



Article

# Criteria For Alimony Payment in India

## Article History:

### Name of Author:

Ishitha G Urs<sup>1</sup>, Dr. Kiran Kumar Thoti<sup>2</sup>

### Affiliation:

<sup>1</sup>5th Year Law Student, BBA-LLB, Ramaiah College of Law, Bangaluru, Karnataka, India

<sup>2</sup>Professor & Dean: Management Studies, Vidya Vikas Education Trust, Vidya Vikas Institute of Engineering and Technology, Mysuru, Karnataka, India

### Corresponding Author:

Ishitha G Urs

Email: [ishithaurs@gmail.com](mailto:ishithaurs@gmail.com)

### How to cite this article:

Ishitha G and Thoti K K, Criteria for Alimony Payment in India. *J Int Commer Law Technol*. 2025;6(1):235–243.

Received: 29-07-2025

Revised: 15-08-2025

Accepted: 26-08-2025

Published: 17-09-2025

©2025 the Author(s). This is an open access article distributed under the terms of the Creative Commons Attribution License (<http://creativecommons.org/licenses/by/4.0>)

**Abstract:** This paper rigorously examines the legal framework governing alimony payments in India, highlighting the diverse factors considered by courts in determining spousal support and the shortcomings of the current system. The study highlights the economic vulnerability of women, particularly homemakers, who face systemic disadvantages post-divorce due to financial reliance, lack of property rights, and societal biases. This study employs a doctrinal and analytical approach, supplemented by comparative foreign perspectives, to assess the impact of judicial discretion, gender norms, and fragmented personal laws on the inconsistencies and inequalities in alimony awards. It examines the integration of contemporary elements such as the gig economy, prenuptial agreements, and digital technology, while also considering the ethical and legal dilemmas that artificial intelligence may provide in legal decision-making. The essay advocates for a standardized, needs-based, and gender-sensitive framework that encompasses non-monetary contributions, sacrifices of professional opportunities, and the long-term rehabilitation of the economically disadvantaged partner. The paper advocates for modifications grounded in equity and fiscal autonomy. It proposes changes to legislation, judiciary processes, and policies to ensure that alimony determinations are equitable, transparent, and consistent across India's diverse legal frameworks. The report ultimately calls for the alignment of alimony regulations with global best practices and constitutional mandates of equality. This would establish an equitable and progressive framework for financial assistance post-divorce.

**Keywords:** Alimony, Law, Governing, Vulnerability, Women.

## INTRODUCTION

This paper aims to critically examine the existing legal framework governing alimony payments in India, highlighting the various factors considered by courts in determining such provisions. It further seeks to identify inherent biases and limitations within the current system, particularly concerning gender equality and economic disparities faced by women post-divorce (Herklotz, 2017). It will also propose the development of more robust and equitable criteria for alimony assessment, aiming to ensure financial stability and fairness for all parties involved, especially considering the historical socioeconomic positioning of women in subordinate roles (Anand, 2024). This analysis is crucial given that a significant proportion of married women in India are financially dependent homemakers, exacerbating

their economic vulnerability post-divorce (Bhatnagar, 2018). Furthermore, the absence of comprehensive marital property laws often leaves women without their rightful share of assets accumulated during the marriage, further compounding their financial precarity upon dissolution of the marital union (Bhatnagar, 2018). This economic vulnerability is often compounded by societal pressures and the widespread prevalence of domestic violence, dowry demands, and other forms of spousal torture, as evidenced in divorce court proceedings across India (Dutta et al., 2023). This situation necessitates a re-evaluation of alimony criteria to account for these systemic disadvantages, ensuring that the legal provisions adequately address the financial needs of the economically weaker spouse and prevent further marginalization

(Shandilya, 2013). Moreover, current alimony frameworks often fail to adequately consider the long-term economic consequences of divorce, such as lost career opportunities and diminished earning capacity for the spouse who primarily assumed domestic responsibilities (Espenshade, 1979). Consequently, a nuanced approach is required to delineate criteria that not only address immediate financial needs but also compensate for career sacrifices and provide for long-term economic rehabilitation.

This paper will also explore the challenges posed by the misuse of legal provisions, such as Section 498A of the Indian Penal Code, which can complicate alimony proceedings and impact perceptions of gender justice (Singhal, 2024) (Senthil et al., 2023). Such complexities underscore the imperative for developing a more transparent and standardized methodology for alimony determination, moving beyond discretionary judicial interpretations towards a framework rooted in empirical economic analysis and gender-sensitive considerations. It will also consider the evolving landscape of employment, including the gig economy, and its implications for assessing earning capacity and financial support in alimony cases (Bansal & De, 2024) (Rane, 2024). This includes evaluating non-traditional income streams and the fluctuating nature of employment in contemporary society. Furthermore, the influence of patriarchal norms and traditional ideologies on judicial interpretations, particularly regarding women's economic autonomy and property rights, frequently impedes the equitable distribution of marital assets and the determination of appropriate alimony (Mishra, 2015). This paper posits that a comprehensive reform of alimony laws in India is essential to align them with principles of gender justice and economic equity, moving beyond traditional fault-based approaches to a needs-based and compensatory model. Specifically, this research will propose a multi-faceted approach that integrates a clear valuation of non-monetary contributions to the marital estate, along with a forward-looking assessment of post-divorce economic potential for both parties, moving away from subjective judicial discretion. This approach will ensure that alimony determinations are based on objective criteria, reflecting the true economic impact of the divorce on each spouse, and thereby fostering more predictable and equitable outcomes.

