To maintain one's wife and children is a natural obligation. The first man of this universe had no such obligation. It arose with marriage. The subservient status of wife, children and parents justified provision of maintenance in their favour. Maintenance is not only a concern of the individual but also a concern for the society. In recognition of this, the centurion old law under Section 125 of Cr.P.C. provides for maintenance as a right to discarded wives, neglected children and parents not cared for. The basic objective of the provision is prevention of destitution. Besides, it tends to prevent starvation protecting indirectly the basic human right.

Human right is a world concern. It's genesis and growth was out of state's concern over individual rights. An analysis of the international instruments reveal, the concern the world community has in the protection of human rights. Right to life is given paramount importance under the international conventions and covenants. Special protection is extended to family and children. The present study reveals the inadequacies in the

1. Chapter 1, p.1, supra.
2. Chapter 1, pp.5-8, supra.
3. Chapter 2, pp.15-17, supra.
implementation of human rights and the failure on the part of individual nations, with special emphasis to Indian condition.⁴

The evolution and growth of human rights concept is primarily to protect the civil and political rights, which are now classified as ‘first generation’ rights.⁵ The main concern then was to protect the individual as against the arbitrary powers of the state.⁶ Progressive thinking later led to the recognition of economic, social and cultural rights, within the concept of human rights.⁷ These rights are now classified as ‘second generation’ rights. Right to life is a ‘first generation’ right. The state has a primary duty to protect the life of all individuals. To enjoy life one must be alive for which he must be assured of an adequate standard of living. Assurance of an adequate standard of living is nonetheless a ‘second generation’ right. The present study reveals the strive of a larger number of population in India for this basic economic and social right. Developed countries now work for achievement of ‘third generation’ rights, viz. rights such as right to development and right to self-determination. This reflects the vast difference between developed and developing nations. The state of affairs in India is not only a shame on the part of a welfare state, which proclaims for social justice, but also reflects the failure on its part to fulfil the international obligations which it has undertaken by ratification of the global conventions and covenants.

⁴ Chapter 2, pp.18-30, supra.
⁵ Chapter 2, pp.15-17, supra.
⁶ Chapter 2, p.17, supra.
⁷ Chapter 2, p.16, supra.
Provision of maintenance to wife, children and parents assures them an adequate standard of living. It is thus a basic human right. The state is obliged to assure this right to every individual in the society. Towards fulfilment of this obligation, the state has provided this as a right under Section 125 of the Cr.P.C. Similar provisions are also there under various laws touching on the personal aspect of various religious groups in the Indian community. Mere legislation will not be sufficient towards fulfilling the international obligation on the part of the state. The state should also see the true realisation of these rights by the deprived class.

Though provided as a right, all needy class do not derive the benefit. Even for those who approach the Court for the remedy, the relief is not always within their easy reach. The procedural hurdles and the snail paced disposal of cases by courts add more vow to the problem. The state resorts to supervise the enforcement of this right only in emergent situations as in the case of Section 125. Towards fulfilling the basic requirements of a larger population and towards protecting their basic human rights the state ought do to something more than this.

In India the human rights concept have been synthesised and this remains as an integrated fabric of preambular promise and under various other constitutional provisions. The Preamble, the Fundamental Rights and the Directive Principles all are part of the same constitutional scheme and aim at the establishment of a free and an egalitarian social order based on Rule of Law. The Preamble consciously set out quintessence of human rights

which represents the aspiration of the people who have established the Constitution. The constitutional goal of socialistic society can be achieved only by emancipation of the people from the centurious old shackles of poverty and ignorance. The Directive Principles under Part IV of the Indian Constitution embodies and scientifies certain fundamental, individual, non-justiciable rights which are primarily meant to protect and promote the basic human rights of the people. Article 39(a) enables the people to seek socio-economic justice. It assures an adequate standard of living to every citizen and puts this as an obligation on the part of the state.

Provision of maintenance which assures one his adequate standard of living is thus Protective of the basic human right. The present study has identified this as an International obligation. It is also a Constitutional directive to protect the fundamental right to life. Towards fulfillment of this obligation, other than legislation the state has to provide social assistance. This can be in the form of social security.

No law in India touching upon the personal aspect of family life is uniform. Even the laws that govern individual religious communities are not comprehensive. The Hindu law is not applicable to all Hindu population. The Christian law reserves application of canon law. Several aspects of Muslim communities are yet to see codification. As regards maintenance, the personal laws in India reveal unanimity in recognizing the right. At times of dispute, the matrimonial courts are also empowered to order for alimony.

