

GRANT OF MAINTENANCE UNDER LAWS APPLICABLE TO HINDUS

★ THE BENEFICIARIES/ CLAIMANTS WHO ARE ENTITLED FOR MAINTENANCE

“Maintenance” is an amount payable by either the husband or the wife who is unable to maintain herself/himself either during the subsistence of marriage or upon separation or divorce. As per the provisions under various acts/laws the following are the beneficiaries/ claimants for maintenance:-

1. A husband
2. Wife
3. Aged parents
4. Children
5. Unmarried daughter above the age of 18 years
6. Widowed Daughters-in-law and
7. Dependants

★ THE PROVISIONS UNDER VARIOUS ACT/LAWS WHICH IS PROVIDED MAINTENANCE

- Maintenance under Hindu Adoption and Maintenance Act, 1956
- Maintenance under Criminal Procedure Code, 1973
- Maintenance under Hindu Marriage Act, 1955
- Maintenance under The protection of women from domestic violence Act, 2005

- **Maintenance under Hindu Adoption and Maintenance Act, 1956**

As per section 3 (b) Maintenance means, in all cases, provision for food, clothing, residence, education and medical attendance and treatment and in the case of an unmarried daughter, also the reasonable expenses of an incident to her marriage. Basically, it is financial support paid by a husband or a father that covers all basic necessities of life.

- **What are the Applicability of Hindu Adoption and Maintenance Act**

As per the act – a Hindu does not merely mean a person that follows Hinduism but also includes other sub-religions of Hinduism, such as- Buddhists, Jains, Sikhs, Virashaiva, Lingayat, or members Arya Samaj. Followers of Brahmo and Prarthana are also included in the definition of Hindu.

- **Who can claim maintenance under Hindu Adoption and Maintenance Act**

In the case of the claimant(s) being wife, children or aged parents, their financial and social status must be considered. Unmarried daughter above the age of 18 years can claim maintenance. As per the section 24 of The Hindu Adoption and Maintenance Act have been legislated for the Hindus and have the power and authority to govern only people that belong to the Hindu religion.

- ★ **MAINTENANCE OF WIFE UNDER HINDU ADOPTION AND MAINTENANCE ACT, 1956**

As per section 18, Hindu Adoption and Maintenance Act, 1956, the wife must be paid maintenance after divorce until she gets married again. There is no minimum or the maximum amount fixed for maintenance, it is to be decided by the court according to the earning capacity of the husband. If the husband is well to do then the maintenance shall be high in order to match the rich lifestyle the wife was used to during the marriage. If that is not the case, it must be a reasonable enough amount that can cover all her reasonable expenses.

- **When is the wife entitled to maintenance**

As per section 18 (2), Hindu Adoption and Maintenance Act, 1956, Maintenance can be paid every month or in a lump sum. Even when the wife has some source of income and some property but needs some financial aid for necessary expenses such as medical expenses. It is the obligation of the husband to pay maintenance for such expenses if required.

- **CASE LAWS**

- In the case of ***Smt. Anita Thaukral v. Shri Satbir Singh Tkukral, SC 2004***, the wife had some source of income and also had an apartment in a good location but, she was unable to make enough money to cover up her medical expenses. The court held that: The wife will use one of the debit cards of the husband, with the undertaking that she will only withdraw a reasonable amount as may be necessary for her medical expenses.
- In the case of ***Smt. Gouri Gupta Chaudhury v. Tarani Gupta Chaudhur, AIR 1968 Cal 305***, the husband has to maintain his wife as per section 18(1) of Hindu Adoption and Maintenance Act, 1956 so long the marriage subsists. And as per section 18(2) there will be an obligation on the part of the husband to maintain his wife irrespective of her residence until the wife proved that she was living separately on her own. If the interim maintenance is not granted then the wife may have to face starvation with respect to the waiting period of the suit. The court observed that the said judgment of Madras High Court has been misunderstood in these circumstances otherwise very purpose of section 151 of the Code of Civil Procedure would be defeated. And the court should exercise power conferred under section 151 of the Code of Civil Procedure to prevent abuse of the process of the court and in the interest of justice. Hence, the interim maintenance of rupees 160/- has to be given.
- In Case of ***Shobha Suresh Jumani Vs Appellate Tribunal, Forfeited property and another, AIR 2001 SC 2288***, Section 18 of Hindu Adoption and Maintenance Act only provides that Hindu wife shall be entitled to be maintained by her husband during her life time and if she is staying separately as provided under sub-section (2), she is entitled to claim maintenance from her husband.

