

Diary No. : 67256/2025

A3

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO. _____ OF 2026

IN THE MATTER OF:-

Poulomi Pavini Shukla & Anr.

...Petitioners

Versus

Union of India & Anr.

....Respondents

I.A. No. 49527 /2026

**AN APPLICATION FOR
CONDONATION OF DELAY IN
REFILING THE WRIT
PETITION ALONGWITH
AFFIDAVIT.**

***PAPER – BOOK
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ADVOCATE FOR PETITIONERS: NIHAL AHMAD

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A

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Versus

Union of India & Anr.

....Respondents

OFFICE REPORT ON LIMITATION

1. The Petition is/are within time.
2. The Petition is barred by time and there is delay of days in filing the same against order dated and petition for condonation of days in has been filed.
3. There is delay of **35** days in re-filing the Petition and Petition for condonation of **35** day's delay in re-filing has been filed.

(BRANCH OFFICER)

NEW DELHI

DATED: 11.04.2026

ANNEXURE 'Y'PROFORMA FOR FIRST LISTING

SECTION:

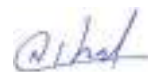
THE CASE PERTAINS TO (please tick/check the correct box):

☐ Central Act: (Title)	The Muslim Personal Law (Shariat) Application Act, 1937
☐ Section:	Section 2 of The Muslim Personal Law (Shariat) Application Act, 1937
☐ Central Rule: (Title)	N.A.
☐ Rule No(s):	N.A.
☐ State Act: (Title)	Uniform Civil Code of Uttarakhand Act, 2024
☐ Section:	Not Applicable
☐ State Rule: (Title)	N.A.
☐ Rule No(s):	N.A.
☐ Impugned interim order: (Date)	N.A.
☐ Impugned Final Order/Decree: (Date)	Not Applicable
☐ High Court: (Name)	Not Applicable
☐ Name of Judges:	Not Applicable
☐ Tribunal/Authority: (Name)	N.A.

-
- | | |
|--|---|
| 1. Nature of matter: | Civil matter |
| 2. (a) Petitioner/appellant No. 1: | Poulomi Pavini Shukla & Anr. |
| (b) e-mail ID: | iamnihal@gmail.com |
| (c) Mobile phone number: | N.A. |
| 3. (a) Respondent No. 1: | Union of India & Anr. |
| (b) e-mail ID: | N.A. |
| (c) Mobile phone number: | N.A. |
| 4. (a) Main category classification: | 21 (FAMILY LAWS) |
| (b) Sub classification: | 21P (PIL related to the subject matter) |
| 5. Not to be listed before: | N.A. |
| 6. (a) Similar disposed of matter with citation, if any, & case details: | No similar matter disposed of |
| (b) Similar pending matter with case details: | No similar matter pending |
| 7. CRIMINAL MATTERS: | No criminal matter |
| (a) Whether accused/convict has surrendered: | Not Applicable |
| (b) FIR No. and Date: | Not Applicable |

- (c) Police Station: Not Applicable
- (d) Sentence Awarded: Not Applicable
- (e) Period of Sentence Undergone including period of detention/ custody undergone: Not Applicable
- (f) Whether any earlier case between the same parties is filed: Not Applicable
- (g) Particulars of the FIR and Case: Not Applicable
- (h) Whether any bail application was preferred earlier and decision thereupon: Not Applicable
8. LAND ACQUISITION MATTER:
- (a) Date of Section 4 Notification: N.A.
- (b) Date of Section 6 Notification: N.A.
- (c) Date of Section 17 Notification: N.A.
9. TAX MATTERS: N.A.
- State the tax effect: N.A.
10. Special category (first petitioner/appellant only): N.A.
- ☐ Senior citizen > 65 years ☐ SC/ST [] Woman/child ☐ Disabled
- ☐ Legal Aid Case ☐ In custody ☐
11. Vehicle Number (in case of Motor Accident Claim matters): N.A.
12. Whether there was/is litigation on the same point of laws, if yes, details thereof: There is no litigation on the same point of laws between the same parties.

Dated : 11.04.2026



[NIHAL AHMAD]

Advocate for the Petitioners
Office at :- 15, Lower Ground Floor,
Jangpura Extension, New Om Hotel,
New Delhi-110014.
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M-9313283693
Code No. 3592

B

SYNOPSIS, LIST OF DATES AND EVENTS

The present Writ Petition under Article 32 raises a limited constitutional challenge to the statutory recognition and enforcement of Muslim Personal Law under the Muslim Personal Law (Shariat) Application Act, 1937 (hereinafter "Shariat Act, 1937") insofar as it governs inheritance and testamentary succession, on the ground that Shariat Inheritance and Shariat Testamentary Succession are not "essential religious practice" and such application results in discrimination violative of Articles 14 and 15 of the Constitution of India.

1. That the present petition does not challenge religion or religious practices, but is confined only to Shariat inheritance and Shariat testamentary succession.
2. That Shariat Inheritance and Shariat testamentary rules do not constitute "essential religious practices" under Article 25 as Muslims in India are, besides Shariat law, subject to varying statutory frameworks across different States which do not apply such rules, thereby demonstrating that they are not indispensable to the practice of Islam.
3. That Shariat Inheritance arising from the Shariat Act, 1937 operates in an inherently unequal manner, violative of Articles 14 and 15. Under intestate succession, women are structurally assigned lesser shares than men, and in several situations are denied full inheritance, resulting in systematic deprivation of property rights solely on the basis of gender.

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4. That Shariat testamentary rules restrict a Muslim from bequeathing more than one-third of their property even when such property is self-acquired, thereby denying full autonomy over property. Consequently, Muslims remain the only class of citizens in India without complete testamentary rights over self-acquired property.
5. That Muslim women remain the only substantial class of women in India denied equal inheritance rights, while all other communities are governed by secular statutes providing equality, resulting in a constitutionally impermissible classification based on religion and gender.
6. That the Shariat Act, 1937 itself creates a clear statutory distinction between intestate and testamentary succession. Section 2 mandates Shariat as the "rule of decision" for intestate succession, while testamentary succession is consciously excluded from Section 2 and placed under Section 3, where its application depends on a voluntary declaration. This statutory scheme itself demonstrates that testamentary succession is not treated as compulsory or essential to religion even by Legislature.
7. That despite such statutory exclusion, Shariat testamentary rules have been applied in practice without legislative mandate, thereby imposing restrictions not traceable to statute and resulting in arbitrariness.
8. That it is submitted that, unlike other matters in Section 2 (such as marriage, divorce, maintenance and guardianship)

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which operate uniformly across India, inheritance and testamentary succession are today governed by multiple parallel regimes. Muslims are subject to at least five frameworks: (i) Shariat Act, 1937, (ii) State Revenue Codes, (iii) Special Marriage Act regime, (iv) Goa Civil Code, and (v) Uttarakhand Uniform Civil Code.

9. That this fragmentation directly defeats the purpose of the Shariat Act, 1937, which was enacted to secure uniform application of Muslim personal law in place of diverse customs. The present non-uniformity reintroduces the very inconsistency the Act sought to eliminate.
10. That the Shariat Act, 1937 was historically enacted as a reformative measure to improve the legal status of Muslim women, particularly where customs excluded them from inheritance. However, its continued application in a manner that results in unequal shares now operates contrary to its original purpose and becomes a barrier to substantive equality.
11. That the present Writ Petition raises the following substantial questions of law:
 - (I) First Question
12. Whether Section 2 of the Shariat Act, 1937, insofar as it mandates the application of Shariat principles to intestate inheritance, is subject to challenge under Articles 13, 14 and 15, on the ground that such principles are inherently discriminatory, violate gender equality, and do not

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constitute an essential religious practice under Article 25, particularly in light of:

- (i) historical exclusion of Shariat Inheritance from Muslim property of agricultural land & continued non-application in several States including Uttar Pradesh;
- (ii) supercession by the Goa Civil Code and the Uttarakhand Uniform Civil Code;
- (iii) inapplicability to Muslims with marriages under the Special Marriage Act; and
- (iv) modification across Muslim jurisdictions.

(II) Second Question

13. Whether the application of Shariat principles to testamentary succession—despite the absence of statutory mandate under Section 2 and the express optional nature under Section 3 of the Shariat Act—is constitutionally sustainable, and whether such rules:

- (i) constitute an essential religious practice in the light of
 - (a) exclusion in Shariat Act, 1037
 - (b) historical exclusion of Shariat Testamentary rules from Muslim property of agricultural land & continued non-application in several States including Uttar Pradesh;

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- (c) supersession by the Goa Civil Code and the Uttarakhand Uniform Civil Code;
- (d) inapplicability to Muslims with marriages under the Special Marriage Act; and
- (e) modification across Muslim jurisdictions.

and

(ii) can withstand scrutiny under Articles 14 and 15,

(III) Third Question

14. Whether the continued reliance on State of Bombay v. Narasu Appa Mali (AIR 1952 BOM 84) to exclude personal law from Article 13 remains valid, in light of subsequent judgments including Shayara Bano v. Union of India (2017 (9) SCC 1), Indian Young Lawyers Association v. State of Kerala (2019 (11) SCC 1), and Joseph Shine v. Union of India (2019 (3) SCC 39), which recognise that statutory personal law and practices having civil consequences are subject to fundamental rights scrutiny.

(IV) Fourth Question

15. Whether the coexistence of regimes such as the Uniform Civil Code of Uttarakhand Act, 2024 creates unconstitutional inequality under Article 14 by granting Muslim women equal inheritance and full testamentary rights within one State while denying the same rights to similarly situated Muslims elsewhere.

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(V) Fifth Question

16. What law governs Muslims in the event that:
 - (a) Section 2 of the Shariat Act, 1937 is held ultra vires to the extent it mandates Shariat inheritance; and/or
 - (b) Shariat testamentary rules are held unconstitutional and not essential religious practices.
17. That this Hon'ble Court in *Shayara Bano v. Union of India* has held that practices which are not essential religious practices and which are manifestly arbitrary are subject to constitutional scrutiny under Articles 14 and 15.
18. That inheritance and testamentary succession have never been adjudicated as essential religious practices, and the present case raises this issue for the first time.
19. That at the outset, the apprehension of any "legal vacuum" is wholly unfounded. Indian constitutional jurisprudence recognises that where a law is struck down, the field is governed by:
 - (i) valid custom, if proved and constitutionally compliant;
 - (ii) the doctrine of justice, equity and good conscience; and
 - (iii) guidance from existing secular statutory frameworks.

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20. That prior to 1937, Muslim succession was governed either by custom or by justice, equity and good conscience, and this framework continues to operate residually.
21. That judicial precedents including Mary Roy v. State of Kerala (AIR 1986 SC 1011), Shabnam Hashmi v. Union of India (2014 (4) SCC 1), and Ram Charan v. Sukhram (2025 INSC 865) establish that:
 - (i) no legal vacuum arises when a discriminatory regime is displaced;
 - (ii) courts may apply secular statutory frameworks; and
 - (iii) equality must prevail in the absence of valid custom.
22. That courts are not limited to a single fallback and may:
 - (a) apply constitutionally valid custom;
 - (b) apply justice, equity and good conscience;
 - (c) draw guidance from the Indian Succession Act, 1925 or read down or sever exclusionary provisions such as Section 58; or
 - (d) directly enforce equality under Articles 14 and 15.
23. That the Uniform Civil Code of Uttarakhand Act, 2024 demonstrates that a secular, gender-equal framework governing Muslims in matters of succession is already operational within India.

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24. That therefore, the striking down of discriminatory Shariat-based rules would not result in uncertainty or chaos, but would lead to a constitutionally guided transition to an equal and rights-compliant regime.
25. That the present Petition is filed in public interest and is not guided by any personal or private motive.

LIST OF DATES

7 th -9 th Centuries	Islam arrives on the Malabar coast through trade Arab merchants established settlements along Kerala's Malabar Coast by the late 7th century, forming early Muslim communities through trade and intermarriage. Scholarly work notes deep West Asian-Kerala trade links and a gradual evolution of distinctive Mappila culture from these contacts. The earliest inscriptional evidence for Muslims in Kerala appears by the mid-9th century (Tarisappalli copper plates), confirming their presence alongside other communities.
9th-16th centuries:	Formation and consolidation of the Mappila community By the medieval period, the Mappilas had developed a distinct Indo-Arab identity, practiced Islam while integrating Malayalam and local cultural norms. Their language, customs, and social life show adaptation to Kerala's environment, with Arabic used primarily for

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	religious purposes and Malayalam for everyday life. This blend shaped a community different from other Indian Muslim groups.
1925	Indian Succession Act, 1925 [Act No. 39 of 1925] – Governs succession for Christians, Parsis, and other non-Muslims. Excludes Muslims, whose inheritance is governed by Personal law. Establishes uniform procedures for wills, probate, and intestate succession across India.
1932	Mappila Marumakkathayam Act, 1932 -The Mappila Marumakkathayam Act, 1932 was enacted to codify the matrilineal system of inheritance practiced by the Mappila Muslim community in Kerala. It governed matters such as succession, family property rights, and guardianship under the Marumakkathayam tradition, where lineage and assets passed through the female line. The Act aimed to provide legal clarity and uniformity to these customary practices. It was later repealed as part of broader reforms toward a unified Personal law system.
1937	Muslim Personal Law (Shariat) Application Act, 1937 [Act No. 26 of 1937] – Mandates application of Shariat to Muslims in matters of marriage, divorce, maintenance, inheritance, and wakf. Overrides customary practices and ensures

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	Personal law governs family affairs.
1948	Universal Declaration of Human Rights [UNGA Resolution 217 A (III)] – Affirms global commitment to equality, dignity, and non-discrimination. India’s endorsement reinforces constitutional obligations to uphold gender justice and reform discriminatory laws.
1952	State of Bombay v. Narasu Appa Mali, [1951 SCC OnLine Bom 72] -Bombay High Court held that Personal laws are not “laws” under Article 13 of the Indian Constitution and thus cannot be challenged for violating fundamental rights. The Hon’ble Court upheld the Bombay Prevention of Hindu Bigamous Marriages Act, stating it did not violate Articles 14 or 15 despite applying only to Hindus. This judgment remains significant in debates on the Uniform Civil Code and constitutional scrutiny of Personal laws
1952	State of West Bengal v. Anwar Ali Sarkar [1951 SCC OnLine Cal 124] – Struck down arbitrary classification under Article 14. Held that procedural inequality violates constitutional guarantees. Supports scrutiny of Personal law provisions that deny equal protection.
1954	Commissioner, Hindu Religious Endowments v. Shirur Mutt [1934 SCC OnLine Mad 408] – Defined

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	scope of religious freedom under Article 25. Clarified that state can regulate secular aspects of religion. Relevant to assessing state's role in reforming Personal law.
1954	State of M.P v. G.C. Mandawar, [1954 SCC OnLine SC 12] The Hon'ble court held that territorial legislation cannot produce discrimination among citizens of the same class.
1958	Shri Ram Krishna Dalmia v. Justice Tendolkar, [1957 SCC OnLine Bom 211] held that the classification "may be founded on different bases, namely, geographical, or according to objects or occupations or the like", but it needs to have a reasonable nexus with the object of the statute. It was held that "Article 14 condemns discrimination not only by a substantive law but also by a law of procedure"
1959	Deep Chand v. State of U.P. [1959 SCC OnLine SC 12] Repugnancy between Central and State laws can arise in three ways: when there is a direct conflict between their provisions, when the Central law is meant to be a complete and exhaustive code on the subject, or when both laws deal with the same subject matter
1974	E.P. Royappa v. State of Tamil Nadu [1973 SCC OnLine SC 363] – Introduced the arbitrariness

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	doctrine under Article 14. Held that arbitrariness is antithetical to equality. Supports challenge gender-based exclusions in Personal law.
1975	Kerala Joint Family System (Abolition) Act, 1975 The Kerala Joint Hindu Family System (Abolition) Act, 1975 abolished the traditional joint family system among Hindus in Kerala, ending the concept of shared family property and converting all such holdings into individual ownership. It defined joint families as those with community of property and formally dissolved them, promoting nuclear family structures and aligning property rights with modern legal norms.
1979	M. Karunanidhi v. Union of India, [1979 SCC OnLine SC 133] is a landmark Supreme Court case that clarified the doctrine of repugnancy under Article 254 of the Indian Constitution. The Hon'ble Court held that repugnancy arises only when both Central and State laws deal with the same subject matter and are inconsistent, making it impossible to obey both simultaneously. It laid down a four-step test to determine repugnancy, emphasizing that incidental overlap does not invalidate State laws unless there is clear conflict with Central legislation.
1979	India ratifies ICCPR [UN Treaty Series Vol. 999,

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	No. 14668] – Commits India to international standards of legal equality and non-discrimination. Strengthens PIL's reliance on global human rights obligations to reform Personal law.
1984	Motor General Traders v. State of A.P.[1983 SCC OnLine SC 276] dealt with a provision in the Andhra Pradesh Rent Control Act that exempted buildings constructed after August 26, 1957, from rent regulation. The Supreme Court held this classification, which violated Article 14 of the Constitution, as it was arbitrary and lacked a rational basis. The judgment reinforced that legislative classifications must be reasonable and not discriminatory.
1985	Olga Tellis v. Bombay Municipal Corporation, [1985 SCC OnLine SC 175] is a landmark case where the Supreme Court held that the right to livelihood is part of the right to life under Article 21 of the Constitution. The case involved pavement dwellers facing eviction by the municipal authorities. The Hon'ble Court ruled that although the eviction was legally valid, it must be carried out with humane considerations, recognizing the socio-economic realities of the poor.
1993	CEDAW, ratified by India on 9 July 1993 India ratified the Convention on the Elimination of All

	Forms of Discrimination Against Women (CEDAW) on 9 July 1993, committing to uphold gender equality and eliminate discrimination against women in all spheres. CEDAW obligates signatory countries to incorporate gender-sensitive laws, policies, and practices. India ratified it with certain reservations, particularly regarding uniform civil code and family laws.
1994	Ismail Faruqui v. Union of India [(1994) 6 SCC 360] – Clarified secularism and state’s role in regulating religious institutions. Affirmed that religious practices not essential to faith can be regulated. Supports PIL’s prayer for uniform reform.
1994	S.R. Bommai v. Union of India [1994 SCC OnLine SC 134] Declared secularism part of the Constitution’s basic structure. Strengthened the principle of constitutional morality. Relevant to PIL’s challenge to religion-based legal exclusions.
1996	C. Masilamani Mudaliar v. Idol of Sri Swaminathaswami Thirukoil [(1996) 8 SCC 525] – Affirmed women’s property rights as part of constitutional equality. Held that Personal laws must align with constitutional mandates. Supports PIL’s inheritance reform prayer.

