust the financial resources of the women. The date of filing the cases in most are less than 10 years, but few interviewees have even waited for more than 15 years to get justice and not yet received the maintenance. While maintenance orders get passed, the challenge is the non-willingness on part of the husband to pay in spite of the ability to pay.

***Childcare and their wellbeing:***

The responsibility of childcare falls completely on the woman and husband refusing to pay maintenance even for the child makes it more difficult as child bearing expenses including the educational, medical and other expenses are borne by the woman and her parents. The emotional well-being of the child does get impacted with the separation of his/her parents and the emotions range from fear of the father to complete detachment, anxiety, resulting in emotional instability and physiological health issues.

***Women's emotional, mental and physical wellbeing:***

The legal battles do take a toll on the women's emotional, mental and physical well-being. The stress and anxiety results in a host of ailments which manifest in different health disorders such as hypertension, diabetes, anaemia, migraines, thyroid disorder, back pain and moderate to severe depression. Financial insecurities and the feeling of helplessness and dependency further aggravates the problem. These health and mental disorders further hampers their chances of actively seeking employment.

***Women's expectations from court and police:***

The expectations of the woman are simple and plain. She expects justice, regular payment of the maintenance, and clearance of the dues which are pending from the husband despite the court orders. Expectation from the police is that when search warrant orders are issued by the court, the police should make efforts to find the absconding husband who is trying to avoid paying maintenance. Support from police is equally important.

**Figure 7: Qualitative Insights of the Study on Issue of Maintenance Faced by Women**

<b>Problems in Marriage</b>	Extra marital affair, Alcohol Addiction, Demands for Dowry, Domestic Violence, Insistence on male child, Impotency
<b>Tactics used by husband</b>	Abscond to avoid paying maintenance, Resigns from workplace to show no means to support, Unwillingness in spite of regular income, Changes cities and place of residence
<b>Expectation from court</b>	Regular payment of maintenance, Passing of maintenance order, clearance of the dues , Swift Justice
<b>Employment Status of women</b>	Not working with low levels of education, even women with graduation and post graduation degrees are not employed making it difficult to run day to day expenses
<b>Child Responsibility</b>	Children below 18 years reside with their mothers with the maternal family. Without maintenance the educational and expenses for raising the children are borne by the women causing further financial strain
<b>Legal challenges</b>	Disregard of the court orders, makes false reports, deliberately causes delays in court proceedings, initially couple of months gives maintenance and then stops making the women again to knock the doors of court , harass intimidate, coerce and exhaust the financial resources of the women
<b>Emotional Mental &amp; Physical health</b>	The legal battle has caused anxiety, stress, insomnia, hypertension, diabetes, thyroid disorders, back pain, migraines, depression among the women and it has also impacted the social and emotional well being of the children
<b>Family Support</b>	To avoid the constant abuse from husband women come and live with their parents. Without active employment, the burden of living expenses and staying falls on the women's natal family. The on going legal battle also impacts the health of the ageing parents

## **STORIES STRAIGHT FROM THE HEART**

Five women have poured their hearts and narrated their turmoil about how each day they have been fighting the legal battles, sometimes alone and sometimes with the help of their families. These women have taken the courage to seek justice and stand for their rights with the belief and hope that will see a new life.

### **Make the Woman to Know Their Law**

I, Archana Mittal, a chemical engineer, hails from an orthodox Brahmin joint family from Muzaffarnagar, a small town in Uttar Pradesh. Father had patriarchal mind-set but mother supported for education of daughters. Mine was arranged marriage to my classmate and I was working at the time of marriage. My career aspiration was to work and be independent. But after marriage, my husband asked me to quit the job and take care of family. In my life, I lost my father in my teens, so I did not want my children to have that vacuum.

It was an abusive marriage with occasional physical and emotional cruelty. Because of the pain that I had undergone, I even attempted suicide and was hospitalized, but my husband and in-laws warned me not to disclose to anyone. I kept quiet as I was worried about my four year old son.

The abuse started when I questioned my husband about his extramarital affairs. My husband assumed me to be a dumb female who doesn't know the ways of the society, I was portrayed as a mental person who was always feeding on the wrong assumptions. Even when I complained to my in-law's that he was womanizing, they always supported him. I first spoke about my ordeal to my sister after 15 years of marriage. She was always trying to make peace by speaking to me and him and trying to make him understand. Common friends didn't take my side as they felt it's a personal issue between me and my husband.

I came to know that my husband went away with office secretary and, in fact, that was the first time when I informed my in-laws, then when it came out in open, my husband became very much rude, he was taking alcohol daily and harming me physically and mentally. When I came back from hospital, I was asked to sign papers or else the abuse was going to be to the next level. I was threatened that the education of my daughter will be stopped and in-laws family totally abandoned and they just went away. Police were not helpful in filing FIR.

For 32 years, I suffered silently before taking an action. There were three primary reasons for not speaking up for violence: firstly, hailing from an orthodox middle class family which



matters much to maintain family prestige; secondly mother in law's attitude of supporting her son although she knew his abusive behaviour; and thirdly from my husband's attitude and behaviour I understood that it is not in which institutions you studied and how many degrees you hold, men like him are violent and treat wives as slaves.