★ **MAINTENANCE OF WIDOWED DAUGHTERS-IN-LAW UNDER HINDU ADOPTION AND MAINTENANCE ACT, 1956**

As per section 19, Hindu Adoption and Maintenance Act, 1956, A husband is liable to pay maintenance to his wife after they get divorced. However, if the husband is dead it is the obligation of his father-in-law to pay maintenance to his daughter-in-law: Provided and to extent that she is unable to maintain herself out of her own earning or other property or, where she has no property of her own, is unable to obtain maintenance-

1. His daughter-in-law has no sources of income;
2. She has no property to sustain herself on her own;
3. If she has some property, it is insufficient to meet her basic expenses.
4. In case she has no property of her own and any property of her husband, parents or children are not fetching her any maintenance.

★ **MAINTENANCE OF CHILDREN AND AGED PARENTS UNDER HINDU ADOPTION AND MAINTENANCE ACT, 1956**

As per section 20, Hindu Adoption and Maintenance Act, 1956, People who cannot earn money for themselves due to reasonable grounds need to be given maintenance in order to meet their basic necessities. Such people can include children and old people.

1. A Hindu male or female is obligated to maintain their children whether they are legitimate or illegitimate.
2. Children shall claim for maintenance from their parents as long as they are minor.
3. An unmarried daughter shall be entitled to maintenance even after attaining the age of majority, till the day she gets married.
4. Parents who are old or have physical or mental weakness need to be maintained if they are not able to maintain themselves.
5. Childless stepmother will also be considered a 'parent' in the context of this section.

• **CASE LAWS**

- In the case of ***Mst. Samu Bai & anr v. Shahji Magan Lal, AIR 1961 Raj 207*** the High Court of Rajasthan held that, the maintenance to aged and infirm parents must only be provided if the parents have no means to sustain themselves, or are unable to maintain themselves out of their own property or earnings. So, we can infer that if the old parents have

enough means to maintain themselves, the obligation of children to maintain them can be relaxed.

★ **MAINTENANCE OF DEPENDANTS UNDER HINDU ADOPTION AND MAINTENANCE ACT, 1956**

As per section 21, Hindu Adoption and Maintenance Act, 1956, Dependents of a deceased must be maintained if they do not have the capacity to do so by themselves.

• **Who are dependents**

Dependent is someone who relies on parents, brother or some other relative for sustaining themselves. Section 21 of the act says that in the context of this act dependents refer to the following relatives of the deceased:

1. A father.
2. A mother.
3. A widow who has not remarried.
4. A minor son, grandson, or great-grandson with predeceased father and grandfather. Provided he has not been able to obtain maintenance from any other source.
5. Unmarried daughter, granddaughter, or great-granddaughter with predeceased father and grandfather. Provided she has not been able to obtain maintenance from any other source.
6. A widowed daughter who has not been able to obtain maintenance from the estate of her husband, children, or from her in-laws.
7. Widowed daughter-in-law, or widowed granddaughter-in-law, who has not been able to obtain maintenance from any other sources.
8. An illegitimate minor son or illegitimate unmarried daughter.

• **How to maintain them and who is obligated to maintain them**

Section 22, Hindu Adoption and Maintenance Act, 1956, states:

1. That dependent of a deceased Hindu must be maintained by his heirs with the aid of the estate that they inherited from the deceased.
2. When the dependents have not been left with any share in the property or estate by way of will or succession, they are still entitled to be maintained by whoever takes over the estate.
3. If multiple persons have taken over the property of the deceased, each one of them will be liable to maintain the dependents.
4. The amount of maintenance to be paid will be divided among them depending on the value of the share they hold in that property.

5. In case a dependent has obtained some part of share in the property of the deceased, they will not be liable to maintain other dependents.
6. Others who have taken over the property will still have to maintain other dependents but the dependent holding a share shall be excluded and maintenance will now be paid from the remaining property.

★ **AMOUNT OF MAINTENANCE UNDER HINDU ADOPTION AND MAINTENANCE ACT, 1956**

As per section 23, Hindu Adoption and Maintenance Act, 1956, there is no fixed amount for maintenance that shall be paid. It is at the discretion of the court to determine the amount of maintenance. Section 23 of the act states that while deciding the amount of maintenance to be awarded to a wife, children, or old and infirm parents – the court must do so considering the following:

1. Status of parties and their current position;
2. The claims of the parties within reasonable limits;
3. If the claimant living separately have justified grounds in doing so;
4. All sources of income of the claimant and the value of their property;
5. The number of people that are entitled to be maintained.

