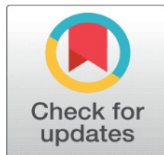


TRADITION ON TRIAL: A COMPARATIVE ANALYSIS OF HINDU AND MUSLIM MARRIAGE FRAMEWORKS THROUGH THE LENS OF CONSTITUTIONAL EQUALITY

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ABSTRACT

India's matrimonial jurisprudence stands at the intersection of tradition, religion, and constitutionalism. Hindu and Muslim personal laws—two dominant frameworks governing marriage—differ fundamentally in their conception of the institution: the former venerates it as a sacramental and indissoluble bond, while the latter treats it as a civil contract based on consent and enforceable obligations. Despite statutory reforms, both systems continue to reflect patriarchal structures that constrain women's autonomy and entrench gendered hierarchies within the marital relationship. This paper undertakes a comparative doctrinal analysis of Hindu and Muslim marriage laws, with a specific focus on the rights and duties of spouses concerning maintenance, divorce, and property. By situating these frameworks within the constitutional mandate of equality (Article 14), non-discrimination (Article 15), and dignity under the right to life (Article 21), the study interrogates the extent to which personal laws align—or fail to align—with India's evolving constitutional morality. The analysis reveals deep structural tensions between religiously grounded personal law regimes and constitutional guarantees. While Hindu law sacralises marital duties in ways that often subordinate individual autonomy, Muslim law, despite its contractual nature, institutionalizes asymmetry through practices such as polygamy and unilateral divorce. The paper concludes by proposing a normative model of matrimonial rights and obligations that harmonizes cultural and religious diversity with constitutional values of justice, gender equality, and human dignity.

Keywords: Hindu, Muslim, Marriage, Frameworks



1. INTRODUCTION

India's matrimonial jurisprudence is a tapestry woven with threads of faith, tradition, and law, where marriage is not merely a private covenant, but a legally sanctioned social institution shaped by centuries of religious and cultural evolution. At the heart of this pluralistic legal framework lie two predominant systems—Hindu and Muslim personal laws—each rooted in distinct worldviews and spiritual philosophies. While Hindu marriage is venerated as a sacramental union, sanctified by rituals and imbued with spiritual duty (*dharma*), Muslim marriage emerges as a civil contract, anchored in consent, reciprocal rights, and codified obligations. The partial codification of these laws has done little to harmonize their inner logics or rectify the imbalance in the distribution of marital power and obligations—especially with regard to women.

In an era increasingly guided by constitutional morality, legal pluralism faces a searching inquiry: Can personal laws rooted in religion withstand the test of constitutional values such as equality (Article 14), non-discrimination (Article 15), and the right to life and dignity (Article 21)? With the Indian judiciary adopting a progressively rights-oriented stance, personal law doctrines are being placed under the spotlight of fundamental rights jurisprudence.

This research situates itself at the crossroads of tradition and transformation, seeking not only to unravel the doctrinal differences in spousal roles under Hindu and Muslim personal laws but also to reimagine these duties in light of India's constitutional ethos—one that aspires to justice, gender equality, and human dignity within every home.

2. STATEMENT OF THE PROBLEM

While both Hindu and Muslim personal laws regulate matrimonial life, they do so in fundamentally different ways—in terms of conceptual foundations, rights conferred, remedies provided, and responsibilities imposed. These differences raise critical questions about legal certainty, gender justice, and equal protection under law.

Furthermore, there is a visible tension between the personal law regime and the constitutional framework, particularly when gender-specific norms or religious customs conflict with constitutional guarantees. In this context, the lack of a uniform standard for spousal obligations raises the problem of inconsistency and inequality within the Indian legal system.

This paper therefore seeks to interrogate:

- How do Hindu and Muslim personal laws differ in defining the rights and obligations of spouses?
- Are these frameworks compatible with the constitutional values of equality, dignity, and liberty?
- What would an ideal, constitutionally compliant matrimonial framework look like?

3. OBJECTIVES OF THE STUDY

The primary objectives of this research are:

- 1) To examine the conceptual basis of marriage under Hindu and Muslim personal laws.
- 2) To analyse and compare the specific rights and duties of spouses in both systems, with attention to maintenance, divorce, property rights, and gender roles.
- 3) To critically assess the compatibility of these personal law frameworks with constitutional guarantees, especially those under Articles 14, 15, and 21.
- 4) To propose a normative model for matrimonial rights and obligations that aligns with the Indian Constitution while acknowledging cultural and religious diversity.