11. Chapter 6 and 7, pp-152-222, supra.
The concept of maintenance is an important aspect of Hindu law. It had its origin as the principles of *jus-narula*. Dharma Shasthra does recognize this obligation. The theory of co-ownership, personal liability, moral duties and relationship justified the concept of maintenance under Hindu law. Statutorily the right had been recognised early from 1886, much prior to any law in India recognising such a right. The Hindu Adoption and Maintenance Act, 1956 is the codified personal law of Hindus in matters pertaining to maintenance. The law imposes as a personal duty on the Hindu male to provide maintenance to his wife on justifiable grounds. She can live separate and yet claim maintenance if circumstances are justifiable. This remedy is open only to wife but not extended to divorced woman. The child and parent are also entitled to maintenance. A person who succeeds over the property of a deceased is bound to maintain the 'dependants'. The rate of maintenance is unspecified by the code and thus gives wide discretion to the court. As to payment of interim maintenance the judicial opinion is divided.

Pending matrimonial dispute, either party to a marriage can seek maintenance as against the other and this is referred as alimony. The English concept of provision during the pendency of litigation is well-lit in the procedure followed under the Hindu Marriage Act, 1955. The law is much

13. Chapter 6, pp.154-161, supra.
15. Chapter 6, pp.164-174, supra.
liberal in that it provides this right not only to a woman but also to the male partner of the marriage. The relief provided hereunder may either be temporary, pending disposal of the proceedings or permanent. The personal laws of Parsis and Christians too provide for similar relief.\textsuperscript{17} As regards Muslims, the obligation of maintainance in respect of wife, children and parents is well recognised.\textsuperscript{18} But as to payment of maintenance to divorced women opinions differ and the controversy over this culminated by the Supreme Court decision led to the passing of the Muslim Women (Protection of Rights on Divorce) Act, 1986.\textsuperscript{19} The law currently in force excludes the application of Section 125 of the Cr.P.C. to a divorced Muslim woman.\textsuperscript{20} However, as to payment of maintenance to divorced women until the time of "iddat", the opinion is unanimous.\textsuperscript{21}

The law under Section 125 of Cr.P.C. so far, is looked upon as a common civil code at least for the personal aspect of maintenance. But its application is made relevant to the personal laws governing the parties. This led to conflicting stand being taken by courts. As the law now stands, a Hindu minor girl can enter into a valid marriage in contravention of the Child Marriage Restraint Act and still can claim maintenance either from her husband or father. A Muslim second wife can avail maintenance whereas a Hindu woman, howsoever innocent she may be, is not entitled to

\textsuperscript{17} Chapter 6, pp.182-186, supra.
\textsuperscript{18} Chapter 7, pp.211-222, supra.
\textsuperscript{19} Chapter 7, pp.195-208, supra.
\textsuperscript{20} Chapter 7, p.199, supra.
\textsuperscript{21} Chapter 7, p.208, supra.
maintenance. It is nothing short of an anarchy that all divorced women excepting one who belongs to Muslim community is provided with maintenance under the provisions of Section 125. All these reflect an anomalous situation. The present study reveals the lack of effectiveness on the part of the existing juridical system and also its failure to provide the urgent relief. It exposes also the existence of unnecessary protractive proceedings. To make the law really meaningful a constructive effort need to be taken to make the law not only effective, speedier and inexpensive but also one that will apply to all without regard to one's caste, creed and religion.

Constitution of India mandates the state to endeavour to secure for the citizens a uniform civil code throughout the territory of India. The enactment of a uniform civil code is a part of the process of secularism. It is part of our quest for a new and integrated national identity based on the composite culture of India and on enlightened rationalism. This is a vital area for our nation building and social development.

Heterogeneous, religious oriented personal laws were a concept of medieval times. A society which is compartmentalised by its laws can hardly become a homogenous unit. The non-implementation of the provision contained in Article 44 of the Constitution amounts to a grave failure of the Indian democracy. The vision under Article 44 is not for mere uniformity but for gender justice. Laws relating to marriage, divorce, maintenance, adoption, custody and guardianship affect the women most. A common civil code is hence necessary as all personal laws are discriminatory against woman. The religious members other than Muslims, namely Christians, Parsis, Jews have
not raised any noticeable voice against the mandate of Article 44. The Muslim resentment too is more influenced by communal leaders than by one’s conscience.