This refined framework would also consider the societal and economic vulnerabilities disproportionately faced by women, particularly in their ownership and control over immovable property, which often perpetuates traditional patterns of material asset ownership despite progressive legal interpretations and statutory laws

(Mishra, 2015). Therefore, a re-evaluation of current alimony criteria is imperative to better reflect contemporary socio-economic realities and ensure gender-sensitive justice within India's legal system.

This analysis will also delve into the implications of recent legislative changes, such as amendments to inheritance laws, on the overall financial standing of women post-divorce and how these interact with alimony provisions (Deiningner et al., 2010). Furthermore, the paper will assess how judicial discretion, often influenced by implicit biases and traditional gender roles, impacts the application of these laws, leading to inconsistent and sometimes inequitable outcomes in alimony awards (Tannvi & Narayana, 2022). This necessitates a thorough investigation into judicial training and awareness programs to mitigate such biases and promote a more uniform application of alimony principles across different courts. The research will also examine international best practices in alimony determination, drawing comparisons with legal frameworks in other jurisdictions to identify successful models for equitable distribution and financial rehabilitation of divorced spouses (Efe & Eberechi, 2020). This comparative analysis will inform the development of specific, quantifiable criteria for alimony assessment in India, ensuring both clarity and enforceability. It will also consider the growing trend of prenuptial agreements and their enforceability regarding alimony provisions within the Indian legal context (Mafra & Mendonça, 2022). Additionally, the paper will scrutinize the impact of religious personal laws, which often govern aspects of marriage and divorce in India, on the uniformity and efficacy of alimony criteria, advocating for a more secular and standardized approach to financial support post-dissolution (Datar, 2017). Furthermore, this study will critically analyze the effectiveness of legal aid services in supporting economically disadvantaged individuals in accessing alimony, particularly women who may face barriers to legal representation and understanding their rights (-, 2024).

This includes evaluating the role of Alternative Dispute Resolution mechanisms in alimony matters, particularly in light of the complexities introduced by India's diverse personal laws (Ahmed, 2016). It will also investigate the interplay between alimony provisions and child support obligations, particularly in cases involving joint custody or varying parental incomes. This examination will highlight the need for comprehensive policy interventions and the formulation of integrated legislation that can address the often-overlooked financial vulnerabilities of divorced individuals, particularly women, in a manner that transcends the limitations of existing legal frameworks and societal biases (Dutta et al.,

2023) (Barn & Kumari, 2015). Such an approach could involve leveraging digital technologies to streamline alimony proceedings and enhance accessibility, drawing insights from the broader impact of digitalization on dispute resolution (Bhushan, 2023). This necessitates a comprehensive re-evaluation of existing legal paradigms, moving towards a framework that integrates principles of economic justice and gender equality, particularly within the multifaceted landscape of India's personal laws (Ahmed, 2016). This critical analysis will also address the long-standing debate surrounding the codification of a Uniform Civil Code as a potential pathway to harmonize diverse personal laws governing alimony and other family matters, thereby fostering greater consistency and equity in legal outcomes (Halpérin, 2019). This comprehensive reform would necessitate a re-examination of the foundational principles underpinning alimony, emphasizing rehabilitation and economic independence rather than perpetual dependency. Such a shift would align India's alimony framework with modern legal thought, promoting a more equitable and forward-looking approach to post-marital financial arrangements.

Moreover, it would address the disparities arising from the current legal pluralism, where different religious laws often lead to inconsistent and inequitable alimony outcomes, echoing the challenges faced in achieving a Uniform Civil Code in India (Sharma, 2024). Therefore, this paper proposes specific legislative amendments and judicial guidelines aimed at creating a standardized, needs-based alimony system that prioritizes financial autonomy and gender equity across all communities in India. This would involve a significant shift from the current disparate application of personal laws to a more unified approach, ensuring that all individuals, regardless of religious affiliation, are subject to the same criteria for alimony determination.