P

1997	Ahmedabad Women Action Group v. Union of India [(1997) 3 SCC 573] – PIL challenging discriminatory Muslim Personal laws. Dismissed on grounds of judicial restraint but remains foundational for current constitutional challenge.
2003	John Vallamattom v. Union of India [2003 SCC OnLine SC 716] – Struck down Section 118 of the Indian Succession Act as discriminatory. Affirmed Article 14 and secular legislative reform. Supports PIL's statutory amendment argument.
2008	Kaiser-I-Hind (P) Ltd. v. National Capital Territory of Delhi, [(2008) 8 SCC 31] dealt with the issue of repugnancy under Article 254 of the Constitution. The Supreme Court held that when a State law, even with Presidential assent, conflicts with a later Central law on the same subject, the Central law prevails. This reaffirmed the supremacy of Parliament in concurrent matters.
2017	Shayara Bano v. Union of India [2017 SCC OnLine SC 963] Triple talaq declared unconstitutional. Landmark judgment affirming Muslim women's dignity and equality. Forms core precedent for PIL's prayer to invalidate discriminatory practices.
2018	Navtej Singh Johar v. Union of India [2018 SCC OnLine SC 1350] – Decriminalized consensual same-sex relations. Expanded Article 21 to include

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	dignity, autonomy, and privacy. Strengthens PIL's rights-based framing.
2019	Indian Young Lawyers Association v. State of Kerala [2016 SCC OnLine SC 65] – Sabarimala reference. Reaffirmed constitutional morality over religious exclusion. Supports PIL's gender justice and equality arguments.
2019	Joseph Shine v. Union of India [2018 SCC OnLine SC 1676] – Struck down adultery law as unconstitutional. Affirmed gender equality, autonomy, and dignity. Reinforces PIL's reliance on Articles 14 and 21.
2019	Jose Paulo Coutinho v. Maria Luiza Valentina Pereira, [2019 SCC OnLine SC 1190] addressed the issue of uniform civil code in India. The Supreme Court noted that Goa has a uniform civil code applicable to all communities, setting an example for the rest of the country. The Hon'ble Court praised Goa's legal framework for ensuring equality in Personal laws and emphasized the need for similar reforms nationwide to uphold constitutional values.
2023	Sabina Yusuf Lakadawala v. Union of India & Ors., W.P.(C) No. 001260 - / 2023 involved a writ petition challenging the Muslim Personal Law (Shariat) Application Act, 1937 for denying equal

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	succession rights to Muslim women. The Supreme Court dismissed the plea, holding that matters of Personal law fall within the legislative domain. It emphasized that granting equal rights irrespective of religion is a task for Parliament, not the judiciary.
2024	Sufiya P.M. v. Union of India, W.P. (C) No. [W.P.(C) No. 000135 - / 2024] [SUB- JUDICE] involved a petition by a Kerala-based woman who identified as a non-believer and sought to be governed by the Indian Succession Act, 1925 instead of Muslim Personal Law. The Supreme Court was urged to exempt non-believing Muslims from the Shariat Act, 1937. The Union Government argued that such changes fall within Parliament's domain, not judicial intervention.
2024	State of Uttarakhand enacts Uniform Civil Code [UCC Act, 2024 – State Gazette] – First Indian state to codify a Uniform Civil Code. Apply uniform rules on marriage, divorce, succession, live-in relationships, and guardianship. Directly relevant to PIL's prayer for statutory parity and constitutional compliance.
2024	The Uniform Civil Code of Uttarakhand, 2024 received Presidential assent on 11 th March 2024 under Article 201 of the Constitution of India

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2025	Naushad K.K. v. Union of India, [W.P.(C) No. 000205/2025] [SUB-JUDICE] involved a practicing Muslim man who petitioned the Supreme Court seeking inheritance rights under the Indian Succession Act, 1925 instead of Muslim Personal Law. He argued that forced application of religious inheritance laws violated his fundamental rights under Articles 14, 21, and 25. The case reignited debate on Personal law reform and individual freedom to opt out of religious mandates.
25.03.2026	The Gujarat Uniform Civil Code Bill, 2026 passed by the Assembly of the State of Gujarat.
10.04.2026	Hence, this amended Writ Petition.

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (C) NO. _____ OF 2026

IN THE MATTER OF:-

- | | |
|---|---------------------|
| 1. Poulomi Pavini Shukla
Age: 33 Years
Occupation: Advocate
Address: 12 Hazratmahal Road Cantonment
Lucknow U.P. -226002
Email: poulomi0292@gmail.com
Phone: +919415600002 | Petitioner
No. 1 |
| | |
| 2. Nyaya Naari Foundation
<u>Registered Address:</u>
4/34 Vivek Khand Gomti Nagar,
Lucknow - 226002
Through its Authorised Representative:
Ms. Aisha Jawaid,
Age: 27 Years,
Designation: Director
Email: aishajawaid7@gmail.com
Phone: 8447997223 | Petitioner
No. 2 |

Versus

- | | |
|---|----------------------------------|
| 1. Union of India
Through Secretary,
Ministry of Law & Justice,
Govt. of India
4 th Floor, A-Wing,
Shastri Bhawan,
New Delhi-110 001 | Contesting
Respondent
No.1 |
| | |
| 2. Ministry of Minority Affairs,
Through Secretary,
Government of India,
CGO Complex,
New Delhi – 110003 | Contesting
Respondent
No.2 |

**WRIT PETITION UNDER ARTICLE 32 OF THE
CONSTITUTION OF INDIA**

TO,

**THE HON'BLE CHIEF JUSTICE OF
INDIA AND HIS COMPANION
JUDGES OF THE HON'BLE SUPREME
COURT OF INDIA**

**THE HUMBLE PETITION OF THE
PETITIONERS ABOVE NAMED**

MOST RESPECTFULLY SHOWETH:

1. That the present Writ Petition raises a limited constitutional challenge to the statutory recognition and enforcement of Muslim Personal Law under the Muslim Personal Law (Shariat) Application Act, 1937 (also hereinafter referred to as Shariat Act, 1937) insofar as it governs inheritance and testamentary succession, on the ground that Shariat Inheritance and Shariat Testamentary Succession are not "essential religious practice" and such application results in discrimination violative of Articles 14 and 15 of the Constitution of India.
2. That the petitioner does not have any personal interest in filing the litigation and the petition is not guided by self-gain or for gain of any other person or institution or body and there is no motive other than of public interest in filing the present Writ Petition.

3. (A) **Full details of the Petitioners:-**

(i) Petitioner No.1

Petitioner's Full name	:	Poulomi Pavini Shukla
Postal address	:	12 Hazrat Mahal Road Cantonment Lucknow U.P. - 226002
E-mail id	:	poulomi0292@gmail.com
Phone no.	:	+919415600002
Proof for identification	:	Adhar Card
Occupation	:	Advocate
Annual income	:	Approx. Rs. 20 Lacs
PAN No.	:	EXHPS8814M
Aadhar Card No.	:	658217167892

(ii) Authorised Representative/Director of Petitioner No.2

Petitioner's Full name	:	Ms. Aisha Jawaid
Postal address	:	A-129, First Floor, New Friends Colony, Jamia Nagar, South Delhi, Delhi-110025
E-mail id	:	aishajawaid7@gmail.com
Phone no.	:	8447997223
Proof for identification	:	Adhar Card
Occupation	:	Advocate
Annual income	:	Approx. Rs. 3 Lacs
PAN No.	:	BDVPJ0827M
Aadhar Card No.	:	8543 4534 3476

4. That Shariat Testamentary rules are not an "essential religious practice" and violative of Articles 14 and 15 of the Constitution and their application by Courts outside the ambit of the Muslim Personal Law (Shariat) Application Law, 1937 is violative of Fundamental Rights.
5. That the present petition does not challenge religion or religious practices, but is confined only to inheritance and testamentary succession.

6. That Shariat Inheritance and Shariat testamentary rules do not constitute “essential religious practices” in the context of Article 25 because Muslims in India are, besides Shariat law, subject to varying statutory frameworks across different States in India which do not apply Shariat Inheritance and Shariat testamentary rules.
7. That the Petitioner No.1, Poulomi Pavini Shukla, aged about 33 years, daughter of Pradeep Shukla, presently residing at 12 Hazrat Mahal Road Cantonment, Lucknow, India is a public-spirited citizen, advocate and author working extensively in the field of constitutional rights and welfare of marginalized groups. Petitioner No. 1 is a Forbes 30 Under 30 awardee, included by Femina magazine in its Fab 40 list and the author of the widely cited book “Weakest on Earth – Orphans of India.” published by Bloomsbury. She has been consistently engaged in social justice and policy reform work, particularly in the fields of education and rights of orphaned children and has been recognized nationally for her contribution to public interest causes. Her follow-up has resulted in change of policies for orphans in eight States. The Petitioner has also previously obtained directions from this Hon’ble Court in her Public Interest Litigation being Writ Petition (C) No. 503 of 2018 concerning orphan welfare, enumeration of orphans, and related policy reforms, which demonstrates her bona fides and long-standing commitment to public causes.

8. That the Petitioner No. 2, Nyaya Naari Foundation, is a registered organization engaged in advancing legal rights, constitutional protections and access to justice for women. The Petitioner No. 2 is represented in the present proceedings through its authorized representative, Ms. Aisha Jawaid, duly empowered to sign, affirm, verify and file this Writ Petition, affidavits, applications and to undertake all necessary acts in relation to these proceedings.
9. That the issues raised in this Petition have been endorsed by the Indian Muslims for Secular Democracy (IMSD) which issued a Press Statement dated 17 March, 2026 by prominent Muslims/Indians and members of the Bhartiya Muslim Mahila Andolan (BMMA). This was covered by national newspapers like The Hindu.

A typed copy of the Press Statement of Indian Muslims for Secular Democracy (IMSD) and a photocopy of The Hindu article – “Muslim groups welcome SC observations on women’s inheritance rights” – dated 18 March, 2026 with a list of Muslims whose letters of support have been received by the petitioners is annexed herewith and marked as **ANNEXURE P-1, Pg. No. 86 to 92.**

A. THE FACTS CONSTITUTING THE CAUSE OF ACTION:

10. That the attending facts and circumstances of this Writ Petition are as follows:

11. That intestate inheritance under Shariat law is inherently unequal and discriminatory against women, inasmuch as daughters are entitled to a lesser share than sons and women are otherwise placed in a structurally inferior position in the scheme of succession. Such unequal treatment, when recognised and enforced through the Muslim Personal Law (Shariat) Application Act, 1937, directly results in discrimination on the ground of sex and is therefore violative of Articles 14 and 15 of the Constitution of India.
12. That, similarly, under Shariat testamentary rules, Muslims are restricted in their power to dispose of property by will to only one-third of the estate, even in respect of self-acquired property and a consent of legal heirs is prescribed. Thus, Muslims are subjected to a restriction on testamentary freedom which does not apply to other citizens of India and such restriction operates as a direct civil and economic disability.
13. That the Shariat principles of inheritance of property have never been examined by this Hon'ble Court on the anvil of whether they constitute an "Essential Religious Practice" of Islam, particularly in light of the fact that such principles have not been followed by Muslims in many States for over seven decades in relation to agricultural property without any challenge, and further in light of the fact that in Islam and Shariat there is no differentiation in property.

14. That the non-application of Shariat inheritance to agricultural land in many States for several decades, without legislative or judicial over-turning and without any social or religious upheaval, itself demonstrates that such principles have not been treated as "essential religious practice". In Shariat there is no distinction between classes of property, yet the law in some States of India has long not applied Shariat inheritance to agricultural property thereby undermining any claim of "essentiality" of Shariat inheritance.
15. That the Shariat testamentary rules have likewise never been examined by this Hon'ble Court on the anvil of whether they constitute an "Essential Religious Practice" of Islam, particularly in light of the statutory scheme of the Muslim Personal Law (Shariat) Application Act, 1937 itself and exclusion from agricultural property.
16. That Section 2 of the Muslim Personal Law (Shariat) Application Act, 1937, which mandates application of Shariat law as the rule of decision for defined topics for Muslims, has specifically excluded testamentary succession, while Section 3 provides that Shariat law of testamentary succession will apply only if a Muslim files a declaration to that effect. This clearly implies that a Muslim may continue to remain Muslim without being governed by Shariat law of testamentary succession, and therefore Shariat testamentary rules cannot be treated as an "Essential Religious Practice" of Islam.

17. That Shariat principles of testamentary succession have also not been followed by Muslims in many States where Revenue Codes have, for over seven decades, governed agricultural property and applied secular laws of testamentary succession uniformly to both Muslims and Hindus, without any social discord. By reason of such long-standing acceptance, and by the doctrine of acquiescence, the Shariat principles of testamentary succession cannot be regarded as an "Essential Religious Practice" in India.
18. That despite the explicit and deliberate carve-out made by the legislature in the Shariat Act, 1937, subordinate courts in India have continued to apply Shariat law of testamentary succession to Muslims as a default rule of decision. This is contrary to the legislative intent underlying Sections 2 and 3 of the Shariat Act, 1937, under which testamentary succession was not made mandatorily applicable but was consciously left optional.
19. That this anomaly, namely the continued judicial application of Shariat principles to testamentary succession despite their express exclusion from the mandatory scope of Section 2 and their optional treatment under Section 3, has never been examined by this Hon'ble Supreme Court.
20. That the cause of action for filing the present Writ Petition has further arisen on account of the enactment and enforcement of the Uniform Civil Code of Uttarakhand Act, 2024, which, for the first time since Independence, has

created a situation where Muslim women belonging to the same faith, lineage, and citizenship are subjected to unequal inheritance regimes solely on the basis of residence. While Muslim women residing in the State of Uttarakhand are now entitled to equal inheritance rights under the said enactment, Muslim women residing in the rest of India continue to be governed by the Muslim Personal Law (Shariat) Application Act, 1937, under which daughters inherit a lesser share.

21. That this is also the position in relation to testamentary succession, inasmuch as Muslims residing in Uttarakhand enjoy full testamentary rights, whereas Muslims outside Uttarakhand continue to be subject to the restrictions of Shariat law governing testamentary succession.
22. That this territorial fragmentation of inheritance rights of women and testamentary rights of Muslims within the same religious community has resulted in a direct constitutional anomaly, giving rise to a continuing and recurring cause of action, as the same religious identity now yields different civil consequences depending entirely on the State in which a person resides. The cause of action is thus ongoing and subsists for as long as such unequal operation of inheritance and testamentary succession laws continues across India.
23. That the Assembly of the State of Gujarat has passed the Gujarat Uniform Civil Code Bill, 2026 with provisions largely

similar to the provisions of the Uttarakhand Uniform Civil Code Act, 2024, thereby indicating that the emergence of parallel statutory regimes governing the same subject matter is no longer confined to one State alone.

24. That the present cause of action therefore arises not only from the continued enforcement of discriminatory inheritance rules and restrictive testamentary rules under the Muslim Personal Law (Shariat) Application Act, 1937, but also from the fact that these rules have not been judicially tested by this Hon'ble Court against Part III of the Constitution despite their direct civil and economic consequences, their non-uniform application across States, their exclusion in relation to agricultural property, their optional treatment in the statute itself in relation to testamentary succession, and their supersession in Uttarakhand and proposed supersession in Gujarat.
25. That the present Petition is therefore necessitated by the continuing violation of Articles 14 and 15 of the Constitution, by the unequal economic consequences suffered by Muslim women in inheritance, by the restrictions imposed upon Muslims in testamentary succession, and by the direct constitutional anomaly created by the coexistence of unequal Shariat-based rules in some parts of India and equal civil-code-based rules in others.

