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"FROM PROTECTION TO EXPLOITATION: THE LEGAL PITFALLS OF SECTION 144 BNSS"

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1. ABSTRACT

In India, maintenance legislation was introduced to ensure justice, equality, and protection against exploitation, discrimination, or abuse. These provisions are essential in combating injustice and securing fundamental rights. Among these, an important provision is the maintenance provision, which was brought about to provide women with financial stability, especially after a marital breakdown. The divorce proceedings in India often prove to be emotionally and financially draining. Maintenance provision in this context is meant to provide the necessary economic support from one spouse to another, which ensures that the dependent spouse is not left destitute. However, concerns have grown about the potential misuse of it. Increasing cases allege that maintenance laws are being manipulated, often with the ill intention to harass or extort. There are multiple growing instances where men and their families have been subjected to baseless legal proceedings, which have caused undue mental trauma, reputation damage, economic hardship, and even "suicide". Such misuse complicates the real and genuine maintenance needs. To address this, our laws should strike a balance firmly protecting women from harm while preventing exploitation of legal provisions. Equitable legislation is to be created for both genders in order to uphold justice and foster societal reform.

Key words: Maintenance, Misuse, Equality, Justice, Protection.

2. INTRODUCTION

It cannot be denied that the exploitation of legal provisions designed to protect women in India remains a contentious topic. It is clear that these laws play an important role in tackling the genuine challenges faced by women and help provide them with legal safeguards. However, research indicates that there are cases of abuse that have been documented. A particular right that certain women take advantage of for malicious purposes is the right to maintenance, resulting in deceptive claims or exaggerated requests. Maintenance laws have been established

as a means of social justice to provide financial support to dependent spouses and children, thereby preventing them from falling into poverty and homelessness. In order to meet her living expenses and her children's requirements, the woman is entitled to ask her husband for maintenance. By reducing financial challenges, this support seeks to cover the wife's living expenses and give her a sense of stability. This definition of maintenance in India is found in Section 144 BNSS, which covers a number of personal laws that grant the wife maintenance rights.¹ Personal laws related to maintenance in India are applicable only to individuals of specific religions; however, Section 144 of the BNSS allows any individual, irrespective of religion or caste, to file for maintenance. The arrangements for the wife, kid, and parents' support are described in this section. After separation, the husband is only obligated to pay maintenance if he can afford to do so. Additionally, the wife must not be committing adultery or separated from her husband for justifiable reasons. Even in circumstances of mutual separation, the wife may not qualify for maintenance. When ruling in favour of the wife, the court must ensure that the husband possesses the means to fulfil this obligation. Moreover, the court must ascertain that the wife lacks the financial resources to care for herself after the separation.

3. NEED FOR MAINTENANCE

This whole concept of maintenance was brought about for the protection of the dependants, specifically women, children, and old parents, from exploitation by providing financial aid in case they are unable to maintain themselves. In this paper, I will be solely focusing on the "Wife" part of the whole maintenance clause. The idea of maintenance was to support the abandoned and exploited wives. Overall, talking about the maintenance of wives, it's more than just financial aid. It's protecting their dignity.

In the case of **Chaturbhuj v. Sita Bai**²

"Even if the husband is capable of earning but does not actually earn, he cannot deny maintenance. A wife who is unable to maintain herself is entitled to maintenance even if the husband has no fixed income. The mere fact that the wife had income does not disqualify her from maintenance if it is insufficient."

¹ 144, Bharatiya Nagarik Suraksha Sanhita, No. 45 of 2023, India Code (2023).

² Chaturbhuj v. Sita Bai, (2008) 2 S.C.C. 316 (India).

In the case of **Rajnish v. Neha**³

“The court laid down guidelines for maintenance under all matrimonial laws, including CrPC Section 125. To prevent concealment of income, the court directed the filing of detailed affidavits of assets and liabilities by both parties. Even though the wife is educated, she is not employed or is incapable of maintaining herself in the same lifestyle as during the marriage, she is entitled to maintenance.”