This harmonization is crucial for upholding the constitutional mandate of equality and ensuring that vulnerable populations, particularly women and children, receive adequate financial support following marital dissolution (Olii, 2020). This necessitates a thorough examination of existing literature on family law, gender studies, and economic justice in India and comparable jurisdictions (Sezgin, 2010). Such a review will critically assess how different legal systems address the complexities of alimony, including criteria for assessment, duration of payments, and enforcement mechanisms. It will also explore the interlegality between civil courts and religious tribunals, such as the Darul-Qaza, in adjudicating personal law matters, including alimony, and the implications of this

pluralistic legal framework on the consistent application of alimony criteria (Gosh & Chakrabarti, 2019). Furthermore, the literature review will delve into judicial precedents, legislative reforms, and policy recommendations that have emerged in response to the challenges of alimony determination, especially concerning child maintenance within various personal laws, including Islamic law (Saefudin et al., 2022). This includes an analysis of how concepts like *kifāyah* and *ma'rūf* are interpreted and applied in Shariah-based maintenance assessments, and how these might be reconciled with statutory provisions in a unified alimony framework (Ahmad et al., 2020). The review will also consider the impact of socio-economic factors on alimony outcomes, examining how prevailing economic conditions and gendered labour market participation influence judicial decisions and the efficacy of alimony as a tool for financial rehabilitation. This critical examination will also explore the often-overlooked issue of economic abuse within marital relationships, which frequently predates and exacerbates financial distress post-divorce, highlighting how current alimony frameworks may inadvertently fail to address these deep-rooted financial disparities (Nigam, 2023). It will also evaluate the effectiveness of alternative dispute resolution mechanisms, such as those employed in Sharia courts, in addressing alimony disputes, recognizing their potential role within a broader, unified legal framework (Oseni, 2015) (Dutta, 2021).

## METHODOLOGY

The research design for this study will primarily adopt a qualitative methodology, specifically employing a doctrinal and analytical approach to examine the legal frameworks governing alimony in India. This will involve a comprehensive analysis of statutory provisions, judicial pronouncements, and the interplay of diverse personal laws, including Islamic principles, that govern the provision of spousal support (Ishaque & Khan, 2015). This methodology will also incorporate comparative legal analysis, drawing insights from jurisdictions with established, standardized alimony systems to identify best practices and potential models for reform applicable to the Indian context. Furthermore, the study will analyze empirical data from case law to discern patterns in judicial decision-making concerning alimony awards and their subsequent impact on litigants' financial stability. The research will also evaluate the efficacy of existing enforcement mechanisms for alimony orders and propose strategies to enhance compliance, addressing the practical challenges faced by beneficiaries in securing timely and adequate financial support. This comprehensive approach aims to provide a robust foundation for policy recommendations that advocate for a more equitable, efficient, and gender-

just alimony system in India. This will involve a detailed examination of how various factors, such as the duration of marriage, financial contributions, earning capacities, and childcare responsibilities, are currently weighed by courts and how these could be standardized to ensure more predictable and equitable outcomes. It will also critically assess the role of legal aid and awareness campaigns in empowering individuals to assert their rights regarding alimony, particularly those from marginalized communities who may face additional barriers to accessing justice. The study will also consider the perspectives of legal practitioners, judges, and individuals who have navigated the alimony system, gathering qualitative insights to understand the practical challenges and successes of current legal provisions. This qualitative approach, augmented by doctrinal legal research methods, which meticulously analyze existing legal frameworks and scholarly literature (Majeed et al., 2023), will allow for a nuanced understanding of the complexities surrounding alimony in India, leading to actionable policy recommendations. Specifically, this research will utilize a doctrinal methodology, often referred to as armchair methodology, which relies heavily on secondary sources such as legal texts, scholarly articles, and judicial precedents to formulate its objectives and hypotheses (Ramaswamy & Binnuri, 2023). This involves an exhaustive review of academic literature on alimony and family law, examining various theoretical perspectives and empirical findings from both Indian and international contexts. This comprehensive literature review will underpin the analysis of the current legal landscape and identify gaps or inconsistencies that need to be addressed in formulating a more coherent and equitable alimony framework.

It will further analyze the socio-economic implications of current alimony practices, considering their effectiveness in promoting financial independence and preventing destitution post-divorce. This study will also evaluate the evolving role of mediation and alternative dispute resolution mechanisms in alimony disputes, assessing their potential to foster amicable settlements and reduce litigation burdens on the judicial system (Rizwan & Khatana, 2022). Moreover, the research will explore how interdisciplinary approaches, blending legal scholarship with qualitative social science methodologies, can augment the understanding and reform of alimony laws (Nkansah & Chimbwanda, 2015). Furthermore, the study will critically assess how current legal frameworks align with principles of gender equality and women's empowerment, particularly within the context of diverse personal laws in India (Jahan et al., 2023).

