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Dowry vs Alimony: A Comparative Study

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ABSTRACT

Dowry and alimony both deal with money in the context of marriage, but they have very different purposes and legal positions. This paper explains the meaning and history of both, and it also looks at how they evolved through different religions and customs. Dowry began as a voluntary gift to the bride and became a demand that harmed many women, which led to special laws for them. Alimony, on the other hand, is a legal duty that gives financial support to a husband or wife after divorce, and it is governed by personal laws. This article compares the two and shows how they connect, using real cases.

Keywords: *Dowry, Alimony, Money, Marriage, Family Law*

I. INTRODUCTION

Marriage in India is not only a social and emotional connection. It has always had a financial side too. Many traditional marriage customs involve money or valuable items. One example is *kanyadanam*, in which, in some traditions, the bride's father places a small token, such as a gold coin, copper coins or some cash, in the bride's hand while giving her hand to the groom. The ritual symbolises that the parents are sending their daughter off as a form of Goddess Lakshmi. It is among the oldest customs associated with Hindu marriage.

Dowry is often traced to customs of this kind. Initially it was a voluntary gift of money, valuables or property from the bride's family to the bride, meant to give her financial security and independence in her new home. Women did not have equal rights in ancestral property for a long time, so dowry was also seen as the daughter's early share of her parents' wealth at the time of marriage.

As time passed, this voluntary gift became a compulsory condition for marriage. It became a serious problem, and many women were harassed, tortured and killed because their families could not meet dowry demands. To stop this, Parliament passed the Dowry Prohibition Act in 1961.[1]

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[1] The Dowry Prohibition Act, No. 28 of 1961, INDIA CODE (1961).

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Another matter that the legal system now deals with regularly is alimony. This is financial support, mandated by law, which requires the financially stronger spouse to support the other after divorce. It is now a regular feature of matrimonial litigation in India.

India has no single separate Act on alimony. It is dealt with under different personal laws, such as the Hindu Marriage Act, 1955,[2] and under the procedural law, the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).[3]

II. MEANING OF DOWRY AND ALIMONY

A. What is dowry?

Dowry means money, goods or property given or promised by one side of a marriage to the other side in connection with the marriage. In India, it usually flows from the bride's family to the groom or his family. Under the Dowry Prohibition Act, 1961, giving, taking or demanding dowry is a crime.[4]

It is important to separate dowry from two other things. *Stridhan* is the wife's own property, such as gifts given to her by her family and friends, and it belongs only to her.[5] Ordinary wedding gifts given freely, without any demand, are also not treated as dowry if they are properly recorded.[6]

B. What is alimony?

Alimony is the money one spouse pays to the other for living expenses after a marriage ends, or while a court case about the marriage is going on. Its purpose is to make sure that the financially weaker spouse is not reduced to destitution after divorce, and courts also ask whether that spouse can maintain the standard of living enjoyed during the marriage.[7]

The amount is usually fixed by court order on the application of the person in need. Alimony can be either a monthly payment or a one-time lump sum.[8]

[2] The Hindu Marriage Act, No. 25 of 1955, INDIA CODE (1955).
[3] The Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023, INDIA CODE (2023).
[4] The Dowry Prohibition Act, *supra* note 1, §§ 3–4.
[5] *Pratibha Rani v. Suraj Kumar*, (1985) 2 SCC 370 (India).
[6] The Dowry Prohibition Act, *supra* note 1, § 3(2).
[7] *Rajnesh v. Neha*, (2021) 2 SCC 324 (India).
[8] The Hindu Marriage Act, *supra* note 2, § 25.

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C. Differences

Dowry is given in connection with a marriage, whether before, at or after it, and it is a banned practice in India.[9] Alimony is given when a marriage is ending or has ended, and it is a legal right.

III. HISTORICAL BACKGROUND

A. History of dowry

The custom of giving gifts to a bride is very old. Ancient Indian texts refer to gifts given to the daughter at the time of marriage, and the old law books describe *stridhan* as property that belongs to the woman herself.[10] At that time, the gifts were for the bride leaving her parental home and were given out of love and affection by her father, and no one demanded them.

During the medieval period, the custom of giving gifts continued, mostly among propertied families. It has been argued that under British rule land became an asset that could be bought and sold, and property began to pass mainly to male heirs. Daughters were left out of inheritance, so dowry became the main way of giving them a share. Many communities that had not followed the practice earlier began it in this period, as no land was given to daughters.