B. THE NATURE OF INJURY CAUSED OR LIKELY TO BE CAUSED OF THE PUBLIC:

26. That the injury caused by the impugned constitutional situation is not confined to any individual but affects a large and indeterminate class of Muslim women and men across India, thereby squarely falling within the domain of public injury. The impugned framework governs civil and economic rights of inheritance and testamentary succession, resulting in tangible financial and proprietary consequences for an entire class of citizens, independent of individual facts or disputes.
27. That the continuation of unequal Shariat inheritance rights for Muslim women, despite these not being “essential religious practice” results in systemic economic deprivation of Muslim women outside Uttarakhand, reinforces gender-based discrimination, and undermines the constitutional guarantee of equality before law under Articles 14 and 15 of the Constitution. Under the prevailing framework, women are structurally assigned lesser shares than men and, in certain situations, including where a deceased leaves behind only daughters, are denied full inheritance with portions devolving upon residuary male relatives. The injury is structural and ongoing in nature, as similarly placed women are denied equal civil and proprietary rights. The resulting harm is substantive, leading to erosion of dignity, financial insecurity and unequal citizenship. If left unaddressed, the impugned disparity is likely to perpetuate

intergenerational economic inequality, uncertainty in succession rights, and unequal access to property for Muslim women across States, thereby affecting public interest at a national level.

28. That the continuation of unequal Testamentary rights for Muslims further aggravates this constitutional injury and undermines the guarantee of equality before law under Articles 14 and 15 of the Constitution. Muslims are uniquely restricted in their ability to exercise testamentary autonomy, being limited to disposition of only one-third of their property, even in respect of self-acquired property, thereby denying full self-determination over property. This restriction operates even in the absence of a clear statutory mandate under Section 2 of the Muslim Personal Law (Shariat) Application Act, 1937 and is applied as a default rule of decision, contrary to legislative intent. The injury is structural and ongoing in nature, as similarly placed Muslims are denied equal civil testamentary rights not only on the basis of geographical discrimination, particularly in light of divergent State enactments such as the Uniform Civil Code of Uttarakhand, but also on account of a uniform denial of autonomy that applies across India.
29. That the aforesaid injury is not merely individual or incidental but arises from the operation of a statutory framework that imposes unequal civil consequences on a class of citizens on the basis of religion. The injury is continuous, recurring, and self-perpetuating in nature, as

every instance of succession gives rise to the same constitutional violation. It therefore raises issues of grave public importance concerning equality, dignity, and economic rights, warranting consideration by this Hon'ble Court.

C. THE NATURE AND EXTENT OF PERSONAL INTEREST, IF ANY OF THE PETITIONER.

The Petitioners have no personal, pecuniary, or private interest in the subject matter of the present Public Interest Litigation. Petitioner No. 1 is a Hindu by faith and is not governed by the Muslim Personal Law (Shariat) Application Act, 1937, and therefore does not stand to derive any personal benefit from the reliefs sought herein. Petitioner No. 2 is a Section 8 company incorporated for charitable and public purposes and is not an individual governed by any personal law regime. The present petition is filed purely in public interest to address a constitutional anomaly affecting a large class of Muslim women across India, without any element of self-interest, private gain, or oblique motive.

D. DETAILS REGARDING ANY CIVIL, CRIMINAL OF REVENUE LITIGATION INVOLVING THE PETITIONER OR ANY OF THE PETITIONERS, WHICH HAS OR COULD HAVE A LEGAL NEXUS WITH THE ISSUES INVILVED IN THE PUBLIC INTEREST LITIGATION

The Petitioners state that there is no civil, criminal, or revenue litigation pending or decided involving either of the Petitioners which has or could have any legal nexus with the issues raised in the present Public Interest Litigation.

E. WHETHER THE CONCERNED GOVERNMENT AUTHORITY WAS MOVED FOR RELIEF (S) SOUGHT IN THE PETITION AND IF SO, WITH WHAT RESULT

Prior to approaching this Hon'ble Court, the Petitioners made representations to the concerned Government authorities seeking redressal of the issues raised in the present petition. Written representations were submitted via letters. In addition thereto, the Petitioners met officials of the Ministry of Minority Affairs in October 2025 and submitted a detailed written representation, a copy whereof is annexed to the present petition. Despite repeated follow-ups and efforts, no response, decision, or remedial action has been taken by the authorities, thereby constraining the Petitioners to invoke the extraordinary jurisdiction of this Hon'ble Court. [ANNEXURE P-6]

30. That the Petitioners have not filed any other petition seeking similar reliefs before this Hon'ble Court or before any other Court or Tribunal in India.

F. BACKGROUND OF THE MUSLIM PERSONAL LAW (SHARIAT) APPLICATION ACT, 1937

31. That from 1772 onwards, British courts administered

“Mohammedan law” through Anglo-Muhammadan law, drawing selectively from classical digests such as Al-Hidayah and Fatawa-i-Alamgiri and adapting them to British judicial notions. This created a hybrid, State-made system rather than a theological code.

32. That by the 19th century, Muslim communities in India followed varied customs like matrilineal Mapilla inheritance in Kerala, Meo Muslims in Haryana, tribal agnatic succession in Punjab, and Hindu-coparcenary systems among Khojas and Bohras demonstrating that there was no singular “Muslim law” of inheritance.
33. That Muslim inheritance laws, while originally derived from Qur’anic injunctions particularly Surah An-Nisa (Chapter 4) were historically applied and interpreted by Islamic jurists over centuries in various schools of thought, namely: Sunni Schools – Hanafi, Maliki, Shafi’i, Hanbali; Shia Schools – Ithna Ashari, Ismaili, etc. These schools varied considerably in their interpretation and application of inheritance shares. Even within the dominant Hanafi school applicable to Sunnis, the system is complex and allows male heirs a larger share than female heirs, such that a daughter receives half the share of a son and Agnatic male relatives (distant uncles or cousins) may exclude close female relatives from inheritance.
34. That Muslim Personal Law (Shariat) Application Act, 1937 (herein referred to as Shariat Act, 1937) was enacted by

the British colonial government in order to unify the plurality of interpretations and customs and improve the status of women and enforce the application of "Shariat" as the governing principle for law for Muslims of British India. Muslim Personal Law in India thus refers to a body of civil law governing certain aspects of the lives of Muslims, including marriage, divorce, guardianship, succession, inheritance, wakfs and trusts. These laws have theological foundations in Islamic scriptures. However, in India these laws are not enforced as purely theological commandments, but through State- sanctioned legislation, case law and codified or semi-codified rules.

The true typed copy of the Statement of objects and reasons published in the Gazette of India 1935 Part V page 235 is annexed herewith and marked as **ANNEXURE P-2, Pg. No. 93 to 94.**

35. That the Shariat Act, 1937 replaced the diverse regional and customary laws.
36. That Section 2 of the Muslim Personal Law (Shariat) Application Act, 1937 is as follows:

"Notwithstanding any custom or usage to the contrary, in all questions (save questions relating to agricultural land) regarding intestate succession, special property of females, including personal property properly inherited or obtained under contract or gift or any other provision of Personal Law. marriage,

dissolution of marriage, including talaq, ila, zihar, lian, khula and mubarat, maintenance, dower, guardianship, gifts, trusts and trust properties, and wakfs (other than charities and charitable institutions and charitable and religious endowments) the rule of decision in cases where the parties are Muslims shall be the Muslim Personal Law (Shariat)."

37. That after Independence, the Muslim Personal Law (Shariat) Application Act, 1937 continued as a "law in force" under Article 372, though the Hindu, Christian, and Parsi Personal laws were codified and reformed.
38. That the result is that Muslim women today remain the only category of women, except some tribals, subject to a pre- constitutional, court-interpreted, and male-biased discriminatory system of inheritance.
39. That a second result is that Muslims today remain the only category of citizens, except some tribals, subject to a pre-constitutional, court-interpreted, and discriminatory law of Testamentary Succession.

That extracts of the Shariat laws of Inheritance and Testamentary Succession from Principles of Mahomedan Law by Sir Dinshah Fardunji Mulla is annexed herewith and marked as **ANNEXURE P-3, Pg. No. 95 to 100.**

40. That the challenge to application of Shariat Laws of Inheritance and Testamentary Succession is being presented under the following heads:

- (a) Shariat principles of Inheritance of property are not an "Essential Religious Practice" of Islam
- (b) As per the provisions of the Muslim Personal Law (Shariat) Application Act, 1937 itself Shariat principles for Testamentary Rights are not an "Essential Religious Practice" of Islam
- (c) The protection given in the judgment of *Narasu Appa Mali versus State of Bombay* stands dismantled today after the "Triple Talaq" case Judgment (supra) and "Sabarimala" case judgment (supra)
- (d) Shariat Inheritance and Testamentary Succession have be examined today against Articles 14 and 15 of the Constitution as these are not "Essential Religious Practices" of Islam.
- (e) That the Uniform Civil Code of Uttarakhand Act, 2024 has created two categories of Muslims in India – with different Inheritance and Testamentary Rights and this differentiation is violative of Article 14
- (f) Previous Judicial Challenges and why the present Petition is constitutionally distinct
- (g) Directive Principles and International Obligations
- (h) What Law applies for Muslims
- (a) if the Muslim Personal (Shariat) Act, 1937 is held ultra vires to the extent of its application on Intestate

Inheritance and/or

- (b) if the Shariat law on Testamentary Succession, is held to be not an “Essential Religious Practice” and fails the test of Articles 14, 15 and 21.

G. SHARIAT PRINCIPALS OF INHERITANCE ARE NOT AN “ESSENTIAL RELIGIOUS PRACTICE” OF ISLAM

Definition and Test of Essential Religious Practice

41. That the doctrine of “Essential Religious Practice” as laid down in Commissioner, *Hindu Religious Endowments v. Sri Lakshmindra Thirtha Swamiar (1954 AIR 282)* (also called the Shirur Mutt) holds that only those practices which are essential and integral to a religion, as determined from its doctrines, are protected under Article 25. This position was refined in *Durgah Committee, Ajmer v. Syed Hussain Ali (1961 AIR 1402)*, where the Court held that practices which are extraneous or non-essential accretions do not receive constitutional protection. Further, in *Shayara Bano v. Union of India* and *Indian Young Lawyers Association v. State of Kerala*, it has been recognised that even religious practices must yield where they are non-essential or violative of fundamental rights. The consistent test, therefore, is whether the practice is fundamental, obligatory, and central to the religion, and not merely secular, optional, or historically prevalent.

Inheritance and Testamentary Rights are Civil rights not Religious practice

42. That applying this test, inheritance and testamentary succession do not qualify as essential religious practices. They are purely civil and economic arrangements governing distribution of property, and do not relate to faith, worship, or observance of religion. A Muslim's ability to profess, practice, or propagate Islam remains wholly unaffected by the manner in which property is distributed after death. These rights neither regulate religious conduct nor form part of ritual obligations. As such, they fall outside the protected core of Article 25 and are subject to Articles 13, 14 and 15.

Lack of Uniformity Demonstrates Non-Essentiality

43. That a further indicator of non-essentiality is the absence of uniform application. An essential religious practice must be uniform and indispensable; however, Muslims in India are already governed by multiple inheritance and testamentary regimes, including:
 - (i) the Muslim Personal Law (Shariat) Application Act, 1937;
 - (ii) State agricultural and revenue laws which have historically excluded Shariat rules from agricultural property.
 - (iii) the Goa Civil Code excluded Shariat since independence from Goa
 - (iv) the Uttarakhand Uniform Civil Code Act, 2024; and

- (v) the Special Marriage Act, 1954, under which Muslims may opt into a completely secular succession regime.

That outside India Shariat Inheritance laws have been modified in many 'Muslim' countries showing that these are not Immutable.

- 44. This plurality exists without any impairment of religious identity or practice. The very fact that Muslims can be subject to different inheritance and testamentary systems within the same country without affecting their religion demonstrates that such rules are not essential religious practices.

Qur'anic Scheme Shows Economic Reform, Not Immutable Mandate and Muslim inheritance is practiced with variations and custom as a civil right

- 45. The Qur'an itself establishes inheritance as a civil-economic reform, not a rigid religious mandate. In Surah An-Nisa (4:7), it declares that women shall have an obligatory share, thereby correcting pre-existing customs where women had no inheritance. At the same time, the Qur'an repeatedly provides that distribution operates "after any bequest (wasiyat) or debt" (4:11, 4:12), clearly recognising testamentary disposition prior to fixed shares. This demonstrates that the scheme is flexible and economic in nature, not absolute or immutable. Nowhere does the Qur'an prohibit giving women a greater share; rather, its intent was to guarantee minimum rights, not to

constitutionally freeze inequality.

46. That succession and inheritance are classified under mu‘āmalāt (civil transactions), not ‘ibādāt (worship). The Qur’anic verses on succession (Surah 4:11–12, 176) were context-specific reforms for 7th-century Arabia, not immutable rituals of faith.
47. That Islamic law itself has multiple schools and interpretations. Differences among Hanafi, Shafi‘I, Maliki, Hanbali and Ja‘fari traditions on exclusion, residuaries, and increase/decrease show that these rules are juristic opinions, not immutable divine mandates.
48. That within India, regional customs within Islam like Kerala’s matrilineal Mapilla Muslims and Gujarat’s Khoja-Bohra Muslim’s non-Shariat practices coexisted for centuries with traditional Shariat following Muslims and Meo Muslims (Mewati) in Haryana and Muslims of Malerkotla in Punjab non-Shariat practices of Inheritance are applicable till today without being regarded as anti-Islamic and further disprove essentiality within Islam.
49. That in many States like Haryana, West Bengal, Punjab, till today customary laws of Intestate Inheritance, where these exist, are applied in place of Shariat laws of Intestate Inheritance for practicing Muslims without any question that these are anti-Islamic.

Exclusion of agricultural property from Shariat

Inheritance laws

50. That the first Reason is that in large parts of the country Shariat principles of Inheritance of property have not been applied for over decades for agricultural property.
51. That in Islam there is no differentiation or categories of property. The Shariat laws of Intestate Inheritance apply equally on all kinds of property, namely the "Matruka" property concept. The Hon'ble Supreme Court in Zoharbee & Anr. v. Imam Khan (D) through LRs & Ors. (2025 INSC 1245) re-stated the definition of Matruka property.

"The property (both movable as well as immovable) left by a deceased Muslim is called Matruka."

52. That "agricultural land" was specifically excluded from the Muslim Personal Law (Shariat) Application Act, 1937 in Section 2 and was left to the States to legislate.
53. That the exclusion of "agricultural land" from the Muslim Personal Law (Shariat) Application Act, 1937 was the result of a complex interplay between constitutional limitations and various interests which further establish that inheritance was not held as an "essential religious practice" of Islam.
54. That the primary legal hurdle was the Constitutional Limitation imposed by the Government of India Act, 1935, which served as the "Interim Constitution" of the time. This Act divided legislative powers between the Federal

(Central) Legislature and the Provincial Legislatures and "Agricultural land" was strictly a Provincial subject under Entry 21 of the Provincial Legislative List. The Central Legislature, which passed the 1937 Act, did not have the constitutional authority to legislate on matters concerning agricultural land.

55. That the 1937 Act was designed as a "federal" baseline. By leaving this category of property, namely, agricultural land out, the Central government essentially left the decision to the individual Provinces.
56. That in South India (like Madras/Kerala) provincial governments later passed amendments to include this category of property, that is, agricultural land under Shariat.
57. That however in States like Uttar Pradesh, Punjab, Delhi, Kashmir, Rajasthan etc. Shariat law was not applied on this category of property, namely, agricultural land and it remained under secular/state revenue laws.
58. That states like Uttar Pradesh (UP Zamindari Abolition and Land Reforms Act, 1951 (UPZALR) and now U.P. Revenue Code, 2006), Punjab and Haryana (Punjab Tenancy Act, 1887), Delhi (Delhi Land Reforms Act, 1954), Himachal Pradesh (H.P. Tenancy and Land Reforms Act, 1972), Jammu & Kashmir (J&K Big Landed Estates Abolition Act and other local tenurial laws), Rajasthan (Rajasthan Tenancy Act, 1955) all ignored Shariat law for Intestate

Inheritance in agricultural property. These States applied State Revenue Codes with either secular uniform laws as in Uttar Pradesh or customary laws as in Kashmir or a mix of both.

59. That in all these States Shariat principles of Intestate Inheritance have been ignored by the Legislature in favour of customary or secular laws. That the application of secular reformist laws for Muslim Intestate Inheritance in place of Shariat principles of Inheritance for decades without any social unrest or discord in a state like Uttar Pradesh which has the largest Muslim population in the country establishes that Shariat principles of Inheritance are not an "essential religious practice" of Islam.
60. That this Hon'ble Court in The Commissioner, Hindu Religious Endowments v. Sri Lakshmindra Thirtha Swamiar of Shirur Mutt, [1954 SCR 1005], laid down that only those practices "essential and integral to religion" are protected. Civil or secular matters fall outside its scope and Intestate Inheritance is clearly in this category.
61. That in Ismail Faruqui v. Union of India, [(1994) 6 SCC 360], this Hon'ble Court held that even the existence of a mosque is not essential to the practice of Islam:

"A mosque is not an essential part of the practice of the religion of Islam and namaz (prayer) by Muslims can be offered anywhere, even in open."