The research will also scrutinize the impact of judicial

precedents on alimony awards, tracing the evolution of legal interpretations and their practical implications for litigants. This will necessitate a close examination of how economic principles and sociological insights, such as those concerning gender roles and financial dependency, can inform more equitable and sustainable alimony policies (Rajashree et al., 2020). This interdisciplinary approach recognizes that legal solutions must be informed by the broader societal context and the lived experiences of individuals, promoting a more holistic and effective reform agenda (Rajashree et al., 2020). It will also consider how the integration of artificial intelligence in legal decision-making could potentially streamline alimony calculations and enforcement, while simultaneously addressing the ethical implications and biases inherent in such systems (Sreelatha & Choudhary, 2023). This analysis will delve into the societal impact of technological advancements within the judicial system, drawing upon established socio-legal theories to contextualize the challenges and opportunities presented by digitalization ("Implications of Digitalization and AI in the Justice System: A Glance at the Socio-Legal Angle," 2024). This will involve an examination of how AI tools could enhance access to justice in alimony cases, particularly for vulnerable populations, while ensuring fairness and transparency in automated processes (Kontinen et al., 2022). Furthermore, the research will explore how advanced language models can contribute to identifying biases in existing legal frameworks and judicial pronouncements concerning alimony, thereby fostering a more consistent application of laws across jurisdictions (De'Shazer, 2024). The study will also consider the implications of AI for procedural efficiencies in alimony cases, such as automated document review and case management, which could reduce processing times and alleviate judicial backlog (John et al., 2023). This approach aligns with broader initiatives aiming to modernize justice systems through digital integration, recognizing both the potential for improved operational efficiencies and the imperative to mitigate socio-legal disparities that might arise from technological adoption ("Implications of Digitalization and AI in the Justice System: A Glance at the Socio-Legal Angle," 2024). This includes a critical assessment of how AI-driven predictive analytics, while potentially expediting judicial processes, could inadvertently perpetuate or amplify existing socio-economic or gender-based disparities in alimony awards (Ho et al., 2023). The paper will, therefore, propose a balanced framework that leverages AI's analytical capabilities while implementing robust ethical safeguards to prevent the perpetuation of systemic inequalities in alimony determinations (Zafar, 2024). This would entail developing a comprehensive ethical framework for



AI deployment in legal contexts, addressing issues such as data privacy, algorithmic transparency, and accountability for automated decisions (Turdialiev, 2024). The integration of artificial intelligence in legal decision-making processes, particularly in areas like alimony, presents both transformative potential and inherent challenges (Remolina & Osa, 2024). While AI offers unprecedented opportunities for efficiency and data processing in the judiciary ("Implications of Digitalization and AI in the Justice System: A Glance at the Socio-Legal Angle," 2024), its application in sensitive areas such as alimony requires careful consideration of its ethical implications and potential for bias (Abiodun & Lekan, 2020). The ethical considerations surrounding AI in legal contexts include concerns over decision interpretability, data security, and issues of bias, transparency, and accountability in automated decision-making (Rauch, 2025). Specifically, the discriminatory effects of algorithmic bias, often stemming from historical legal datasets, necessitate rigorous scrutiny to ensure AI systems do not perpetuate or amplify existing societal inequalities (Vujičić, 2025) (Rankin, 2024). Furthermore, the lack of transparency in many AI algorithms, often referred to as a "black box" problem, makes it difficult to understand the rationale behind automated alimony recommendations, thereby challenging established legal principles of due process and the right to a fair hearing (SHARMA, 2024). This necessitates the establishment of clear regulatory frameworks and ethical guidelines to govern the development and deployment of AI in judicial systems, particularly concerning sensitive financial matters like alimony (Greene et al., 2020).

These frameworks should prioritize human oversight and accountability in AI-assisted legal decisions to mitigate risks associated with algorithmic errors or biases (Araujo et al., 2020). Moreover, ensuring data privacy and robust security measures are paramount, given the sensitive personal and financial information involved in alimony cases, which AI systems would necessarily process (Brij, 2023). This also calls for the implementation of explainable AI techniques to provide clarity on AI-driven outcomes, enhancing trust and enabling scrutiny of the decision-making process (Rodríguez, 2020). Furthermore, addressing algorithmic fairness and mitigating biases embedded within AI models---which can arise from skewed historical data or design flaws---is crucial to prevent disproportionate or inequitable alimony outcomes (Naik et al., 2022). This necessitates a multi-faceted approach, combining technical solutions for bias detection and mitigation with comprehensive legal and ethical guidelines to ensure that AI serves as an aid to justice rather than a source of new disparities (Situmeang et al., 2024). This will require continuous collaboration among legal scholars, AI developers, and policymakers to adapt