4. SCOPE AND LIMITATIONS

This study is limited to the doctrinal analysis of Hindu and Muslim personal laws in India, specifically focusing on matrimonial rights and obligations between spouses. It will cover codified laws such as the Hindu Marriage Act, 1955 and significant principles of uncodified Muslim personal law, alongside relevant judicial interpretations.

The study does not extend to other personal law systems (e.g., Christian, Parsi, or secular Special Marriage Act) or other family law aspects such as adoption or inheritance, except where directly relevant. Further, the analysis is based on secondary sources, statutes, and case law, without empirical fieldwork or community-specific case studies.

5. METHODOLOGY (DOCTRINAL & COMPARATIVE)

The research adopts a doctrinal legal methodology, involving systematic analysis of statutes, case laws, religious texts, legal commentaries, and constitutional provisions. A comparative approach is applied to evaluate the key differences and similarities between Hindu and Muslim personal law regimes, particularly regarding spousal rights and obligations.

Additionally, a normative constitutional lens is used to assess the extent to which existing personal laws conform to the principles of equality, non-discrimination, and personal liberty enshrined in the Indian Constitution. Relevant judgments from the Supreme Court and High Courts are critically examined to understand the judicial stance on these issues.

6. THEORETICAL AND RELIGIOUS FOUNDATIONS OF MARRIAGE IN HINDU AND MUSLIM LAW

Marriage, as a socio-legal institution, holds a position of immense significance within both Hindu and Muslim communities in India. However, the foundational philosophy, religious underpinnings, and normative expectations surrounding the institution of marriage vary greatly between these two legal traditions. While Hindu law views marriage as a sacred sacrament, deeply intertwined with religious duty and spiritual continuity, Muslim law considers marriage a civil contract, based on mutual consent and clearly defined legal rights and obligations. This chapter delves into the philosophical and doctrinal foundations of marriage in both Hindu and Muslim personal laws to understand how religious ideologies continue to influence modern matrimonial obligations.

7. HINDU CONCEPT OF MARRIAGE: A SACRED SACRAMENT

In classical Hindu law, marriage (vivaha) is regarded not as a civil contract but as one of the most important samskaras or sacraments in an individual's life. The primary aim of marriage is not merely companionship or sexual union, but the fulfilment of religious and social duties. According to the Rig Veda, marriage was to enable a man, by becoming a householder, to perform sacrifices to the gods and to procreate sons.¹ The main objective of Hindu marriage is based on Dharma but now-a-days the concept is changing day by day in modern society. Although Kama or intercourse was one of the vital motives of Hindu marriage; it had less priority. In last few years, the motives of marriage have so much changed and the later one became primary, and Dharma has become less important to marriage. In this way the motives and the base of Hindu marriage are going to be changed.² Derived from ancient texts such as the Manusmriti, Yajnavalkya Smriti, and other Dharmashastras, Hindu marriage is seen as a lifelong and indissoluble union, not subject to dissolution at will.

One of the core religious rituals in Hindu marriage is the saptapadi, where the couple takes seven steps around the sacred fire, each symbolizing a vow for mutual support and spiritual partnership. As regards to Hindu Marriage in ancient time there were few Vaidhya Vivah and Avaidhya Vivah in culture. Like brahma vivah, daiva vivah, arsha vivah and prajaptya vivah were known as Vaidhya Vivah on the other hand asur vivah, gandharva vivah, rakshas vivah and paishach vivah were known as Avaidhya Vivah.³ Devala says that marriage ceremony (vivāha saṁskāra) is necessary for every Hindu even when the marriage has been consummated previously by the Gāndharva (love marriage) form.⁴

Though the Hindu Marriage Act, 1955 codified many aspects of Hindu marriage and introduced provisions for divorce, the underlying spiritual and sacramental view remains influential. The limited grounds for divorce, the concept of restitution of conjugal rights, and the emphasis on moral duty over individual autonomy reflect the persistent influence of ancient religious philosophy on contemporary legal doctrines.

8. MUSLIM CONCEPT OF MARRIAGE: A CIVIL CONTRACT

In contrast, Islamic law views marriage (nikah) as a civil contract between two consenting parties. In the leading case of Abdul Kadir v. Salima⁵ observes: 'Marriage among Muhammadans is not a sacrament, but purely a civil contract; and though solemnized generally with recitation of certain verses from the Kuran, yet the Muhammadan law does not positively prescribe any service peculiar to the occasion.⁶ Rooted in the Quran, Hadith, and classical Islamic jurisprudence (fiqh), the institution of marriage in Muslim law is not sacramental but contractual in nature. It is designed to legalize sexual relations, promote companionship, ensure procreation, and regulate inheritance and family structures.