The mandate under Article 44 is that the State shall ‘endeavour to secure’ a uniform civil code, not that it shall enact it straightaway. The accent was on the word ‘endeavour and secure’. The framers of the Constitution were quiet aware of the himalayan difficulties likely to be faced on the way to the enactment of a uniform civil code. They were rather interested in the enactment of a code that would be accepted and actually practised by the people in their day-to-day domestic life.

Towards discharging the constitutional responsibilities, the Central and the State Governments have not done much beyond the enactment of the Special Marriage Act, 1956 and the codification of the Hindu Law. The Special Marriage Act, 1956 though intended to be applicable to all people regardless of one’s caste, creed and religion, it is least resorted too even in the changed atmosphere in India. The law provides for a secular marriage and makes provision for interim and as well as permanent maintenance pending matrimonial dispute between the parties. With regard to Hindus the codified law is applicable to the majority of Indian population. When they could bring a law to be applied to the majority, what prevents them from bringing a common civil code directed under the Constitutional law is a mystery. The vehement opposition to the uniform civil code by the Muslim masses is the result of the government’s failure to make them understand these issues in their true perspective. Undue weightage is being given in this aspect to the views held by conservative sections of the society. This cannot but be with political motivations.

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The Supreme Court has been reminding the Central Government time and again of its constitutional responsibilities. But the sorry state is that relying on representations presented in the name of post cards the Government unashamedly submits an affidavit expressing its inability to comply with the mandate in the present social conditions. The time has come to consolidate and unify the personal law in such a way that the way of life of the whole country may in course of time be unified and secular.

The Constitution of India ushers for an egalitarian social order to render social justice to all its citizen. The founding fathers of the Constitution have devoted their thought and anxiety of the need to bring in a uniform civil code. The mandate under Article 44 of the Constitution had been kept dormant for more years than necessary. Social justice, equality and dignity of person are not mere words of the Constitution but are cornerstones of social democracy. Social justice is not a simple or single idea of a society but it is an essential part of complex social change to relieve the poor etc., from handicaps, penury to ward off distress and to make their life livable for greater good of the society at large. The aim of social justice is to attain substantial degree of social, economic and political equality, which is the legitimate expectation. It is the state's responsibility to lead the nation to a uniform civil code. The Government has to prepare the people gradually to accept the uniform civil code willingly and without compulsion. Government programmes designed to prepare the citizens to gradually accept the constitutional mandate can be achieved by wise exercise of authority by the government. What needs is the will but not narrow political mileage.
Lord Penzence's modest legislative contribution gave English Criminal Courts the jurisdiction over matrimonial matters. The success of the law and practice in England prompted the British regime to bring a similar legal system in the form of Section 488 of the Criminal Procedure Code, 1898 in India. The law reflected a different objective from that exhibited by the personal laws then in force. The state's interest in the implementation of the right is obvious in the procedure and the law had its extensive and successful application in India. The law widened its application when it was redrafted as Section 125 of the Code of 1973. The Act then extended the relief in favour of divorced women and parents.

The law in its modified form seemed to be much more effective. The Judiciary played a constructive role in safeguarding the family jurisdiction of the criminal courts and in upholding the objectives reflected under Section 125 of the Criminal Procedure Code. The Supreme Court in various decisions starting from Bai Tahir followed by Fuzlumbi and Zohara Khatoon did emphasize the secular characteristics of the provision. In Yamunabai v. Anantrao the Supreme Court read Section 125 of the Cr.P.C. in the light of personal laws of religious communities and denied maintenance to women.

23. Chapter 4, p.55, supra.
24. AIR 1979, SC 362.
25. AIR 1980, SC 1730.
27. 1988 Cr. L.J. 793.
who are victims of bigamous marriage. This caused grave injustice to women. The decision has been given a refinement by subsequent rulings of the Supreme Court in Vimala v. K. Veerasamy\textsuperscript{28} and Dwarika Prasad Satapathy v. Bidyut Praba Dixit\textsuperscript{29} whereby now the relief of maintenance is extended even to such women until the time the 'husband' proves the invalidity of the marriage. The Court also recognised the need for awarding of interim maintenance in Savitri's v. Govind Singh\textsuperscript{30}. The present study of analysis of judicial decisions reveal the difficulties in interpretation of various words such as 'wife', 'children' and 'parent' for whose protection the right is created.\textsuperscript{31} The difficulties in the receipt of maintenance by strict insistence of proof of inability, neglect and validity of marriage has been brought to the fore.\textsuperscript{32} The Courts' divided opinion as to mean the phrase 'living in adultery' and the misuse of the power of revision are also highlighted.\textsuperscript{33} The changed socio-economic conditions in India which warrants imposition of liability on women is also critically analysed.\textsuperscript{34}