existing legal categories and develop new ones that account for the unique features and implications of AI (Naik et al., 2022). This includes developing robust mechanisms for auditing AI systems to ensure compliance with legal and ethical standards, alongside establishing clear accountability frameworks for instances where AI-driven decisions lead to unjust outcomes. The challenge of algorithmic opacity, where the inner workings of AI systems remain unclear, presents a significant hurdle in this regard, demanding innovative approaches to provide interpretability for automated legal decisions (Chesterman, 2021). Achieving this interpretability is critical for upholding fundamental rights such as the right to a fair trial, particularly the right to be heard, as litigants must be able to understand and challenge the basis of decisions affecting their lives (Dao, 2020). This requires the development of AI systems that can not only process complex legal data but also articulate their reasoning in a manner comprehensible to legal professionals and laypersons alike. This transparency is essential not only for due process but also for building public trust in AI-assisted legal systems, ensuring that technological advancements enhance rather than diminish justice. The importance of defining clear accountability for AI-driven decisions, particularly in contexts like alimony, cannot be overstated, necessitating a legal framework that delineates responsibility among AI developers, deployers, and human adjudicators (Sacramed, 2024). This framework must address potential liabilities arising from erroneous AI outputs and establish mechanisms for redress, ensuring that individuals adversely affected by AI-driven decisions have avenues for recourse. Furthermore, the establishment of independent oversight bodies capable of reviewing and auditing AI systems for compliance with established ethical and legal standards will be pivotal in maintaining the integrity of the judicial process. This continuous scrutiny and adaptive regulation will be crucial for navigating the evolving landscape of AI in legal applications, ensuring that its transformative potential is harnessed responsibly to serve the ends of justice. However, the rapid evolution of AI technologies necessitates that policymakers continually update regulations to protect patients without stifling innovation (Pham, 2025). This dynamic regulatory environment must address emerging challenges such as algorithmic bias, which can perpetuate existing disparities if not carefully managed (Pham, 2025). The European Union's AI Act represents a significant step towards mandating comprehensive transparency and explainability for AI systems, though its practical implementation faces challenges related to intellectual property and commercial interests (Nannini, 2024).

The integration of AI into healthcare and legal frameworks, therefore, requires a multi-faceted

approach to transparency, moving beyond mere data provision to encompass a "way of thinking" that pervades the entire development and deployment lifecycle (Kiseleva et al., 2022). This holistic perspective on transparency, encompassing technical interpretability and broader accountability mechanisms, is crucial for fostering trust and ensuring ethical AI deployment across various sectors (Varošaneć, 2022). This includes ensuring clear accountability for AI systems, particularly in sensitive domains like healthcare and legal decision-making, where the stakes for individuals are exceptionally high (Pham, 2025) (Gerke et al., 2020). The absence of clear guidance for specific AI technologies and the difficulty in ensuring fairness for diverse populations further complicate these regulatory efforts (Vardas et al., 2025).

### 1. Objectives

This study primarily aims to critically analyze the current legal framework governing alimony payments in India to understand how courts determine spousal support. Specific objectives include:

- To evaluate the existing criteria and judicial practices applied in alimony adjudications and identify disparities influenced by gender bias and economic inequality.
- To explore challenges arising from fragmented personal laws and the absence of a uniform civil code impacting the consistency of alimony awards.
- To investigate the socioeconomic vulnerabilities of divorced spouses, with a focus on women's financial dependence and property rights.
- To assess the implications of emerging employment trends such as the gig economy on the determination of earning capacity in alimony cases.
- To examine the potential and ethical considerations of incorporating artificial intelligence in legal decision-making related to alimony.
- To propose a more transparent, equitable, and needs-based framework for alimony assessment consistent with constitutional guarantees of equality.

### 2. Limitations

This research is limited by several factors:

- Reliance on secondary data sources and doctrinal legal analysis restricts empirical insights to documented case law and academic literature without direct field research or interviews.
- The evolving and varied nature of personal laws in India, including religious laws, creates complexity limiting the ability to

propose absolute uniform solutions without legislative reforms.

- The rapid development of AI technologies implies that forecasts about their legal integration may be speculative and contingent on future regulatory changes.
- Data availability on alimony enforcement and compliance efficacy, especially for marginalized populations, remains limited, constraining comprehensive evaluation.

### 3. Scope

This study focuses on the legal and socio-economic aspects of alimony in India, encompassing:

- Analysis of statutory laws, judicial pronouncements, and personal law applications related to spousal maintenance.
- Integration of comparative perspectives emphasizing uniform civil code proposals and gender justice.
- Consideration of contemporary socio-economic trends such as gig economy impacts and digitalization's role.
- Review of AI's potential in legal settings, specifically its ethical and operational challenges within Indian jurisprudence.
- The study provides recommendations aimed at law reform, judicial training, and technology integration to improve fairness and efficiency in alimony determinations.

## DISCUSSION

Alimony law in India represents a complex interplay of social, economic, and legal factors, shaped substantially by the country's pluralistic legal system and deeply entrenched societal norms. This complexity often translates into inconsistent and inequitable alimony awards, particularly disadvantaging women who are disproportionately economically vulnerable post-divorce. The discussion herein synthesizes the critical issues identified through doctrinal research and socio-legal analysis, highlighting the pressing need for reform aligned with constitutional principles and contemporary realities.