After independence, the problem grew more visible. Dowry increasingly became a demand, and there were cases of torture, suicide and the killing of young brides over dowry. This led to the passing of the Dowry Prohibition Act, 1961, and later to stricter changes in the criminal law in 1983 and 1986.[11]

B. History of alimony

The word alimony comes from the Latin word *alimonia*, which means food or support. In ancient Rome, a husband had to return the wife's dowry on divorce, which gave her some financial protection. In England, church courts allowed a wife to live separately and ordered the husband to support her. In 1857, England created civil divorce courts, and these began ordering maintenance for wives on divorce. This is where alimony as it is now known began to form.

In the classical Hindu tradition, marriage was regarded as a sacrament and was not ordinarily dissolved, and the husband's duty was to look after his wife for life. Divorce came into Hindu law generally only with modern Acts, mainly the Hindu Marriage Act, 1955. In India, the law on maintenance for wives was placed in Section 488 of the Code of Criminal Procedure, 1898,

[9] The Dowry Prohibition Act, *supra* note 1, § 2.
[10] *Pratibha Rani*, *supra* note 5.
[11] The Criminal Law (Second Amendment) Act, No. 46 of 1983, INDIA CODE (1983); The Dowry Prohibition (Amendment) Act, No. 43 of 1986, INDIA CODE (1986).

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then in Section 125 of the Code of Criminal Procedure, 1973,[12] and is now in Section 144 of the BNSS, 2023.[13]

C. Why the two histories matter together

Both dowry and alimony began as ways to protect a woman's financial position. Dowry did this at the start of marriage and alimony does it when marriage ends. Dowry later turned into a demand and a root cause of many problems, while alimony developed into a legal right.

IV. DOWRY AND ALIMONY IN DIFFERENT RELIGIONS

Every major religion in India has its own way of looking at the financial side of marriage. This section states each religion's view on dowry and alimony and the related laws.

A. Hinduism

Dowry began as *stridhan*, a gift for the bride, and later became a social demand.

Alimony is governed by Sections 24 and 25 of the Hindu Marriage Act, 1955[14] and Section 18 of the Hindu Adoptions and Maintenance Act, 1956.[15]

B. Islam

There is no dowry in the religious sense. Dowry (*jahez*) is a cultural practice associated mainly with South Asia.

The Muslim Women (Protection of Rights on Divorce) Act, 1986[16] and Section 144 of the BNSS govern alimony.[17]

C. Christianity

The religion does not require dowry, but local customs of dowry exist in some Indian communities.

Sections 36 and 37 of the Divorce Act, 1869 govern alimony.[18]

D. Parsi (Zoroastrian)

Dowry is not a religious requirement.

Sections 39 and 40 of the Parsi Marriage and Divorce Act, 1936 govern alimony.[19]

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[12] *Mohd. Ahmed Khan v. Shah Bano Begum*, (1985) 2 SCC 556 (India).
[13] The Bharatiya Nagarik Suraksha Sanhita, *supra* note 3, § 144.
[14] The Hindu Marriage Act, *supra* note 2, §§ 24–25.
[15] The Hindu Adoptions and Maintenance Act, No. 78 of 1956, INDIA CODE (1956), § 18.
[16] The Muslim Women (Protection of Rights on Divorce) Act, No. 25 of 1986, INDIA CODE (1986).
[17] The Bharatiya Nagarik Suraksha Sanhita, *supra* note 3, § 144.
[18] The Divorce Act, No. 4 of 1869, INDIA CODE (1869), §§ 36–37.
[19] The Parsi Marriage and Divorce Act, No. 3 of 1936, INDIA CODE (1936), §§ 39–40.

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E. Sikhism

The Gurus were against dowry. Marriage is by Anand Karaj, a simple ceremony.

The Hindu Marriage Act, 1955 applies to Sikhs.[20]

F. Judaism

Historically, the bride's father gave a dowry.

The *ketubah* (marriage contract) fixes a sum for the wife on divorce.