A valid Muslim marriage requires certain essential elements: free consent of both parties, a clear offer and acceptance (ijab-o-qubul), presence of witnesses, and the payment of mehr (dower) by the husband to the wife. The

¹ Rig Veda 10.85.36; Id. 5.3.2, 5.28.3; Id. 3.53.4; Aitareya Brahmana 33.1 (Ralph T.H. Griffith Trans., Elysium Press 1896) (Describing the Spiritual and Sacramental Foundations of Hindu Marriage, Including the Wife's Role as the Home and Partner in Dharma).

² Hina Gupta & Dr. Yogendra Singh, Emerging Trends of Hindu Marriage and their Impact, 6 Ad Valorem: J.L. (Pt. III) 1 (2019).

³ Id. At 4.

⁴ Manusmṛti 8.226 (Kullūka), Quoted in the Laws of Manu (G. Bühler Trans., Sacred Books of the East, Vol. 25, Oxford Univ. Press 1886). Nārada Smṛti 12.2–3, In the Minor Law-Books (Julius Jolly Trans., Sacred Books of the East, Vol. 33, Oxford Univ. Press 1889).

⁵ (1886) 8 All. 149, I S4-S.

⁶ Abdul Kadir V. Salima (1886) 8 All. 149, I S4-S.

mehr acts as a form of financial security for the wife and is enforceable as a legal right. The contract may also contain stipulations regarding the conduct of the marriage, residence, maintenance, and divorce.

The early European authors Juynboll classified the different forms of dissolution as follows:⁷

- 1) By the husband without the intervention of the Court.
- 2) By common consent without the intervention of the Court.
- 3) By decree of the Court on the application of either party.

This classification does not take into consideration the fact that marriage in Islam is absolutely dissolved by the death of either spouse, or hence the following classification is proposed: (A) By the Death of Spouse; (B) By the Act of Parties; (C) By Judicial Process.

By the Death of Spouse.

By the Act of Parties.

- 1) By the Husband:
 - 'falaq (Repudiation).
 - ila' (Vow of Continence).
 - ihar (Injurious Assimilation).
- 2) By the Wife:
 - Tallq-i Tafwitj (see (1) above, Delegated Divorce).
- 3) By Common Consent:
 - Khul' (Redemption).
 - Mublara'a (Mutual Freeing).
- 4) By Judicial Process:
 - Li'lln (Mutual Imprecation).
 - Faskh (Judicial Rescission)

Polygamy is permitted under Muslim law, primarily based on the authority of Quran 4:3, which allows a Muslim man to marry up to four women simultaneously. The verse states:

"Marry women of your choice, two, three, or four; but if you fear that you shall not be able to deal justly, then [marry] only one..."⁸

Unlike Hindu law, dissolution of marriage in Islam is relatively flexible. Both men and women have defined rights to terminate the marriage through talaq, khula, mubarat, or faskh, although the process is not always equitable in practice. The overall legal structure reflects the idea of marriage as a legal contract with religious and ethical undertones, rather than a spiritual obligation⁹.

9. COMPARATIVE OBSERVATIONS

The foundational distinctions between Hindu and Muslim concepts of marriage result in significant doctrinal and practical differences in the legal frameworks governing spousal rights and obligations. Hindu marriage, being sacramental, places moral and spiritual duties at the core, often subordinating individual autonomy to religious ideals. On the other hand, Muslim marriage emphasizes consent, clarity, and contractual responsibility, allowing for greater legal flexibility, particularly in matters of divorce and marital negotiation.¹⁰

⁷ Th. W. Juynboll, *Handbuch Des Islamischen Gesetzes* (Leiden• Leipzig, 1910), 229, and *Following Him a Modern Author*, E. Neufeld. *Ancient Hebrew Marriage Laws* (London, 1944), 180, Note 8. Per Cornelius C.J. In *Sayeeda Khanum V. Muhammad Sami* PLO 1952 Lah. 113. 128.

⁸ See Qur'an 4:3.

⁹ Esposito, J. L. (2003). *Women In Muslim Family Law*. Syracuse University Press.