[PARA 82 (SCC)]

62. Hence, this civil matter of succession in property has had a secular usage. It cannot be elevated to religious essentials. The Hon'ble Supreme Court in Seshammal & Ors, Etc. v. State Of Tamil Nadu [1972 2 SCC 11] stated that:

"The real question, therefore, is whether such a usage should be regarded either as a secular usage or a religious usage. If it is a secular usage, it is obvious, legislation would be permissible under Article 25(1)(a) and if it is a religious usage it would be permissible if it falls squarely under sub-section 25(1)(b)."

[PARA 19(SCC)]

Civil Code Of Goa

63. That the Second Reason is that there has existed a state level Civil Code in Goa since before independence with secular equal rights and complete testamentary rights. This excluded Shariat Inheritance principles completely for Muslims domiciled in Goa and there has never been a demand or judgment that Shariat laws of inheritance and testamentary succession are "essential religious practice" and should be applied for Muslims of Goa.

Result Of The Uttarakhand Uniform Civil Code

64. That the Third Reason is that in the Uttarakhand Uniform

Civil Code Act, 2024 Muslims residing in Uttarakhand are uniformly covered by provisions identical to those of the Indian Succession Act, 1925. With the passage of the Gujarat Uniform Civil Code Bill, 2026 by the Gujarat assembly such a legal position is envisaged in Gujarat also.

65. That the Uttarakhand Act now in place for two years without major social discord unequivocally implies that Shariat laws of Inheritance are not an "essential religious practice" for Muslims and Muslims can practice their faith without following these laws.

Special Marriage Act

66. That Shariat Inheritance does not apply to Muslims married under or whose marriages are registered under the Special Marriage Act.

Several Muslim Countries Have Modified Shariat Principles Of Inheritance

67. That a Fifth reason is that several Muslim nations have introduced significant statutory reforms or judicial reinterpretations that depart from traditional Shariat principles of Intestate and Testamentary Succession. These deviations generally fall into four categories:
 - Judicial Reinterpretation as in Indonesia where a Supreme Court judgment changed rights of women.
 - Partial statutory Reform as in Pakistan and Bangladesh

- Substantial Statutory Reform as in Tunisia and Senegal;
and
- Full Secularization as in Turkey, Kazakhstan, Uzbekistan,
Kyrgyzstan, Albania and Azerbaijan;

Copy of the Article - Analysis of the decision of the Supreme Court of the Republic of Indonesia number 86k/Ag/1994 along with a note is annexed herewith and marked as **ANNEXURE P-4, Pg. No. 101 to 108.**

H. SHARIAT PRINCIPALS OF TESTAMENTARY SUCCESSION ARE NOT AN "ESSENTIAL RELIGIOUS PRACTICE" OF ISLAM

68. That Shariat principles for Testamentary Succession are not an "Essential Religious Practice" of Islam is firmly established by
- (a) First Reason : As per the provisions of the Muslim Personal Law (Shariat) Act, 1937 itself Shariat principles for Testamentary Succession are not an "Essential Religious Practice" of Islam.
 - (b) Second Reason : In States like Uttar Pradesh Shariat principles of Testamentary Succession have not been applied for over seven decades for agricultural property.
 - (c) Third Reason : That the Civil Code in Goa since before independence excluded Shariat testamentary rules completely for Muslims domiciled in Goa.

- (d) Fourth Reason : The Uttarakhand Uniform Civil Code Act, 2024 has treated the Shariat principles of Testamentary Succession as civil rights and has Shariat principles of Testamentary Succession with secular provisions akin to those in the Indian Succession Act.
- (e) Fifth Reason : Shariat laws of Testamentary Succession have been modified in many Islamic countries

Muslim Personal Law (Shariat) Application Act, 1937 categorises Shariat principles for Testamentary Succession as non-essential for practice of Islam.

- 69. That the First Reason is that Testamentary Succession under the Muslim Personal (Shariat) Application Act, 1937 has been deliberately and consciously kept out of Section 2 which mandates compulsory application of Shariat Law. Testamentary Succession along with Adoption and Trusts was treated as a non-essential religious practice and was covered by a separate Section 3 providing Shariat law application only as an "opt-in" option for Muslims as follows:

SECTION 3 of The Muslim Personal Law (Shariat) Application Act, 1937 is :

SECTION 3. Power to make a declaration.

- (1) *Any person who satisfies the prescribed authority*

(a) that he is a Muslim; and

(b) that he is competent to contract within the meaning of section 11 of the Indian Contract Act, 1872 (9 of 1872); and

(c) that he is a resident of the territories to which this Act extends, may by declaration in the prescribed form and filed before the prescribed authority declare that he desires to obtain the benefit of the provisions of this section, and thereafter the provisions of section 2 shall apply to the declarant and all his minor children and their descendants as if in addition to the matters enumerated therein adoption, wills and legacies were also specified.

Where the prescribed authority refuses to accept a declaration under sub-section (1), the person desiring to make the same may appeal to such officer as the State Government may, by general or special order, appoint in this behalf, and such officer may, if he is satisfied that the appellant is entitled to make the declaration, order the prescribed authority to accept the same.

70. That thus the Shariat Act, 1937 prescribes that Muslims have to make a declaration to "opt in" and be covered by Shariat law in matters of "Wills", i.e. Testamentary Succession.
71. That the Shariat Act, 1937 thus clearly provides that Shariat Laws of Testamentary Succession are not an

“essential religious practice” of Islam because it did not prescribe it as essential for all Muslims.

72. That, even after Independence, till date, the Union and most of the States have not brought in any legislation which changes this provision and makes or defines Testamentary Succession as an “Essential Religious Practice” for Muslims.
73. That the state of Tamil Nadu (and by extension, parts of Andhra Pradesh and Kerala that were formerly part of the Madras Presidency) is the only jurisdiction that legislated to change this. In 1949, the state legislature of Madras passed the Muslim Personal Law (Shariat) Application (Madras Amendment) Act, 1949. This amendment moved "testamentary succession" and "legacies" from Section 3 (the "opt-in" section) to Section 2 (the mandatory section) of the 1937 Act.
74. That in the State of Kerala a reversal took place. The Malabar district of Kerala was also part of the Madras Presidency and was originally governed by the 1949 Madras Amendment. However, the state of Kerala passed the Muslim Personal Law (Shariat) Application (Kerala Amendment) Act, 1963 and repealed the 1949 Madras Amendment as it applied to Malabar district and thus prescribed Section 3 of the Shariat Act, 1937 with its “opt-in” option for the whole of Kerala.
75. That the rest of India has continued with Section 3 of the

Shariat Act, 1937 intact so clearly Testamentary Succession is not an "essential religious practice" of Islam

Exclusion of agricultural property from Shariat laws of Testamentary Succession

76. That the Second Reason is that in parts of the country like the State of Uttar Pradesh, with the largest Muslim population, Shariat principles of Testamentary Succession have not been applied for over decades for agricultural property.
77. That in Uttar Pradesh Revenue Codes for agricultural land override religious personal laws through a series of enactments all of which have been upheld by the Courts as well as have existed for decades without any social unrest or discord.
78. That the U.P. Zamindari Abolition and Land Reforms Act, 1950 (UPZALR) became the primary governing statute in 1950. It had Section 169: The Power to Make a Will. Under Section 169, the law made a clear distinction based on tenure type:
 - (a) Bhumidhar with Transferable Rights: Only this class of landholder had the legal right to bequeath their interest in agricultural land through a will. It overrode the Shariat laws for Muslims.
 - (b) Bhumidhar with Non-Transferable Rights/Asami: These holders were strictly prohibited from making a

will regarding their land. Any such will was considered void.

This meant a Muslim Bhumidhar in UP could bequeath 100% of their agricultural land via a will, ignoring the "one-third limit" (Bequeathable Third) usually required by Islamic law.

79. That the Current Regime in Uttar Pradesh is the U.P. Revenue Code, 2006. This code consolidated the rules for testamentary succession under Section 107. Section 107 provides that a Bhumidhar with transferable rights may bequeath their interest in the land by a will and that a will relating to agricultural land must be registered with two witnesses. It continues the complete bypass of Shariat Law.
80. That today, if a Muslim or Hindu landholder in Uttar Pradesh wishes to dispose of their agricultural land through a will, they must follow the U.P. Revenue Code rather than their respective personal laws. If the will is not registered or fails to meet the two-witness requirement, the land will instead devolve through intestate succession (the order of legal heirs) as defined in Sections 108 to 110 of the Code.
81. That the complete exclusion of Shariat principles of Testamentary Succession for Muslims for agricultural land in States like Uttar Pradesh for decades establishes the legislative, judicial and social acceptance of Shariat principles of testamentary succession for property being

definitely not an “essential religious practice” for Muslims because property in Shariat is not categorised and Shariat laws apply to the entire property.

Civil Code Of Goa

82. That the Third Reason is that there has existed a state level Civil Code in Goa since before independence with secular equal rights and complete testamentary rights. This excluded Shariat Inheritance principles completely for Muslims domiciled in Goa and there has never been a demand or judgment that Shariat laws of inheritance and testamentary succession are “essential religious practice” and should be applied for Muslims of Goa.

Result Of The Uttarakhand Uniform Civil Code

83. That the Fourth Reason is that the enactment of the Uniform Civil Code of Uttarakhand Act, 2024 has further transformed the legal challenge by the fact that Muslims residing in Uttarakhand are uniformly covered by provisions identical to those of the Indian Succession Act, 1925. With the passage of the Gujarat Uniform Civil Code Bill, 2026 by the Gujarat assembly such a legal position is envisaged in Gujarat also.
84. The Uttarakhand Act and Gujarat Bill both unequivocally imply that Shariat laws of Testamentary Succession are not an “essential religious practice” for Muslims and Muslims can practice their faith without following these laws.

85. That the Uttarakhand Uniform Civil Code, 2024 and the Gujarat Uniform Civil Code Bill, 2026 as passed by the Gujarat Assembly also provides a "comparative benchmark" possible format of Testamentary Rights for Muslims residing in the rest of India.
86. That several Muslim countries have modified Shariat Principles of Testamentary Succession.
87. That, as given in para 76 above and in **ANNEXURE P-4**, several Muslim nations have introduced significant statutory reforms or judicial reinterpretations that depart from traditional Shariat principles of Testamentary Succession. Full Secularization is in Turkey, Central Asian countries like Kazakhstan, Uzbekistan, and Kyrgyzstan, Albania and Azerbaijan while countries like Egypt and Jordan have modified Shariat laws of testamentary succession.

APPLICATION TO WAKF PROPERTY

88. That 'Wakf' is an item included clearly in Section 2 of the Shariat Act, 1937 for mandatory application of Shariat provisions but with a critical qualification:

"...wakfs (other than charities and charitable institutions and charitable and religious endowments) shall be the Muslim Personal Law (Shariat)."

At the time of drafting, "charities and charitable institutions" were governed by provincial statutes or by the Charitable and Religious Trusts Act, 1920. By excluding

these from Section 2, the Shariat Act, 1937 allowed for state intervention in public endowments while ensuring that private wakfs (Wakf-alal-aulad - family settlements) remained strictly under personal law.

89. That however subsequent statutory evolution of Wakf law has modified and drastically amended the provisions of the Shariat law which had risen from diverse schools of Fiqh.
90. That Wakf Act, 1954 & 1995 established Wakf Boards and moved the power of Mutawallis (managers) from traditional Shariat law autonomy to state-supervised regulation. The Wakf (Amendment) Act, 2013 further restricted the power of the Mutawalli, codifying Shariat law rules. Wakf Act, 1995 extended the changes to Shariat law while the 2025 amendments represent a fundamental shift from a 'faith-based, evidentiary framework' (Shariat) to a statutory, document-heavy framework.

Hence items covered under Section 2 of Muslim Personal Law (Shariat) Application Act, 1937 can also be amended.

I. THE PROTECTION BY THE JUDGMENT IN STATE OF BOMBAY v. NARASU APPA MALI AND ITS SUBSEQUENT DISMANTLING

91. That the earliest judicial obstacle to equality review of Personal laws arose in State of Bombay v. Narasu Appa Mali, where the Division Bench held that Personal law is not "law" within Article 13 and is therefore immune from fundamental rights scrutiny.

The Hon'ble Court observed.

"It is well-known that the Personal laws do not derive their validity on the ground that they have been passed or made by a Legislature... The foundational sources... are their respective scriptural texts."

Hon'ble Chief Justice M.C. Chagla further held:

"...the Constituent Assembly... have expressly and actively used only the expression 'custom or usage' and have omitted Personal law... This... is a very clear pointer... to exclude Personal law from the purview of Article 13."

And further clarified:

"Custom or usage is deviation from Personal law and not Personal law itself..."

Thus, it was concluded that Personal law is not included within "laws in force" under Article 13, thereby placing it beyond constitutional scrutiny and creating a protected enclave for discriminatory personal law regimes.

92. That this position began to erode in C. Masilamani Mudaliar v. Idol of Sri Swaminathaswami, [(1996) 8 SCC 525], where this Hon'ble Court held

"The Personal laws conferring inferior status on women is anathema to equality... The laws thus derived must be consistent with the Constitution lest

they become void under Article 13.”

This marked the first clear recognition that Personal law, once recognised and applied by courts, cannot remain outside Part III.

93. That a similar constitutional concern was reflected in *Madhu Kishwar v. State of Bihar (1996 AIR 1864)*, where this Hon’ble Court examined customary succession laws excluding women. While moulding relief cautiously, the Court nevertheless recognised that customs governing inheritance must be tested on the touchstone of Articles 14 and 15, and that gender-based exclusion in property rights is constitutionally suspect. The judgment thus reinforced that neither custom nor personal law can claim blanket immunity from equality review
94. That the position was further strengthened in *Shayara Bano v. Union of India*, where Hon’ble Justice R.F. Nariman held:

“...the 1937 Act... would fall squarely within the expression ‘laws in force’ in Article 13(3)(b)... and would be hit by Article 13(1) if inconsistent with Part III.”

Importantly, His Lordship observed:

“...it may be necessary to have a re-look at [Narasu Appa Mali]... the definition of ‘law’ and ‘laws in force’ are both inclusive definitions...”

Thus, the statutory recognition and enforcement of personal law was brought firmly within Article 13, significantly weakening the foundation of Narasu.

95. That the constitutional basis for dismantling Narasu was decisively articulated in Indian Young Lawyers Association v. State of Kerala, where Hon'ble Justice D.Y. Chandrachud held:

"...neither religious freedom nor organized religion can... assert an immunity to adhere to fundamental constitutional precepts grounded in dignity and human liberty."

And further:

"Subjecting Personal laws to constitutional scrutiny is an important step..."

His Lordship also examined the historical reasoning in Narasu, noting its reliance on colonial statutes such as Section 112 of the Government of India Act, 1915, and highlighted that the distinction between "personal law" and "custom having the force of law" cannot justify exclusion from constitutional scrutiny.

Thus, the judgment explicitly opened the door for Personal laws to be tested under Articles 14, 15 and 21, rejecting any immunity for systems founded on gender hierarchy.

96. That this principle was reaffirmed in Joseph Shine v. Union of India (2019) 3 SCC 39, where this Hon'ble Court held:

"Any legislation... which discriminates... on the basis of sex... is liable to be struck down as violative of Articles 14 and 15."

The Court thus made it clear that all legal regimes — whether statutory, customary, or rooted in personal law — must conform to constitutional guarantees of equality and dignity.

97. That these judicial developments collectively dismantle the core reasoning of *Narasu Appa Mali*. The earlier premise that Personal law originates from scripture and not from the State is no longer tenable. Once Personal law is recognised, applied, and enforced by civil courts, it operates as "law in force" under Article 13(3)(b) and must conform to fundamental rights.
98. That accordingly, the "immunity" accorded in *Narasu* stands substantially eroded, and no personal law regime—particularly one enforcing gender-based inequality—can claim exemption from scrutiny under Articles 14 and 15.

J. EXAMINATION OF SHARIAT INHERITANCE AND TESTAMENTARY SUCCESSION AS NOT "ESSENTIAL RELIGIOUS PRACTICE" OF ISLAM AGAINST ARTICLES 14 AND 15 OF THE CONSTITUTION

99. That if the State can legally "carve out" a significant portion of property (agricultural land) from the application of Shariat Inheritance, it acknowledges that Shariat inheritance is not an absolute, indivisible religious

mandate, but a civil matter subject to legislative discretion.

