

Alimony – Boon of the Past and Bane for the Future in India

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Abstract: Alimony, traditionally regarded as a vital safeguard for dependent spouses following the dissolution of marriage, has long been perceived as a cornerstone of matrimonial justice in India. Historically, it offered women, often deprived of property rights, financial independence, and equitable access to resources, a necessary means of survival and dignity after separation. However, the rapidly changing socio-economic environment, marked by women's increasing participation in the workforce, evolving notions of gender equality, and changing family structures, has challenged the conventional justification for alimony. What was once considered a benevolent and protective legal mechanism is now frequently criticized as outdated, gender-biased, and vulnerable to misuse. This research paper undertakes a critical examination of alimony from legal, social, and economic perspectives, exploring its historical significance, present-day controversies, and the pressing need for reforms. It argues that while alimony was undeniably a boon in the past, sustaining fairness and justice in the future requires recalibrating its framework to reflect contemporary realities, ensuring equity, mutual responsibility, and balance in matrimonial law. The research undertaken is purely doctrinal in nature.

Keywords: Alimony in India, Gender Justice, Matrimonial Law, Reforms Socio-Economic Impact of Alimony.

1. Introduction

The concept of alimony, derived from the Latin word *alimonia* meaning sustenance, has existed in various legal systems for centuries. It aims to provide financial support to a spouse (most often the wife) who is unable to support themselves after the dissolution of marriage. In India, alimony has deep roots in both religious personal laws and modern secular legislation. However, as Indian society evolves with increasing gender equality, women's empowerment, and dual-income households the justification and application of alimony is being questioned.

The traditional notion of the man as the sole breadwinner and the woman as homemaker is eroding. As more women attain economic independence, the relevance of permanent alimony or long-term maintenance is increasingly challenged. This essay explores how alimony was historically a “boon” in India and how, in the changing socio-legal context, it is progressively viewed as a “bane” that may perpetuate dependency, incentivize prolonged litigation, or result in perceived injustice.

2. Historical Context of Alimony in India

The historical context of alimony in India is deeply rooted in the evolution of family laws across different religious and cultural traditions. In ancient Hindu law, the concept of dissolution of marriage was almost non-existent, as marriage was considered a sacred and indissoluble union. However, provisions for maintenance were recognized, particularly for widows or women who were abandoned or left destitute. Texts such as the Manusmriti and other Dharmashastras emphasized the duty of a husband or his family to provide sustenance to women who could not support themselves. Even in situations of separation or valid dissolution, Hindu law acknowledged that women required financial support to maintain a dignified life.

Islamic jurisprudence, on the other hand, offered a more structured framework for marital dissolution through divorce or *talaq*. Women were entitled to *mehr*, a mandatory financial settlement at the time of marriage, which acted as a form of economic security in case of separation. Additionally, the *iddat* period observed after divorce required the husband to provide maintenance to his wife, ensuring her sustenance for a defined duration. These measures reflected an early recognition of the financial vulnerability of women after marital breakdown and sought to protect their interests within the bounds of religious law.

The British colonial period and post Independence era marked a significant turning point. In the development of alimony in India, as it introduced the codification of personal laws. With the enactment of statutes like the Hindu Marriage Act, 1955, and the Special Marriage Act, 1954, maintenance and alimony became part of the statutory framework. These provisions formalized the duty of financial support and made remedies available through civil courts. Importantly, the introduction of Section 125 of the Criminal Procedure Code (CrPC) created a secular remedy for maintenance. This provision allowed women, children, and even parents to claim maintenance irrespective of their religious affiliation, ensuring broader social justice and equality.

Across all these stages, one theme remained consistent the recognition of women's financial dependence within patriarchal structures. Historically, women had limited access to property, employment, or independent sources of income, making them vulnerable after separation or divorce. Alimony

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and maintenance thus evolved as legal mechanisms to correct this imbalance and provide social and economic protection. The progression from religious doctrines to codified statutory remedies reflects India's attempt to balance tradition with modernity while addressing the enduring need for financial security of women in Marriage.