In the case of **Jasbir Kaur Sehgal v. District Judge**⁴

“Maintenance should ensure that the wife can live with dignity and not be reduced to destitution or beggary. Lifestyle and status are crucial factors in deciding the amount.”

4. THE DUAL FACTS OF MAINTENANCE CLAIMS: EXPLORING ABUSE AND AUTHENTIC NECESSITY BY WOMEN

4.1 Misuse of Maintenance Laws in Modern India: Striking a Balance Between Genuine Need and Fabricated Demands.

In India, maintenance laws, specifically spousal support under section 144 BNSS⁵, and associated personal laws were created as essential protection for women who are financially dependent. Nevertheless, a worrying rise in their abuse has revealed serious flaws in the legal system. In many cases, laws that were meant to safeguard the economically weak or abandoned, spouses are being used as a tool for extortion, retaliation, or unfair enrichment.

4.2 Evolving Social Dynamics and Digital Marriages

In today's society, which is greatly impacted by online dating apps and matrimonial websites, weddings are frequently arranged according to flimsy standards such as family wealth, lifestyle, or financial standing. People may use these platforms to carefully position themselves in order to find a financially advantageous match. Unfortunately, some cases have emerged where individuals allegedly enter marriages with the premeditated intent to separate and file for maintenance, or make false claims of harassment or domestic violence, soon after the wedding, to extract substantial sums from unsuspecting spouses. The impersonal, rapid, and often low-commitment nature of online relationships appears to exacerbate such exploitation.

³ Rajnish v. Neha, (2020) 12 S.C.C. 178 (India).

⁴ Jasbir Kaur Sehgal v. District Judge, Dehradun, (1997) 7 S.C.C. 7 (India).

⁵ 144, Bharatiya Nagarik Suraksha Sanhita, No. 45 of 2023, India Code (2023).

In the Supreme Court case of **Naveen Kohli v. Neelu Kohli**⁶

“The Supreme Court promoted irretrievable marital dissolution as a basis for divorce. It acknowledged that forced continuing might result in abuse and that contemporary partnerships frequently lack commitment and compatibility. This highlights how modern relationships, including those formed online, can end abruptly after marriage.”

5. LAW FOCUSED ON WOMEN: A TWO-SIDED SWORD?

In order to protect women from issues like financial neglect, dowry abuse, desertion, and domestic violence, India has admirably passed progressive laws dealing with women's rights. However, without thoroughly examining the complainant's credibility or motivations, the gender-specific aspects of these statutes might occasionally result in an inference of male guilt. This discrimination against women is most noticeable when:

- Even if the wife is educated and able to work, maintenance is still paid.

In the Supreme Court case of **Shailja & Anr. v. Khobbanna**⁷

“The court held that Education and capability to earn do not mean denial of maintenance. "Merely because the wife is capable of earning is not sufficient reason to reduce maintenance.”

- Husbands, despite being unemployed or financially struggling, are expected to pay amounts disproportionate to their means.

In the Supreme Court case of **Shamima Farooqui v. Shahid Khan**⁸

“The husband argued he had no stable income and could not pay maintenance. Financial excuses were rejected, and a reasonable maintenance was upheld. The Court noted that even if the husband is not currently employed, if he is healthy, able-bodied, and educated, he cannot evade his responsibility to maintain his wife. However, the maintenance amount must be commensurate with his capacity, and not arbitrary.”

In this case, the SC had mentioned arbitrariness, a question arises as to what if the Husband chooses not to work for certain personal obligations. In this context, **Article 21 “Right to life and personal liberty”**⁹ is a question because the court still expects the husband to pay maintenance even if he does not have a source of income.

⁶ Naveen Kohli v. Neelu Kohli, (2006) 4 S.C.C. 558 (India).

⁷ Shailja & Anr. v. Khobbanna, (2020) 14 S.C.C. 590 (India).

⁸ Shamim Farooqui v. Shahid Khan, (2015) 5 S.C.C. 705 (India).