My children were impacted in many ways: they both have seen me working hard and facing the hard realities of life, such as, notices from my husband, threatening to leave the house, no financial support from their father, saw me dying and ran for lifesaving drugs. Currently, they both are working and staying in the cities where they are working. My daughter has developed hormonal imbalance and stress and my son is with anxiety syndrome and developed lot of anger in him. Currently, my husband is targeting my son and daughter and emotionally abusing them frequently. I started my second innings of education at the age of 55 to update my skills and knowledge. My children are questioning me that how many more years will you run after the cases in courts? No answer.

The difficulties I faced in fighting to claim Maintenance are numerous. More than 7 years of my journey in legal battle is a nightmare. I did appoint a lawyer, but changed many, as the lawyers were compromising my cases by not attending the courts hearings, did not update me with progress if I ask also and gave wrong information. They used to get irritated. I gave Vakalta to lawyers, who have misguided me and involved me in multiple litigations with no relief and respite. As home maker, I am in dearth of finances, paying to lawyers is a big challenge.

According to Supreme Court that stated clearly, women should get their share from the husband's income, keeping in view the dignity for the work of women. With my stress due to violence and abuse I faced, my mental health is damaged, and my children's life is challenged.

Keeping in view my life journey, I want to put forth some suggestions- that making the woman to know their law is very essential and to have a subject at all levels as curriculum, so that the boys and girls both will be sensitised and educated. Pro bono services by the lawyers is to be provided. Men and women stand for other women facing crisis instead of normalising it. Non availability of data relating to DV in India is to be addressed by developing mechanisms. Gender neutral DV law is to be enacted for Government and corporate employees, as in Singapore. Mental Health and DV are correlated, hence the interventions to be planned to take up MH – DV as a public health issue and make it part of national health

mission. I want to conclude my case story with evidence that shows “when men are deliberately engaged in gender inclusion programs, 96% of organisations see progress — compared to only 30% of organisations where men are not engaged.”

### **Relief to the Women to Live with Dignity**

I, Sirisha, dreamt to become a teacher. So, I joined for graduation in Vijayawada but my neighbour proposed for marriage at my 18<sup>th</sup> year, in second year of graduation. Although we both belong to different castes, both parents discussed, agreed, and celebrated marriage in 2005.

At the time of marriage, my parents gave dowry of INR 3.50 lakhs cash, 200 grams gold in the form of ornaments, INR 1.50 lakh for marriage expenses and provided all the household furniture. For about a year our family life went smoothly. I gave birth to a girl baby in 2006. After one year of our marriage the abuse started by beating me with iron rod and I was admitted in hospital a number of times. Not only me, but my husband has beaten even the infants while in drunken state. He abused me and my parents many a times with filthy words. The nature which I saw prior to marriage and the nature after one year were quite opposite. In 2007, my husband was taken off from job as he was irregular owing to vices. During these abusive relations, in 2009 I gave birth for second child, baby boy. But, harassment continued from my husband and even increased I can say.

To make him productive INR 1.50 lakh was given by my parents for purchase of an auto rickshaw, keeping in view my welfare. Although he purchased an auto rickshaw, he became more irresponsible. Me and my children were in such a vulnerable state of starvation. As I stayed in rented house, for piling up of dues, the house owner put off electricity connection and pestered for dues.

One day, my husband brought other women to our home to stay with us. Then I called my parents. They came and questioned him. He verbally and physically abused, beat me and my parents, and forcibly pushed me, my children, and my parents out of the house. Me and my parents went to police station and gave a complaint. Then, I, with my two children left for Visakhapatnam to stay with my parents in 2011.

I was deeply hurt, agonized that although I made all efforts at police in complaining about his abusive behaviour, I never received timely response from police. Lastly, I made another attempt in 2013 by approaching police, the Station House officer called my husband and he

said that he had already given legal divorce to me and showed the paper advertisements and divorced documents from court. I thought one day or the other he would repent and take us to home to live with him. Then, with that divorce copy I approached his lawyer. The lawyer said, as my husband wanted divorce, the lawyer had portrayed me with bad behaviour and the address they sent was not mine. I spent INR 1.50 lakhs for lawyers towards their fee and other expenditure, which was borrowed from my parents. I was fed-up with systems like police and judiciary. Although five times the arrest warrant was issued by the court, not even once my husband was arrested. Still the case is in court. My husband even cheated me by giving wrong addresses in divorce petition. After that also he got married twice and left both.

Currently, I am working as a sales personnel in an organic food shop in Vijayawada and earning INR 15,000 per month and children are studying in 10<sup>th</sup> and 7<sup>th</sup> class respectively.

I am totally mentally depressed, but for the sake of my children I am living and trying to give them good education. I became anaemic and developed neurological problems. Due to stress, I have severe indigestion and gastritis at the age of 30. Although I look fair in complexion, but my darker side of life has resulted in loss of concentration, loss of appetite, no trust and no faith in systems, and no hope in life.