3. Legal Framework Governing Alimony in India

The legal framework governing alimony and maintenance in India has gradually expanded to ensure social justice and financial security to vulnerable dependents. The Hindu Marriage Act, 1955, under Section 25, introduced the principle that either spouse, not only the wife, could claim permanent alimony and maintenance. This provision recognized that in certain circumstances even a husband might require financial support, though in practice it has overwhelmingly benefitted women due to their socio-economic disadvantages. The objective of this section was to ensure that separation or divorce did not leave one party destitute, thereby balancing fairness in matrimonial disputes.

The Special Marriage Act, 1954, which was enacted to regulate inter-faith and inter-caste marriages, contains a similar provision under Section 37. This ensures that individuals marrying outside their religious fold are not deprived of legal remedies for maintenance. By providing a uniform mechanism, the Act safeguards the financial interests of spouses in cases of divorce or separation irrespective of religious identity. This reflects the secular approach of the Indian legal system in matters of family law when parties opt for a civil marriage. Moreover, Sec. 40 of the Parsi Marriage and Divorce Act, 1936 and Sec. 37 of the (Indian) Divorce Act, 1869, also accommodate the provisions of alimony so far as the Parsi and Christian communities are concerned.

In addition to personal law statutes, the Criminal Procedure Code, 1973, under Section 125 [now Sec. 144 of BNSS, 2023], plays a pivotal role by offering a secular remedy for maintenance. This provision empowers wives, minor children, and even aged parents to claim maintenance from those who are legally obliged to support them. Unlike personal laws, Section 125 CrPC is religion-neutral and is primarily aimed at preventing vagrancy and destitution. It is a speedy and inexpensive remedy, ensuring that no dependent is left without means of subsistence due to marital discord or neglect by family members.

Further, the Protection of Women from Domestic Violence Act, 2005 strengthened women's rights by recognizing that financial support is an essential component of relief in cases of domestic abuse. This Act empowers women to claim maintenance, residence orders, and other forms of monetary relief in addition to protection against physical and emotional violence. It acknowledges that abuse often results in economic deprivation and, therefore, provides a comprehensive remedy to safeguard women's dignity and sustenance.

Together, these legislations reflect the Indian legal system's progressive approach towards maintenance and alimony. From religiously rooted statutes to secular provisions, the law has consistently aimed to protect dependents from economic

hardship. These measures not only uphold the constitutional values of equality and social justice but also reinforce the idea that financial support is integral to ensuring dignity in personal relationships.

4. Alimony as a Boon in the Past

Alimony, in its original conception, emerged as a lifeline for women who were historically disadvantaged in India's patriarchal society. Its significance must be understood in the context of the rigid socio-economic conditions that limited women's autonomy and financial independence.

A. Societal Gender Roles

In traditional Indian society, women were largely confined to the domestic sphere, with their roles centered around caregiving, child-rearing, and managing household responsibilities. The limited access to education, employment opportunities, and financial resources meant that most women were economically dependent on their husbands. In such a context, divorce or abandonment often left women destitute, without any means to support themselves or their children. Alimony acted as a crucial financial buffer, enabling women to maintain a minimum standard of living after marital breakdown.

B. Lack of Property Rights

Until the mid and late twentieth century, women's rights to ancestral and marital property were extremely restricted. The Hindu Succession Act, 1956, for instance, initially discriminated against daughters in matters of inheritance, a gap that was only rectified with the 2005 amendment granting equal coparcenary rights. In the absence of such entitlements, alimony often served as the only tangible and enforceable financial support available to women. It compensated, at least partially, for their exclusion from property ownership and safeguarded them against complete economic dispossession.

C. Safeguard Against Abandonment

In a patriarchal system where men wielded dominant authority, women were particularly vulnerable to abandonment, desertion, or unilateral repudiation. Alimony provisions acted as both a deterrent and a safeguard ensuring that men could not dissolve marriages or abandon wives without bearing financial responsibility. By making maintenance a legal and moral obligation, alimony curtailed the arbitrary exercise of patriarchal privilege and imposed accountability on husbands. It provided women a degree of security in an otherwise unequal marital relationship.