The \textit{Shah Bano} verdict by the Supreme Court that gave rise to a controversy resulting in the passing of the \textit{Muslim Woman (Protection of
Rights on Divorced) Act 1986 is also traced critically.\textsuperscript{35} The law on its face is anti-woman and retrograde in its nature. It is violative of the basic constitutional principles. Its operation cannot but bring shame to a country which acclaims social justice. By this legislation, the Muslim community had succeeded in taking the law back to one that existed prior to 1973. The secular characteristics are ultimately under threat. The state being submissive to Muslim fundamentalists and hesitant to take the law back, the Supreme Court must declare this ultra vires.

The crave for setting a Family Court to bring under one umbrella all family issues, including that of maintenance, resulted in the passing of the Family Courts Act, 1984.\textsuperscript{36} The family jurisdiction for maintenance which until then remained with the Magistrates' Courts thenceforth was transferred to the Family Court. Thus for a claim of maintenance, be it under different laws governing maintenance, the court that has the sole jurisdiction is the Family Court. The special enactment thus supersedes the general provisions under Section 125 of the Criminal Procedure Code.

An early conciliation and settlement certainly is a measure to safeguard the institution of marriage.\textsuperscript{37} It is the bounden duty of the judiciary as well. Claim for maintenance marks the beginning of marital disruption. An effective conciliation certainly will mend the dispute between the married partners and will inturn safeguard the institution of marriage. But a close

\textsuperscript{35} Chapter 4, pp.74-75; Chapter 7, pp.196-208, \textit{supra}.

\textsuperscript{36} Chapter 5, p.96, \textit{supra}.

\textsuperscript{37} Chapter 5, p.103, \textit{supra}.

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scrutiny of the working system of the courts in India, inclusive that of Family Courts, would reveal that any litigation before the court aggravates rather than reducing the tension between the parties. The chances for re-union are therefore much blink when the parties meet to claim and counter maintenance. The in-camera proceedings and the denial of right of advocate to represent go against the weaker sections. The study of the working system in India reveals that though Family Courts have been constituted sparcely spread over the territorial limits of India, the counsellors are not appointed in several courts and in courts where they are appointed the counselling cannot be said to be really effective. In very few cases where the court has recorded a positive note on conciliation, no feedback exists to ascertain the success of conciliation.

Section 125 of Cr.P.C. though affords a substantive right, it is merely an enabling provision. Unlike wives and parents, children for whom also the protection is extended, cannot invoke the aid of this provision unless some one represents on their behalf. On matrimonial failure children normally remain with mother, who when forced to file a petition for maintenance, claim for her children also. In the absence of mother, such petitions are filed by the grandparents who naturally take care of them when neglected by their father. For children who are victims of neglect by both the parents or one who is neglected by the father but has no one to represent on their behalf to claim the relief under Section 125, the right though available is beyond their reach.

38. Ibid.
Children afford no ground for their neglect. They suffer mostly as victims of matrimonial disrupt between the parents. Separation of the parents affect the children the most. They are deprived of the parental care, affection and love which are much essential at the younger age. For no fault of theirs, they suffer both economically and psychologically. Section 125 takes care of only their economical aspect which will not suffice and which alone will not prevent their turning delinquents of the society. Neglect by parent or failure on their part to take proper care should not drive them to take a criminal career. Proliferation of child labour, child prostitution and several delinquent behaviours carried with the assistance of younger generation of this society are mostly due to neglect by parents to take proper care of their children. No law at present checks properly the abuse or neglect of children by parents. Hence there is need to define culpable neglect a crime and be provided with sanction.

The sanctity of marriage in the computer age is not the same as it existed a decade before. Parental control over the exercise of marriage of their wards is lost. Marriage could be solemnized at the free will of the parties and even at their first sight. Registration is not compulsory, excepting one when solemnized under the Indian Christian Marriage Act. All these add to the vow that soon after the marriage, incompatibilities arise between them forcing the young girls to lay a battle seeking assistance for their survival, or else take a career detested and aimed at for prevention under Section 125. The unscrupulous male member escapes scot free without any liability. Even on successful litigation he is liable to pay only a paltry amount that may not bring back the woman all that she has lost by the union. This appears cruel injustice to women at large. The male member who failed to respect the
sanctity of marriage and who made the institution of marriage a mockery ought to be punished more severely. Hence neglect should be considered a crime.