G. Comparing the traditions

- In Hindu law, *stridhan* is the woman's absolute property. The early texts describe gifts to a bride from her parents, brothers, relatives and the groom.[21] Over time, this shifted from gift to demand. Hindu law today has an extensive set of maintenance rules, and the Hindu Marriage Act allows either husband or wife to claim.[22]
- In Islam, marriage (*nikah*) is a contract. *Mehr* is a sum or property that the husband must give to the wife, and it is her right. The Dowry Prohibition Act, 1961 itself excludes *mehr* from dowry for persons to whom Muslim personal law applies.[23] After divorce, a Muslim wife is entitled to maintenance during the waiting period (*iddat*) and to *mehr*, and the Supreme Court has said that the husband must make a fair and reasonable provision for her future.[24]
- In the Christian, Parsi, Sikh and Jewish traditions, dowry is not treated as a religious duty. In Sikhism, the Gurus openly spoke against it. For alimony, Christians and Parsis have their own Acts, while Sikhs are covered by Hindu marriage law. In Jewish law, the *ketubah* gives the wife a fixed amount if the marriage ends.

H. Key point

No religion openly supports demanding dowry. Even so, the Dowry Prohibition Act applies to people of all religions in India, while alimony rules differ by religion because they come from personal laws.

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[20] The Hindu Marriage Act, *supra* note 2, § 2(1)(b).
[21] *Pratibha Rani*, *supra* note 5; Law Comm'n of India, Report No. 66, Married Women's Property Act, 1874, ¶ 3.29A (quoting Yajnavalkya II, 143–144).
[22] The Hindu Marriage Act, *supra* note 2, §§ 24–25.
[23] The Dowry Prohibition Act, *supra* note 1, § 2.
[24] *Danial Latifi v. Union of India*, (2001) 7 SCC 740 (India).

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V. Dowry and Alimony in Different Countries

The financial aspect of marriage is found in many countries, but the intention and the rules are not the same. In some places the bride's family gives (dowry), in others the groom's family gives (bride price), and in some places neither is common. Alimony laws are also found across the globe, though they differ in nature and purpose.

In Pakistan, the Dowry and Bridal Gifts (Restriction) Act, 1976 regulates dowry and bridal gifts,[25] while maintenance is governed by applicable family laws and *mehr* is a legal right of the wife under Muslim law. Similarly, in Bangladesh dowry is prohibited under the Dowry Prohibition Act, 2018, which replaced the Act of 1980,[26] while maintenance is governed by Muslim and other applicable personal laws. In many African communities, practices such as *lobola* in Southern Africa involve a bride price provided by the groom's family, and the legal treatment of maintenance varies according to national laws and customary practices. In Europe, dowry was historically common, particularly during the medieval period, but the practice has largely disappeared in modern times.

Across countries, alimony is accepted as a normal part of divorce law, while dowry is either banned, limited or discouraged. This already points to the basic difference between alimony and dowry. Alimony is regarded as a protection, while dowry is regarded as a social issue.

VI. Indian Laws Related to Dowry

There are three important enactments that deal with dowry in India:

- The Dowry Prohibition Act, 1961
- The Bharatiya Nyaya Sanhita, 2023 (BNS)
- The Bharatiya Sakshya Adhiniyam, 2023 (BSA)

A. The Dowry Prohibition Act, 1961

This is the most important Act that governs dowry in India. Its important parts are:

- Section 2 (meaning): Dowry is defined as any property or valuable security given or agreed to be given, directly or indirectly, at or before or any time after the marriage in connection with the marriage, except *mehr* in the case of persons to whom Muslim personal law applies.[27]

[25] The Dowry and Bridal Gifts (Restriction) Act, 1976 (Pak.).
[26] The Dowry Prohibition Act, No. 39 of 2018, § 10 (Bangl.), https://bdlaws.minlaw.gov.bd/act-1256.html.
[27] The Dowry Prohibition Act, *supra* note 1, § 2.

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- Section 3 (giving or taking): Giving, taking or helping in giving or taking dowry is punishable with at least five years of imprisonment and a fine of at least ₹15,000 or the value of the dowry, whichever is more, though the court may impose a shorter term for adequate and special reasons recorded in the judgment.[28]
- Section 3(2) (gifts): Presents given at the time of marriage, without any demand, are allowed, provided a list of them is kept in accordance with the rules. The list should have the value of each gift and the name of the giver.[29]
- Section 4 (demanding): Asking for dowry directly or indirectly is punishable with imprisonment from six months to two years and a fine of up to ₹10,000, though here too the court may impose a shorter term for adequate and special reasons.[30]
- Section 4A (advertising): Offering a share in property or money in return for marriage through advertisements is banned.[31]
- Section 6 (benefit of the wife): If anyone other than the woman receives dowry, it must be transferred to her within three months and held in trust for her until then.[32]
- Sections 8 and 8A (trial and proof): Offences under this Act are cognizable for certain purposes, non-bailable and non-compoundable. A person prosecuted for taking or demanding dowry bears the burden of proving that he or she did not commit the offence.[33]

The Act was made stricter in 1984 and 1986 after public concern about dowry deaths.[34]

B. Criminal law on dowry-related cruelty and death

The Dowry Prohibition Act alone was not enough to abolish dowry, so Parliament added provisions to the criminal law.