⁹ India Const. art. 21.

- Courts rely more on allegations than concrete evidence in preliminary hearings.

*In the Supreme Court case of **Sushil Kumar Sharma v. Union of India**¹⁰*

"The petitioner contested Section 498A's constitutionality under the IPC, which deals with cruelty by the husband or his relatives. He argued that Section 498A was being grossly misused by some women to harass their husbands and in-laws by filing false and frivolous cases, often as an instrument of retaliation or extortion. As a result, more and more men are experiencing financial and emotional ruin, as well as public humiliation, losing their jobs, being charged with crimes, and experiencing worsening mental health."

5.1 The Suicide Case of Techi: A Grim Reality¹¹

The tragic "Techie Suicide Case," involving Atul Sharma and Nikita Singh, brought this concerning tendency to the attention of India's legal and digital communities. Atul, a young software engineer in Bengaluru, had taken his own life following a contentious legal dispute with his wife, who accused him of domestic violence and dowry harassment shortly after they were married. Atul's family claims that the matrimonial app-arranged marriage quickly devolved into a nightmare, including financial demands, police proceedings, and threats.

5.2 Rising Male Suicides and Societal Repercussions

Study shows that more than 70% of suicides in India are committed by men, according to data from the National Crime Records Bureau (NCRB). The primary reason is that family conflicts, fictitious legal battles, and financial hardships from marriage litigation are responsible for it. Typical contemporary problems include:

- False cases under Section 85 BNSS (Dowry Harassment)¹² leading to mass arrests and social stigma.
- Fabricated domestic violence allegations under the Protection of Women from Domestic Violence (PWDV) Act.¹³
- False sexual harassment or cruelty claims are used as bargaining tools during separation or divorce.

¹⁰ Sushil Kumar Sharma v. Union of India, (2005) 6 S.C.C. 281 (India).

¹¹ India Today, Bengaluru techie dies by suicide, details harassment by wife in tragic 24-page note, video (Dec. 10, 2024).

¹² 85, Bharatiya Nyaya Sanhita, No. 45 of 2023, India Code (2023).

¹³ Protection of Women from Domestic Violence Act, No. 43 of 2005, India Code (2005).

- Demands for exorbitant maintenance even when the wife is employed or professionally qualified to earn.

In the Supreme Court case of Bhaskar Lal Sharma v. Monica¹⁴

“The husband's family was accused under Section 498A IPC. The husband committed suicide, allegedly due to constant threats and harassment from the wife. Held: The Supreme Court held that false and exaggerated allegations amount to mental cruelty. Recognized that such cruelty can drive a man to commit suicide, especially when his dignity and family are under attack.”

In the case of M. Srinivasulu v. State of A.P.¹⁵

“A man has been reported to have committed suicide, leaving behind a note which described the mental torture and false dowry demands by his wife and in-laws. Held: The Andhra Pradesh High Court had acknowledged that the wife's conduct amounted to abetment of suicide under Section 306 IPC. Hence, the case proceeded to trial on the basis of the suicide note and evidence of harassment.”

6. UN-REALISTIC CLAIMS AND DEMANDS:

A troubling pattern has surfaced in which women appear to be requesting massive sums in alimony, luxury vehicles such as BMWs and Audis, and high-end real estate, for instance:

In the recent Supreme Court Case “After 18 months of marriage, wife demanded luxurious flat, BMW car, and monthly alimony of INR 16 Cr. SC said “you're educated, earn yourself”¹⁶

In this landmark judgement, which gives a strong message to society and also raises critical questions about how to draw a line between rights and exploitation, the Supreme Court of India recently emphasised that financially qualified women should aim to be self-reliant rather than seeking large sums in interim maintenance from their spouses, especially when the marriage was short-lived.

¹⁴ Bhaskar Lal Sharma v. Monica, (2009) 10 S.C.C. 604 (India).

¹⁵ M. Srinivasulu v. State of A.P., 2007 (3) A.L.D. (Cri.) 27 (A.P. H.C.).