For some days we didn't have food, but my children understood and went to bed with a glass of water. The only 'dream' I aspire in life is to give good education for my two children, as they are getting 98 -99 percent in their education.

The challenges I am going through in life are without my knowledge, my husband gave divorce as the lawyer has manipulated with all the allegations and character assassination of me. I am fighting in court on the grounds of decree against divorce and filed a petition in 2015 challenging the allegations made by my husband. Through D.V Cell, I filed for maintenance in 2015 and got orders in August 2018, "granted INR 7,500 per month and INR two lakhs as *stree dhanam*", but I never received a single paisa from my husband even after court orders. I approached the court in 2 cases and five times the arrest warrants were issued, but nothing happened. Contempt of divorce, Non execution of maintenance orders and 498A – 3 cases are pending since last ten years and now I am tired of going to court/police.

I am staying in a rented house with two children and facing food scarcity and am unable to invest on children's education, although both the children are meritorious. Currently, I am not getting support or caring from my parents or siblings, as they too are tired of me, and they are aging too.

I silently suffered for seven years before taking strong decision about my life. Primarily, I could not open up with regard to the abuse in my marriage as I chose my life partner and even discontinued my education after marriage. Although my parents warned me when I was proposed, but I insisted for marriage, so with that guilt I could not disclose. Secondly, I and my husband belong to two different castes and the community may think in a negative way about my life decisions. Thirdly, as I was financially dependent on my husband and there were no assets or income sources with me if I had just stepped out of the house, I would have had to single handedly required to take care of my two children, which was an unimaginable burden for me and did not want to face that challenge as I felt it was out of my strength or capacity. Fourthly, I was victimised at police station and courts due to non-responsive nature, delayed judicial procedures, attitude of lawyers. I lost hope in the system, the way it has taken turns in the case of my maintenance.

While going to courts, I faced challenges in managing my job which gave me livelihood because frequently I had to ask for leave and used to remain absent from work, so I was taken out of the jobs. To get a job is challenging now a days. As per law, I have a right to get maintenance for me and my children as I do not have any source of income. Secondly, the children's responsibility lies on father as the bread winner of the family. When father discard the wife and children, he has to provide assistance for the basic living.

I suggest that Government should provide free legal aid and assistance for the cases relating to maintenance for women in marital discard. Domestic Violence cell with a lawyer is available while filling cases in the court. But, many women do not know legal aid centres. As the legal battle is taking many years even after getting orders, an execution system must be developed to provide relief to the women so that it enables her to live with dignity. Even housing is a major issue for women in marital discord, so government needs to provide us.

Gender sensitization is to be provided during training to police and judicial officers. A single window system is to be developed in judiciary to take up the cases relating to women – DV Act, maintenance, divorce. “When the husband does not pay maintenance monthly or one time should treat him as defaulter/cheater. So, such laws to be applied for him.”

### **Maintenance Claims Must be Treated as Money Suits**

I, Archana Pydah, come from a well-educated family. My education led me to pursue Bachelor of Law and subsequently I became an Advocate and started working in a MNC. At the age of 32, my first marriage ended in divorce, dowry being one of the reasons. Coming

from a traditional Indian family, I was susceptible to the stigma of divorce from my relatives and extended family. However, my family supported me through the ordeal. Like every educated woman, I had plans to pursue my career in Law and was earning a handsome amount of money.

At the age of 35, I remarried once again to an individual after 6 months of getting to know each other. The individual was a businessman and his work required him to travel back and forth between USA and India. The individual was also a divorcee who had two kids from his first marriage. At this stage in my life, I was emotionally and mentally vulnerable and connected immediately to the individual. Prior to the marriage, he put forth two conditions that the bride should not be working. He also mentioned that he would be shuttling between USA and India every three months. Since he was already earning a handsome amount sufficient for the both of us, I agreed. He also assured me that he was in the process of shifting his business to India and that he would settle in India from USA eventually. The marriage took place in February, 2008. After 3 months he left for the USA on business. Following his return to India, he suddenly declared that he wanted a divorce and asked me to agree for a mutual divorce. In return, he said, he would help me in getting Green card which would allow me to work in the USA. His sudden decision to apply for divorce baffled me.

I first approached my Mother-in-law and informed him about my husband's decision. She then convinced her son to reconcile and to mutually sort out any problems between us. Finally my in-laws had succeeded to convince him to sort out any problems between us. At this point in my marriage, I did not reveal the issue to my parents as I did not want to worry them further about another failed marriage out of my control. I had decided to work out problems if any between me and my husband. As such, I had left to the USA in June, 2009 to stay with him. During my entire stay with him in USA, he was cold and behaved as if I was a stranger. My plans to reconcile with him did not yield any success and I returned to my in-laws' place in Hyderabad. His parents talked to him again and this time he was successful in convincing his parents that he did not like me since I had a dark complexion and did not speak good English, reasons which did not matter before my marriage to him.