The law under Section 125 of the Criminal Procedure Code has been drafted to befit circumstances that prevailed at the end of the 19th century. As an emancipatory social legislation, it has played its due role over the period. Now that, when the country advents the next millennium, the law should be fully equipped to suit the future needs of the society.

The law under Section 125 of the Criminal Procedure Code is no more comprehensive. The words and phrases used in the code do not carry the same meaning with which they were used at the time of drafting. With the passing of other social legislation's the strict application of this provision leads to conflict. The conspectus of life in the computer age is not confined to mere sustenance. Again the law at times gets trapped between morality and legality. The secular characteristics stand destabilized. More than all, the Family Courts Act, 1984 has seized the criminal court's jurisdiction and keeps Section 125 and its sister clauses now merely as appendices. As a substantive provision, its presence in the procedural code looks redundant. The empirical study reveals the problems faced by the litigant spouse before the Magistrate and Family Courts while invoking the right under Section 125 of the Cr.P.C. The remedy lies in incorporating suitable changes both in the law and procedure.

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40. Chapter 5, p.132-143, supra.

41. Chapter 4, pp.74-75; Chapter 7, pp.196-208, supra.

42. Chapter 5, pp.96-105, supra.

43. Chapter 5, pp.145-151, supra.
Change is the law of nature. Law, no less than life, must change in order to be vital and obey the principles of change to adopt itself to altered social conditions. A comparative study of the law of maintenance in England and France also supports the view for a change in the law and procedure in India. The English law which served as model for us to confer matrimonial jurisdiction on criminal courts has been refined. The Family Courts now have taken jurisdiction of these matters and the system serves the purpose. The law currently enforce in England describes a simple procedure and assures the needy class with timely relief. The enforcement measures are highly effective. The application of this law is parallel to the reliefs provided under matrimonial laws. In England, the law is uniform and poses no difficulty in its enforcement. Failure to maintain one's relation is viewed a violation and provided with punishment. As a true welfare state, the state too fulfils its obligation by providing social security to needed class of people. A comparison of the civil law system in France lends again more support for drastic changes in the Indian legal system. The French legal system confers independent economical status to married woman. Unlike in India, where married woman is denied her due rights in

44. Chapter 8, pp.223-260, supra.
45. Chapter 9, pp.261-281, supra.
46. Chapter 8, pp.243-244, supra.
47. Chapter 8, pp.244-259, supra.
49. Chapter 9, pp.261-281, supra.
50. Chapter 9, pp.268-270, supra.
51. Chapter 9, pp.270-279, supra.

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the matrimonial properties, in French legal system independent property rights through matrimonial regime is recognised. This averts her destitution by unfortunate marriage breakdowns and the need to look for assistance either from her husband or state. The emancipated status of women have not necessitated the constitution of a similar structure as our magistral system. Even then, the *partie civile* concept affords timely assistance in case of need. Neglect seen as crime under the English and French law see to the due fulfillment of the duty owed by parents as against their children and husband as against his wife. It thus imposes a positive duty which on failure may result with sanction.\(^{52}\)

In the light of the above inferences the following suggestions are made:

10.1 **THE STATE - TO PROVIDE SOCIAL SECURITY**

To assure an adequate standard of living to every one and his family is an obligation on the part of the state. It is an international and as well as a constitutional obligation. Towards fulfillment of this obligation the state has to provide social security to every individual who is in need of such assistance. Of all, children must be given special care and attention. It is not a burden but wise investment on human capital. Welfare of the people is the supreme obligation of the state. Poverty stricken and starving population cannot take a nation forward. Hence, to assure an adequate standard of living as envisaged under the Constitution it is the bounden duty of the state to provide security to people who are in need. Such provision is part and parcel of efforts to protect human rights.

\(^{52}\) Chapter 9, pp.280-281, supra.
10.2 NEGLECT - TO BE A CRIME

Willful neglect to maintain one's wife, children and parent should be considered an offence and provided with sufficient sentence. Now that under Section 125 of the Criminal Procedure Code only non-compliance is observed as a breach and dealt strictly with punishment for a limited term. If only neglect is defined as a crime this will impose a positive duty on the dependents and will deter them from going behind fulfillment of their obligation.