**Legal Pluralism and Its Impact on Alimony-** One of the dominant challenges in alimony law in India arises from the coexistence of multiple personal laws based on religion alongside secular civil law. Hindu, Muslim, Christian, and other religious communities follow distinct legal codes regarding marriage, divorce, and maintenance, leading to starkly disparate alimony criteria and enforcement mechanisms. This fragmentation undermines the uniform application of justice and complicates the financial rehabilitation of economically disadvantaged spouses, primarily women. For example, Hindu personal laws under the Hindu

Marriage Act and Hindu Adoption and Maintenance Act provide certain rights to maintenance after divorce but vary significantly from Muslim personal laws derived from Shariah principles, which incorporate concepts such as *kifāyah* and *ma'rūf*—maintenance for the wife and children based on customary practices. Similarly, Christian and Parsi laws have different thresholds and processes for spousal support. This legal pluralism results in a patchwork system where the protection and financial security of divorced spouses depend heavily on their religious identity, contravening the constitutional guarantee of equality under Article 14. The lack of a Uniform Civil Code (UCC) has thus been widely criticized for perpetuating inequality in family law matters, including alimony. The codification of a statutory, uniform, and gender-sensitive alimony regime across all communities would address inconsistencies and ensure equitable financial redress for spouses regardless of their religion, advancing social justice and gender equality.

**Gender Bias and Economic Vulnerability-** India's alimony system exhibits deep-rooted gender biases compounded by patriarchal societal attitudes towards women's economic roles. Traditionally, women have borne the primary responsibility for household and caregiving duties, often at the expense of their own careers and financial independence. Consequently, post-divorce, many women, especially homemakers, face severe economic hardships due to lost earning capacity and minimal or no asset ownership. Current alimony laws, while recognizing the need for maintenance, frequently fall short in compensating for non-monetary contributions like homemaking and child-rearing. Courts sometimes disregard these contributions or undervalue them, reflecting traditional gender norms embedded in judicial attitudes. Moreover, enforcement of alimony orders remains a significant challenge, with many women struggling to access timely and adequate financial support, particularly in rural and marginalized communities. This economic vulnerability is exacerbated by the absence of comprehensive marital property laws which, unlike in many Western jurisdictions, do not grant spouses an automatic right to a share of matrimonial property upon divorce in India. The lack of statutory provisions for property redistribution disproportionately affects women, denying them equitable economic stakes in marital assets. As a result, alimony often becomes the sole financial remedy, underscoring the need for a framework that fairly compensates for both monetary and non-monetary marital contributions.

**Judicial Discretion and Need for Standardization-** Indian courts wield significant discretionary power in determining alimony awards, frequently relying on

their interpretation of factors such as the parties' income, conduct, marriage duration, and spousal needs. While judicial discretion performs critical functions in tailoring awards to individual circumstances, its unregulated exercise generates unpredictability, inconsistencies, and potential bias. The absence of clear guidelines or quantifiable criteria results in varied alimony outcomes across courts and jurisdictions, undermining the principles of fairness and transparency. Cases have shown disparities where similarly situated litigants receive starkly different awards based on subjective perceptions and implicit gender stereotypes. A reform agenda aimed at standardizing alimony assessment is therefore essential. Judicial training programs to sensitize judges to gender biases and socio-economic realities can enhance equitable outcomes. Incorporating objective criteria that systematically evaluate earning capacity, financial needs, non-monetary contributions, and long-term economic rehabilitation will increase predictability and fairness. Such reforms would align India's alimony jurisprudence with international best practices while respecting the country's socio-cultural context.

**Incorporating Contemporary Economic Realities-** The economic landscape in India is rapidly evolving, highlighted by the rise of the gig economy, informal work, and fluctuating income streams. These changes challenge traditional legal conceptions of steady and predictable income, which form the basis of most maintenance calculations. Current alimony frameworks inadequately capture this complexity, often overlooking non-traditional and intermittent income sources. This omission risks financial injustice both to payers and recipients of alimony, as earning capacity becomes harder to ascertain, and support obligations may become disproportionate or unenforceable. Courts and policymakers must recognize these dynamics by updating legal provisions and judicial guidelines to accommodate the fluidity of modern employment. Including digital economy earnings, freelance work, and informal sector incomes in financial assessments will better reflect real earning capacities. This modernization enhances the relevance and efficacy of alimony laws in serving justice in the 21st century.

**Artificial Intelligence: Opportunities and Challenges-** The integration of Artificial Intelligence (AI) within the Indian judicial system presents promising avenues to enhance alimony adjudication's efficiency and consistency. AI-powered tools can automate precedent search, assist in data analysis, and anticipate case outcomes based on historical judgments. These capacities have the potential to reduce legal backlogs and improve the uniformity of alimony decisions. However, the

deployment of AI in legal decision-making also raises significant ethical, legal, and social challenges. Algorithmic bias—particularly concerning gender and socio-economic status—poses risks of perpetuating existing inequalities if AI systems are trained on historically biased data. The opaque nature of many AI models (the 'black box' problem) complicates due process, as litigants may be unable to understand or challenge AI-informed rulings. Indian socio-legal diversity further complicates AI's applicability, as models trained primarily on Western datasets may not accurately reflect India's demographic, cultural, and legal heterogeneity. Developing AI governance frameworks tailored to India's unique context is imperative to ensure transparency, fairness, accountability, and privacy protections. In this regard, AI should be employed as a supportive tool complementing human judicial discretion rather than replacing it, especially in nuanced and sensitive family law matters such as alimony. Promotion of AI literacy among legal professionals and deliberate oversight mechanisms are essential to harness AI's benefits while safeguarding justice.

