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Constitutional Morality and Religious Autonomy : Rethinking Personal laws in India’s Rights Framework

~ Mayank Chaurasia

Personal laws occupy a very unique and complex position within the framework of India’s constitutional architecture. They derive their legitimacy from religious traditions, beliefs, faith; But still the fact is that they operate within a constitutional order that insists upon the values of equality, individual dignity, and non-arbitrariness. This tension even becomes sharper when courts increasingly confront claims where religious autonomy seems to be conflictual with fundamental rights. The debate, thus, no longer just about whether reform is needed in either of personal laws or constitution, but how constitutional morality should guide such reform without erasing genuine religious freedom along with preserving constitutional values.

Constitutional Morality: The Republic’s Normative Compass

Constitutional morality has emerged in contemporary development of jurisprudence as a central interpretive tool. Stating from Dr. B.R. Ambedkar articulation, it refers not only as fidelity to our constitution, instead, as an ethical commitments underlying values such as liberty, equality and fraternity¹. The Supreme court of India invoked constitutional morality several times in cases involving gender justice, discrimination, and state neutrality.

It's significance lies in providing us a normative lens that helps in preventing majoritarian morality or traditional authority from overriding constitutional guarantees. However, critics argues that excessive reliance on constitutional morality risks judicial overreach by allowing courts to impose

¹ Constituent Assembly Debates, Vol. VII (Nov. 4, 1948) (Ambedkar).

there own views of social reform arbitrarily. Thus, the court maintains that constitutional morality is essential for safeguarding individual rights from being sacrificed in certain group norms.

Religious Autonomy and the Scope of Article 25

Article 25 of Indian Constitution protects freedom of religion and conscience, but it does not protect all practices merely because of some traditions. The Supreme Court's *essential practices doctrine* as articulated in *Shirur Mutt*² was meant to distinguish core religious practices from non-essential ones. It has been criticized for forcing courts into theological judgements, but still it remains the primary tool for assessing that when personal laws can legitimately claim constitutional protection in that sense.

Personal Laws and the equality Dilemma

Personal laws governs in the areas of marriage, divorce, inheritance, and adoption based on an individual's religious identity. This pluralistic structure of it supports India's ethos of multiculturalism; on the other hand, it faces collision with constitutional guarantees when discriminatory norms are defended on the grounds of religion. Supreme Court has taken several inconsistent approaches visible in *Shayara Bano*³, Triple Talak, that was struck down as arbitrary under Article 14, while *Narasu Appa Mali*⁴ held personal laws outside the scope of Article 13 which creates uncertainty that stills shapes litigation.

Can Constitutional Morality Reform Personal Laws Without Undermining Religious Autonomy?

India's model of "principled distance" allows the state to engage with religion to protect rights, however the key question remains whether personal laws regulating civil consequences such as

² Commissioner, Hindu Religious Endowments v. Sri Lakshmindra Thirtha Swamiar of Shirur Mutt, AIR 1954 SC 282.

³ *Shayara Bano v. Union of India*, (2017) 9 SCC 1.

⁴ *State of Bombay v. Narasu Appa Mali*, AIR 1952 Bom 84.

marriage or succession should face the scrutiny of fundamental rights. A growing consensus argues that they must face the scrutiny by stating that once a rule affects civil status, it then operates as civil law and the state cannot defer entirely to religious authority. This aligns with the constitutional morality by ensuring individual dignity prevails in matters with tangible legal effects and not by diminishing religion.

Reform Through Rights: A Departure from Homogenization

Analyzing contemporary debates seems to give an understanding of reform that looks like as a choice between preserving personal laws unchanged or imposing a Uniform Civil Code. But, a constitutional morality approach offers a middle path in the debate, by targeted, rights-based reforms within the domain of personal laws without forcing community level homogenization. Courts already taken certain steps in this direction by :

- Invalidating discriminatory practices such as Triple Talaq
- Reinforcing non-negotiable equality standards, as in Joseph Shine⁵
- Encouraging gender-just interpretations of existing frameworks.

This incremental model prevents rights violation in the domain of personal laws along with preserving pluralism in the society.

Minimal Judicialism, Maximal Rights

A rights-based framework does not require courts to engage in any theological reinterpretation of text, instead, judicial scrutiny mainly should focus on whether a contested practice creates civil effects whether those effects violates equality, dignity or non-arbitrariness and whether reform is possible without intruding into the spiritual core of belief. This enables restraints and ensures personal laws cannot escape the limits imposed by constitution and it's values, simply by invoking religious origin.

⁵ Joseph Shine v. Union of India, (2019) 3 SCC 39.

Conclusion

India's constitutional structure protects both individual rights and collective identities, where constitutional morality functions as a stabilizing principle by preventing discriminatory practices from hiding behind religious autonomy, and by restraining the state from imposing unnecessary uniformity. A simple, narrow, rights-focused approach to personal laws reform that respects pluralism while ensuring civil consequences comply with constitutional norms, creating a balance which is essential for a *secular, democratic, and rights-affirming republic*.