










SHAYARA BANO V. UNION OF INDIA (2017)

Constitutional Interpretation & Basic Structure

PRELIMS SNAPSHOT

-  1. Prelims Snapshot (Fact Box)
-  Year: 2017
-  Case: Shayara Bano v. Union of India
-  Bench Strength: 5 Judges (Constitution Bench)
-  Key Articles Involved: Article 14, Article 15, Article 21, Article 25
-  Doctrine Evolved: Triple Talaq is unconstitutional; Gender equality and dignity override personal law practices
-  Famous Line: "What is sinful under religion cannot be valid under law."

CONTEXT & BACKGROUND

Shayara Bano, a Muslim woman, was divorced through instant triple talaq (Talaq-e-Biddat) by her husband. She challenged the practice as being arbitrary, discriminatory, and violative of



Fundamental Rights. The case triggered a national debate on the extent to which personal laws are subject to the Constitution, particularly in relation to gender justice. The matter was referred to a 5-judge Constitutional Bench to examine the constitutional validity of triple talaq, a practice allowed under Muslim Personal Law but long criticised as regressive and anti-women.

CONSTITUTIONAL ISSUES RAISED

- Does instant triple talaq violate Article 14 (equality) and Article 21 (dignity and personal liberty)?
- Can practices permitted under religious personal law be tested on the touchstone of Fundamental Rights?
- Is triple talaq protected under Article 25 (freedom of religion)?

VERDICT & RATIO DECIDENDI

In a 3:2 majority judgment, the Court declared instant triple talaq unconstitutional, holding that:

- It is manifestly arbitrary and violates Article 14
- It does not enjoy protection under Article 25, as it is not an essential religious practice



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- Personal laws are not immune from the test of constitutional morality and fundamental rights

The minority view held that Parliament should decide the issue through legislation. However, the majority struck it down immediately.

DOCTRINE / PRINCIPLE EVOLVED

- Arbitrariness is a ground for violation of Article 14, even in matters of personal law
- The practice of triple talaq is not an essential religious practice and can be constitutionally invalidated
- Gender justice and dignity are paramount and cannot be compromised under the guise of religious freedom



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IMPACT & LEGACY

- Led to the enactment of the Muslim Women (Protection of Rights on Marriage) Act, 2019, which criminalised instant triple talaq
- Marked a significant step in aligning personal law with constitutional values
- Strengthened the principle that religious practices must comply with fundamental rights
- Reinforced the judiciary's role in upholding gender justice within religious contexts



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RELEVANCE FOR UPSC

- GS Paper 2:
 - Personal laws and constitutional rights
 - Gender equality and judicial activism
 - Intersection of religion and law
- GS Paper 4 (Ethics):
 - Justice, dignity, moral courage, constitutional morality
- Essay Paper:
 - Suitable for topics on Women's Rights, Religious Reform, Balancing Tradition and Equality
- UPSC Interview:
 - Useful in discussions on Uniform Civil Code, women's rights, secularism, and role of judiciary in social reform

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