**Access to Justice and Legal Aid-** Access to legal aid services remains a considerable hurdle for economically marginalized and vulnerable individuals seeking alimony. Limited awareness, poor availability of legal representation, and socio-cultural barriers contribute to under-enforcement of maintenance rights, leaving many without effective financial redress post-divorce. Strengthening legal aid frameworks and integrating Alternative Dispute Resolution (ADR) mechanisms can promote more accessible, timely, and less adversarial resolutions. Mediation and conciliation facilitate collaborative settlements, freeing judicial resources and supporting amicable financial agreements reflecting parties' needs. Policies incorporating child support obligations alongside spousal maintenance can more comprehensively address family welfare. There is also scope to leverage digital technologies for case management and awareness campaigns to enhance outreach and efficacy

## CONCLUSION

Reforming alimony law in India demands a multifaceted approach reinvigorated by constitutional principles of equality, social justice, and gender sensitivity. A uniform, needs-based framework grounded in objective, transparent criteria can address current inconsistencies and gendered disparities. Such reform entails codifying marital property rights and integrating contemporary employment realities into legal assessments. Simultaneously, embracing technological advancements like AI offers efficiency gains but requires ethical and regulatory safeguards.

Expanding legal aid and promoting ADR are vital to enhancing access for disadvantaged populations. Ultimately, pursuing a Uniform Civil Code remains pivotal to harmonize personal laws and actualize equitable financial remedies post-divorce for all. The future of alimony law in India lies in combining traditional judicial wisdom with modern legal principles, socioeconomic understanding, and technological innovation to ensure justice that is accessible, predictable, and responsive to the needs of diverse Indian families.

## REFERENCES

1. P. S. C. (2024). Legal Aid in India: Enhancing Access to Justice for All. *International Journal For Multidisciplinary Research*, 6(2). <https://doi.org/10.36948/ijfmr.2024.v06i02.14836>
2. Abiodun, O. S., & Lekan, A. J. (2020). Exploring the Potentials of Artificial Intelligence in the Judiciary. *International Journal of Engineering Applied Sciences and Technology*, 5(8). <https://doi.org/10.33564/ijeast.2020.v05i08.004>
3. Ahmad, B., Azahari, R., Rahman, A. A., & Wahab, M. A. (2020). Assessing the Rate of Child Maintenance (Financial Support) from a Shariah Perspective: the Case of Malaysia. *Al-Jami Ah Journal of Islamic Studies*, 58(2), 293. <https://doi.org/10.14421/ajis.2020.582.293-322>
4. Ahmed, F. (2016). Remedying Personal Law Systems. *International Journal of Law Policy and the Family*, 30(3), 248. <https://doi.org/10.1093/lawfam/ebw008>
5. Akpobome, O. (2024). The Impact of Emerging Technologies on Legal Frameworks: A Model for Adaptive Regulation. *International Journal of Research Publication and Reviews*, 5(10), 5046. <https://doi.org/10.55248/gengpi.5.1024.3012>
6. Al-Zahrani, A. M. (2024). Unveiling the Shadows: Beyond the Hype of AI in Education. *Heliyon*, 10(9). <https://doi.org/10.1016/j.heliyon.2024.e30696>
7. Anand, A. (2024). Exploring The Status Of Women In Indian Society: A Descriptive Analysis. <https://doi.org/10.53555/kuey.v30i6.6525>
8. Araujo, T., Helberger, N., Kruikeimeier, S., & Vreese, C. H. de. (2020). In AI We Trust? Perceptions About Automated Decision-Making by Artificial Intelligence. *AI & Society*, 35(3), 611. <https://doi.org/10.1007/s00146-019-00931-w>
9. Bajpai, A. (2024). Evaluating the Impact of Artificial Intelligence on Enhancing Tax Compliance and Financial Regulation. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.4922459>
10. Bansal, T., & De, S. (2024). Gender and the Gig Economy: An Analysis of Women Workers Across



