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UNIFORM MARRIAGE LAWS IN INDIA: A STEP TOWARDS EQUALITY OR A CHALLENGE TO DIVERSITY?

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INTRODUCTION

India is a country known for its cultural, religious, and social diversity. This diversity is also reflected in its legal system, particularly in the area of family law. Unlike many countries that have a single law governing marriage and family relations, India follows a system of personal laws, where different religious communities are governed by different statutes and customs. Hindus, Muslims, Christians, Parsis, and other communities have separate laws regulating marriage, divorce, maintenance, succession, and adoption. While this pluralistic legal framework respects religious autonomy, it has also created inconsistencies in the protection of individual rights, particularly those of women.

The debate surrounding uniform marriage laws has gained momentum over the years due to increasing concerns regarding gender justice, equality before the law, and constitutional morality. The concept refers to the adoption of a common legal framework governing marriage for all citizens, irrespective of religion, caste, or community. It is often discussed as one component of the broader Uniform Civil Code (UCC) envisaged under Article 44 of the Constitution of India.

The issue has repeatedly been examined by the judiciary, legal scholars, policymakers, and civil society. Supporters argue that a uniform marriage law would eliminate discrimination, strengthen national integration, and uphold constitutional values of equality. Opponents, however, contend that it may interfere with religious freedom and undermine India's multicultural identity. Thus, the debate is not merely legal but also social, political, and constitutional in nature.

THE EXISTING LEGAL FRAMEWORK GOVERNING MARRIAGE IN INDIA

Marriage in India is currently regulated through various personal laws based on religion. Each law prescribes different conditions for marriage, divorce, maintenance, inheritance, and related matrimonial matters. The Hindu Marriage Act, 1955, governs marriages among Hindus, Buddhists, Jains, and Sikhs. It provides conditions for a valid marriage, grounds for divorce, judicial separation, restitution of conjugal rights, and maintenance.

Muslim marriages are primarily governed by Muslim Personal Law (Shariat) Application Act, 1937, along with principles derived from Islamic jurisprudence. Unlike Hindu law, a Muslim marriage is generally regarded as a civil contract, and different rules exist concerning divorce, maintenance, and succession. Christians are governed by the Indian Christian Marriage Act, 1872, while divorce is regulated through the Divorce Act, 1869. Parsis are governed by the Parsi Marriage and Divorce Act, 1936. Apart from these religious laws, the Special Marriage Act, 1954 provides a secular framework for marriage irrespective of religion. It allows inter-faith and civil marriages without requiring individuals to renounce their religion. Although this Act serves as an alternative, it does not replace personal laws and therefore does not establish complete legal uniformity.

The existence of multiple legal systems often leads to different legal consequences for individuals placed in similar circumstances solely because they belong to different religious communities. Such differences have generated debates regarding fairness and equal treatment under the Constitution.

MEANING OF UNIFORM MARRIAGE LAWS

Uniform marriage laws refer to a common legal framework that governs marriage, divorce, maintenance, legitimacy of children, and other matrimonial rights equally for all citizens regardless of their religion. The objective is not to abolish religious practices or ceremonies associated with marriage. Individuals may continue to perform marriages according to their respective customs and traditions. However, the legal rights and obligations arising from marriage would be governed by one uniform statute applicable to everyone. This concept seeks to ensure that every citizen enjoys equal legal protection and is subject to the same standards concerning marriage-related rights and responsibilities. Uniform marriage laws are therefore considered an important step towards achieving substantive equality within family law.

CONSTITUTIONAL BASIS FOR UNIFORM MARRIAGE LAWS

The Constitution of India provides the foundation for the debate on uniform marriage laws through various Fundamental Rights and Directive Principles of State Policy. Article 14 guarantees equality before the law and equal protection of laws. Different personal laws sometimes result in unequal treatment of similarly situated individuals, particularly women. A uniform marriage law is viewed by many as a means of strengthening this constitutional guarantee. Article 15 prohibits discrimination on grounds of religion, race, caste, sex, or place of birth. Critics of certain personal laws argue that discriminatory provisions affecting women violate this constitutional mandate.