He filed for Legal separation in a US Court in June 2010. To make matters worse, and to emotionally blackmail me, he sent an E-mail regarding filing for Legal separation to all my family members and extended family letting them know that he filed for Legal separation. Immediately, I filed for Restitution of Conjugal Rights in Family Court in Hyderabad. In

November 2010, my husband converted the petition for Legal separation into Divorce in the US Court. In March, 2011 my husband sent a lengthy email to me, including all my family members, asking me to respond to the divorce petition applied in the US Court. It can also be noticed that despite repeated notices for him to appear before the Court in Hyderabad, he never appeared and was always represented by an advocate, thus rendering my efforts to reconcile with him futile. He was hell bent on obtaining a divorce from me through hook or by crook.

In my case, the helplessness and the financial, mental and physical exploitation by my husband was evident when my husband decided that he wanted a divorce after just 3 months of my marriage. During the separation, I had to become once again financially independent and start searching for a job after coming back from the US. In this day and age of cutting-edge competition, starting a career at 35 years of age is quite difficult and takes a mental toll on a woman. Very often, highly educated women have to settle in menial jobs to compensate for the lost experience. These situations have brought untold misery for deserted spouse and they are more or less in a remediless position or inability to access justice, which amounts to gross violation of Human Rights and equality of laws.

My family has been supportive of my battle against the erratic decision of my husband to apply for divorce. However, my husband decided to prolong the legal battles in Indian Courts, in which he would never appear and was always represented by an advocate. He has repeatedly shared private emails regarding divorce proceedings between me and him to my relatives and extended family members with an intention to emotionally batter me into accepting his proposal for consent for a mutual divorce. After prolonged legal battles in Family Court, I was awarded Restitution of Conjugal Rights in 2014 by the Family Court in Hyderabad. The order upheld my marriage as opposed to his claim that he had divorced me in 2011 in a US Court without sending me a legal notice of the same. Later, he filed a review of the order in the Telangana High Court where the matter is still pending. Additionally, I had filed for maintenance from him in 2017. However, he had refused through his advocate saying that he did not have the means to provide maintenance. My intentions to contest his claims that he did not have the economic means to provide maintenance for me were difficult since he resided in USA and never appeared before Court proceedings. The matter is still pending in the High Court.

Primarily, I was stopped by my in-laws from speaking up about the issue to prevent from tarnishing the family's name. Another reason being, me being a divorcee even before my marriage, I was sceptical of speaking out about another failed marriage of mine, though no fault of my own. However, when I decided to start fighting for my marriage, I came across thousands of such cases where women were cheated and mistreated by NRI husbands by exploiting them financially, mentally and physically. It was then, I had decided to speak up about the issue and fight for all such women going through similar ordeals.

As a woman fighting for my rightful claim for maintenance, I have observed that very often our judicial system demonstrates discriminatory procedural and evidentiary rules while dealing with complicated cases related to filing for maintenance claims. Further, I also observed that the Courts' approach to maintenance claims filed by women are borderline patriarchal. In this regard, there is also a need to gender sensitise the judges who regularly deal with complicated cases such as these to ensure that justice is not discriminated against women or tend to follow societal standards rather than take a women centric view while delivering verdicts on disputes in marital law. Special consideration should be given to women because they face specific barriers to access justice. They often lack the social or legal capacity to make significant decisions about their lives in areas relating to education, health, marital and reproductive rights. They may be forced into marriage or subjected to other harmful practices and various forms of violence.

Another advice is that cases for maintenance claims must be not be treated as matrimonial disputes and must be treated as Money suits by the Court wherein the defaulter (person who does not pay maintenance) should be held accountable in Courts just like an individual who is held accountable in Courts after he defaults in loan payments to Banks. Maybe then, the access to justice to women would be resulting in timely payment of maintenance by the husband.

### **Education is not Bar for Abusive Relations**

I, Kamini Bharadwaj, was brought up in Hyderabad. My childhood was centred on education and we had a peaceful family. My father died when I had finished 12th. We, 4 siblings, have seen challenges in life after the death of my father in 1995. We were brought up in an atmosphere of hard work and value for life and its challenges.

At the age of 20, I joined Jet airways as a cabin crew and later moved to Singapore airlines, in total I worked for 10 years as cabin crew and at the time of marriage earned more than my



husband. The career was very promising and I travelled all over the world. I got married at the age of 26.5 and moved to India. I stayed with my in-laws' family in Udaipur in Rajasthan at regular intervals when my army officer husband was posted in field areas. I have had five pregnancies and clearly for the desire of a male child, I went through multiple abortions and have three healthy and beautiful daughters, currently aged 14, 11 and 8 year respectively. Its an obsession actually in my husband's and in laws to have a son in the family.

I accepted the match from an army family thinking that they will have modern thinking and a broader outlook, but, when I first gave birth to a girl baby it did not become evident but after the birth of the second child I could notice that they were a bit taken aback. My husband was upset for a few days but the child soon won his heart too as she was a beautiful baby. In India, we have a law that there should not be sex determination through scanning for pregnant women, but I am a live example. Around the time of my second delivery, my husband lost a promotion in his job, which they had blamed on me for not being helpful in his career since I am not from an army background and that he was father of 2 daughters, that made him very demotivated too.