D. Empowerment through Compensation

Beyond subsistence, alimony also carried a symbolic value. It represented compensatory justice for the years of unpaid domestic labor, emotional investment, and sacrifices made by women within marriage. By granting financial support after divorce, courts indirectly acknowledged that homemaking, caregiving, and other non-remunerated contributions had economic worth. This recognition elevated women's dignity and helped challenge the notion that only wage-earning work

carried value.

In this historical setting, alimony was unquestionably a boon. It provided relief and respect to abandoned or divorced women, mitigated the harsh consequences of economic dependency, and functioned as a tool of justice in a society where women had limited avenues for self-reliance. By bridging the gap between law and social reality, alimony ensured that women were not left destitute at the mercy of patriarchal structures.

5. Alimony as a Bane for the Future

While alimony once served as a protective shield for vulnerable women, its relevance and fairness in the contemporary era are increasingly being questioned. With changing socio-economic realities, what was historically a boon risks becoming a bane if not reformed in line with modern values of equality, autonomy, and fairness.

A. Rise of Financially Independent Women

In today's India, women are far more empowered than their historical counterparts. They are better educated, actively employed, and often financially independent. Many contribute equally, if not more, to household income. In such circumstances, imposing long-term or permanent alimony on the husband, regardless of the wife's earning capacity, appears outdated and even paternalistic. The notion that women require lifelong support rests on an assumption of dependency that no longer aligns with the realities of urban, professional, and even semi-urban India. Thus, the very rationale of alimony as a protective mechanism weakens in the face of women's growing financial autonomy.

B. Misuse and Legal Harassment

Alimony provisions, though originally designed to protect, are at times misused in matrimonial disputes. Maintenance claims can be strategically employed to exert pressure, prolong litigation, or extract favorable divorce settlements. In certain instances, such claims are used more as a tool for harassment than genuine need. This not only burdens the courts but also dilutes the legitimacy of genuine claims, thereby undermining the credibility of the legal system itself. The misuse factor is increasingly highlighted in legal debates, as it reflects the potential for distortion of a well-intentioned safeguard.

C. Burden on Men

Another criticism stems from the disproportionate financial burden imposed on men, particularly in cases where the wife is equally qualified or gainfully employed. Courts, in certain cases, have passed orders for permanent alimony or high maintenance amounts without adequately considering the wife's earning potential or financial status. This can lead to men being financially crippled post-divorce, creating an unjust outcome. The principle of fairness demands that alimony should reflect actual dependency rather than act as a punitive measure. Without balance, it risks becoming oppressive for one party.

D. Gender-Neutrality and Equality

Contemporary discourse on gender equality emphasizes the

need for laws that treat men and women alike. However, alimony laws in India are often perceived as skewed in favor of women, thereby clashing with the constitutional promise of equality under Articles 14 and 15. If equality is to be truly realized, maintenance should be conceptualized in a gender-neutral framework, allowing men to claim support where appropriate. Continuing with women-centric provisions not only perpetuates stereotypes of female dependency but also undermines the spirit of fairness in matrimonial law.

E. Unending Litigation

Alimony disputes often become a breeding ground for prolonged and bitter litigation. In high-conflict divorces, maintenance battles can stretch across years, with interim and permanent maintenance orders frequently challenged at multiple judicial levels. The lack of a uniform yardstick in judicial decisions adds unpredictability and emotional strain for both parties. Such protracted legal battles not only clog the courts but also erode the prospects of reconciliation or closure for estranged couples.

In light of these concerns, alimony in its present form risks becoming a bane for the future. Unless reforms ensure that support is need-based, equitable, and gender-neutral, the institution of alimony may no longer serve justice in a modern, egalitarian society. To remain relevant, it must evolve from a paternalistic model of dependency to a fair and balanced framework that respects the dignity, autonomy, and responsibilities of both spouses.