100. That this creates a theological conflict with the concept of Maturka. In Shariat Law, there is no distinction between different types of property. All assets owned by the deceased - whether movable, immovable, self-acquired, ancestral, or agricultural - fall under the single category of "Maturka" (the legacy or estate).
101. That under Shariat Law, specifically under the Quranic injunctions (primarily Surah An-Nisa), shares are prescribed for heirs out of the total estate, that is Maturka.
102. That since the Shariat Act, 1937 contradicts the theological concept of Maturka by excluding agricultural land, the version of Shariat practiced in India is a statutory hybrid, not a pure religious commandment.
103. That a practice cannot be accepted as "essential to religion" while simultaneously accepting a state-sanctioned version that ignores the core theological principle of property unity (Maturka).
104. That for a practice to be shielded from state interference under Article 25 (Freedom of Religion), the Supreme Court of India requires it to be an Essential Religious Practice. A practice is a "Essential Religious Practice" if the religion's nature would be fundamentally altered without it.
105. That if Shariat inheritance were "essential," its application to agricultural land would be non-negotiable. Because the

Muslim community in India has lived for nearly a century with agricultural land being governed by secular or customary laws which are different from Shariat, it proves that the specific Shariat distribution (e.g., the 2:1 male-to-female ratio) is not essential to the practice of the faith itself.

106. That in Shayara Bano v. Union of India (supra), this Hon'ble Court held that practices like Triple Talaq, despite being part of personal law, were not essential to the practice of the faith and so could be struck down if they violated the Constitution.
107. That this bypasses the Bombay High Court judgment in State of Bombay v. Narasu Appa Mali which held that "Personal Laws" are not "laws in force" under Article 13 and therefore cannot be challenged for violating Fundamental Rights.
108. The Uttarakhand Uniform Civil Code legislatively overrides personal laws and applies a uniform scheme of succession to all forms of property, including agricultural land. The inclusion of agricultural land proves that the State views property succession as a secular, civil matter rather than a religious one. It demonstrates that the "fragmentation" of property seen after the Shariat Act, 1937 was a legislative choice ignoring religious mandate reinforcing the idea that Shariat inheritance as practiced in India is "not essential". The recent passage of the Gujarat Uniform Civil Code Bill,

2026 further strengthens the argument.

109. That the Narasu doctrine argues that personal laws are not "laws" under Article 13 and are therefore immune to fundamental rights challenges.
110. That even if Narasu is not formally overruled, it only protects practices that are purely religious and "essential" for religious practice. Once it is established that Shariat Inheritance and Shariat Testamentary Succession in India are not "essential religious practices" but are a statutory construction that selectively ignore the Maturka concept, these cease to be "Personal Law" in the untouchable religious sense.
111. That if not "essential religious practice" Shariat Intestate and Testamentary succession must conform to Articles 14 and 15 of the Constitution.

FOR SHARIAT INHERITANCE

112. That for Article 14: Right to Equality

The Shariat principle of 2:1 inheritance ratio (where a male heir receives twice the share of a female heir in the same degree of proximity) with other rules discriminatory for women creates a classification based on gender.

To survive Article 14, there must be a rational nexus to a legitimate state goal. In a modern secular democracy, preserving ancient patriarchal property distributions which are discriminatory for women fails the "rationality" test and

violates Article 14 of the Constitution.

113. That for Article 15: Prohibition of Discrimination

Article 15(1) prohibits the State from discriminating against any citizen on grounds only of religion, race, caste, sex, or place of birth.

Because the Shariat inheritance rules (as applied through the 1937 Act) result in lower shares for women and other rules against women solely based on their sex, the law is prima facie discriminatory and is repugnant to Article 15.

FOR SHARIAT TESTAMENTARY SUCCESSION

114. That for Article 14: Right to Equality

The Shariat principles of Testamentary Succession with the "one-third" rule restricting the right to Will even self-acquired property and provision that legacies cannot be made to an heir without the consent of the other heirs is a restriction only on Muslims. For this discrimination to survive Article 14, there must be a rational nexus to a legitimate state goal. In a modern secular democracy, preserving ancient testamentary laws which are restrictive and discriminatory for Muslims fails the "rationality" test and violates Article 14 of the Constitution.

115. That for Article 15: Prohibition of Discrimination

Article 15(1) prohibits the State from discriminating against any citizen on grounds only of religion, race, caste, sex, or place of birth.

Because the Shariat testamentary rules result in restrictions on Muslims to Will even their self acquired property solely based on their religion, the law is prima facie discriminatory and is repugnant to Article 15

K. THE UNIFORM CIVIL CODE OF UTTARAKHAND ACT, 2024 AND RELATED DEVELOPMENTS

116. That the Legislature of the State of Uttarakhand has enacted the Uttarakhand Uniform Civil Code Act, 2024 (hereinafter "Uttarakhand UCC"), which, having received Presidential assent under Article 254(2), overrides the Muslim Personal Law (Shariat) Application Act, 1937 in respect of residents of Uttarakhand.
117. That a similar legislative approach has been adopted by the State of Gujarat through the Gujarat Uniform Civil Code Bill, 2026 passed by the Gujarat Assembly on 25 March, 2026.
118. That under the Uttarakhand UCC, all residents, including Muslims, are governed by a uniform, gender-equal regime of inheritance and testamentary succession:
 - (i) sons and daughters inherit equally (Sections 49 and 51); and
 - (ii) full testamentary freedom is granted (Section 61).

A true typed copy of the Sections 49, 51 and 61 of the Uniform Civil Code of Uttarakhand Act, 2024 is annexed herewith and marked as **ANNEXURE P-5, Pg. No. 109 to**

112.

119. That the Act applies to “residents of Uttarakhand,” including those residing outside the State, and by virtue of Section 390, all inconsistent personal laws, including Shariat law, cease to apply to such persons.
120. That consequently, a Muslim woman resident in Uttarakhand now enjoys equal inheritance rights and Muslims enjoy full testamentary freedom, whereas a Muslim woman residing elsewhere continues to be governed by the Shariat Act, 1937, under which daughters inherit lesser shares, widows receive fractional entitlements and Muslim testamentary disposition is restricted to one-third of the estate.
121. That this creates a situation where rights in property—an essential incident of dignity and livelihood—are determined solely by place of residence, despite identical religion, citizenship and personal status, thereby violating Articles 14 and 15.
122. That the Uttarakhand UCC, having received Presidential assent, operates not merely as a territorial statute but as a law governing civil rights of “residents”, and by virtue of its definition of “resident” and its scheme of succession, necessarily extends to the entire estate of such residents, irrespective of the geographical location of the property.
123. That any other interpretation would lead to an anomalous and unworkable situation whereby a valid Will executed by

a resident of Uttarakhand under Section 61 would be enforceable for property within Uttarakhand but fail for property situated outside the State, thereby defeating the object of the statute and creating legal uncertainty.

124. That therefore, the scheme of the Uttarakhand UCC demonstrates that succession and testamentary rights are treated as personal civil rights attached to the individual, and not territorially confined rules, further establishing the civil and non-religious nature of such rights.
125. That the coexistence of the Uttarakhand UCC and the Shariat Act, 1937 has created a dual and territorially fragmented regime, whereby identical disputes are governed by different rules solely on the basis of residence. This fails both limbs of Article 14, as there exists no intelligible differentia between similarly situated persons, and no rational nexus between residence and the object of succession law.
126. That Section 2 of the Shariat Act, 1937, which merely prescribes a "rule of decision," was premised on uniform application across India. That premise now stands destroyed, as the same succession dispute is governed by entirely different rules depending solely on residence, resulting in territorial fragmentation of the rule of decision.
127. That the successful implementation of the Uttarakhand UCC without social unrest, along with the legislative developments in Gujarat, demonstrates that gender-equal

succession is both constitutionally viable and socially workable within India's plural framework.

128. That the existence of a civil code in Goa, under which Muslims are governed by equal inheritance and full testamentary rights without application of Shariat law, further establishes that inheritance and succession are civil, not essential religious matters, and have never been treated as essential religious practices.
129. That in these circumstances, the continued application of the Shariat Act, 1937 to inheritance and testamentary succession outside Uttarakhand has become arbitrary, irrational and discriminatory, and warrants being read down to ensure conformity with Articles 14 and 15 of the Constitution.

L. WHAT LAW APPLIES FOR MUSLIMS

(A) IF SECTION 2 OF THE MUSLIM PERSONAL LAW (SHARIAT) APPLICATION ACT, 1937 IS HELD ULTRA VIRES TO THE EXTENT THAT IT MANDATES THE APPLICATION OF SHARIAT PRINCIPLES TO INTESTATE INHERITANCE, ON THE GROUND THAT SUCH PRINCIPLES DO NOT CONSTITUTE AN "ESSENTIAL RELIGIOUS PRACTICE" UNDER ARTICLE 25 AND ARE VIOLATIVE OF ARTICLES 14 AND 15 OF THE CONSTITUTION;

AND/OR

(B) IF THE APPLICATION OF SHARIAT PRINCIPLES TO TESTAMENTARY SUCCESSION IS HELD NOT TO CONSTITUTE AN "ESSENTIAL RELIGIOUS PRACTICE" AND IS FURTHER HELD TO BE ARBITRARY AND DISCRIMINATORY, AND THEREFORE VIOLATIVE OF ARTICLES 14 AND 15 OF THE CONSTITUTION.

130. That at the outset it is respectfully submitted that the apprehension of any "legal vacuum" is wholly unfounded. It is a settled principle of Indian constitutional jurisprudence that where a statutory provision or personal law application is declared ultra vires, the field is not left unregulated but is governed by established doctrines evolved by courts, including the application of valid custom and, in its absence, the doctrine of "justice, equity and good conscience", as informed by fundamental rights under Part III of the Constitution.

131. That the question which arises for consideration before this Hon'ble Court is:

(a) if the Muslim Personal Law (Shariat) Application Act, 1937 is held ultra vires to the extent of its application on Intestate Inheritance on the ground that Shariat principles of intestate succession do not constitute an "essential religious practice" under Article 25 and are violative of Articles 14 and 15; and/or

(b) if the Shariat laws of Testamentary Succession are held

to be not an essential religious practice and violative of Part III of the Constitution.

132. That in a legal parallel to *Shayara Bano v. Union of India*, if this Hon'ble Court holds that the Shariat principles governing both intestate inheritance and testamentary succession are not essential religious practices and are violative of fundamental rights, then the application of the Shariat Act, 1937 to such matters would stand invalidated to that extent.
133. That the consequence of such invalidation does not create a legal vacuum, but rather restores the well-established pre-1937 legal position, wherein succession among Muslims was governed either by established custom or, in the absence thereof, by the doctrine of justice, equity and good conscience.
134. That before the Shariat Act, 1937, many Muslim communities in India (such as the Khojas, Memons, Meo Muslims of Haryana and certain agricultural tribes in Punjab and Oudh) followed customary laws or local traditions rather than Shariat. However, it is submitted that such customary practices were limited to specific and identifiable communities and did not constitute a uniform or universal system applicable to Muslims as a whole, and even today such customs survive, if at all, only in a minuscule number of communities.
135. That the position of customary law of intestate inheritance

before 1937 was neither uniform nor certain across India, and in several cases no clear custom could be established.

136. That in such circumstances, courts of British India consistently applied the doctrine of “justice, equity and good conscience” to decide disputes affecting Muslims in the absence of a governing statute.
137. That this doctrine was authoritatively applied in *Sheikh Kudratulla v. Mohini Mohan Shaha (1869) LAWS(CAL)-1869-9-21*, where the Full Bench of the Calcutta High Court, dealing with a dispute between a Muslim pre-emptor and a Hindu purchaser, held that strict application of Muslim personal law could not be enforced where it would lead to inequitable results, and instead applied principles of justice, equity and good conscience to protect the lawful rights of the purchaser.
138. That for Testamentary Rights, a similar position exists under Section 3 of the Shariat Act, 1937, which expressly makes the application of Shariat optional upon a declaration by the concerned individual.
139. That the Shariat Act, 1937 contains no provision prescribing what law shall apply to Muslims who do not make such a declaration, thereby clearly preserving the pre-existing legal position.
140. That in such cases, courts have consistently held that the applicable law would be the pre-1937 position, to be

determined either by custom or, in its absence, by the doctrine of justice, equity and good conscience.

141. That this position has been affirmed in *Ashrafalli Cassamalli v. Mahomedalli Rajaballi (1945) AIR 1947 BOMBAY 122*, where the Bombay High Court held that a Khoja Muslim who had not filed a declaration under Section 3 continued to be governed by community custom permitting testamentary disposition of the entire estate, thereby rejecting the application of Shariat.
142. That a historical foundation for this principle lies in *Khoja Vs. Memon (1847) OC110*, where Sir Erskine Perry preferred established custom over Shariat in determining succession rights within the Khoja community, applying principles of justice and equity.
143. That it is respectfully submitted that even where a custom is pleaded and proved, such custom is not immune from constitutional scrutiny. It is well settled that customs and usages, when recognized and enforced by courts, acquire the force of law and must conform to the mandate of Part III of the Constitution.
144. That any custom which discriminates against women in matters of inheritance, including by granting lesser shares, restricting testamentary rights, or excluding them altogether, is per se arbitrary, unreasonable, and violative of Articles 14 and 15.

145. That this principle has been affirmed by this Hon'ble Court in C. Masilamani Mudaliar v. Idol of Sri Swaminathaswami Thirukoil, where it was held that personal law and customs must be consistent with constitutional guarantees and cannot override fundamental rights.
146. That similarly, in Madhu Kishwar v. State of Bihar, this Hon'ble Court examined customary tribal succession laws that excluded women and held that such customs must be tested on the touchstone of Articles 14 and 15 and cannot be upheld if they result in gender discrimination.
147. That therefore, the fallback to custom cannot result in the perpetuation of inequality, and the Constitution does not permit the substitution of one discriminatory regime with another, whether religious or customary.
148. That the Indian Succession Act, 1925 governs inheritance and testamentary rights for Indians generally, and applies to Muslims who marry under or register their marriage under the Special Marriage Act, though Section 58 excludes its application to other Muslims.
149. That in the two situations being considered:
 - (a) if the Shariat Act, 1937 is held ultra vires to the extent of intestate inheritance; and/or
 - (b) if Shariat principles of testamentary succession are held unconstitutional, the first legal option would be a valid and constitutionally compliant custom.

In the absence of such a valid custom, the Shariat Act would not apply, and Section 58 of the Indian Succession Act would exclude its application, thereby creating an apparent legal landscape where neither regime applies.

150. That however, even in such a situation, there is no legal vacuum, as the courts are constitutionally obligated to apply the doctrine of justice, equity and good conscience, informed by Articles 14 and 15, and guided by the closest available secular statutory framework.
151. That in some cases pertaining to testamentary rights where no Section 3 declaration is made and no custom is proven, courts have applied personal Muslim law (Sariat) as “justice and equity”, however such an approach defeats the express legislative intent of Section 3 which makes Shariat optional.
152. That Section 3 of the Shariat Act, 1937 represents a deliberate legislative carve-out making Shariat law optional for testamentary succession, and this cannot be overridden by indirectly imposing Shariat as a default rule.
153. That this would equally apply to intestate inheritance if Shariat principles governing the same are held to be unconstitutional.
154. That the enactment of the Uttarakhand Uniform Civil Code Act, 2024 has further transformed the legal landscape, as Muslims residing in Uttarakhand are now governed by a

uniform secular framework substantially similar to the Indian Succession Act, 1925, and a similar position is envisaged in Gujarat.

155. That therefore, Muslims, particularly Muslim women residing outside Uttarakhand, are entitled to claim equality under Article 14 with those residing within Uttarakhand, and any geographical classification resulting in denial of equal inheritance rights is unconstitutional.

MARY ROY v. STATE OF KERALA / SHABNAM HASHMI / RAM CHARAN

156. That the judgment in Mary Roy v. State of Kerala is a direct and important precedent for the present issue because the constitutional architecture of Mary Roy provides a blueprint for answering the very argument of “vacuum” that may be raised in the present matter.
157. That in *Mary Roy (Supra)*, the petitioner, a Syrian Christian woman, challenged the denial of equal inheritance under the Travancore Christian Succession Act, a regional personal law regime under which daughters were denied equality in succession.
158. That this Hon’ble Court in *Mary Roy (Supra)* did not merely identify discrimination in the old regime, but went further and held that by virtue of the Part B States (Laws) Act, 1951, the Indian Succession Act, 1925 had already been extended to the territory in question, thereby displacing

the earlier regional personal law regime by necessary implication.

159. That the significance of *Mary Roy (Supra)* lies not merely in the result, but in the method adopted by this Hon'ble Court: namely, that where a discriminatory succession regime cannot continue, the Court is not helpless, nor is a legal vacuum created, but the field can be governed by an already existing secular statutory framework.
160. That therefore the judgment in *Mary Roy (Supra)* is a precedent for the proposition that a National Uniform Civil Code is not a precondition for achieving constitutional equality in matters of succession; where a discriminatory personal law or customary rule cannot stand, the Court may recognize and apply an existing secular law governing the same field.
161. That in the present case likewise, if the Shariat law of intestate inheritance and/or testamentary succession is held ultra vires, then the first inquiry would be whether any valid pre-1937 custom governed the parties concerned; if no such constitutionally valid custom exists, then the question becomes what secular and equitable framework should govern the field.
162. That *Mary Roy (Supra)* strongly supports the proposition that the Indian Succession Act, 1925 constitutes the nearest secular statutory framework for filling such a field, subject of course to the issue of Section 58 and subject to

such reading down, severance, harmonisation, or constitutional control as this Hon'ble Court may consider appropriate.