★ **ALTERATION OF THE AMOUNT DUE TO CHANGE IN CIRCUMSTANCES**

The amount of maintenance to be paid can be decided by the court or by an agreement between the parties. Maintenance is paid to provide aids for the basic needs of everyday life in case a person does not have the source or ability to provide for themselves. Section 25 of the act states that the amount of maintenance may be altered with the change in circumstances. But, the section is vague. It does not say on what changes in circumstances can the alteration be sought and how the alteration can be done.

• **CASE LAWS**

- In the case of ***Binda Prasad Singh v. Mundrika Devi AIR 1968 Pat 196***, the High Court of Patna observed that there was no set procedure mentioned in Section 25 as to how the amount can be altered.

The court stated that:

The amount of maintenance is fixed either by an agreement or by way of a decree. The only way to alter an agreement is by way of another agreement, and the decree can be altered by amendment of decree. So, another suit must be filed for altering the amount of maintenance and a

new decree that supersedes the older one must be granted if the court thinks fit.

★ **CAN MAINTENANCE BE A CHARGE**

As per Section 27 of the Hindu Adoption and Maintenance Act states that: A dependent's claim for maintenance must not be a charge on the deceased's estate unless otherwise provided in a will of the deceased or an agreement between the deceased and the dependent.

• **CASE LAW**

- In the case of ***Kare More Kare More Sharabanna Rudrappa & ors. v. Basamma & ors AIR 1962 Kant 207***, it was held that: A person's wife and children who are entitled to be maintained out of his property must be paid maintenance by making a charge over his property that he possesses, and Out of those properties that have been transferred gratuitously in order to avoid responsibilities.
- In the case of ***Gangubai Bhagwan Kolhe v. Bhagwan Bandu Kolhe 2007 (3) MhLj 223***, it was held that: If a wife is entitled to maintenance she can recover it from her husband's estate even after his death. It was further held that if the husband's estate is enough to maintain herself then a charge cannot be made over that property, but if it is not enough, then it is necessary to keep a charge in order to recover her maintenance. As judicial precedent has the power to supersede the legislation, maintenance can be a charge with or without any agreement or will of the deceased.

★ **EFFECT OF TRANSFER OF PROPERTY ON RIGHTS TO MAINTENANCE**

A dependent who is entitled to receive maintenance from a property or an estate and the very estate gets transferred, it becomes the obligation of the transferee to maintain the dependent if the transferee has received a notice regarding that right or if the transfer is without any reasonable grounds.

Section 28 of the Hindu Adoption and Maintenance Act states that: The transferee has to maintain the dependent out of the property he received if he has the notice of the right or the transfer is gratuitous.

➤ **Maintenance under Criminal Procedure Code, 1973**

As per Section 125 – This section provides for maintenance not only to the wife but also to child and parents. If any person having sufficient means neglects or refuses to maintain his father or mother, unable to maintain himself or herself, a Magistrate of the first class may, upon proof of such neglect or refusal, order such person to make a monthly allowance. Maintenance under this law can only be claimed by the wife, and not by the husband.

★ **Which of the following is not entitled to claim maintenance under section 125 Criminal Procedure Code, 1973**

Wife is not entitled to claim maintenance if she lives separately without sufficient reasons. A divorced wife must not be remarried on the date she files an application for maintenance. The Court will allow only if she is unable to maintain herself out of her own earning or from the estate.

★ **Alteration in allowance**

- Alteration in allowance means an order to increase, decrease or remove/cancel the allowance which was ordered by the Magistrate under Section 125. According to Section 127(1), if a magistrate ordered to give allowance for maintenance under Section 125 according to the conditions of parties at that time, but if the present conditions of parties have changed, then he can also order to alter the allowance. For example-
 1. Husband had a well-settled job and means for maintenance, on this basis the Court has ordered him to maintain his wife and to allowance under Section 125. But in the present condition, the husband has no job and means for maintenance. Then, the Court can alter the allowance and can reduce the amount of allowance.
 2. If a wife was not having any job or she was unable to maintain herself and she got the order of allowance under Section 125. But after some months, she is well settled and she has the means to maintain herself. In this case, the Court can order to remove or cancel allowance.
- According to Section 127(2), Magistrate shall cancel or revoke any order given under Section 125 by him, if it appears that it should be cancelled in consequences of any decision of the competent Civil Court. For example- If Magistrate has ordered to give allowance to wife after divorce

but Civil Court has ordered to live together. Then, Magistrate has to revoke his order which was given under Section 125.