I had a lot of pressure and force from my husband and in-laws for scanning and sex selective abortions from 3rd baby onwards. I fought very hard during the birth of my 3rd child to not get any test done for sex determination but gave in for totkaas and medicines given to me by my MIL. As per the inputs of all villagers visiting the house and MIL's suggestion, I even used cow urine for bathing as they believe that it gives birth for a male baby, worshipped Kalpvraksh twice a month near Satellite hospital in Udaipur, I was made to give up vegetables which grow under the ground on a doctor's advice and many more tying of threads around neck, stomach, arms on visiting temples. I endured all this for the love and happiness of my husband and my in laws, so that my children will have a secure life as a child unlike mine where there was lot of love and affection but no financial stability but my in-laws and husband have enough money and property to take care of the big family we had.

After the birth of my third child also, which was my 4th pregnancy, they forced me to go for another pregnancy and this time they forced me to go for sex determination. This was in 2017.

My father-in-law is an ex-army officer and 'Shaurya Chakra' awardee and was a chief guest for programs in schools and colleges in Rajasthan and where he motivated girls and boys. I

never thought a person can have a dual personality of giving speeches of gender equality, whereas, on the other side his attitude and behaviour were deeply patriarchal.

In 2017, I was in and out of the hospital with abortion and dengue. I had no one to take care of me and three children, and no peaceful days. I started rethinking about myself and my life. I decided that I will not give birth to any more children and told my husband the same. I even said that if he wanted to get married again, he can go ahead and have a male baby but I will not have another child at 41.

First, I spoke with my husband that he was doing wrong and we needed to go to a counsellor. Then, I suggested to him that we go to counselling to a dear friend who does family counselling, and she was the wife of an Army officer (his friend) but he refused to visit initially as he was concerned people outside would know the inside stories of our home. When I filed the case, he agreed to go for counselling to the same friend which I had suggested. This couple is very close to our family and frequent visitors to our house. We spoke to the couple. My husband spoke before them exactly what happened and used filthy words in front of them saying what's wrong if he wants a boy. Obviously, the friends advised him to come out of this mind block but my husband abused them also and is not in talking terms any more with them. Secondly, I disclosed it to another friend of mine who lived close by. She is the next one who heard my agony and supported me in helping with drafting of the complaint as I didn't know how to make pdfs or take print outs. During this time he got posted to another place and asked me to move. I didn't go as I was scared that he would force me into another pregnancy, and we will have fights in front of small kids. I came to know through someone that my husband wanted to destroy my phone as it had all the evidence relating to his abusive words towards me and my family and related to his desire to have a baby boy.

I joined a course in Delhi in 2018 to bridge the learning gap in my career as there were frequent fights between us and he threatened to divorce me. This annoyed my husband even more. When I had to go for training to upgrade my skills and knowledge just once a week as I was out of work for 6-7 Years, he would come home and start fighting with me on some pretext or the other. I wanted to stand on my feet and be economically independent as I was very worried for my and the girls future. I didn't want to be a burden on my family too with my 3 growing kids.

He restricted my life at every step to scare me, to isolate me financially and emotionally harass me. I informed my in-laws about his irresponsible behavior, they carelessly responded that I should do what I wanted to do at "40 plus".

In February 2019, I filed a case about maintenance for me and my three daughters. I got an Ex Parte order of Interim maintenance for INR 40,000 per month and restrain order too. Even after I filed the case, he used to come home without any regard to the court orders and created a lot of hassle.

Even though two properties belong to me, he never deposited the rental income in my account and stopped the rental income of a penthouse he owns in Delhi.

We have two cars, but when the rift started my husband never allowed me to use the car and took away the keys to Ferozepur where he was posted saying I didn't bring the cars in dowry and he had earned them. It was humiliating for me to keep being insulted this way.

As a single mom in Delhi, doing some ad-hoc sales work or abacus classes I left my children with maid, their health was also affected as they did not eat cooked food but rather chose to have unhealthy food like biscuits and bread when I was away giving job interviews. I moved to Hyderabad on 23rd March 2020, as I thought it would be easy to take a job with family around but covid came to the world at the same time. My children are now safe in a family environment with my mother around. I informed my estranged husband that I am staying in Hyderabad with my mother, after which he stopped paying maintenance asking me to live in my younger brother's and mom's shelter.

As my husband did not pay maintenance, I informed the court and was forced to inform the army office as he refused to make Army bus passes for school buses for kids. As a central government employee, he is claiming school fees for my three children by downloading online receipts when the children were studying in Delhi school. Later, when I moved to Hyderabad, he called the school and got fee receipt copies and reimbursement from the central government.

He never paid school fees for my three children after 2019, but he claimed the school fee. Although he has multiple earning sources, he is irregular in paying maintenance. When I filed maintenance case, I was 41, now 45. Who will marry me at 45 and I am a mother of three children that too girls in Indian society where everyone only thinks the girls need to be

educated and married, so its expenses all the way. And when their own father doesn't want to pay for them, why will another man pay?