Section 85 of the BNS 2023 deals with cruelty by a husband or his relatives against a married woman, while Section 86 defines cruelty, including harassment intended to coerce a woman or her relatives to meet an unlawful demand for property.[35]

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[28] The Dowry Prohibition Act, *supra* note 1, § 3(1).
[29] The Dowry Prohibition Act, *supra* note 1, § 3(2); The Dowry Prohibition (Maintenance of Lists of Presents to the Bride and Bridegroom) Rules, 1985, r. 2(3)(c) (India).
[30] The Dowry Prohibition Act, *supra* note 1, § 4.
[31] The Dowry Prohibition Act, *supra* note 1, § 4A.
[32] The Dowry Prohibition Act, *supra* note 1, § 6.
[33] The Dowry Prohibition Act, *supra* note 1, §§ 8, 8A.
[34] The Dowry Prohibition (Amendment) Act, No. 63 of 1984, INDIA CODE (1984); The Dowry Prohibition (Amendment) Act, No. 43 of 1986, INDIA CODE (1986).
[35] The Bharatiya Nyaya Sanhita, No. 45 of 2023, INDIA CODE (2023), §§ 85–86.

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The punishment under Section 85 is imprisonment for up to three years and a fine. Similarly, Section 80 of the BNS 2023 deals with dowry death, which applies when a woman dies from burns or bodily injury, or otherwise than under normal circumstances, within seven years of marriage and was subjected to cruelty or harassment for dowry by her husband or his relative soon before her death. The punishment is imprisonment for a minimum of seven years, which may extend to life imprisonment.[36]

Section 118 of the BSA 2023 provides that where the question is whether a person has committed the dowry death of a woman, and it is shown that soon before her death that person subjected her to cruelty or harassment for dowry, the court shall presume that the person caused the dowry death.[37] It then falls to the accused to rebut the presumption.

C. Stridhan and the wife's right

Stridhan is the wife's own property, and the husband or in-laws only hold it in trust. In *Pratibha Rani v. Suraj Kumar* (1985), the Supreme Court held that a husband who refuses to return the wife's *stridhan* can be prosecuted for criminal breach of trust.[38] This shows how Indian law protects the original, voluntary purpose of dowry while punishing the demand.

D. Important case law on dowry

- *Kans Raj v. State of Punjab* (2000): The Court clarified that there must be a proximate and live link between dowry-related cruelty and the woman's death to satisfy the requirement of "soon before her death".[39]
- *Appasaheb v. State of Maharashtra* (2007): The Court held that a demand for money for domestic expenses and for purchasing manure was not a demand for dowry.[40] In *Rajinder Singh v. State of Punjab* (2015), the Court later held that *Appasaheb* did not state the law correctly, and that money or property demanded at or before or any time after the marriage which is reasonably connected to the death of a married woman would necessarily be in connection with the marriage unless the facts clearly point otherwise.[41]

[36] The Bharatiya Nyaya Sanhita, *supra* note 35, § 80.
[37] The Bharatiya Sakshya Adhiniyam, No. 47 of 2023, INDIA CODE (2023), § 118.
[38] *Pratibha Rani*, *supra* note 5.
[39] *Kans Raj v. State of Punjab*, (2000) 5 SCC 207 (India).
[40] *Appasaheb v. State of Maharashtra*, (2007) 9 SCC 721 (India).
[41] *Rajinder Singh v. State of Punjab*, (2015) 6 SCC 477, ¶ 20 (India).