- According to Section 127(3), where an order has been made in favour of women under Section 125, then the magistrate can cancel the order in the following case:
 1. If a woman is remarried after divorce.
 2. If a woman has taken allowance under any personal laws after divorce.
 3. If a woman has voluntarily waived her right to maintenance.
- According to Section 127(4), the Civil Court shall take into account the sum which has been paid to such person as monthly allowance for maintenance and interim maintenance under Section 125 at the time of making any decree for the recovery of any maintenance or dowry.

★ **Enforcement of order of maintenance**

Section 128 deals with “Enforcement of order of maintenance”. According to this Section, the following are the conditions for enforcement of the order of maintenance:

- Copy of order under Section 125 is given to that person free of cost in whose favour it is made. In case the order is in favour of children, then the copy of the order will be given to the guardian of children. If any Magistrate has made an order under Section 125, then any Magistrate of India can enforce this order where that person lives who have to give maintenance. The Magistrate has to satisfy two conditions before enforcement of order:
 1. Identity of parties, and
 2. Proof of non-payment of allowances.

• **CASE LAWS**

- In the case ***Rani & Anr. vs Dinesh on 2 December, 2020***, The Delhi High Court has reiterated that an order for interim maintenance granted under the Domestic Violence Act (DV Act) does not preclude the beneficiary to claim interim maintenance for the same period in a separate proceeding under Section 125 CrPC.
- In the case ***R.D. v. B.D., 2019 SCC OnLine Del 9526***, it was held that an order for interim maintenance granted under the DV Act does not preclude an applicant to claim maintenance for the same period in

separate proceedings. Court held that since the petitioners had been awarded interim maintenance for the same period and no appeal had been preferred against the said interim order, an application under Section 125 CrPC for seeking interim maintenance for the same period was not maintainable.

➤ **Maintenance under Hindu Marriage Act,1955**

As per Section 24 and section 25 of Hindu Marriage Act, 1955 deals with this kind of maintenance, where not only the wife but also the husband to claim maintenance pendente lite on showing that he has no independent source of income. However, the husband will have to satisfy the court that either due to physical or mental disability he is handicapped to earn and support his livelihood.

• **CASE LAWS**

- In ***Dr. Kulbushan v/s Raj Kumari and Anr, 1971 SCR (2) 672***, the court while deciding the amount of maintenance observed that it is determined based on the facts of each case and declared that if the court enhances or moulds the amount of maintenance, then such a decision would be justified. It was further held in this case that it would be fair to provide wife with 25% of husband's net salary as maintenance.
- Delhi High Court recently in the case of ***Rani Sethi v/s Sunil Sethi, 179 (2011) DLT 414*** ordered wife(respondent) to pay maintenance to her husband (petitioner) of Rs 20,000 and Rs.10,000 as litigation expenses. Further a Zen car was ordered to be given for the use of the petitioner.

★ **Obligation To Maintain Children And Parents under Hindu Marriage Act,1955**

Section 26 of the same act deals with the custody, maintenance and education of minor children. Court may, as it considers necessary and deems fit, from time to time pass interim orders in this regard and at the same time has the power to revoke, suspend or vary such an order. Obligation to maintain lies on both father and mother of the child or on either of the parents as ordered by the court. Section 20 of Hindu Adoption and Maintenance Act, 1956 lays down an obligation on a

Hindu male or female to maintain their legitimate/ illegitimate minor children and aged/ infirm parents, the amount of which is to be determined by the competent court on the following factors:-

1. Economic position and status of the litigating parties.
2. Reasonable wants and needs of the parties.
3. Dependence of the parties, etc.

- **CASE LAWS**

- In ***Sukhjinder singh saini v/s Harvinder kaur, Decided On, 10 November 2017*** certain observations were made by the Delhi High Court while dealing with the issue of deciding the maintenance to be granted for a child:
 1. Both the parents have a legal, social and a moral obligation to maintain their children and provide them with the best standard of living, depending on the financial footing of the parties.
 2. They are equally obligated to provide means for best education.
 3. It was further held that even if the child is living with the spouse whose income is sufficient enough to maintain the child cannot be taken as a good ground by the other spouse of not maintaining the child or taking care of the child's welfare.