- Gig Platforms. *International Journal for Research in Applied Science and Engineering Technology*, 12(9), 306. <https://doi.org/10.22214/ijraset.2024.64178>
11. Barn, R., & Kumari, V. (2015). Understanding Complainant Credibility in Rape Appeals: A Case Study of High Court Judgments and Judges' Perspectives in India. *The British Journal of Criminology*, 55(3), 435. <https://doi.org/10.1093/bjc/azu112>
12. Bell, A., Nov, O., & Stoyanovich, J. (2023). Think About the Stakeholders First! Toward an Algorithmic Transparency Playbook for Regulatory Compliance. *Data & Policy*, 5. <https://doi.org/10.1017/dap.2023.8>
13. Bhatnagar, A. (2018). Marital Property Law: A Prerequisite for Progressive Divorce Reforms in India. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.3201944>
14. Bhushan, T. (2023). The Impact of Digital Technologies on Alternative Dispute Resolution. *Revista Brasileira de Alternative Dispute Resolution*, 5(10). <https://doi.org/10.52028/rbadr.v5i10.art16.ind>
15. Biju, P. R., & Gayathri, O. (2023). The Indian Approach to Artificial Intelligence: An Analysis of Policy Discussions, Constitutional Values, and Regulation. *AI & Society*, 39(5), 2321. <https://doi.org/10.1007/s00146-023-01685-2>
16. Datar, N. (2017). The Legacy of Imperialism on Gender Law in India. *Historical Perspectives: Santa Clara University Undergraduate Journal of History, Series II*, 22(1), 9. <https://paperity.org/p/144295876/the-legacy-of-imperialism-on-gender-law-in-india>
17. Deininger, K., Goyal, A., & Nagarajan, H. K. (2010). Inheritance Law Reform and Women's Access to Capital: Evidence from India's Hindu Succession Act. *RePEc: Research Papers in Economics*. <https://econpapers.repec.org/RePEc:wbrwps:5338>
18. Dutta, S., Srivastava, P., Solunke, V., Nath, S., & KhudaBukhsh, A. R. (2023). Disentangling Societal Inequality from Model Biases: Gender Inequality in Divorce Court Proceedings. <https://doi.org/10.24963/ijcai.2023/661>
19. Espenshade, T. J. (1979). The Economic Consequences of Divorce. *Journal of Marriage and Family*, 41(3), 615. <https://doi.org/10.2307/351631>
20. Greene, T., Shmueli, G., Fell, J., Lin, C.-F., Shope, M., & Liu, H. (2020). The Hidden Inconsistencies Introduced by Predictive Algorithms in Judicial Decision Making.
21. Herklotz, T. (2017). Law, Religion and Gender Equality: Literature on the Indian Personal Law System from a Women's Rights Perspective. *Indian Law Review*, 1(3), 250. <https://doi.org/10.1080/24730580.2018.1453750>
22. Mafra, T. C. M., & Mendonça, R. B. (2022). Prenuptial Agreement: Provisions on Alimony and Patrimony Penalties in Case of Divorce. *Revista Internacional Consinter de Direito*, 507. <https://doi.org/10.19135/revista.consinter.00015.25>
23. Mishra, A. (2015). Devolution of Property of the Hindu Female: Autonomy, Relationality, and the Law. *International Journal of Law Policy and the Family*, 29(2), 149. <https://doi.org/10.1093/lawfam/ebv003>
24. Nilgiriwala, K., Mahajan, U., Ahmad, R. A., et al. (2024). Navigating the Governance of Artificial Intelligence (AI) in Asian Nations: A Focus on India, Indonesia, Malaysia and the Philippines. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.4735279>
25. Rajashree, K., Singai, C., & Shimray, S. A. (2020). Advancements in Legal Education in India: Challenges and Opportunities for Interdisciplinary Research. *Asian Journal of Legal Education*, 8(1), 66. <https://doi.org/10.1177/2322005820946699>
26. Sambasivan, N., Arnesen, E., Hutchinson, B., Doshi, T., & Prabhakaran, V. (2021). Re-imagining Algorithmic Fairness in India and Beyond. <https://doi.org/10.1145/3442188.3445896>
27. Sharma, S. (2024). Uniform Civil Code: Constitutional Vicissitude or An Enduring Volitive? *International Journal of Law and Social Sciences*, 75. <https://doi.org/10.60143/ijls.v10.i1.2024.105>
28. Singhal, T. (2024). The Double-Edged Sword: Uncovering the Misuse of Section 498a IPC by Women in Marital Disputes. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.4790189>
29. Sreelatha, A., & Choudhary, G. (2023). Exploring the Use of AI in Legal Decision Making: Benefits and Ethical Implications. <https://doi.org/10.57029/scheel4>
30. Tiwari, A., Kalamkar, P., Banerjee, A., Karn, S., Hemachandran, V., & Gupta, S. (2024). Aalap: AI Assistant for Legal & Paralegal Functions in India. <https://doi.org/10.48550/ARXIV.2402.01758>
31. Zafar, A. (2024). Balancing the Scale: Navigating Ethical and Practical Challenges of Artificial Intelligence (AI) Integration in Legal Practices. *Discover Artificial Intelligence*, 4(1). <https://doi.org/10.1007/s44163-024-00121-8>