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- *Arnesh Kumar v. State of Bihar* (2014): The Supreme Court ruled that arrests in cruelty cases should not be automatic. Police must assess whether an arrest is necessary and record their reasons in accordance with the law.[42]
- *Rajesh Sharma v. State of Uttar Pradesh* (2017): The Court introduced family welfare committees to examine complaints under Section 498A of the Indian Penal Code (now Section 85 BNS) as a safeguard against alleged misuse of the provision.[43]
- *Social Action Forum for Manav Adhikar v. Union of India* (2018): The Supreme Court held that the directions setting up the family welfare committees in *Rajesh Sharma* were not in accord with the statutory framework, which ended that mechanism and left complaints to be handled according to established legal procedure.[44]
- *Satbir Singh v. State of Haryana* (2021): The Court clarified that "soon before" does not mean "immediately before". The prosecution must establish a proximate and live link between the death and the cruelty or harassment for dowry, and the presumption of causality operates once the essential ingredients are established.[45]
- *Dara Lakshmi Narayana v. State of Telangana* (2024): The Supreme Court emphasised caution when allegations of cruelty are made broadly against several members of the husband's family without specific details supporting their individual involvement.[46]

VII. INDIAN LAWS RELATED TO ALIMONY AND MAINTENANCE

India has no single Act on alimony. The rules are spread across personal laws, the Special Marriage Act and the BNSS.

Alimony is of two types:

- interim (paid while the case is going on)
- permanent (fixed when the case ends).

A. Hindu law

Under the Hindu Marriage Act, 1955, either the husband or the wife can claim support.

- Section 24: The court can order that a spouse without sufficient independent income be given monthly support and the cost of the case while the case is pending.[47]

[42] *Arnesh Kumar v. State of Bihar*, (2014) 8 SCC 273 (India).
[43] *Rajesh Sharma v. State of Uttar Pradesh*, (2018) 10 SCC 472 (India).
[44] *Social Action Forum for Manav Adhikar v. Union of India*, (2018) 10 SCC 443 (India).
[45] *Satbir Singh v. State of Haryana*, AIR 2021 SC 2627 (India).
[46] *Dara Lakshmi Narayana v. State of Telangana*, 2024 INSC 953, ¶ 25 (India).
[47] The Hindu Marriage Act, *supra* note 2, § 24.

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- Section 25: At the time of the final order or later, the court can order permanent alimony as a monthly amount or a lump sum. The court looks at the income and property of both spouses, their conduct and other facts. The order can be changed if circumstances change, and it can be cancelled if the receiving spouse remarries.[48]
- Section 18 of the Hindu Adoptions and Maintenance Act, 1956: A Hindu wife can claim maintenance from her husband during the marriage, even if she lives separately for good reasons.[49]

B. Special Marriage Act, 1954

For marriages under this Act, Section 36 deals with interim support and Section 37 with permanent alimony. The rules are similar to those of the Hindu Marriage Act, except that these two sections give the remedy to the wife alone.[50]

C. Muslim law

A Muslim husband must pay *mehr* and support the wife during the waiting period (*iddat*) after divorce. The Muslim Women (Protection of Rights on Divorce) Act, 1986 was passed after the *Shah Bano* case. It gives a divorced Muslim wife a fair and reasonable provision and maintenance within the waiting period, *mehr* and her property.[51] If she cannot support herself after that, her relatives or the Waqf Board can be asked to support her.[52]

D. Christians and Parsis

Christians are governed by Sections 36 and 37 of the Divorce Act, 1869[53] and Parsis by Sections 39 and 40 of the Parsi Marriage and Divorce Act, 1936.[54] Both provide for interim and permanent support, though the Divorce Act frames these remedies in favour of the wife, while the Parsi Act allows either spouse to apply.

E. Section 144 of the BNSS, 2023

This section works for all religions. It is a fast and simple remedy in a Magistrate's court for people who cannot support themselves.

- Who can claim: a wife or a divorced wife who has not remarried, children and parents.

[48] The Hindu Marriage Act, *supra* note 2, § 25.
[49] The Hindu Adoptions and Maintenance Act, *supra* note 15, § 18.
[50] The Special Marriage Act, No. 43 of 1954, INDIA CODE (1954), §§ 36–37.
[51] The Muslim Women (Protection of Rights on Divorce) Act, *supra* note 16, § 3.
[52] The Muslim Women (Protection of Rights on Divorce) Act, *supra* note 16, § 4.
[53] The Divorce Act, *supra* note 18, §§ 36–37.
[54] The Parsi Marriage and Divorce Act, *supra* note 19, §§ 39–40.