- **Maintenance under The protection of women from domestic violence Act, 2005**

As per section 20, The protection of women from domestic violence Act, 2005, the Magistrate may direct the respondent to pay monetary relief to meet the expenses incurred and losses suffered by the aggrieved person and any child of the aggrieved person as a result of the domestic violence and such relief may include but is not limited to— the loss of earning; the medical expensive; the loss caused due to the destruction, damage or removal of any property from the control of the aggrieved person; and the maintenance for the aggrieved person as well as her children, if any, including an order under or in addition to an order of maintenance under section 125 of the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force.

1. The monetary relief granted under this section shall be adequate, fair and reasonable and consistent with the standard of living to which the aggrieved person is accustomed.

2. The Magistrate shall have the power to order an appropriate lump sum payment or monthly payments of maintenance, as the nature and circumstances of the case may require.
3. The Magistrate shall send a copy of the order for monetary relief made under sub-section (1) to the parties to the application and to the in-charge of the police station within the local limits of whose jurisdiction the respondent resides.
4. The respondent shall pay the monetary relief granted to the aggrieved person within the period.
5. Upon the failure on the part of the respondent to make payment in terms of the order under sub-section (1), the Magistrate may direct the employer or a debtor of the respondent, to directly pay to the aggrieved person or to deposit with the court a portion of the wages or salaries or debt due to or accrued to the credit of the respondent, which amount may be adjusted towards the monetary relief payable by the respondent.

- **CASE LAWS**

- In the case of ***Shailendra Nath Gosh vs. State of West Bengal - 1997 CRI.L.J. 4591***, the Hon'ble Calcutta High Court allowed the adjustment of maintenance awarded by the Matrimonial Court under Section 24 of the Hindu Marriage Act against the maintenance awarded under Section 125 of Cr.P.C. since the amount of 16 Cri.Revn.203/2017 maintenance awarded by the Matrimonial Court was lower than the amount awarded by the Magistrate's Court under Section 125 of Cr.P.C.
- In ***Sanjay vs. Swati - 2006 DMC 731*** Bombay, the maintenance was awarded to the wife in the proceeding under Hindu Marriage Act under Section 24 of the said Act and also in an application filed by her under Section 125 of Cr.P.C. The maintenance @ of Rs.1500/- was awarded under Section 125 of Cr.P.C.; whereas, maintenance was awarded @ 2000/- per month under Section 24 of the Hindu Marriage Act. The wife had filed an application before the Family Court for recovery of the arrears of maintenance ordered under Section 125 of Cr.P.C. In the said application the husband claimed that he was not bound to pay the amount of maintenance under Section 125 of Cr.P.C. since he was already paying higher amount of maintenance in compliance with the order passed under Section 24 of the Hindu Marriage Act. The Family Court rejected 17 Cri.Revn.203/2017 his request and hence the husband approached the High Court. The learned Single Judge of this Court set

aside the order passed by the Family Court and clarified that the respondent wife shall not be entitled to claim execution of the order under Section 125 of the Cr.P.C. until she receives or continue to receive the amount of maintenance under section 24 of the Hindu Marriage Act.

❖ **List of the provisions under each Act with details of process, jurisdiction, timelines and basic parameters to file a Petition/ Application.**

1. Hindu Adoption and Maintenance Act, 1956

Under the Hindu maintenance laws, there are 2 types of maintenance that can be claimed by the wife. When the wife files a maintenance petition through her divorce attorney, the burden to declare his income shifts to the husband, who has the right to defend the maintenance petition.

Supreme Court held that the right to claim interim maintenance in a suit is a substantive right under section 18 of the Act. Since no form is prescribed to enforce the said right civil court in exercise of its inherent power can grant interim maintenance.

2. Criminal Procedure Code, 1973

To file maintenance case you need to submit marriage certificate and photos of your marriage as proofs, these are essential requirements to file a case under section 125 Crpc. you can file case in the family court or judicial magistrate where he is or, where he is or his wife resides, or where he last resided with his wife, or as the case may be, with the mother of the illegitimate child.

To file a maintenance case, you should have the following:

- a) Marriage certificate
- b) Residential address of both the spouse
- c) Office/place of work of the spouse
- d) Average annual salary/ income of the spouse
- e) If you have IT returns of spouse it is all the more beneficial (but not mandatory)

“Proceeding for interim maintenance, shall as far as possible, be disposed of within 60 days from the date of service of notice on the husband.”