163. That it is true that Section 58 of the Indian Succession Act, 1925 excludes Muslims from parts of the Act; however, that by itself does not answer the constitutional issue. Once the statutory application of Shariat is struck down to the extent it violates Articles 14 and 15, Section 58 cannot be used to perpetuate a situation where Muslim women alone are left without the protection of an equal secular rule.
164. That the real ratio emerging from *Mary Roy (Supra)* is that the Court must not permit constitutional rights to be defeated by pleading a vacuum where in fact the law contains sufficient resources—statutory, equitable, and constitutional—to govern the field.
165. That the legal space created if the Muslim Personal Law (Shariat) Application Act, 1937 is held ultra vires to the extent of its application on intestate inheritance, or if the Shariat laws of testamentary rights are held ultra vires, is therefore not an unregulated void. Parliament may indeed legislate further under its legislative powers; however, till such time, this Hon'ble Court is fully competent to apply the existing principles of justice, equity and good conscience, informed by the Constitution and by the nearest progressive secular statute, namely the Indian

Succession Act, 1925.

SHABNAM HASHMI v. UNION OF INDIA

166. That the judgment of this Hon'ble Court in *Shabnam Hashmi v. Union of India (Supra)* is of particular relevance to the present case, and is especially applicable to the issue of testamentary succession, because it concerns a field where Muslim personal law objections were raised against the operation of a secular enabling statute, even though the statute itself was optional and not compulsory.
167. That in *Shabnam Hashmi (Supra)*, a public interest litigation under Article 32 was filed seeking recognition of the right to adopt irrespective of religion, caste, creed, etc., and the petitioner, a Muslim woman, sought legal recognition as the parent of her adopted daughter, having till then been treated only as a guardian under the prevailing personal law position.
168. That before this Hon'ble Court, the All India Muslim Personal Law Board objected to the applicability of the Juvenile Justice Act, 2000 to Muslims, contending that Islamic law does not recognise adoption in the full legal sense and instead recognises only the kafala system.
169. That this Hon'ble Court rejected the said objection insofar as it questioned the applicability of the secular statute, and held that the Juvenile Justice Act, 2000 is an enabling legislation available to all persons irrespective of religion.

170. That this Hon'ble Court expressly held that: "Personal beliefs and faiths, though must be honoured, cannot dictate the operation of the provisions of an enabling statute."
171. That this Hon'ble Court further held that: "An optional legislation that does not contain an unavoidable imperative cannot be stultified by the principles of Personal law."
172. That the ratio of *Shabnam Hashmi (Supra)* is therefore especially applicable to the present issue of testamentary succession, because under the Muslim Personal Law (Shariat) Application Act, 1937, testamentary matters are not placed within the compulsory rule of decision under Section 2, but are separately dealt with under Section 3, where Shariat is made applicable only upon a declaration.
173. That thus, just as in *Shabnam Hashmi (Supra)* this Hon'ble Court upheld the operation of an optional secular statute in the field of adoption despite objections founded on Muslim personal law, similarly in the present case testamentary succession stands on an even stronger footing, because Parliament itself, by placing wills within Section 3, has treated that field as one of legislative option and choice, and not as one of unavoidable or mandatory religious compulsion.
174. That the analogy is therefore direct: adoption under the Juvenile Justice Act in *Shabnam Hashmi* and testamentary rights under Section 3 of the Shariat Act both occupy a

domain where personal law does not exhaust the field and where an optional or alternative secular legal regime can validly operate.

175. That *Shabnam Hashmi (Supra)* thus strongly supports the proposition that in matters of testamentary succession, personal law cannot be invoked to defeat, override, or stultify the operation of a secular and enabling legal framework, especially where the legislative scheme itself does not make Shariat compulsory.
176. That this Hon'ble Court in *Shabnam Hashmi (Supra)* also observed that the Juvenile Justice Act was "a small step in reaching the goal enshrined by Article 44 of the Constitution", thereby recognizing that constitutional progress towards a more equal civil regime may take place incrementally through optional secular legislation without awaiting a complete Uniform Civil Code.
177. That the reasoning of *Shabnam Hashmi (Supra)* therefore applies with particular force to the present challenge in relation to testamentary succession, and demonstrates that where Parliament has left a field open to optional secular regulation, personal law objections cannot be used to convert that optional field into a mandatory religious one.

RAM CHARAN & ORS. v. SUKHRAM & ORS.

178. That the recent judgment of this Hon'ble Court in *Ram Charan & Ors. v. Sukhram & Ors. (2025 INSC 865)*

provides the clearest contemporary authority on how a court must act when faced with a statutory exclusion, absence of codified personal law, or alleged “vacuum” in matters of succession.

179. That the said case concerned inheritance rights of tribal women, specifically from the Gond community in Chhattisgarh, in a context where Scheduled Tribes are excluded from the Hindu Succession Act, 1956 under Section 2(2), and where codified personal law protections were absent.
180. That the lower courts had proceeded on the assumption that, because the Hindu Succession Act did not apply and because custom allegedly governed the field, women were excluded unless they themselves proved an inclusionary custom.
181. That this Hon’ble Court reversed that approach and held that the absence of the Hindu Succession Act did not mean that tribal women had no rights at all. The Court rejected the assumption that exclusion could be presumed merely because the codified statute was inapplicable.
182. That the core holding of *Ram Charan (Supra)* is that where there is no specific statute and no validly established exclusionary custom, the Court must apply the doctrine of justice, equity and good conscience.
183. That this Hon’ble Court further held that the burden of

proving any exclusionary custom lies upon the person asserting it, and that such a custom must be shown to be ancient, certain, and reasonable.

184. That the judgment is of especial importance because this Hon'ble Court noticed and corrected what it described, in substance, as a patriarchal predisposition in the approach of the courts below, namely the assumption that women must be excluded unless proved otherwise.
185. That this Hon'ble Court expressly emphasized the constitutional mandate of equality under Articles 14 and 15, and held that denial of succession rights to women solely on the basis of gender lacks rational basis. As the Court observed: "There appears to be no rational nexus or reasonable classification for only males to be granted succession over the property of their forebears and not women."
186. That this Hon'ble Court further emphasized that customs cannot remain frozen in history and must be tested against the standard of the living Constitution and contemporary gender justice.
187. That the judgment in *Ram Charan (Supra)* therefore provides the definitive legal logic under secular constitutional standards to ensure gender equality and to answer the supposed "legal vacuum" that is said to arise if:
 - (a) the Muslim Personal Law (Shariat) Application Act, 1937 is held ultra vires to the extent of its application on

intestate inheritance; and/or (b) the Shariat laws of testamentary rights are held ultra vires.

188. That Muslims in India may, in such a situation, appear to face a dual exclusion from both the Muslim Personal Law (Shariat) Act, 1937 and the Indian Succession Act, 1925 because Section 58 excludes Muslims from parts of that Act; however, *Ram Charan* demonstrates that such legislative silence does not create a vacuum in the true sense.
189. That what *Ram Charan (Supra)* establishes is that where neither statute nor valid custom provides a constitutionally acceptable answer, the Court is duty bound to apply justice, equity and good conscience, and such principles must themselves be informed by Article 14 and Article 15.
190. That although *Ram Charan (Supra)* concerned Scheduled Tribes and the exclusion under Section 2(2) of the Hindu Succession Act, the principle applied is clearly of general application to any group placed in a statutory vacuum, namely that constitutional equality cannot be defeated by the mere absence of an immediately applicable codified personal law.
191. That *Ram Charan (Supra)* also directly answers the custom point in the present matter. Even if a custom is pleaded, it cannot be presumed; it must be proved. And even if proved, it must be ancient, certain, and reasonable. A discriminatory custom which grants women lesser

inheritance rights or excludes them altogether cannot survive constitutional scrutiny under Articles 14 and 15.

192. That thus the combined effect of *Mary Roy, Shabnam Hashmi, and Ram Charan (Supra)* is that:

- (i) there is no legal vacuum when a discriminatory personal law regime is displaced;
- (ii) secular statutory frameworks may govern or guide the field;
- (iii) optional secular laws cannot be stultified by personal law objections; and
- (iv) in the absence of a valid constitutional custom, courts must apply justice, equity and good conscience informed by equality.

193. That therefore the present case does not present a situation of legal chaos, but rather a constitutionally manageable transition from a discriminatory regime to an equal and secular framework.

194. That the proposition emerging from the aforesaid precedents is that this Hon'ble Court need not accept a false choice between retaining discriminatory Shariat-based succession rules and awaiting a future Parliamentary enactment. The Constitution, equitable doctrine, and existing secular statutes already furnish the tools necessary to govern the field.

195. That in the facts of the present petition, those tools point in one clear direction: first, any alleged custom must be strictly proved and must satisfy constitutional equality; second, in the absence of such a valid custom, the doctrine of justice, equity and good conscience must apply; and third, in identifying the content of such equity, this Hon'ble Court may legitimately look to the Indian Succession Act, 1925 as the nearest progressive secular statute, subject to constitutional control over Section 58.
196. That the statutory exclusion contained in Section 58 of the Indian Succession Act, 1925 is not a barrier when it comes into conflict with a Fundamental Right under Article 14 or with a judicial finding of arbitrariness.
197. That three distinct and well-settled judicial doctrines postulate and establish this position:

The Doctrine of "Severability and Extension"

198. That this Hon'ble Court need not wait for Parliament to delete or amend Section 58 of the Indian Succession Act, 1925.
199. That the exclusion of Muslims from the Indian Succession Act, 1925 — when read together with the arbitrariness or unconstitutionality of the Muslim Personal Law (Shariat) Application Act, 1937 — creates a constitutionally impermissible "protection vacuum", rendering the exclusionary words in Section 58 unconstitutional in light of

Article 13.

200. That, as a precedent, in Mary Roy v. State of Kerala, this Hon'ble Court did not merely strike down the Travancore Act, but held that the secular Central legislation, namely the Indian Succession Act, 1925, was the governing or "residuary law" intended to operate in the field.
201. That Section 58(2) of the Indian Succession Act, 1925 is severable, and once the phrase "Nothing in this Part shall apply to any Will... of any Muslim" is struck down or read down as discriminatory, the remainder of the Indian Succession Act, 1925 automatically extends to cover the field.

The "Residuary Law" via the Doctrine of Justice, Equity and Good Conscience

202. That even otherwise, no legal vacuum arises.
203. That applying the judgment of Ram Charan & Ors. v. Sukhram & Ors., and the settled principle of "justice, equity and good conscience", the legal provisions which fill any such vacuum are those which reflect constitutional equality and fairness.
204. That "justice, equity and good conscience" is not an abstract notion but is synonymous with the principles embodied in existing secular statutory frameworks — which, in the present case, is the Indian Succession Act, 1925.

205. That therefore, the provisions of the Indian Succession Act, 1925 operate as the effective legal standard to govern the field in the absence of a valid and constitutionally compliant personal law or custom

The “Implied Repeal” by the Uttarakhand Uniform Civil Code, 2024

206. That the Uttarakhand Uniform Civil Code, 2024 is a comprehensive “Code” covering the same subject matter as the Shariat Act, 1937, but providing a different and constitutionally compliant standard of rights.
207. That this creates a situation of repugnancy under Article 254, the subject being within the Concurrent List.
208. That while a State law cannot directly repeal a Central law for the whole of India, the existence of such a secular and gender-equal framework demonstrates that an alternative constitutional standard is both recognised and operational.
209. That therefore, the continued exclusion of Muslims under Section 58 of the Indian Succession Act, 1925 becomes open to challenge as arbitrary and discriminatory, particularly when a secular standard already applies to similarly situated Muslims within Uttarakhand.
210. That therefore, if this Hon’ble Court holds that Section 2 of the Muslim Personal Law (Shariat) Application Act, 1937 is ultra vires to the extent that it mandates Shariat principles for intestate inheritance, and/or further holds that the

application of Shariat principles to testamentary succession is not an essential religious practice and is violative of Articles 14 and 15, no legal vacuum arises.

211. That in such a situation, this Hon'ble Court has more than one constitutionally permissible course open to it.

212. That one option is:

(a) to hold that any pre-1937 custom may apply, but only if such custom is specifically pleaded, strictly proved, and found to be consistent with Articles 14 and 15 of the Constitution.

That a second option is:

(b) where no such constitutionally compliant custom is proved, to direct that the field shall be governed by the doctrine of justice, equity and good conscience, informed by the equality mandate under Part III of the Constitution.

That a third option is:

(c) while applying justice, equity and good conscience, to hold that the nearest available secular statutory framework is the Indian Succession Act, 1925, and to use its provisions as the governing standard for intestate inheritance and testamentary succession.

That a fourth option is:

(d) to read down, sever, or render inoperative the exclusionary portion of Section 58 of the Indian Succession

Act, 1925, so that Muslims are not left outside both the Shariat Act, 1937 and the Indian Succession Act, 1925.

That a fifth option is:

(e) to declare that, pending any Parliamentary legislation, Muslim women shall be entitled to equal inheritance rights and Muslims shall have full testamentary rights, and that courts shall enforce such rights directly on the basis of Articles 14 and 15 read with Articles 13, 32 and 142 of the Constitution.

That a sixth option is:

(f) to hold that the unconstitutional portions of the impugned regime stand displaced, and that succession rights in such cases shall, until legislation intervenes, be governed by a constitutionally compliant secular standard, having due regard to the Indian Succession Act, 1925 and the principles already recognised in *Mary Roy*, *Shabnam Hashmi* and *Ram Charan (Supra)*.

213. That this Hon'ble Court may also take note of the Uniform Civil Code of Uttarakhand Act, 2024 as demonstrating that a secular, gender-equal, and administratively workable framework governing Muslims in matters of succession is already functioning within Indian constitutionalism.
214. That therefore the striking down of discriminatory Shariat-based rules in intestate inheritance and testamentary succession would not lead to uncertainty or chaos, but only

to a constitutionally manageable transition to an equal and rights-compliant regime.

215. That the result, therefore, is not a vacuum, but a choice of constitutionally available remedies, all of which ensure that Muslim women are not left remediless merely because the impugned discriminatory rules are struck down.

M. PREVIOUS JUDICIAL CHALLENGES AND WHY THE PRESENT PETITION IS CONSTITUTIONALLY DISTINCT

(A) OVERVIEW OF EARLIER JUDICIAL CHALLENGES

216. That earlier challenges to discriminatory aspects of Muslim Personal Law were declined primarily on the basis of State of Bombay v. Narasu Appa Mali, which treated personal law as not being “law” under Article 13 and therefore immune from fundamental rights scrutiny, leaving reform to the legislature.
217. That in Ahmedabad Women Action Group v. Union of India (1997 (3) SCC 573), challenges to polygamy, unilateral divorce and unequal inheritance were dismissed as involving matters of State policy and not adjudicated on merits under Articles 14 and 15.
218. That subsequent petitions, including Sabina Yusuf Lakadawala v. Union of India (W.P. (C) No. 1260 of 2023), Naushad K.K. v. Union of India (W.P. (C) No. 205 of 2025) and Sufiya P.M. v. Union of India (W.P. (C) No. 135 of

2024), were also declined or limited in scope, being treated as matters of legislative reform, individual choice, or applicability to non-believers, without examining the constitutional validity of Shariat inheritance and testamentary provisions.

219. That none of the aforesaid cases examined whether Shariat laws of intestate inheritance or testamentary succession constitute “essential religious practices”, nor were such provisions tested on the touchstone of Articles 14 and 15 of the Constitution.

(B) WHY THE PRESENT PETITION IS CONSTITUTIONALLY DISTINCT

220. That the present petition raises, for the first time, the specific question whether Shariat laws of intestate inheritance and testamentary succession are “essential religious practices” under Article 25, and if not, whether they can survive scrutiny under Part III of the Constitution.

221. That the petition highlights the statutory scheme of the Muslim Personal Law (Shariat) Application Act, 1937, wherein Section 2 mandates Shariat as the rule of decision for intestate succession, while testamentary succession is consciously excluded and made optional under Section 3, thereby demonstrating that testamentary rules are not treated as compulsory or essential even by Parliament.

222. That despite this statutory position, Shariat testamentary

restrictions continue to be applied in practice without express legislative mandate, raising a distinct issue of arbitrariness and lack of statutory authority.

223. That the petition further raises, for the first time, the question of what law governs Muslims who do not file a declaration under Section 3 of the Shariat Act, 1937, an issue not addressed in any prior litigation.
224. That this Hon'ble Court in Shayara Bano v. Union of India and Joseph Shine v. Union of India has clarified that statutory personal law is subject to Article 13 and can be struck down where it violates fundamental rights and does not constitute an essential religious practice, thereby diluting the earlier position in *Narasu Appa Mali (Supra)*.
225. That additionally, the enactment of the Uttarakhand Uniform Civil Code introduces, for the first time, a parallel secular regime governing Muslim succession, thereby reinforcing the constitutional question of whether unequal Shariat-based rules can continue elsewhere without violating Article 14.
226. That the present petition therefore raises a constitutional, not theological, question, and is the first to seek adjudication of Shariat inheritance and testamentary succession on the combined grounds of essential religious practice, statutory structure under Sections 2 and 3, absence of legislative mandate, and violation of Articles 14 and 15.