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- Against whom: a person with enough means who neglects or refuses to maintain them.
- What the court can do: order a monthly allowance, including interim maintenance. There is no fixed limit.
- When a wife cannot claim: if she is living in adultery, refuses to live with her husband without sufficient reason, or lives separately by mutual consent.[55]

F. Important case law on alimony

- *Mohd. Ahmed Khan v. Shah Bano Begum* (1985): The Supreme Court held that a divorced Muslim woman who cannot maintain herself can claim maintenance under Section 125 of the Code of Criminal Procedure (CrPC), a secular provision applicable irrespective of religion.[56]
- *Danial Latifi v. Union of India* (2001): The Supreme Court upheld the constitutional validity of the Muslim Women (Protection of Rights on Divorce) Act, 1986 and clarified that the husband must make a reasonable and fair provision for the divorced wife's future, with the provision to be made within the *iddat* period.[57]
- *Rajnesh v. Neha* (2020): The Supreme Court established guidelines for determining maintenance, requiring both parties to disclose their income, assets and liabilities. Courts must consider the wife's needs, the parties' financial circumstances, their standard of living and other responsibilities. The Court directed that maintenance be awarded from the date of the application.[58]
- *Kiran Jyot Maini v. Anish Pramod Patel* (2024): The Supreme Court explained that the primary objective of permanent alimony is to prevent the dependent spouse from being reduced to destitution, and that an award should not be penal but should ensure a decent standard of living.[59]
- *Mohd. Abdul Samad v. State of Telangana* (2024): The Supreme Court held that a divorced Muslim woman can claim maintenance under Section 125 CrPC in addition to the remedies available under the Muslim Women (Protection of Rights on Divorce)

[55] The Bharatiya Nagarik Suraksha Sanhita, *supra* note 3, § 144.
[56] *Shah Bano*, *supra* note 12.
[57] *Danial Latifi*, *supra* note 24.
[58] *Rajnesh*, *supra* note 7.
[59] *Kiran Jyot Maini v. Anish Pramod Patel*, 2024 INSC 530, ¶¶ 25, 32 (India).

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Act, 1986.[60] The corresponding general maintenance provision under the present law is Section 144 of the BNSS 2023.[61]

VIII. COMPARATIVE STUDY: DOWRY AND ALIMONY

Dowry and alimony look alike on the surface because in both of them money or property moves from one side of a marriage to the other. But the reason, the timing and the legal position of each are very different. This part first shows what is common, then where they meet in real cases, and then how the two are discussed in the public debate.

A. Similarities

- Both are directly related to marriage.
- Both are about money and security. Dowry was originally meant to give the bride financial security, and alimony is meant to protect a spouse who cannot support themselves after divorce.
- Both are controlled by law. Dowry is banned and punished; alimony is allowed and courts fix its amount.
- Both can be abused. Dowry is abused when it is demanded by force; alimony can be abused when it is claimed unfairly or when a person avoids paying it. Courts have noticed problems on both sides.[62,63]

B. Where the two meet in real cases

In many divorce cases, dowry laws and alimony laws are used in the same dispute. A wife may file a complaint of dowry cruelty under Section 85 BNS and at the same time ask for maintenance under Section 144 BNSS or the Hindu Marriage Act. These are separate matters: the first is a criminal case to punish a wrong, and the second is a civil or family matter to give support.

The two also meet over gifts. Items given to the wife at marriage, such as jewellery, remain her *stridhan* and can be claimed back. They are separate from alimony, and courts do not usually treat one as a replacement for the other. In *Rajnesh v. Neha* (2020), the Supreme Court also noted that a person may start several maintenance proceedings under different enactments, so it directed that earlier orders must be disclosed and taken into account.[64]

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[60] *Mohd. Abdul Samad v. State of Telangana*, 2024 INSC 506 (India).
[61] The Bharatiya Nagarik Suraksha Sanhita, *supra* note 3, § 144.
[62] *Arnesh Kumar*, *supra* note 42.
[63] *Rajnesh*, *supra* note 7.
[64] *Rajnesh*, *supra* note 7.

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C. The debate: is alimony a "modern dowry"?

Some people say that very high alimony demands are the modern version of dowry, since money is asked for at a time linked with marriage. Others reply that this comparison is wrong. Dowry is a demand made by one family to another with no legal basis. Alimony is decided by the court after looking at the needs and income of both spouses, and it can be refused or reduced if there is no need.