In 2021, in Delhi, the court called to appear personally, I did. My husband said that there is no pending maintenance and said he deposited cash. When asked for evidence, he could not show it. In these days of online banking transactions, he can pay in multiple ways, but he bluffed. I had three bank accounts and he knew all the passwords and logins as he was managing all my bank accounts. After I separated from him, I just closed one of my bank accounts. He started depositing in that bank account to show in the court, same account the mutual funds are there. He is not depositing the account which is given to the court. So he wants to mislead me as though he is depositing but in that account, he only deposited INR 5,000 as per his wish to sustain 3 growing kids. There are arrears to be paid for maintenance from October 2020 to March 2021. As the judge had insisted, he paid INR 60,000 cash before the judge and the judge told by April 2021, he has to clear all the arrears. But in April 2021 also he did not clear the arrears and did not pay monthly. So, the Judge ordered in August 2021 for attachment to his salary monthly INR 60000 along with arrears of 12,95,000, since then I am getting monthly maintenance with part of arrears every month. He appealed to court at all levels when ordered for INR 60,000. He stated that his salary is low so he cannot pay. But in reality, every month he was depositing approximately INR 30,000 to 40,000 DSOP (like savings) which is like PPF. The amount can be withdrawn from it at any time. He is showing his false salary after deductions and hid his income from my 2 flats and the penthouse which was about INR 60000 in total. . After 23 years of service, he is getting a salary of INR two lakhs, rental income from three houses which is around INR 55,000, and payments from resorts. So, all together his monthly income is more than three lakhs from Army and rentals. We also have a resort in Udaipur called Devasya, he earns from that too even though I am a major partner in it but don't get anything from it.

He is appealing every time as he doesn't want to pay for his daughters. In May 2019, I filed for divorce to put an end for this. My husband is creating rumors about me and sending mails to our neighbors, friends and relatives that I am characterless. I filed an FIR in Hyderabad. I got support and help from all my neighbors, friends and relatives. On this one he appealed to court. To appear for every court hearing the lawyers are charging fee. The courts are giving a number of dates as part of hearings, and I am unable to bear all these expenses with my maintenance. This is the only income for me, no other. Last time when I went to the court in Delhi, they made it virtual, which was not informed prior. Due to virtual, no cross

examination was allowed and the judge did not give me a chance to speak, and it was frustrating.

On 29th March 2022, the court hearings were scheduled and I was asked to appear personally. As a single mother, although my daughter was having examinations from 26th March 2022, I had to appear for a court hearing. My priority is my daughter's education but I have to balance which is disturbing me. On 29th March 2022 the court had taken his appeal not mine. I don't know why the court is not taking the issue of maintenance of the family.

I informed my mother, brother, and brother-in-law. My brother and brother-in-law are working in Merchant navy and air force, so, my ex-husband threatened them too and wrote letters to their officers that made them step back in my affairs. My mother is aged, can't give me shelter and support to take care of my children. So, I took my own stand to fight for maintenance.

I had insurance and some savings, I honored the insurance policies to have some financial security for my children. All my family members know that after my third child I am facing issues with my husband and in-laws. My three daughters are impacted, for not having fatherly affection, bearing with me running from pillar to post for justice, living in one room in my brother's house, leaving behind all the riches which they were used to. My husband used to talk with the second and third daughters, but not with the first one as she knows the ordeals I have faced.

I approached the police only after my last abortion. Three primary reasons that stopped me from not speaking up and bearing it all along for 11 years are: My husband is very loving, caring for me till 2014, children and supported in their education, so I thought that things will settle down. As I am completely financially dependent, that made me take a long time to make the decision to come out of the marital abuse. I was brought up in a middle-class family, my mother and brothers always said to wait so that attitudes will change but it became worse. I faced severe economic problems of paying fees to lawyers, school fees of my daughters, house rent and other basic necessities, utilities in Delhi. He started assassinating my character and created a lot of rumours to pull me down. In the initial phase, he wanted to terrorize my witnesses' family and relatives, but my continuous fight made me win their hearts. I can say very clearly that the maintenance that I have received so far is only because of the court order of salary attachment. If the judgment had not been there, he might not have paid the maintenance which was seen in the first few years.

Now, I am in a situation either to take a step forward or backward, which will affect me. If I go backward, all the fight I did will be lost. If I go forward, the children will not get benefits from their father. Recently, one of my students showed me in the 'jeevansaathi' matrimonial columns, which had his profile and stated as divorcee, no children and born in 1980. Actually, he was born in 1974 but he is giving false information. He hides this fact from me too and I got to know about it after 12 years of marriage. Shows his discreet, cunning attitude. Even if I don't want to have anything to do with him, my husband won't leave me now, as he wants to teach me a lesson and take revenge as I took legal steps. It's my right to get economic relief. That's why I am fighting for my rights, not for my maintenance. I can stay in a 1 bedroom flat, live frugally. It's my right to get my properties which are on my name and my jewellery and my kids are entitled to their heritance.