6. Comparative International Perspective

The concept of alimony has undergone significant transformation across the world, with countries like the United States, United Kingdom, and Canada adopting a more modern and rehabilitative approach. In these jurisdictions, alimony is no longer seen as a lifelong entitlement but rather as a time-bound relief aimed at helping the dependent spouse regain financial stability. The emphasis is on spousal self-reliance, with courts encouraging the economically weaker partner to acquire skills, education, or employment necessary for independent living. In fact, many western courts treat alimony as a temporary support system rather than a permanent financial obligation.

Another key feature of these systems is that alimony is largely gender-neutral, meaning that either spouse husband or wife can claim support depending on the circumstances. Courts in these countries are increasingly reluctant to grant long-term or indefinite spousal support unless exceptional justification exists, such as old age, disability, or inability to earn. This reflects a broader shift towards equality in matrimonial remedies, in line with the evolving role of women in the workforce and the principle of fairness to both partners.

In contrast, India's legal framework remains fragmented and inconsistent. The absence of a uniform civil code on alimony has resulted in different rules being applied under personal laws for Hindus, Muslims, Christians, and Parsis, alongside secular provisions like Section 125 of the Criminal Procedure Code. Judicial discretion plays a dominant role, often leading to varied

and sometimes conflicting rulings depending on the facts of each case. While some courts have granted liberal maintenance to secure women's dignity, others have imposed restrictive conditions, resulting in a lack of predictability.

This patchwork system contrasts sharply with the standardized, rehabilitative models followed in many western countries. India continues to rely heavily on judicial interpretation and socio-cultural considerations rather than adopting a uniform, time-bound, and reform-oriented approach. As a result, while global trends increasingly favor spousal independence, Indian alimony law still reflects a complex blend of tradition, religion, and judicial discretion.

7. Contemporary Debates

In recent years, Indian courts have shown a marked shift towards temporary and need-based maintenance rather than granting lifelong alimony as a matter of routine. The idea is to provide financial support only until the dependent spouse is able to stand on their own feet, thereby encouraging self-reliance rather than prolonged dependency. This trend recognizes that marriage breakdown should not permanently bind one partner to the financial upkeep of the other, except in genuine cases of incapacity. Courts have also begun to emphasize the earning capacity of both spouses, acknowledging that if a spouse is qualified, capable, and employable, they cannot indefinitely rely on the other for financial support. A landmark example of this principle is found in *Kalyan Dey Chowdhury v. Rita Dey Chowdhury*¹ where the Supreme Court held that maintenance should not ordinarily exceed 25% of the husband's net salary, setting a benchmark for reasonable limits.

Parallel to this, there has been a growing push for gender-neutral alimony laws within the broader debate on the Uniform Civil Code. Advocates argue that fairness demands equal treatment for both men and women, ensuring that support is determined purely on financial need and capacity rather than traditional gender roles. Such reforms could address inherent biases and bring consistency to the existing fragmented framework.

The sociological and psychological impact of alimony is equally significant. Long-term or excessive alimony awards can foster a dependency culture, discouraging personal growth, financial independence, and career aspirations post-divorce. At the same time, fear of heavy alimony claims often acts as a deterrent to divorce, trapping individuals in unhappy or even toxic marriages due to financial insecurity. Another pressing issue is the impact on remarriage, particularly for women, who may avoid entering new relationships out of concern that doing so would result in the loss of maintenance. Furthermore, alimony disputes can impose a serious mental health burden on both parties, as prolonged litigation and financial strain often create resentment and stress. In some cases, alimony is misused as a tool of coercion, further aggravating emotional trauma.

Thus, while alimony serves as an essential safety net, evolving jurisprudence and social realities highlight the need for a more balanced, time-bound, and gender-neutral system that promotes fairness without creating dependency or emotional distress.

8. Landmark Judgments on Alimony & Maintenance

Indian jurisprudence on alimony and maintenance has evolved significantly over the years, with the Supreme Court consistently striving to strike a balance between social justice, financial fairness, and dignity for spouses especially women. The courts have broadly interpreted maintenance provisions to prevent destitution, promote equality, and adapt to changing social conditions.