¹⁶ Times of India Article <https://timesofindia.indiatimes.com/life-style/relationships/family/woman-seeks-inr-12-cr-alimony-bmw-luxury-flat-after-18-month-marriage-sc-says-youre-educated-earn-yourself/articleshow/122857956.cms>

The statement came during the hearing of a high-profile alimony case. The woman, being an IT professional with an MBA degree, had sought an expensive apartment in Mumbai, INR 12 Cr as maintenance, and even a luxury BMW car, after just 18 months of marriage. Her demands raised eyebrows in the court, as per a report by “Bar and Bench”.

The case was heard by a Bench of Chief Justice of India (CJI) BR Gavai, Justice K Vinod Chandran, and NV Anjaria. CJI Gavai, while addressing her plea, highlighted her educational and professional background, pointing out that someone with her qualifications was more than capable of earning a living. Says the court: “You’re an IT Professional having done your MBA degree, you’re in demand in cosmopolitan cities like Bengaluru & Hyderabad. Why don’t you work?”

Sometimes, following marriages lasted just a year or two. These demands frequently exceed reasonable or legally justified claims and seem motivated more by greed or revenge rather than any authentic financial necessity. Such situations reveal a concerning misuse of maintenance laws, where the threat of prolonged legal battles and social stigma is employed against men to secure settlements. Some litigants take advantage of the slow-moving Indian judicial system to coerce the husband into a financial agreement, often without regard for his ability to pay or the actual facts of the case. Due to this trend, the legal system is now uneven, with men being forced to show their innocence or financial limits while the claimant's burden of proof is usually disregarded in the early stages. Even preliminary hearings could be predicated more on accusations than hard proof, giving erroneous or inflated claims and undue weight.

7. WESTERN INFLUENCE: A PANDEMIC TO INDIAN CULTURE AND VALUES

In today’s rapidly changing Indian society, there is a rapid change in traditional values. Where marriage was once viewed as a sacred and lifelong commitment, it is increasingly seen through the lens of legal contracts, financial negotiations, and adversarial battles — researchers argue that it is a Western import. One particularly troubling outcome of this culture shift is the misuse of Section 144 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, which replaces the older Section 125 of the CrPC.

7.1 Section 144 BNSS, From Welfare to Weapon & The Western Model: Matrimony as a Transaction

Section 144 of the BNSS, designed initially to ensure social justice and prevent destitution, is increasingly being misused in matrimonial disputes.

In many instances, women file for maintenance not because they are genuinely in need, but as a **litigation tactic** to harass the husband and pressure him into a **favorable divorce settlement**. The legal provisions, which were originally developed to protect the **vulnerable**, are now seen to be **exploited** and used as a means of **financial leverage**. This trend reflects a major influence of the **Western divorce culture**. Particularly in countries like the United States. In the U.S, after divorce a large alimony payouts are involved, even after **short-lived** wedlocks, which are not uncommon. Women are seen legally claiming shares from their husbands' income and assets, especially in the states where there is a no-fault divorce” provision. This gradual and sudden shift has given rise to a culture where divorce is used as a strategy and not actually a resort for genuine incompatibility or needs.

In the high-profile divorce settlement of Billionaire CEO Jeff Bezos & MacKenzie Scott (2019)¹⁷ “MacKenzie Scott received approximately \$38 billion in Amazon stock. No litigation or blame was placed; the divorce was amicable. Even without claims of misconduct, the law entitled Scott to half of Bezos’s marital assets. This case became a benchmark for no-fault divorce settlements with massive financial consequences.”

In the case of Dr. Dre (Andre Young) & Nicole Young (2021),¹⁸“Nicole received \$100 million in assets. California is a community property and no-fault divorce state. Nicole initially demanded \$2 million/month in temporary support, reflecting a strategic approach.”