227. That therefore, the present petition is not barred by precedent, as earlier cases did not examine these issues, and the present challenge arises from questions never previously adjudicated by this Hon'ble Court.

N. REPUGNANCY BETWEEN THE STATE AND CENTRAL ACTS AND THE VIOLATION OF FUNDAMENTAL RIGHTS BY CONTINUING APPLICATION OF UNMODIFIED CENTRAL LAW

228. That the Uniform Civil Code of Uttarakhand, 2024 creates substantive equality for Muslim women by replacing the unequal regime under the Muslim Personal Law (Shariat) Application Act, 1937, while making no material change for communities already governed by equal inheritance laws.

229. That both laws operate in the same field (Entry 5, Concurrent List). The Uttarakhand law, having received Presidential assent under Article 254(2), overrides the Central law within the State, and the two enactments are repugnant as per Deep Chand Vs. State of U.P. (1959 AIR 648) and M. Karunanidhi Vs. Union of India (1979 AIR 898).

230. That this dual regime results in Muslim women enjoying equal inheritance rights in Uttarakhand but unequal rights elsewhere, creating discrimination solely on the basis of residence, in violation of Articles 14 and 15.

231. That while Article 254 permits such coexistence legislatively, the continued operation of the unmodified

Central law results in denial of substantive equality and cannot withstand constitutional scrutiny.

232. That this Hon'ble Court may therefore declare such inequality unconstitutional and direct the Union of India, under Articles 32 and 142, to ensure equal inheritance and full testamentary rights for Muslims through appropriate legislative or judicial measures.

O DIRECTIVE PRINCIPLES AND INTERNATIONAL OBLIGATIONS

233. That Articles 38 and 39 of the Constitution, forming part of the Directive Principles of State Policy, mandate reduction of inequality and equal economic rights; in particular, Article 39(a) ensures equal livelihood rights for men and women and Article 39(b) mandates equitable distribution of resources.
234. That India's international obligations under CEDAW (Articles 2(f) and 16(1)(h)), ICCPR (Articles 3 and 26), and the UDHR (Articles 2 and 17) require elimination of gender discrimination and guarantee equality in property rights.
235. That comparative examples from Muslim-majority jurisdictions demonstrate that reform of inheritance laws is not barred by any essential religious requirement.
236. That in contrast, the continued application of the pre-constitutional Muslim Personal Law (Shariat) Application Act, 1937, which prescribes unequal inheritance for

women, is inconsistent with constitutional equality and India's binding international commitments.

237. That prior to approaching this Hon'ble Court, the Petitioners made representations to the concerned Government authorities seeking redressal of the issues raised in the present petition. Written representations were submitted via letters. In addition thereto, the Petitioners met officials of the Ministry of Minority Affairs in October 2025 and submitted a detailed written representation, a copy whereof is annexed to the present petition. Despite repeated follow-ups and efforts, no response, decision, or remedial action has been taken by the authorities, thereby constraining the Petitioners to invoke the extraordinary jurisdiction of this Hon'ble Court. Copy of the Representation dated 07.10.2025 is annexed herewith and marked as **ANNEXURE P-6, Pg. No. 113 to 115.**

GROUND

- A. BECAUSE Intestate Succession under Shariat is not an "essential religious practice"

BECAUSE Muslims in India are already governed by multiple mutually inconsistent inheritance regimes — including the Shariat Act, 1937, State agricultural laws excluding Shariat, the Goa Civil Code, the Uttarakhand Uniform Civil Code, and the Special Marriage Act — without any impact on religious identity or observance;

AND BECAUSE even within the Shariat Act, 1937 itself, uniform application has failed in practice, particularly in agricultural property and region-specific exclusions;

AND BECAUSE historically and presently, inheritance practices among Muslims have varied across communities and territories;

AND THEREFORE intestate succession under Shariat is neither indispensable nor essential to religion.

- B. BECAUSE Testamentary Succession under Shariat is not an “essential religious practice”

BECAUSE Legislature has consciously excluded testamentary succession from Section 2 of the Shariat Act and placed it under Section 3 as an optional regime;

AND BECAUSE a practice treated by statute as optional cannot simultaneously be claimed to be religiously mandatory;

AND BECAUSE testamentary restrictions continue to be applied in practice despite absence of statutory compulsion, leading to deprivation of civil rights without authority of law;

AND BECAUSE Muslims in India are already governed by multiple mutually inconsistent inheritance regimes — including the Shariat Act, State agricultural laws excluding Shariat, the Goa Civil Code, the Uttarakhand Uniform Civil

Code, and the Special Marriage Act — without any impact on religious identity or observance;

AND THEREFORE Shariat testamentary rules are not essential religious practices.

- C. BECAUSE only practices essential and integral to religion are protected under Article 25 - *Shirur Mutt, Durgah Committee, Shayara Bano (Supra)*;

AND BECAUSE non-essential or rights-violating practices cannot claim protection;

AND THEREFORE Shariat Intestate succession and Shariat Testamentary Succession not being “essential religious practices” must satisfy Part III of the Constitution.

- D. BECAUSE Shariat intestate inheritance grants unequal shares to women solely on the basis of sex;

AND BECAUSE Shariat testamentary rules impose restrictions on disposition of property, thereby denying Muslims full testamentary freedom unlike all other citizens;

AND BECAUSE such differential treatment is inherently arbitrary and violative of Articles 14 and 15 - *E.P. Royappa, Ram Krishna Dalmia (Supra)*;

AND BECAUSE denial of equal inheritance strikes at the root of constitutional equality [*Vineeta Sharma (Supra)*];

AND THEREFORE both intestate and testamentary regimes are violative of Articles 14 and 15 of the Constitution.

- E. BECAUSE the Muslim Personal Law (Shariat) Act, 1937 creates an internally inconsistent scheme — mandatory application under Section 2 for intestate succession and optional application under Section 3 for testamentary matters;

AND BECAUSE the original object of the Act was to elevate Muslim women from exclusion under custom to defined rights, not to perpetuate inequality;

AND BECAUSE its foundational premise of uniformity has collapsed due to coexistence of multiple statutory regimes across India;

AND THEREFORE its continued operation to the extent it affects Intestate Succession and Testamentary Succession is arbitrary, irrational and contrary to legislative intent.

- F. BECAUSE the immunity under *Narasu Appa Mali (Supra)* judgment has been doubted and dismantled in *Shayara Bano and Indian Young Lawyers Association (Supra)*;

AND BECAUSE Intestate succession and Testamentary succession rights are a civil and economic right, not an act of worship and not an essential religious practice

AND THEREFORE the impugned regime does not have the protection of *Narasu Appa Mali (Supra)* and is fully subject to constitutional scrutiny.

- G. BECAUSE Muslim women constitute the only substantial class of women in India denied equal inheritance rights;

AND BECAUSE Muslims constitute the only class denied full testamentary freedom;

AND THEREFORE a distinct and continuing discriminatory regime exists.

- H. BECAUSE Muslims in Uttarakhand are governed by a gender-equal succession regime under the Uniform Civil Code while Muslims in other States are not;

AND BECAUSE similarly situated Muslim women are treated unequally solely on the basis of residence;

AND BECAUSE the existence of a State-level secular code governing the same subject matter exposes the arbitrariness of the central regime under Article 254;

AND BECAUSE the Shariat Act was premised on uniformity which now stands destroyed;

AND THEREFORE the present classification is manifestly arbitrary and unconstitutional.

- I. BECAUSE no legal vacuum arises upon invalidation of a discriminatory regime;

AND BECAUSE in *Mary Roy (Supra)*, this Hon'ble Court applied a secular statutory framework in place of personal law;

AND BECAUSE in *Shabnam Hashmi (Supra)*, personal law could not override an enabling secular statute;

AND BECAUSE in *Ram Charan (Supra)*, this Hon'ble Court applied justice, equity and good conscience in absence of statute or valid custom;

AND THEREFORE the field remains fully governed by constitutional and equitable principles.

- J. BECAUSE continued inequality violates India's international obligations under CEDAW, ICCPR and UDHR;

AND BECAUSE constitutional interpretation must align with international commitments and gender justice;

AND THEREFORE discriminatory succession laws cannot be sustained.

238. That Petitioners to their knowledge, the issue raised in the present petition, was not dealt with or decided and that a similar or identical petition was not filed earlier by the Petitioner or by any other person.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may be graciously pleased to:-

- a) Declare that Section 2 of the Muslim Personal Law (Shariat) Application Act, 1937, insofar as it governs intestate succession and inheritance, is unconstitutional and violative of Articles 14, 15 and 21 of the Constitution of India; and in the alternative, read down the said provision to ensure

that it does not operate in a manner that denies Muslim women equal inheritance rights; and/or

- b) Declare that the rules of intestate and testamentary succession under Muslim Personal Law do not constitute Essential Religious Practices under Article 25 and are subject to constitutional scrutiny; and/or
- c) Declare that the exclusion of Muslims under Section 58 of the Indian Succession Act, 1925, when read with the Shariat Act, 1937, results in an arbitrary and discriminatory regime, violative of Article 14; and/or read down the said exclusion to permit the application of a gender-equal statutory framework of succession; and/or
- d) Issue an appropriate writ, order or direction declaring that, pending legislative reform, Muslim women shall be entitled to equal inheritance rights, and that any contrary application of personal law shall not operate; and/or
- e) Issue an appropriate writ, order or direction declaring that, pending legislative reform, Muslims

shall have full testamentary freedom, free from limitations imposed under personal law; and/or

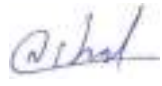
- f) Direct that, until appropriate legislation is enacted, Muslims shall be governed by a gender-equal framework consistent with the principles of the Indian Succession Act, 1925; and/or
- g) Pass such further orders, directions, or declarations as this Hon'ble Court may deem just, proper, and necessary in the interests of justice, equity, gender equality, and constitutional morality;

AND FOR THIS ACT OF KINDNESS THE PETITIONERS AS IN DUTY BOUND SHALL EVER PRAY.

DRAWN BY

FILED BY:

Drawn on: 10.04.2026
Filed on : 11.04.2026


(NIHAL AHMAD)
Advocate for the Petitioners

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO. _____ OF 2026

IN THE MATTER OF:-

Poulomi Pavini Shukla & Anr.

...Petitioners

Versus

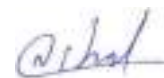
Union of India & Anr.

....Respondents

C E R T I F I C A T E

Certified that the present Writ Petition is only confined to the pleadings before the Court whose order is under challenge. Documents relied upon in the present proceeding are the documents on the record of the Hon'ble High Court. No other additional facts except have been taken therein or relied upon in the Writ Petition. It is further certified that the copies of the documents/annexures attached to the Writ Petition are necessary to answer the question of law raised in the petition or to make out grounds urged in the Writ Petition for consideration of this Hon'ble Court. This certificate is given on the basis of the instructions given by the petitioner whose affidavit is filed in support of the Writ Petition.

Filed by:



(NIHAL AHMAD)

Advocate for the Petitioners

DATED: 11.04.2026

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO. _____ OF 2026

IN THE MATTER OF:-

Poulomi Pavini Shukla & Anr.

...Petitioners

Versus

Union of India & Anr.

....Respondents

AFFIDAVIT

I, Poulomi Pavini Shukla D/o Pradeep Shukla age about 33 Years R/o 12 Hazratmahal Road Cantonment Lucknow U.P. - 226002 present at New Delhi do hereby state on solemn affirmation as follows:

1. I am the Petitioner No.1 in the above-captioned matter and as such conversant with the facts and circumstances of the case and competent to the present affidavit.
2. That the contents of the Para No. 1 to 238 of the accompanying Writ Petition have been read over to me in my vernacular language and I say that all the facts stated therein are correct to my knowledge.
3. That the Annexures filed with the Writ Petition are true copies of their respective originals.
4. I say that the contents of my above affidavit are true and correct, no part of it is false nor anything material has been concealed therefrom.

[Signature]
DEPONENT

VERIFICATION:-

11 APR 2026

Verified at New Delhi on this _____ day of April, 2026 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing has been concealed therefrom.

[Signature]
DEPONENT

ATTESTED

[Signature]
Mrs. Sangita Mishra
Advocate Delhi
Regn. No.16967
Govt. of India
Mob. No.9990312780



I identify the deponent who has signed/T.I in my presence

Mr./Ms. *[Signature]* /Self
ID No. _____

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO. _____ OF 2026

IN THE MATTER OF:-

Poulomi Pavini Shukla & Anr.

...Petitioners

Versus

Union of India & Anr.

....Respondents

AFFIDAVIT

I, Aisha Jawaid D/o Mohammad Jawaid Rahmani age about 27 Director of Nyaya Naari Foundation Registered Address: 4/34 Vivek Khand Gomti Nagar 226002 Lucknow presently at New Delhi do hereby state on solemn affirmation as follows:

1. I am the Petitioner No.2 in the above-captioned matter and as such conversant with the facts and circumstances of the case and competent to the present affidavit.
2. That the contents of the Para No. 1 to 238 of the accompanying Writ Petition have been read over to me in my vernacular language and I say that all the facts stated therein are correct to my knowledge.
3. That the Annexures filed with the Writ Petition are true copies of their respective originals.
4. I say that the contents of my above affidavit are true and correct, no part of it is false nor anything material has been concealed therefrom.

Aisha
DEPONENT

VERIFICATION:-

11 APR 2026

Verified at New Delhi on this _____ day of April, 2026 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing has been concealed therefrom.

Aisha
DEPONENT

I identify the deponent who has signed/T.I in my presence

Mr./Ms. *Nikhil Kumar*
ID No. _____



ATTESTED
Sangita
Mrs. Sangita Mishra
Advocate Delhi
Regn. No.16967
Govt. of India
Mob. No.9990312730

ANNEXURE P-1**PART -1****Equal Inheritance Rights for Muslim Women: Upholding
Constitutional Justice and Gender Equality****\Press Statement by Indian Muslims for Secular
Democracy (IMSD)**

Indian Muslims for Secular Democracy (IMSD) wholeheartedly welcomes the recent observations made by the Supreme Court of India during the hearing of a petition filed by Poulomi P. Shukla. Argued by senior advocate Prashant Bhushan, the case seeks to rectify the long-standing disparity in inheritance rights for Muslim women—a move IMSD views as a vital step toward fulfilling the democratic promise of the Indian Constitution.

The Supreme Court Raises the Question of Gender Justice

A three-judge bench, led by Chief Justice Surya Kant and including Justices Joymalya Bagchi and R. Mahadevan, observed that a Uniform Civil Code (UCC) may be the “most effective answer” to removing gender bias in laws governing marriage, succession, and property rights. This observation came while examining a plea challenging the Muslim Personal Law (Shariat) Application Act, 1937, which the petitioners argue forces unequal inheritance outcomes for women compared to their male counterparts.

A Constitutional Challenge to Discriminatory Laws

Appearing for the petitioner, Adv. Prashant Bhushan argued that the inferior inheritance rights granted to women under the 1937

Act are a direct violation of constitutional guarantees. He emphasized that inheritance is fundamentally a civil and property right; therefore, it cannot be insulated from constitutional scrutiny by invoking religious freedom.

Addressing the Court's concern that striking down discriminatory portions of the Shariat Act might create a "legal vacuum," Bhushan proposed a pragmatic and immediate remedy: including Muslim women under the ambit of the Indian Succession Act, 1925. This would provide a robust, existing legal framework to ensure parity without leaving women in a state of legal uncertainty.

Gender Bias: A Problem Beyond One Community

Crucially, the Hon'ble Bench noted that gender discrimination in inheritance is not confined to Muslim personal law alone. The Court observed that inequalities persist within the structure of Hindu Undivided Families (HUFs) and various customary or tribal practices. As highlighted in various reports, inheritance rights remain skewed in Hindu law as well, indicating that the struggle for property rights is a cross-community challenge.

The Constitutional Framework: Equality and Dignity

IMSD believes the core of this petition is rooted in Constitutional Morality. The Constitution of India clearly guarantees:

- * Article 14: Equality before the law and equal protection of the laws.
- * Article 15: Prohibition of discrimination on grounds including religion and sex.

* Article 21: Protection of life, dignity, and personal liberty.

These guarantees must apply fully to Muslim women as equal citizens. While Islamic jurisprudence recognized women's property rights over fourteen centuries ago, contemporary patriarchal interpretations and social pressures often compel women to relinquish their rightful shares.

Moving Toward Reform

IMSD reiterates that the debate on the UCC has often been politicized by forces seeking to target minority communities. However, gender justice cannot be postponed indefinitely due to identity politics or communal polarization. True reform must be a collaborative effort involving women's organizations, legal scholars, and minority voices to ensure it is rooted in justice rather than stigmatization.

The Muslim community leadership must also reflect on its historical resistance to reform. This reluctance has often denied justice to women and strengthened communal narratives.

Conclusion: A Call for Constitutional Justice

IMSD supports the ongoing Supreme Court proceedings and calls for a resolution that guarantees equal inheritance rights for Muslim women across India. We advocate for a solution that addresses gender discrimination in all personal laws, ensuring that women from all communities are treated as equal citizens entitled to dignity and justice under the law.

