

Shah Bano case, 1985

Prelims: Current events of national and international importance | Polity & Governance

Why in news?

The Bollywood film 'Haq', set to be released on November 7 and starring Yami Gautam and Emraan Hashmi, is inspired by the 1985 Shah Bano case.

- **Background** - Shah Bano Begum, a 62-year-old Muslim woman from Indore, was divorced by her husband, Mohd. Ahmed Khan, after 43 years of marriage.
- She filed a petition under **Section 125 of the Criminal Procedure Code (CrPC)**, which mandates maintenance for wives unable to support themselves, regardless of religion.
- **Supreme Court (SC) Verdict (1985)**
 - The SC ruled ***in favor of Shah Bano***, Section 125 of the CrPC is a **secular provision** that applies to all citizens irrespective of their religion.
 - Its purpose is to prevent destitution, and Muslim women ***cannot be excluded*** from its protection.
 - Emphasized that Muslim Personal Law (Shariat) does not prohibit maintenance for divorced women unable to support themselves.
 - Invoked Article 44, advocating for a Uniform Civil Code (UCC) to ensure legal equality across religions.
- **Opposition to judgment** - The verdict triggered intense backlash from conservative Muslim groups, who viewed it as interference in religious laws.
 - In response, the Rajiv Gandhi government passed the **Muslim Women (Protection of Rights on Divorce) Act, 1986**.
 - It diluted the Supreme Court ruling by limiting maintenance to the iddat period (waiting period of 3 months post-divorce, during which a woman cannot remarry).
- **Challenge to the 1986 Act** -

- **Danial Latifi Case (2001)** - The SC preserved the spirit of Shah Bano judgment while retaining the 1986 Act.
- Focused on **Section 3(1)(a) of 1986 act** stated that husband must make a “reasonable and fair provision and maintenance” within the iddat period.
- The court interpreted it liberally to protect women's rights—make a **one-time payment to cover the woman’s entire future needs**, not just 3 months.
- **Mohd. Abdul Samad v State of Telangana (2024)**
 - **Question** - Unclear whether Muslim women could still seek maintenance under Section 125 of CrPC, or were restricted to the 1986 Act.
 - The court ruled that the 1986 Act is **not a substitute** for CrPC Section 125.
 - **Clarified** - A divorced Muslim woman can choose either law or both for claiming maintenance and has the option to seek a remedy.

Reference

[Indian Express | Shah Bano case](#)