My suggestion to all my sisters is to get their rightful claim of maintenance and relief. Before a woman goes to court she needs everything organized, I prepared an excel sheet and posted all the expenditures which I spent on my children's needs. I suggest all women who are fighting in the courts mention only the instances that happen and give only facts about what happened and how it impacted them. Otherwise, the case can be diluted. Never be ignorant of your documents and never keep them in other hands, including your husband. My degrees and all education related papers were stolen by my husband to isolate me from opportunities to work. We do not know when the situation will change.

Fast track courts are required to complete the cases at the earliest. The minor children are forgoing their childhood as mother is running around the courts. Recently my youngest Daughter asked which is more important, money or family. I have nothing against the system, but the stigma attached to the system is not gender sensitive. For two years I didn't get maintenance, nobody was bothered about how I was living. My husband's bank account is piling up since the case began and mine has dried up. The insurance, which I did to safeguard my life, I had to use them and came handy to pay my bills. The judges should not judge all cases the same but to look at each case in its own situations. I filed a case for maintenance in 2019 and now it is 2022.

How can we survive? He lied in the court that his parents are dependents, but his father has been in a decorative officer post and is getting a pension. Judge did not question this.

I filed an FIR in November 2019 at Delhi and nothing was done. Police asked me to get pictures of the wedding, jewellery and hospital papers. When I went to the hospital, I found

that they entered the case as a general prescription and no entry as inpatient, abortion, and discharge. The documentation, if any was done by Vikram as I was not in a state to observe all this. So, I do not have any proof from the hospital, but I have the sonography documents with me, which were done within three and half months (105 days). The first two were normal, then they did not even question why within two days another sonography was taken. They did not ask where the child was. This shows a clear-cut loop – holes in the system.

The FIR in Udaipur was dismissed within days of filing and there was nobody to question the police. Going to the police and being given lots of papers lead to ‘no hope’. If I get support from the right authority, I can get relief from this pain.

I have been asked many times, why do you have a third child? Did you want a son? People are so curious, who asks personal questions. In the beginning, I used to say it was an unplanned pregnancy, but now I tell them that my family wanted me to bear a boy but my girl is very valuable. There is a stigma attached to single women, and I am being questioned as to why I am not living with my husband. All such questions are affecting the mental health of the children and added stress for me to deal with, so minor children cases are to be dealt with differently. Empathy is required and rights of the minors are to be protected.

I tell my story, why I started my fight. This gives me an understanding that this is the only option. I am clear about my case and life. I sleep well without any medication as I wholeheartedly tried my best to be a good wife and daughter in law. I had kept complete trust in my lawyer when the judgment was favourable to me, the lawyer gave credit to the judge. If judgment is against me the lawyer tells ‘I am fed-up with your case’ and also says ‘your payment is not big for me’. Once I asked my lawyer, ‘did you not charge me when I did not get maintenance’. These are not pleasant issues to pose but these can help women facing court.

Based on previous experiences and recent training that I have undertaken; I am going to register a business in Hyderabad to train women on how to dress and groom, what kind of patterns you wear and what kind of colors you choose. So, the company I want to set up is based on ‘Social skills and Appearance Management.’

### **Identity crisis for children**



I, Lakshmi Pavitra 31, hail from Ramalingeswara Nagar, a slum abutting Krishna River in Vijayawada. I studied up to 6<sup>th</sup> standard in a government school. My father is a driver and mother is a house wife. I have one elder sister and elder brother, and both are married. After I dropped from school, as I was not interested in education, I supported my mother in housework and trained as a beautician. I got married at 19 years to Prasad at Kanaka Durga temple in Vijayawada in the year 2011. At the time of marriage, my parents gave INR 50,000 cash and 20 grams of gold. My husband used to manage a mobile phone repairing shop in Kondapalli village of Ibrahimpatnam Mandal. He used to get INR 30,000 per month on the business. My husband is orthopedically challenged. After three months of marriage, I became pregnant.

My dream was to become a beautician and start a parlor on my own. As I have skills in garment making, I aspired to have a beauty parlor cum garment making.

The abuse started on the issue of inadequate dowry after six months of marriage and aggravated with birth of a girl child after 10 months of marriage. My in-laws started blaming me with filthy words about my character and used abusive words about my parents for not giving extra money whenever they wanted. My husband and in-laws never took my little girl in their lap as they preferred a son. The situation worsened because my husband and brother in law used to take pictures while I was breast feeding, or changing clothes in the room. They black mailed me stating that if I did not listen to their demands then they will make these photos public by sharing on virtual platforms. I left their house in anxiety, fear and annoyed, I came to my parents' house and with them I went to Ibrahimpatnam Police station and filed a case-498A.

I went into depression because just two years of marriage with child, I did not know how to go ahead. I became mentally depressed, and my blood pressure level came down and I became anemic. Now, the child is 11 years old and studying in 6<sup>th</sup> class in a government high school. My daughter never received emotional support from my husband or my in laws. As she started growing, I became both a father and a mother to her.