Article 21, which guarantees the right to life and personal liberty, has been interpreted broadly by the Supreme Court to include dignity, privacy, autonomy, and the freedom to choose one's life partner. Marriage laws that unnecessarily restrict these freedoms may be inconsistent with constitutional

principles. On the other hand, Articles 25 and 26 guarantee freedom of religion and the right of religious denominations to manage their own affairs. Those opposing uniform marriage laws argue that personal laws form an essential aspect of religious identity and deserve constitutional protection. Finally, Article 44, contained in the Directive Principles of State Policy, directs the State to endeavour to secure a Uniform Civil Code throughout the territory of India. Although Directive Principles are not enforceable by courts, they serve as guiding principles for governance and legislative reform. The constitutional debate therefore involves balancing equality and gender justice with religious freedom and cultural diversity.

NEED FOR UNIFORM MARRIAGE LAWS

One of the strongest arguments supporting uniform marriage laws is the need to promote gender justice. Certain provisions within personal laws have historically disadvantaged women in matters relating to divorce, maintenance, guardianship, and inheritance. Although significant reforms have taken place over the years, disparities continue to exist. Uniform marriage laws would also enhance legal certainty. At present, different legal standards apply depending upon an individual's religion. A common legal framework would simplify matrimonial laws, reduce legal confusion, and ensure consistency in judicial decisions. Another important objective is the promotion of national integration. A uniform legal framework governing marriage would reinforce the idea that all citizens are equal before the law irrespective of religious affiliation.

Further, increasing inter-faith and inter-caste marriages have highlighted practical challenges associated with multiple personal laws. A common marriage law could provide a simpler and more inclusive legal mechanism for such marriages. Finally, uniform marriage laws would strengthen constitutional values by ensuring that individual rights receive priority over discriminatory customs and practices.

ARGUMENTS IN FAVOUR OF UNIFORM MARRIAGE LAWS

The demand for uniform marriage laws has received support from jurists, constitutional experts, women's rights organisations, and policymakers for several reasons. The foremost argument is the promotion of equality before the law. The Constitution guarantees equal treatment to every citizen; however, the existence of different personal laws often results in unequal rights and obligations. A common marriage law would ensure that all citizens are governed by the same legal standards, thereby strengthening the principle of equality.

Another significant advantage is gender justice. Historically, women belonging to different religious communities have faced unequal treatment regarding divorce, maintenance, inheritance, guardianship, and matrimonial rights. Although many discriminatory provisions have been amended through

judicial decisions and legislative reforms, several inequalities continue to exist. Uniform marriage laws would help establish equal legal rights for both spouses regardless of religion. Supporters also argue that uniform marriage laws would simplify the legal system. At present, courts are often required to interpret multiple personal laws, customs, and judicial precedents while deciding matrimonial disputes. A single legal framework would reduce ambiguity, ensure consistency in judicial decisions, and make the law easier for ordinary citizens to understand.

Another important justification is the promotion of national integration. A common legal framework governing marriage would reinforce the idea that every citizen is equal before the law. While religious ceremonies and customs may continue to be followed, the legal consequences of marriage would remain uniform across communities, thereby strengthening constitutional unity. Uniform marriage laws would also provide greater protection to inter-faith and inter-community couples. Although the Special Marriage Act, 1954 provides a secular mechanism for such marriages, procedural requirements and social pressures often discourage its use. A common marriage law could simplify the process while ensuring equal legal protection for all couples.

Finally, supporters believe that such laws would bring India closer to the constitutional vision embodied in Article 44, which encourages the State to strive towards a Uniform Civil Code. They argue that constitutional morality should prevail over discriminatory customs wherever fundamental rights are affected.

ARGUMENTS AGAINST UNIFORM MARRIAGE LAWS

Despite these advantages, the proposal for uniform marriage laws has also attracted significant criticism. The principal concern relates to religious freedom. Articles 25 and 26 of the Constitution guarantee individuals the freedom to practise and manage their religious affairs. Many communities consider marriage not merely a legal contract but a sacred religious institution deeply connected with faith and tradition. They fear that a uniform law may interfere with these beliefs.

Another argument is that India's pluralistic society cannot easily accommodate complete legal uniformity. India consists of numerous religions, cultures, tribes, and customary practices that have evolved over centuries. Opponents argue that respecting diversity is itself a constitutional value and that legal uniformity should not come at the cost of cultural identity.

Critics also express concern that the implementation of uniform marriage laws may become politically sensitive. Since personal laws are closely associated with religious identity, any reform imposed without adequate consultation could create social unrest and deepen communal divisions. Some scholars argue that instead of introducing a completely new legal framework, the government should

continue the process of gradual reform within individual personal laws. They believe that discriminatory practices can be eliminated while still preserving legitimate religious customs. Another criticism is that merely enacting a common law may not automatically eliminate discrimination. Effective implementation, public awareness, judicial efficiency, and social acceptance are equally important to achieve genuine equality.