¹⁰ Saeed, A. (2006). *Islamic Family Law: Marriage, Divorce and Women in the Muslim World*. Routledge.

Both systems, however, reflect patriarchal norms—in Hindu law through the sacralization of gender roles, and in Muslim law through asymmetrical rights in matters like polygamy or unilateral divorce.¹¹ In both traditions, religious authority has shaped the contours of legal obligation, sometimes to the detriment of gender equality and constitutional principles.¹²

Conclusion

The religious and theoretical foundations of marriage in Hindu and Muslim law present two divergent models of matrimonial relations—one rooted in spiritual permanence, the other in legal contract. These models continue to influence contemporary Indian family law, shaping judicial interpretations, legislative reforms, and societal expectations. A deep understanding of these foundations is essential for evaluating the constitutional compatibility of personal laws and for envisioning a legal framework that balances religious identity with individual rights and gender justice.

10. MUSLIM CONCEPT OF MARRIAGE: A CIVIL CONTRACT

Marriage in Islamic law is fundamentally viewed as a civil contract ('*aqd al-nikah*') rather than a sacred or indissoluble sacrament. This conceptualization is rooted in the Quran, the Hadith (Prophetic traditions), and classical Islamic jurisprudence (*fiqh*). The contract of marriage serves multiple worldly purposes—legalizing sexual relations, ensuring lineage and inheritance, providing companionship, and creating a stable family structure. Unlike sacramental notions that prioritize religious permanence, the Islamic view emphasizes mutual consent, clarity of obligations, and the legal enforceability of rights and responsibilities.

11. QURANIC AND HADITHIC FOUNDATIONS

The Quranic foundations of marriage highlight its importance as a means of emotional, physical, and social fulfilment. Quran 30:21 states:

“And among His signs is that He created for you mates from among yourselves, that you may find tranquillity in them, and He placed between you affection and mercy”.¹³

Marriage in Islam is encouraged not as a ritualistic act but as a socially and spiritually fulfilling union aimed at compassion, cooperation, and moral accountability. The Sunnah likewise supports marriage as a form of completing one's faith (*iman*), yet with pragmatic acknowledgment of human fallibility. Divorce, while permissible, is considered *makruh* (disliked) and is to be resorted to only when reconciliation fails.¹⁴

11.1. CONSENT AND CONTRACTUAL OBLIGATIONS

Mutual consent and contractual responsibility are central to Islamic marriage. Essential requirements include free consent of both parties, offer and acceptance (*ijab-o-qubul*) made in a single sitting, presence of two adult Muslim witnesses, and payment or promise of *mahr* (dower) to the bride.¹⁵ The Quran mandates *mahr* as an obligatory financial commitment by the husband, serving as a symbol of goodwill and economic protection.¹⁶ Marriage contracts may include specific clauses—monogamy, residence, maintenance rights—and are legally binding, reflecting the contractual and pragmatic nature of Islamic matrimonial law.

11.2. GENDERED DUTIES UNDER SHARIA

Traditional interpretations of Sharia assign differentiated gender roles. The husband is obligated to provide maintenance (*nafaqah*), protection, and emotional companionship, while respecting his wife's legal and moral dignity. Conversely, the wife is expected to fulfill duties such as obedience (*tamkin*), caring for children and household, and

¹¹ Menski, W. F. (2008). *Hindu Law: Beyond Tradition and Modernity*. Oxford University Press.

¹² Baxi, U. (1982). *The Crisis of the Indian Legal System*. Vikas Publishing House.

¹³ Quran 30:21 Emphasizes Marriage as a Source of Tranquillity, Affection, and Mercy Between Spouses. Translation Is from Saheeh International.

¹⁴ Makruh Is an Act Discouraged by Islamic Law but Not Sinful; Divorce Is Permitted but Considered Undesirable Unless Necessary.

¹⁵ Ijab-O-Qubul Refers to the Formal Offer and Acceptance Process that Validates the Marriage Contract.

