

The Shah Bano Case: Where Rights Collided with Religion

In 1932, Shah Bano Begum married Mohammed Ahmed Khan, a prosperous lawyer from Indore. For decades, she maintained her position as wife and mother of five. But life changed in 1975—Khan married again, threw Shah Bano out of their common dwelling house, and ceased to provide for her financially. At 62, she approached the courts, claiming maintenance under Section 125 of the Criminal Procedure Code (CrPC), a secular law guaranteeing minimal sustenance to deserted dependents.

The case came to the Supreme Court in 1985. The Court affirmed Shah Bano's right to maintenance on the grounds that secular law prevails over personal law for the protection of individual rights. Chief Justice Y.V. Chandrachud even cited the imperative of a Uniform Civil Code (UCC) for the sake of equality among communities. For one moment, it appeared that justice had prevailed.

But politics soon intervened. Muslim conservatives, led by the All India Muslim Personal Law Board, condemned the judgment as an assault on Islamic law. Hindu right-wing groups seized the moment to push for a UCC, intensifying communal polarization. In response, Prime Minister Rajiv Gandhi's government reversed the verdict through the Muslim Women (Protection of Rights on Divorce) Act, 1986, appeasing religious conservatives but deeply hurting the cause of gender justice.

What had started as a case of one woman's struggle for dignity turned into a national controversy—exposing the conflict between religious identity and constitutional equality. Shah Bano's case revealed the Indian state's unwillingness to enforce secular values at the cost of political expense.

Shah Bano had no wish to create a storm—she merely sought justice. Yet her case is a watershed moment in India's democratic experience, where secularism, minority rights, and women's equality conflicted—and compromised.