The better view is that the two are different in nature, but both can be misused when the purpose of the law is forgotten. The Supreme Court has said in *Kiran Jyot Maini v. Anish Pramod Patel* (2024) that alimony should not be penal but should ensure a decent standard of living for the spouse receiving it,[65] and in *Dara Lakshmi Narayana v. State of Telangana* (2024) that dowry-related complaints should not implicate the whole family without specific allegations.[66]

D. Who can claim

Alimony under the Hindu Marriage Act is open to both husband and wife. The dowry cruelty provisions, Sections 85 and 80 BNS, however, protect only the wife, because the law was made for a particular problem, namely the harassment of brides. Some writers argue that this difference is unfair, while others say it is reasonable because the problem mostly affects women.

IX. Differences between dowry and alimony

1. Meaning: Dowry refers to money, property or goods given or demanded in connection with marriage, whereas alimony refers to financial support paid by one spouse to the other during or after separation or divorce.
2. Time: Dowry is associated with the period before, during or after marriage, while alimony is generally awarded during legal proceedings or after separation or divorce.
3. Legal position: Dowry is prohibited under the Dowry Prohibition Act, 1961, whereas alimony and maintenance are legally recognised forms of financial support.
4. Nature: Dowry involves the giving or demanding of property in connection with marriage, while alimony is a legal obligation imposed when the applicable law and circumstances justify financial support.
5. Who pays: Dowry is traditionally associated with demands made by the groom's family on the bride's family, whereas alimony is paid by the financially stronger spouse to the other.

[65] *Kiran Jyot Maini*, *supra* note 59, ¶ 32.
[66] *Dara Lakshmi Narayana*, *supra* note 46, ¶ 25.

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6. Who receives: Dowry is traditionally received by the groom or his family, while alimony is received by the spouse entitled to financial support.
7. Basis: Dowry is often linked to social customs, status and financial pressure, whereas alimony depends on factors such as financial needs, income, earning capacity and the parties' standard of living.
8. Role of the court: Courts deal with dowry offences by applying the relevant criminal laws, whereas they determine eligibility, amount and duration when deciding maintenance or alimony claims.
9. Punishment: Dowry-related offences may attract imprisonment and fines. Failure to comply with a maintenance order may also result in legal consequences under the applicable law.
10. People involved: Dowry demands may involve members of both families, while alimony generally concerns the spouses, although maintenance claims may also involve children.
11. Amount: Dowry demands may be influenced by custom or financial pressure, whereas alimony is determined by the court based on the relevant legal factors and circumstances.
12. Effect on society: Dowry can contribute to harassment, domestic cruelty and dowry deaths, whereas alimony helps reduce financial hardship for an eligible spouse following separation or divorce.
13. Gender: Dowry laws aim to prevent an unlawful practice that disproportionately affects women. Alimony and maintenance may be available to either spouse under certain laws, depending on eligibility.
14. Purpose of the law: Dowry prohibition aims to eliminate an unlawful and harmful marriage-related practice, whereas alimony aims to provide financial security, dignity and fairness to a spouse entitled to support.

X. Conclusion and Suggestions

Dowry and alimony are both connected to the financial aspect of marriage, but they are not the same and should not be treated as if they were. Dowry started as a voluntary gift to protect the bride, turned into a demand and is now banned in India. Alimony is a legal duty that protects a spouse who cannot support themselves after a marriage ends.

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The main differences are in their purpose and legal position. Dowry is a demand with no legal right behind it, and the law punishes it. Alimony is a right decided by a court on the basis of need and ability to pay. They are similar only in that money is involved, both relate to marriage, and both can be misused if the law is not applied with care.

A. Suggestions

1. Stronger enforcement of the dowry law. Dowry Prohibition Officers should be appointed and made active in every district,[67] and the list of gifts at marriage should be kept in practice.
2. Balanced use of Section 85 BNS. Police and courts should follow the arrest guidelines[68] and check complaints with care, without making real victims afraid to complain.
3. A clear law on alimony. One common law, or at least clear guidelines, would reduce confusion between different religions and courts.
4. Faster maintenance cases. Courts should follow the *Rajnesh v. Neha* guidelines on full disclosure of income and assets so that cases do not drag on.[69]
5. Awareness. Schools, colleges and communities should teach that dowry is a crime and that alimony is a right based on need, not a bargain.

B. Final word

This article has covered different perspectives on dowry and alimony, with their legal provisions, landmark cases and history. It seeks to open the reader's mind to the different debates and to give a better understanding of how dowry and alimony work.

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[67] The Dowry Prohibition Act, *supra* note 1, § 8B.
[68] *Arnesh Kumar*, *supra* note 42.
[69] *Rajnesh*, *supra* note 7.

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