Every legal right of the individual is by definition an interest which in greater and lesser degree has the protection of the law. The protection is in the first instance against the violation of his rights by other individuals. Even denial of rights protected by law will amount to violation. Neglect by one to maintain his wife, children or parent is as such a violation for which penal action should be provided. Hence the need to incorporate a provision in the substantive penal law providing necessary punishment on proof of willful neglect. The traditional notion of mental intention be dispensed with or may be presumed under circumstances such as possession of means.

10.3 TOWARDS THE EMANCIPATION OF WOMEN

Section 125 of the Code of Criminal Procedure reflects women subordination and the practice of inequality. Though the provision has been incorporated with an avowed object of extending economical assistance to safeguard women's interest, the provision strengthens and perpetuates inequality and subordination of women. To put it in other way, it does not liberate her by providing an economic independence, but keeps her ever under the mercy of the husband. Hence, economic independence of the
woman alone can afford necessary protection and retrieve from them the clutches of dependence. Social policies must be aimed in the direction of ensuring their economical and social independence which would in due course of time render the provision redundant.

Women need to achieve a greater financial independence. Economic self sufficiency cannot be achieved by Indian woman overnight. Orthodoxial custom and belief are well rooted in their day to day life. The way to liberate them is to provide them access to education, employment and opportunity for political participation. To achieve the above, effective steps ought to be taken by the Central and State Governments. If only, they attain economic independence they can improve their life choices and play much more constructive roll in the family and society.

10.4 UNIFORM CIVIL CODE

The law of maintenance cannot be read in isolation. Its application relates to other personal aspects of family life such as marriage, divorce, adoption, custody and guardianship. The law relating to these personal aspects affect the woman most and need a change. The personal law of all communities are unanimous in discriminating woman. Again they lack unanimity. Uniform application of law is an essential feature of a social community. This alone will result in progress. Hence, all the personal aspects of individuals must be brought under one single code. The Constitution of India mandates the state to endeavour to secure for its citizens a uniform civil code. The Supreme Court had reminded the obligation to the Government on various occasions. But the mandate still remains a mirage. All efforts must be made to bring a common civil code.
10.5 TOWARDS STREAM LINING SECTION 125

The law of maintenance under Section 125 of the Criminal Procedure Code needs drastic changes. Serious thought must be given to the subject and changes are effected to suit the present social conditions. Ambiguous words and phrases must be deleted and the provision should be made precise. The law must be made applicable to all people irrespective of their community. Towards this end, the following suggestions are made in the law and procedure under Section 125 of the Cr.P.C.

1. Uniform application of law is an essential feature of a society. This alone will lead to social progress. The Muslim Women (Protection of Rights on Divorce) Act, 1986 is retrograde and violative of the provisions of the Constitution. The Act must be immediately repealed so as to make the secular law applicable to all regardless of one's religion.

2. As to the procedure, the jurisdiction now stands divided between the Magistrates' Courts and Family Courts. The Family Court system can be effectively enforced only if the objective under Article 44 stands realised.

3. The structure and functioning of the Family Court must be redefined before placing the jurisdiction under Section 125 before such courts. The Court must be properly equipped and be provided with counsellors and experts for assisting the Court in achieving its object.

4. As to the procedure, a model format can be utilised so as to get required particulars from the parties dispensing even the assistance of the advocates. The process must be effective to assure earlier service and a time
limit can be prescribed for the disposal of the entire proceedings. Conciliatory efforts may be resorted if the parties are not going for stiff contest of the claim. If contested in deserving circumstances interim maintenance must be provided. The conduct or other factors for denial to pay maintenance need not be entertained and the same may be raised before the competent civil court. The remedy provided under Section 125 must be limited to a period not exceeding 12 months within which time the parties may invoke the permanent remedy before the ordinary civil court. The revision jurisdiction must be entertained sparingly.

5. The maximum ceiling of Rs.500 which has been fixed some 50 years back will be totally inadequate to meet the basic requirements of the present day living. The maximum ceiling may either be deleted or else prescribed as Rs.2000 per month.

6. The words ‘living in adultry’ remain as a fetter in the claim of maintenance by a wife. This serves an easy ground to drag the claim for maintenance and many a times is misused by the husband to avoid payment of maintenance. The clause must be deleted.

7. The right of maintenance must be made reciprocal at least as between father and son. The obligation having been recognised as against each other, one’s failure towards another at times of need must be taken note when he himself is a claimant.