The landmark judgment in *Vimala (K.) v. Veeraswamy (K.)* (1991)² emphasized that Section 125 of the Criminal Procedure Code (CrPC) must be interpreted liberally as a measure of social justice. The Court held that the provision is intended not merely to provide for survival, but to prevent destitution and ensure that women are not left without support. Earlier, in *Mohd. Ahmed Khan v. Shah Bano Begum* (1985)³ the Court created history by ruling that a divorced Muslim woman was entitled to maintenance under Section 125 CrPC, even if personal law suggested otherwise. This judgment underlined the supremacy of constitutional values and women's rights over restrictive personal law interpretations. In continuation, *Danial Latifi v. Union of India* (2001)⁴ clarified the scope of the Muslim Women (Protection of Rights on Divorce) Act, ensuring that divorced Muslim women receive fair and reasonable maintenance extending beyond the iddat period.

In *Savitaben Somabhai Bhatiya v. State of Gujarat* (2005)⁵ however, the Court restricted maintenance entitlement to legally wedded wives under Section 125 CrPC, ruling that women in relationships resembling marriage could not claim the benefit. This principle was nuanced further in *Chaturbhuj v. Sita Bai* (2008)⁶ where the Court clarified that an earning wife may still be eligible for maintenance if her income is insufficient to maintain the standard of living enjoyed during marriage.

The Court's focus on dignity became more pronounced in later cases. In *Shamima Farooqui v. Shahid Khan* (2015)⁷ it held that maintenance must not be a pittance but sufficient to realistically maintain the wife's dignity and lifestyle. Similarly, in *Bhuwan Mohan Singh v. Meena* (2015)⁸ the Court asserted that maintenance is a fundamental right flowing from the marital relationship and not a matter of charity. The progressive view was further advanced in *S. Vanitha v. Deputy Commissioner* (2020)⁹ where the Court linked maintenance rights with the right to residence under the Protection of Women from Domestic Violence Act, thereby reinforcing the concept of dignified living.

A significant milestone came with *Rajnish v. Neha* (2021)¹⁰

¹ AIR 2017 SUPREME COURT 2383

² 1991 SCC (2) 375

³ 1985 AIR 945

⁴ AIR 2001 SUPREME COURT 3958

⁵ AIR 2005 SUPREME COURT 1809,

⁶ AIR 2008 SUPREME COURT 530

⁷ AIR 2015 SUPREME COURT 2025

⁸ AIR 2014 SUPREME COURT 2875

⁹ AIR ONLINE 2020 SC 897

¹⁰ AIR 2021 SUPREME COURT 569

where the Court laid down uniform guidelines for maintenance adjudication. These included mandatory financial disclosures, consideration of lifestyle during marriage, and a structured approach to determining the capacity and obligation of spouses. This case provided much-needed clarity and uniformity across courts.

The Court continued refining its approach in recent years. In *Parvin Kumar Jain v. Anju Jain* (2024)¹¹ exercising powers under Article 142, the Court elaborated factors to be considered while awarding permanent alimony—such as social and financial status, reasonable needs, sacrifices in employment, standard of living, and litigation costs. This principle was solidified in the Supreme Court’s “Eight Factors” Clarification (INSC 961, Dec 10, 2024), where it reiterated and expanded guiding factors, thereby rejecting rigid formulas and advocating a holistic, case-specific approach.

Eight Factors for Assessing Permanent Alimony.

1. Social and financial status of both parties.
2. Reasonable needs of the wife and any dependent children.
3. Qualifications and employment status of both spouses.
4. Independent income or assets possessed by the applicant.
5. Standard of living enjoyed by the wife in the matrimonial home.
6. Any sacrifices in career/employment made by the wife for family responsibilities.
7. Reasonable legal/litigation expenses for a non-working wife.
8. Husband’s financial capacity, including his income, maintenance obligations, and liabilities.