3. Hindu Marriage Act, 1955

Under Section 24 of the act if the court considers fit and is satisfied that either wife or husband does not have an independent income, then it can

order the respondent to pay the maintenance to the petitioner in accordance with the provisions of this Section. Thus, the claimant can be a husband as well.

JURISDICTION AND PROCEDURE: As per section 19 of Hindu Marriage Act, 1955, every petition under this act shall be presented to the district court within the local limits of whose ordinary original jurisdiction-

- a) The marriage was solemnized, or
- b) The respondent, at the time of the presentation of the petition, resides, or
- c) The parties to the marriage last resided together, or in case the wife is the petitioner, where she is residing on the date of presentation of the petition, or
- d) The petitioner is residing at the time of the presentation of the petition, in a case where the respondent is, at that time, residing outside the territories to which this act extends, or has not been heard of as being alive for a period of seven years or more by those persons who would naturally have heard of him if he were alive.

4. The protection of women from domestic violence Act, 2005.

PROCEDURE FOR OBTAINING ORDERS OF RELIEFS:

- 1) An aggrieved person or a Protection Officer or any other person on behalf of the aggrieved person may present an application to the Magistrate seeking one or more reliefs under this Act.
- 2) The relief sought for under sub-section (1) may include a relief for issuance of an order for payment of compensation or damages without prejudice to the right of such person to institute a suit for compensation or damages for the injuries caused by the acts of domestic violence committed by the respondent.
Provided that where a decree for any amount as compensation or damages has been passed by any court in favour of the aggrieved person, the amount, if any, paid or payable in pursuance of the order made by the Magistrate under this Act shall be set off against the amount payable under such decree and the decree shall, notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908), or any other law for the time being in force, be executable for the balance amount, if any, left after such set off.
- 3) Every application under sub-section (1) shall be in such form and contain such particulars as may be prescribed or as nearly as possible thereto.

- 4) The Magistrate shall fix the first date of hearing, which shall not ordinarily be beyond three days from the date of receipt of the application by the court.
- 5) The Magistrate shall Endeavour to dispose of every application made under sub-section (1) within a period of sixty days from the date of its first hearing.

❖ **The grounds under which the maintenance can be denied to the Applicant under each Act.**

➤ **Hindu Adoption and Maintenance Act, 1956**

As Section 18(3), Hindu Adoption and Maintenance Act, 1956, states that a wife will not be entitled to maintenance: if she no longer remains a Hindu and gets converted to some other religion that does not fall under the spectrum of Hinduism.

➤ **Criminal Procedure Code, 1973**

Section 125 CrP.C.: No Wife shall be entitled to receive an allowance from her husband under this section if she is living in adultery, or if, without any sufficient reason, she refuses to live with her husband, or if they are living separately by mutual consent.

➤ **Hindu Marriage Act, 1955**

Under section 24 of Hindu Marriage Act, 1955 the spouse, husband or wife cannot be granted relief if the court is satisfied that the applicant has the independent income sufficient for his or her support and necessary expenses of the proceedings pending under this act.

❖ **Provisions of additional rules in respect of Government Officials, Defence and Homeland Security Agencies wherein Departmental Orders exist for providing Maintenance.**

- 1) As per the section 90 (1) of The Army Act, 1950 says any sum required by order of the Central Government or any prescribed officers] to be paid for the maintenance of his wife or his legitimate or illegitimate child or towards the cost of any relief given by the said Government to the said wife or child.

2) As per The Central Civil Services (Conduct) Rules 1964, Rule 3 Sub-Clause (5) **Conduct of Government Servant in relation to the proper maintenance of his family** a Government servant is expected to maintain a responsible and decent standard of conduct in his private life and not bring discredit to his service by his misdemeanours. In cases where a Government servant is reported to have acted in a manner unbecoming of a Government servant as for instance, by neglecting his wife and family, departmental action can be taken against him on that score without invoking any of the Conduct Rules. A Government servant neglecting of his wife and family in a manner unbecoming of a Government servant may be regarded as a good and sufficient reason to justify action being taken against him under this rule. In such cases the party affected has a legal right to claim maintenance. If any legal proceedings in this behalf is pending in any court of law, it would not be correct for Government to take action against the Government servant on this ground as such action may be construed by the court to amount to contempt.