¹⁶ Mahr Is a Mandatory Financial Gift from the Husband to the Wife, Which She Owns Exclusively. It Differs from Culturally Practiced Dowries.

maintaining chastity.¹⁷ Polygamy is permitted under Quran 4:3, but justice is a prerequisite, with many scholars interpreting this as a practical discouragement of multiple marriages.¹⁸

11.3. ROLE OF SCHOOLS OF ISLAMIC JURISPRUDENCE

Islamic matrimonial law is shaped by various *madhahib* (schools of jurisprudence). In India, the Hanafi school dominates Sunni practice and influences judicial decisions, allowing relatively broad grounds for divorce. Other schools, such as Shafi'i, Maliki, and Hanbali, differ on age of marriage, grounds for divorce, and consent requirements.¹⁹ Reformist and feminist interpretations have emerged in recent decades, advocating *ijtihad*—re-examination of foundational texts—to promote equity and justice within marriage.²⁰

Conclusion

In summary, the Muslim conception of marriage as a contractual institution offers a legal framework that is both pragmatic and adaptable. With its emphasis on consent, mutual duties, and enforceable rights, Islamic marriage law stands apart from sacramental models. However, traditional gender roles, polygamy, and divorce practices continue to pose questions about the compatibility of certain doctrines with contemporary constitutional ideals, especially in the context of equality and dignity under Article 14 and 21 of the Indian Constitution. The diversity within Islamic jurisprudence, if engaged progressively, offers avenues for reform and harmonization without undermining the integrity of religious identity.

12. COMPARATIVE OBSERVATIONS ON FOUNDATIONAL DOCTRINES

The institution of marriage in Hindu and Muslim personal laws is grounded in fundamentally different theological and jurisprudential frameworks, and these divergences have far-reaching implications for the rights and responsibilities of spouses.²¹ While both traditions recognize marriage as a socially and morally significant bond, their underlying philosophies differ profoundly, shaping the nature, operation, and dissolution of the marital relationship.

In Hindu law, marriage is traditionally viewed as a sacrament (*samskara*)—a spiritual union that is not merely a social contract but a religious duty essential for fulfilling *dharma* (righteous living).²² This conception renders the bond indissoluble in theory, with dissolution considered socially and morally undesirable. In contrast, Muslim law regards marriage (*nikah*) as a civil contract, entered into through mutual consent and capable of dissolution through prescribed legal mechanisms.²³ This contractual nature allows for a greater degree of legal flexibility and individual autonomy within the marital relationship.

The sources of law further illuminate the doctrinal divergence. Hindu personal law is derived from ancient scriptures such as the *Dharmashastras*, customary practices, and later, codified statutes like the Hindu Marriage Act, 1955.²⁴ Muslim law, on the other hand, is drawn from divine revelations—the *Quran*, *Hadith* (Prophet's traditions), and interpretations from classical Islamic jurisprudence (*fiqh*).²⁵ These different legal sources influence not only the substantive content of spousal duties but also the interpretive flexibility available to courts and scholars.

A critical distinction lies in the role of consent. In Hindu tradition, while modern statutes acknowledge individual consent, historically the marriage was often arranged by families with minimal input from the bride or groom, especially the former.²⁶ The ritual and familial arrangement often took precedence over the parties' personal autonomy. In Muslim law, free consent of both spouses is a foundational requirement for the validity of marriage. Offer and acceptance (*ijab-*

¹⁷ Tamkin Refers to A Wife's Duty to Respect Her Husband's Reasonable Commands, This Is Subject to Modern Reinterpretations Emphasizing Mutual Obligations.

¹⁸ Quran 4:3 Permits Polygamy Only If Justice Can Be Maintained Among Wives; Many Scholars Argue This Makes Polygamy Practically Discouraged.

¹⁹ Madhahib Are Different Schools of Islamic Jurisprudence Interpreting Quran and Hadith, Affecting Rules on Marriage, Divorce, And Consent.

²⁰ Ijtihad Is the Process of Scholarly Interpretation and Reasoning in Islamic Law, Allowing Reformist Approaches to Promote Equity.

²¹ Derrett, J. D. M. (1968). *Religion, Law and the State in India*. Faber & Faber.

²² Kane, P. V. (1946). *History of Dharmasastra* (Vol. 2). Bhandarkar Oriental Research Institute.

²³ Fyze, A. A. A. (2008). *Outlines of Muhammadan Law* (5th Ed., Revised by Tahir Mahmood). Oxford University Press.

²⁴ Agnes, F. (1999). *Law And Gender Inequality: The Politics of Women's Rights in India*. Oxford University Press.

²⁵ Anderson, J. (2016). *Islamic Law in Modern Courts*. Routledge.