Recent rulings illustrate a shift towards finality and practicality in maintenance matters. In February 2025, the Court held that once a lump-sum alimony (in that case, ₹50 lakh) is granted, it constitutes a full and final settlement, closing any future maintenance claims. Shortly after, in *Rakhi Sadhukhan v. Raja Sadhukhan* (May 29, 2025)¹² the Court significantly enhanced permanent alimony from ₹20,000 (with periodic increments) to ₹50,000 per month, stressing inflation, lifestyle, property transfer, and transparent financial disclosures.

In high-profile disputes, the Court has also cautioned against misuse of maintenance claims. In July 2025, when a woman sought extravagant alimony of ₹12 crore, a BMW, and a luxury Mumbai apartment after just 18 months of marriage, the Court dismissed the claim as unreasonable, urging her instead to pursue self-reliance through education and employment. However, in August 2025, invoking Article 142 again, the Court granted a ₹4 crore flat in Mumbai as permanent alimony while rejecting the wife’s additional demands of crores in cash and luxury assets, showcasing its balanced stance of fairness without extravagance.

Over the decades, the Supreme Court has thus moved from addressing conflicts between personal law and constitutional

rights (as in *Shah Bano* and *Danial Latifi*) to developing structured frameworks (*Rajnish and Neha INSC 961*) that emphasize dignity, fairness, and equity. The latest rulings highlight a twofold approach—ensuring adequate support to dependent spouses while discouraging disproportionate or exploitative demands—ultimately reflecting a matured judicial philosophy on alimony and maintenance in India.

9. Conclusion

Alimony, once a beacon of hope and justice for disenfranchised spouses especially women must evolve with changing times. Its legacy as a “boon” in the past is undeniable, having provided dignity and financial security to countless individuals. However, in the emerging socio-economic milieu of India, where gender roles are increasingly egalitarian, the current alimony system appears outmoded, prone to misuse, and sometimes unjust. To prevent it from becoming a “bane” for the future, reforms must align with principles of fairness, gender equality, and individual dignity. The goal should be to ensure temporary support for those in need while encouraging self-sufficiency and reducing dependency. Only then can alimony fulfill its true purpose in a modern Indian society.

1) *Introduce a Uniform Civil Alimony Code*

To eliminate inconsistencies among personal laws, a uniform and secular alimony framework should be established across all religions, ensuring equality and clarity in maintenance rights and obligations.

Indian alimony laws must be made gender-neutral, allowing both men and women to claim maintenance based on financial dependency rather than gender, reflecting the constitutional principle of equality.

2) *Set Time-Bound and Rehabilitative Maintenance*

Alimony should be structured to promote self-reliance. Courts may fix time-limited alimony or link it to vocational training/employment readiness, rather than imposing lifelong dependency.

3) *Develop National Guidelines for Alimony Calculation*

There is a need for uniform judicial guidelines that consider factors such as income disparity, duration of marriage, standard of living, health, and childcare responsibilities, ensuring fair and consistent decisions.

4) *Encourage Mediation and Alternative Dispute Resolution (ADR)*

To reduce adversarial litigation, courts should promote mediation or ADR mechanisms in alimony disputes, helping parties reach amicable settlements and reducing case backlogs.

5) *Penalize Frivolous or Malicious Maintenance Claims*

A legal mechanism should be established to discourage misuse of alimony laws by penalizing false, exaggerated, or vindictive maintenance claims, preserving the sanctity of justice.

6) *Consider Remarriage or New Earning Sources in Alimony Decision*

Courts must be mandated to reassess alimony in case of

¹¹ 2024 INSC 961

¹² (2025) 660 SCC 1

remarriage, gainful employment, or significant change in circumstances of either party to ensure fair treatment.

7) Promote Financial Literacy and Empowerment for Spouses

Government and NGOs should work together to promote financial literacy and employment skills among homemakers to reduce long-term dependency on alimony.

8) Incorporate Mental and Emotional Contribution in Alimony Assessment

Alimony assessments should consider the emotional, domestic, and caregiving labor contributed by the spouse, especially during long-term marriages, as a basis for fair compensation.

9) Conduct Regular Policy Review and Data Collection

Government bodies and law commissions should periodically review alimony trends, misuse statistics, and social impact, to inform data-driven policy reforms that reflect evolving societal needs.

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