7.2 Indian Reality: Law as a Legal Snare

Although the purpose of Section 144 BNSS is commendable, reports from the ground and judicial comments indicate a tendency for misuse, which encompasses, but is not restricted to:

- Women demanding maintenance while being well-employed or remarried.
- Filing multiple cases (under the Domestic Violence Act, Dowry Laws, and now

¹⁷ Jeff Bezos & MacKenzie Scott (2019) **Jurisdiction:** King County Superior Court, Washington State

¹⁸ Dr. Dre (Andre Young) & Nicole Young (2021) **Jurisdiction:** Los Angeles County Superior Court, California

Section 144 BNSS)¹⁹ to create pressure.

- Making exaggerated claims of lifestyle expenses and standard of living.
- Seeking maintenance from estranged husbands even after long separations or mutual consent divorces.

These trends have been acknowledged by the Supreme Court and a number of High Courts, which have occasionally punished litigants for submitting baseless or malicious petitions. However, many men are punished by the process itself, which includes ongoing legal harassment, financial hardship, and social disgrace while defending themselves. The trend toward transactional thinking and adversarial legislation, which sets spouses against one another in the courtroom, undermines this cultural bedrock. Instead of tailoring family laws to Indian societal needs, India seems to be blindly importing Western legal templates, without recognising that Western societies are already grappling with the negative consequences of these very models — from **broken homes** and **fatherless children** to rising male “**suicides**” in divorce battles.

8. CAN AN EARNING WIFE SEEK MAINTENANCE?

The original notion of seeking maintenance may seem to be unfair when it is being used to grant monetary aid to employed people, because the whole idea of it was to support those who are in legitimate need of it. Money alone will not constitute a secure life; there are factors which are taken into consideration where a wife, though earning, may still get a grant due to poor pay, financial responsibility, job sacrifice due to family sake, etc. Nevertheless, it is also equally important to look into aspects like “what if the husband or the man faces the exact same challenges, like is unable to pay due to financial/job difficulties?” Also, studies and courts have seen that indeed, wives who are earning much more than their husbands and are much more educated and established in their own profession and field may claim support during divorce. It has been witnessed that many times wives in court do not reveal their actual income, and the reason is that in order to claim additional financial gains from her husband, who, in fact, is earning less than her. This often puts undue pressure on the husband and drains them mentally and emotionally, while putting a hole in their pocket.

¹⁹ Domestic Violence Act 2005, Dowry Prohibition Act 1961, Maintenance under 144 of BNSS

9. REFORM: A BALANCED WAY FORWARD

India must not regress into patriarchal structures, but neither should it fall into the trap of one-sided empowerment. A more balanced approach to Section 144 BNSS and related matrimonial laws is essential:

- Make **false** or **exaggerated claims** punishable under perjury laws.
- Ensure **maintenance** is based on actual need, not **lifestyle inflation**.
- Promote **pre-litigation mediation** to resolve disputes amicably.
- Recognize that both men and women can be **victims of legal misuse, mental and physical harassment**.
- **Gender neutral approach that** recognises both husbands' and wives' maintenance.
- Parties are to be asked to **produce exact financial disclosure**, which includes income, assets, investments, obligations, and expenses, in order to give a just and reasonable judgment.

10. CONCLUSION

This research study has highlighted how the dual facets of maintenance laws in India have been a hazard. While it cannot be denied that, on one hand, they continue to play an inseparable role in supporting dependence, preventing institutions, and correcting historical social and economic balances. But on the other hand, research has shown how they are being misused. The number of instances has revealed that maintenance claims are being manipulated as an instrument of harassment, financial extortion, or retaliation. Men and their families are subjected to baseless legal proceedings, prolonged litigation, reputational damage, financial losses, and, in extreme cases, the rise in male suicides. Judicial observations and landmark cases highlight how these frameworks are being violated. It is important to highlight that the maintenance law in India must neither be patriarchal in nature nor evolved into a tool of one-sided empowerment. There has to be an executable and balanced legal framework which will uphold justice, prevent misuse use and which will reflect the reality of a modern social dynamic India. It is only then can the main laws can truly serve their constitutional purpose, which is protecting.