²⁶ Menski, W. (2001). *Hindu Law: Beyond Tradition and Modernity*. Oxford University Press.

o-qubul), presence of witnesses, and the provision of mahr underscore the importance of informed, voluntary agreement in creating marital bonds.²⁷

Divorce is another area of stark contrast. Hindu law traditionally discouraged dissolution, recognizing only limited grounds such as cruelty, desertion, or conversion, and heavily relying on judicial intervention. Even post-codification, divorce remains a difficult and often stigmatized process. Muslim law, however, offers multiple mechanisms for divorce, including talaq (by husband), khula (by wife with consent), mubarat (mutual agreement), and faskh (judicial dissolution).²⁸ Though male-dominated in its application, the Islamic model permits greater procedural fluidity, recognizing the practical realities of marital breakdown.

In matters of property and financial rights, Hindu law traditionally included stridhan (woman's property) and often operated within the framework of dowry practices, which, although illegal, remain socially entrenched and frequently misused.²⁹ Conversely, Muslim law mandates the provision of mehr—a legally enforceable monetary or property obligation given by the husband to the wife, intended as a sign of respect and financial security. Upon divorce, maintenance rights under Muslim law are also defined, although subject to judicial evolution and constitutional scrutiny (as seen in Shah Bano and Daniel Latifi cases).

Finally, gender roles under both systems reveal patriarchal orientations, albeit in different forms. Hindu law imposes a hierarchical and religiously sanctioned division of roles, often idealizing the submissive and devoted wife through concepts like pativrata and kanyadaan. Muslim law, while structured on contractual equality in theory, permits male dominance in areas such as polygamy and unilateral divorce. However, these roles are conditioned by reciprocal duties, and Islamic jurisprudence does allow for negotiation of terms within the marriage contract.

In conclusion, the foundational doctrines of Hindu and Muslim marriage laws reflect a deep-rooted dichotomy between sacrament and contract, tradition and choice, permanence and negotiability. These conceptual divergences are not merely academic—they inform the everyday lived realities of married life, legal remedies, and the broader discourse on personal law reform and constitutional conformity in India.

13. CONCLUSION

The divergent theological and philosophical foundations of marriage in Hindu and Muslim personal laws continue to exert a profound influence on the legal construction of matrimonial rights and obligations in India. While Hindu law conceptualizes marriage as a sacrament, rooted in spiritual ideals of duty (dharma), permanence, and moral restraint, Muslim law views it as a civil contract, grounded in mutual consent, negotiated obligations, and legal enforceability. These foundational differences are not merely symbolic—they manifest in real, substantive ways that determine how spouses experience marriage, divorce, property rights, maintenance, and gender roles.

The Hindu sacramental model imposes a moral and spiritual framework, often emphasizing social conformity and religiously defined roles, particularly for women. Concepts such as pativrata, kanyadaan, and saptapadi underscore the hierarchical and gendered nature of marital duties. In contrast, the Islamic contractual model allows for greater legal agency, with requirements for free consent, provision of mehr, and recognized grounds for dissolution of marriage. While both systems provide certain protections and duties, they are inherently shaped by patriarchal norms, and their functioning often leads to differential treatment of spouses, especially in terms of autonomy and access to justice.

From a constitutional perspective, these distinct approaches to marriage raise critical questions about equality (Article 14), non-discrimination (Article 15), and the right to life and dignity (Article 21). The disparities in spousal rights—particularly regarding divorce procedures, maintenance entitlements, and decision-making authority—present tangible challenges to legal uniformity and gender justice. The personal law framework, while respecting cultural and religious diversity, must also evolve to reflect the values of constitutional morality, a concept that India's judiciary has increasingly embraced.

Thus, understanding the theoretical and religious foundations of these personal laws is not a mere academic exercise; it is a prerequisite to meaningful reform. Any comparative analysis or proposed harmonization must be sensitive to both the internal logics of religious doctrines and the external demands of constitutional principles. This

²⁷ Fyzee, A. A. A. (2008). *Outlines of Muhammadan Law* (5th Ed., Revised by Tahir Mahmood). Oxford University Press.

²⁸ Ali, A. Y. (2017). *Muslim Family Law in India*. Oxford University Press.

²⁹ Agnes, F. (1999). *Law And Gender Inequality: The Politics of Women's Rights in India*. Oxford University Press.

chapter has laid the conceptual groundwork for analyzing the operational differences in matrimonial rights and obligations in the next sections of this study. The following chapters will move from doctrine to application, assessing how these legal philosophies are translated into statutory provisions and judicial interpretations, and how they impact individuals—especially women—within the institution of marriage.