I silently suffered for about 18 months before coming out of house with my daughter and filing FIR. The primary reasons for not speaking up about the abuse are: My parents had consoled me and told me to adjust and understand others in a joint family so, I gave time to understand each other. But that didn't work out. As I became pregnant within 6 months of marriage life, I thought things will be much better after childbirth, but the situation was not so

and their attitude was that they had preference for a son. As my husband is physically challenged, I have a soft corner to support him and gave importance for the institution of marriage, but that too did not work.

Recently an incident happened in the school, as my daughter is studying 6<sup>th</sup> standard, the school management asked Aadhaar card of parents. So, my daughter took my Aadhaar card and showed the school management and they asked for my husband's Aadhaar card. My husband is neither willing to give his Aadhaar card to show at the school nor does he come in person and speak to school authorities. My daughter has questioned me 'why father is not coming to my school?'. My daughter is now growing and understanding the situation but at the same time she is confused about her identity as daughter of Prasad (father). Since her childhood, she never got any appreciation or affection from her father but as she is growing, she is comparing with friend's parents. So, she is facing identity crisis.

I approached DV cell and filed on 23<sup>rd</sup> April 2013 for restitution of conjugal rights to stay in my husband's house and got order from court on 21<sup>st</sup> December 2013 by allotting a house with toilet, bathroom, and electricity facility. Three months back in January 2022 as the electricity facility for toilet and bathroom were disconnected, I again approached DV cell and re-opened the file and the case is going in the court.

I filed for maintenance under DV act on 23<sup>rd</sup> April 2013 and got order for maintenance on 11<sup>th</sup> January 2018 by giving interim order for INR 3,000 to mother and INR 2,000 for child monthly and give INR 70,000 as *Stree Dhanam*. I did not get maintenance from the first month onwards or *Stree Dhanam*. He filed a suit in A.P High court in 2018 that he cannot give INR 70,000 as *Stree Dhanam*. Then, I requested in the court to at least deposit in the name of the child. As he didn't agree for that also, then I plead the judge to give one room in my husband's house to live. I filed for maintenance case once more – Under section 125 of criminal procedure code on 28<sup>th</sup> February 2014. The court has given interim order on October 2016 for INR 3,000 to mother and INR 2,000 to child monthly, but I was not getting under this order too.

My husband filed for divorce in 2013 after I filed for maintenance. It took almost 5 years to give interim order for maintenance and I suffered for not having money to live by myself and take care of my daughter. I am tired of going to courts and loosing livelihoods. As I go for daily wages, the maintenance case and divorce case, attending to courts is a big challenge.

With me, my daughter is also silently suffering by losing her childhood and mental agony and confusion due to identity crisis from 11 years.

I do not have any other means of income to live and support my daughter. As father, it is his duty to support his daughter by providing an environment for her growth as a child. With all his blames, I stopped working as a beautician, became a daily wage earner with fluctuating income.

Keeping in view my journey since last about 10 years, I suggest to speed-up the process of providing maintenance orders at the earliest to uphold the right of basic living with dignity and see that the maintenance orders are executed efficiently. A mechanism is to be developed to provide maintenance for women and children and make the husband to pay with more stringent guidelines. As children are going to schools, the rules are to be made very clear that only mother's Aadhaar or any ID proof is enough, so that it helps the children of single women/men not get confused.

In my case, both police and judges are very sensitive and supportive. But, I heard from peers at court that they are facing lot of harassment from lawyers by their way of demanding money and not updating the case situation, so that the client will be in darkness. Although I got a room to stay in my husband's house, every time, for petty issues I am facing abusive remarks and leads to quarrel. Hence, when women get an order under restitution of conjugal rights better give with more clarity with a designated room with proper partition or order government to allot house to single women under schemes.

## RECOMMENDATIONS

The following recommendations have been garnered from legal experts as well as through round table conference and meetings of various stakeholders such as police, counsellors, social activists, domestic violence cells and women seeking maintenance and through the qualitative study and study undertaken of the best practices followed on maintenance in various countries.

### *Recommendations*

1. Maintenance Act to be framed by aligning different sections in various laws such as: 125 Cr PC, The Prevention of Women from Domestic Violence Act, Family laws of various religions, to bring in uniformity and speedy disposal of cases.
2. Create a National Registry of domestic abusers/offenders
3. Streamline of alimony/interim maintenance/final settlement procedure :
  - a. In case husband has property, then one time settlement order to be passed and lump sum amount to be given by verifying the assets held by the husband.
  - b. The order of maintenance should be notified to employer of the person liable to pay monthly allowance. The employer (both government and corporate) should be directed to deduct from the salary of such person, sum equivalent to the amount of maintenance ordered by the court.
  - c. The retirement funds of the husband working in organisation need to be tapped and attachment orders to be implemented so that the maintenance money can be provided to the wife.
4. Existing one stop centres, domestic violence cells, legal cell authority and Swadhar homes to be brought under one umbrella to have better coordination with Police and achieve seamless issue resolution.
5. A well-coordinated Monitoring System to track the maintenance case should be created by police department at each police unit. This will ensure better focus on issue of summons and warrants and follow ups.
6. A fund should be created by Government of India (GOI) to support women fighting maintenance cases.

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