IMPORTANT SUPREME COURT JUDGMENTS

The Supreme Court of India has played a significant role in shaping the debate on uniform marriage laws through several landmark judgments.

In *Mohd. Ahmed Khan v. Shah Bano Begum*¹, the Supreme Court held that a divorced Muslim woman was entitled to maintenance under Section 125 of the Code of Criminal Procedure. The Court observed that a Uniform Civil Code would help promote national integration by removing conflicting personal laws. Although the judgment generated widespread political debate, it remains one of the most significant decisions concerning family law reforms.

In *Sarla Mudgal v. Union of India*², the Court dealt with cases where Hindu husbands converted to Islam solely for the purpose of contracting a second marriage without dissolving their first marriage. The Court held that such conversions could not be used to circumvent existing matrimonial obligations. It once again emphasized the desirability of a Uniform Civil Code to prevent misuse of personal laws.

Another landmark decision came in *Shayara Bano v. Union of India*³, where the Supreme Court declared the practice of instant triple talaq (talaq-e-biddat) unconstitutional. The judgment was widely regarded as a major step toward gender justice and reaffirmed that personal laws cannot violate constitutional principles of equality and dignity.

In *Seema v. Ashwani Kumar*⁴, the Supreme Court directed compulsory registration of marriages across all religions to safeguard the rights of women and children. The Court recognised that proper legal documentation helps prevent child marriages, fraudulent marriages, and disputes relating to marital status. These judgments collectively demonstrate the judiciary's consistent effort to balance religious freedom with constitutional values of equality, dignity, and justice.

RECENT DEVELOPMENTS

¹ *Mohd. Ahmed Khan v. Shah Bano Begum*, (1985) 2 S.C.C. 556

² *Sarla Mudgal v. Union of India*, (1995) 3 S.C.C. 635

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

⁴ *Seema v. Ashwani Kumar*, (2006) 2 S.C.C. 578

The debate surrounding uniform marriage laws has intensified in recent years. Several States, including Uttarakhand, have taken legislative initiatives towards implementing aspects of a Uniform Civil Code. The enactment of the Uniform Civil Code in Uttarakhand has renewed discussions regarding the possibility of similar reforms at the national level. The Law Commission of India has also examined issues relating to family law reforms on multiple occasions. While recognising the importance of equality and gender justice, it has also stressed the need for extensive consultation with various stakeholders before introducing any comprehensive reform. Public opinion remains divided. Women's rights organisations generally support legal reforms aimed at eliminating discrimination, whereas several

religious groups advocate preserving personal laws while undertaking gradual reforms from within.

CHALLENGES IN IMPLEMENTING UNIFORM MARRIAGE LAWS

The implementation of uniform marriage laws presents several practical and constitutional challenges. One major challenge is balancing constitutional equality with religious freedom. Any legislation must ensure that it protects fundamental rights without unnecessarily interfering with genuine religious practices. Another challenge involves India's enormous cultural diversity. Numerous tribal communities and regional customs possess distinct matrimonial traditions that may require special consideration. Political consensus is equally important. Since family law directly affects religious communities, broad public consultation and bipartisan support are essential to avoid unnecessary social conflict. Further, implementation requires efficient administrative mechanisms, judicial infrastructure, public awareness programmes, and legal aid services to ensure that citizens understand and effectively exercise their rights under the new law.

CONCLUSION

The question of introducing uniform marriage laws in India remains one of the most debated constitutional and social issues. While the existing system of personal laws reflects India's rich religious and cultural diversity, it also creates disparities in legal rights and obligations among citizens. A uniform legal framework governing marriage has the potential to promote equality, gender justice, legal certainty, and national integration by ensuring that all individuals receive equal protection under the law. At the same time, any reform must respect India's pluralistic character and the constitutional guarantee of religious freedom. Rather than imposing uniformity abruptly, the process should involve extensive consultation with religious communities, legal experts, civil society organisations, and the public. Reforms should be guided by constitutional values of justice, dignity, liberty, and equality while preserving legitimate cultural practices that do not violate fundamental rights. Ultimately, the objective of uniform marriage laws should not be to eliminate diversity but to ensure that every citizen enjoys equal legal rights irrespective of religion. A carefully drafted and

widely accepted legal framework can strengthen both constitutional governance and social harmony, making the law more inclusive, equitable, and responsive to the needs of a modern democratic society.