List of Signatories (Alphabetical)

* Adv. A. J. Jawad – IMSD, Chennai
* Amir Rizvi – Designer, IMSD, Mumbai
* Arshad Alam – Veteran Journalist, IMSD, Delhi
* Askari Zaidi – IMSD, Mumbai
* Bilal Khan – IMSD, Mumbai
* Guddi S. L. – Hum Bharat Ke Log, Mumbai
* Hasina Khan – Bebaak Collective, Navi Mumbai
* Irfan Engineer – CSSS, Mumbai
* Jeibunnisa Reyaz – Bharatiya Muslim Mahila Andolan, BMMA, Madurai
* Khatoon Sheikh – BMMA, Mumbai
* Adv. Lara Jesani – IMSD, Mumbai
* Mariya Salim – BMMA, New Delhi
* Nasreen M – BMMA, Karnataka
* Nasreen Rangoonwala – IMSD, Mumbai
* Nishat Hussain – BMMA, Jaipur
* Niyazmin Daiya – BMMA, Delhi
* Noorjehan Safiya Niyaz – BMMA, Mumbai
* Prof. Nasreen Fazalbhoy – IMSD, Mumbai
* Rahima Khatun – BMMA, Kolkata
* Salim Sabuwala – IMSD, Mumbai
* Prof. Sandeep Pandey – Magsaysay Awardee, Lucknow
* Sandhya Gokhale – Forum Against Oppression of Women, Mumbai
* Shabana Dean – IMSD, Pune
* Shafaq Khan – Theater Personality, IMSD, Mumbai

* Shalini Dhawan – Designer, IMSD, Mumbai
* Shama Zaidi – Scriptwriter, IMSD, Mumbai
* Shamsuddin Tamboli – Muslim Satyashodak Mandal
* Prof. Sujata Gothoskar – Forum Against Oppression of Women, Mumbai
* Sultan Shahin – Editor, New Age Islam, Delhi
* Dr. Sunilam – Farmer Leader, Gwalior
* Dr. Suresh Khairnar – Former President, Rashtriya Sewa Dal, Nagpur
* Yashodhan Paranjpe – IMSD, Social Activist, Mumbai
* Zakia Soman – BMMA, New Delhi
* Zeenat Shaukat Ali – Wisdom Foundation

PART – 2**The Hindu dated 18.03.2026**

Muslim groups back SC observations on inheritance rights

The Hindu Bureau
MUMBAI

Several Muslim organisations in Mumbai on Tuesday welcomed the Supreme Court's recent observations on the inheritance rights of Muslim women, calling it an important step towards removing gender bias.

Social activist Feroze Mithiborwala said a three-judge Bench, led by Chief Justice Surya Kant and comprising Justices Joymalya Bagchi and R. Mahadevan, recently observed that a Uniform Civil Code (UCC) may be the "most effective answer" to removing gender bias in laws governing marriage, succession, and property rights. "This observation came while the Bench was examining a plea challenging the Muslim Personal Law (Shariat) Application Act, 1937, which the petitioners argue results in unequal inheritance outcomes for women compared to their male counterparts."

The Indian Muslims for

Secular Democracy (IMSD) also issued a statement welcoming the top court's observations. "The IMSD wholeheartedly welcomes the recent observations made by the Supreme Court of India during the hearing of a petition filed by Poulomi P. Shukla. The case seeks to rectify the long-standing disparity in inheritance rights for Muslim women – a move IMSD views as a vital step towards fulfilling the democratic promise of the Indian Constitution," the statement read.

Mr. Mithiborwala said it was heartening to note the court's observation that gender bias was a problem "beyond one particular community".

"The Bench noted that gender discrimination in inheritance is not confined to Muslim personal law alone. The court observed that inequalities persist within the structure of Hindu Undivided Families (HUFs) and in various customary or tribal practices," he added.

PART – 3

**LIST OF MUSLIM MEN AND WOMEN WHOSE LETTERS OF
SUPPORT HAVE BEEN RECEIVED INCLUDING DOCTOR,
ENGINEERS, LAWYERS**

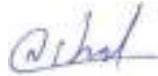
Dr. Ahmer Zafar - 9818779786	Naeem Chaudhary - 7290008035
Israna - 8800153435	Shameem Ahmed - 9999652216
Jawaid Rahmani- 9871215562	Tarab khan - 9990654319
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Waiz Haseeb +91 96672 00514	


[TRUE TYPED COPY]

ANNEXURE P-2**Statement of Objects and Reasons of the Muslim Personal Law (Shariat) Act, 1937 (as published in the Gazette of India, 1935, Part V, p. 136):**

"For several years past it has been the cherished desire of the Muslims of British India that Customary law should in no case take the place of Muslim Personal Law. The matter has been repeatedly agitated in the press as well as on the platform. The Jamiat-ul-Ulema-i-Hind, the greatest Moslem religious body has supported the demand and invited the attention of all concerned to the urgent necessity of introducing a measure to this effect. Customary Law is a misnomer inasmuch as it has not any sound basis to stand upon and is very much liable to frequent changes and cannot be expected to attain at any time in the future that certainty and definiteness which must be the characteristic of all laws. The status of Muslim women under the so-called Customary Law is simply disgraceful. All the Muslim Women Organisations have therefore condemned the Customary Law as it adversely affects their rights. They demand that the Muslim Personal Law (Shariat) should be made applicable to them. The introduction of Muslim Personal Law will automatically raise them to the position to which they are naturally entitled. In addition to this present ANNEXURE P-1

measure, if enacted, would have very salutary effect on society because it would ensure certainty and definiteness in the mutual rights and obligations of the public. Muslim Personal Law (Shariat) exists in the form of a veritable code and is too well known to admit of any doubt or to entail any great labour in the shape of research, which is the chief feature of Customary Law."



[TRUE TYPED COPY]

ANNEXURE P - 3

Extracts of Shariat laws of Inheritance and Testamentary Succession from Principles of Mahomedan Law by Sir Dinshah Fardunji Mulla, 24th Edition published by LexisNexis www.lexisnexis.co.in

CHAPTER VI**GENERAL RULES OF INHERITANCE**

51. Heritable property — There is no distinction in the Muslim law of inheritance between movable and immovable property or between ancestral and self-acquired property.

52. Birth-right not recognized — The right of an heir-apparent or presumptive heir comes into existence for the first time on the death of the ancestor, and he is not entitled until then to any interest in the property to which he would succeed as an heir if he survives the ancestor.

53. Principle of representation — According to the Sunni law the expectant right of an heir-apparent cannot pass by to his heir, nor can it pass by bequest to a legatee under his will.

54. Transfer of spes successionis — The chance of a Muslim heir-apparent succeeding to an estate cannot be the subject of a valid transfer or release.

56. Vested inheritance — Vested inheritance is the share which vests in an heir at the moment of the ancestor's death. If the heir dies before distribution, the share of inheritance which has vested in him shall pass on to such persons as are his heirs at the time of

his death. The shares are therefore to be determined at each death.

57. Joint family and joint family business - When members of a Muslim family live in commensality, they do not form a joint family in the sense in which this expression is used in Hindu law. Further, in Muslim law there is no presumption that acquisitions of several members of a family living and messing together are for the benefit of the family.

60. Taluqdars of Oudh — A special rule of succession by primogeniture was enacted for the taluqdars [feudal land-owners] of Oudh by the Oudh Estates Act of 1869 and the Oudh Estates (Amendment) Act of 1910.

CHAPTER - VII

SUNNI LAW OF INHERITANCE

61. Classes of heirs - There are three classes of heirs, namely, (1) Sharers, (2) Residuaries, and (3) Distant Kindred.

(a) Sharers are those who are entitled to a prescribed share of the inheritance [as mentioned in the Quran].

(b) Residuaries are those who take no prescribed share but inherit the residue, if any, after the claims of the sharers are satisfied.

(c) Distant Kindred are all those relations by blood who are neither Sharers nor Residuaries.

63. Sharers — The first step in the distribution of the estate of the deceased is to ascertain which of the surviving relations belong

to the class of sharers, and which again of these are entitled to a share of the inheritance, and after this is done, to proceed to assign their respective shares to such of the sharers as are, under the circumstances of the case, entitled to succeed to a share.

65. Residuaries — If there are no Sharers, or if there are Sharers but there is a residue left after satisfying their claims, the estate or the residue devolves upon the Residuaries.

Table of Residuaries

I. Descendants of Deceased

1. Son

Daughter takes as a Residuary with the son, the son taking a double portion].

IV. Descendants of Paternal Grandfather

Explanations

2. Daughter inherits as a Sharer when there is no son she inherits as a Residuary. Same is the position of son's daughter

7. Daughter, though nearer relative than brother's son, does not exclude them. She takes a fixed share and brother's son inherits the rest as Residuary.

67. Distant Kindred - If there is no Sharer or Residuary, the inheritance is divided amongst Distant Kindred. If the only Sharer is the husband or wife, and there is no relation belonging to the class of Residuaries, the husband or wife will take his or her full

share, and the remainder of the estate will be divided among the Distant Kindred.

CHAPTER VIII

SHIA LAW OF INHERITANCE

87. Division of heirs — Under the Shia law, surviving heirs of a deceased person are stated as follows:

1. Heir by marriage [husband or wife of the deceased, as the case may be].

2. Heirs by consanguinity [blood relations, both paternal and ^L_{SEP}maternal.)

88. Three classes of heirs by consanguinity - Heirs by consanguinity are divided into three classes, and each class is subdivided into two sections. These classes are respectively composed as follows:—

Class I:

- (i) Parents
- (ii) Children and other lineal descendants

Class II:

- (i) Grandparents
- (ii) Brothers and sisters, and their descendants

Class III:

- (i) Paternal uncles and aunts of the deceased and of his parents and grandparents and their descendants

(ii) Maternal uncles and aunts of the deceased and of his parents and grandparents and their descendants

Of these three classes of heirs, the first excludes the second from inheritance, and the second excludes the third. But the heirs of the two sections of each class succeed together, the nearer degree in each section excluding the more remote in that section.

89. Husband and wife — The husband or wife is never excluded from succession and inherits along with the nearest heirs by consanguinity.

90. Table of Sharers — For the purpose of determining the shares of heirs, the Shias divide heirs into two classes -- Sharers and Residuary heirs. There is no separate class of heirs corresponding to Distant Kindred of Sunni law.

91. Residuary Heirs - All heirs other than Sharers are Residuary heirs. The descendants of Residuary heirs are also Residuary.

Sons, brothers, uncles and aunts are all Residuary. Their descendants, therefore, are also Residuary. For example, a son's daughter, being descendant of a Residuary (son), is also a Residuary.

Table of Residuary Heirs

5. Daughter

(a) She will inherit as a Sharer only if there is no son, and her share will be $1/2$.

(b) For two or more daughters the joint share will be $2/3$, to be shared equally.

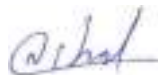
(c) If there is a son, she will inherit with him, in the ratio of 1:2

92. Distribution of property — If the deceased has left only one heir, the whole property would devolve upon that heir, except in the case of a wife. If the only heir is wife, the older view was that she would be entitled to no more than her fixed share (1/4) and the residue will escheat to the State.

If the only heir is the husband of the deceased, he will take his fixed share (1/2) as a Sharer and the residue by Return so as to get the whole estate.

93. Representation — The principle of representation has more than one meaning. It may be applied for the purpose of deciding (a) who are entitled to inherit, or (b) the quantum of the share of any heir.

The principle of nearer in degree excludes the more remote applies under both the Sunni and the Shia law. Thus, if a person dies leaving him surviving a son and grandsons by a predeceased son, the grandsons are excluded from inheritance by their uncle. They do not take in their father's stead though he would have been an heir had he survived his father.



[TRUE TYPED COPY]

Inheritance rights of daughters according to Islamic inheritance law (analysis of the decision of the supreme court of the republic of Indonesia number 86k/Ag/1994)

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Abstract

The Supreme Court Decision Number 86K/AG/1994 states that a daughter alone becomes *ashabah bi nafsih* (residuary beneficiaries in their own right) or the sole heir who can exclude her uncle from the inheritance. This decision caused a polemic in the community because, according to the majority of Muslim scholars, a daughter cannot exclude her uncle from the inheritance. The position of daughter and her uncle are both heirs. This decision is used as jurisprudence by other judges in deciding inheritance disputes between daughters and their uncles, which are considered to cause injustice in deciding inheritance cases. This study uses a normative juridical method by examining laws and regulations, judge's decisions, and Islamic legal doctrine regarding the position of inheritance rights for daughters in Islamic law. This study aims to elucidate position of inheritance rights of daughters who inherit together with relatives according to the view of muslim scholars, position of inheritance rights of daughters who inherit with relatives in Compilation of Islamic Law, and analysis of Supreme Court Decision of the Republic of Indonesia No. 86K/ AG/ 1994. Based on the results of the research, it was found that the legal considerations of the judges in decision Number 86K/Ag/1994, which made daughters *ashabah bi nafsih*, were in accordance with the interpretation of Ibn Abbas regarding the verse of *kalalah* in the surah An-Nisa verse 176, where the word "walad" is generally interpreted includes sons and daughters. However, the opinion of the majority of scholars states the opposite, that girls are *zawil furudh* (those who have been fixed a specific share of inheritance in the Quran) and are not *ashabah bi nafsih* and are not able to exclude their siblings. After an in-depth study, it was found that in the case of inheritance in decision No. 86K/Ag/1994, the judge made a legal discovery that violated the provisions of the majority of scholars (*jumhur ulama*). The uncle had committed tyranny against his niece by controlling the inheritance unilaterally for a very long period and not sharing it with her as the heir. So that after reviewing the evidence and philosophical deepening of the case, the judge decided to hand over all the assets to the niece through a grammatical interpretation method on the meaning of the word "walad" in Surah An-Nisa verse 176 in the form of *radd* (the excess or remaining inheritance that is returned to all heirs). Such decisions cannot be made uniformly with all inheritance disputes because such decisions are only applied to certain cases to create a sense of justice.

Keywords: inheritance rights, Islamic law, judge's decision

Introduction

Inheritance law is legal provisions relating to someone who dies and the legal consequences arising related to material things. Nationally, there are three inheritance provisions that apply in Indonesia, namely western/civil inheritance law, Islamic inheritance law, and customary inheritance law. Western inheritance rules only apply to Chinese and European groups; Islamic inheritance rules bind followers of the Islamic religion, while customary inheritance provisions apply to some groups of native Indonesian people. Customary inheritance provisions are inheritance rules that have been in society for a long time. They are not even in writing but live in the behavior or actions of society.^[1]

Inheritance law, as one of the rules stipulated in Islamic law, in general, is a law that regulates the process of transferring rights/obligations to heirs over a person's assets after death. In Islamic legal literature, the distribution of inheritance is known as the science of "*faraidh*" as in the hadith narrated by Ibn Abbas, that the Prophet said: "Learn and teach the Al-Quran to others, also learn *faraidh* and teach it to others". Inheritance and *faraidh* are studies of the distribution of assets of people who have died according to the number of shares that have been determined.^[2]

Inheritance issues, according to Islamic law, are regulated in *fiqh*. In the terminology of western law, this *fiqh* is also called Islamic Law or Islamic jurisprudence, which refers more to *fiqh* and sharia law. This is in line with the Islamic thought that Islamic law and sharia law cannot be separated. In addition to *fiqh*, in Islamic law, there are several other legal products, namely the fatwa (legal ruling on the point of Islamic law) of the Islamic jurists, court decisions by judges, and statutory regulations.^[3]

The Compilation of Islamic Law (KHI) is one of the legal products in Indonesia which is intended for Muslims by Presidential Instruction No. 1 of 1991, which is the reference for Islamic civil law, one of which regulates inheritance law.^[4] Article 171 letter c of the Compilation of Islamic Law explains that an heir is a person left behind by a predecessor with ties of blood or marriage, Muslim, and not hindered as a recipient of the inheritance.

The heirs, both male and female, are people who have an inheritance relationship and are still alive at the death of the person who bequeaths his property.^[5] Inheritance in Islam is inseparable from the rules of Islamic law. Therefore, the existence of inheritance law must be explained in a factual form. In the implementation of inheritance law, before it is

formally resolved in court or with state law authorities, inheritance law must reflect a sense of kinship as one of the principles of Islamic civil law.^[6]

In Islam, the determination of the division of inheritance is stipulated clearly in Surah An-Nisaa, which can be summarized into six percentage parts, namely half (nisf), one quarter (rubu'), one-eighth (tsumun), two-thirds (tsulutsani), one third (tsulus)) and one-sixth (sodus).^[7] Islamic law provides inheritance rights based on a stipulation from Allah SWT as part of the provisions of the sharia that cannot be changed.

In Islam, one of the people who is designated as *dzawil furudh* is the daughter. *Dzawil furudh* is the heir whose share has been determined. While the remaining assets will be obtained by the heirs, who are classified as *ashabah*. If the heirs consist of a man and a woman, then the man gets a share equal to two women in the matter of spending the remaining assets.

The distribution of inheritance for Muslims in Indonesia refers to the Compilation of Islamic Law (KHI). KHI was formed in 1991 and officially legalized by Presidential Instruction Number 1 of 1991 and the Decree of the Minister of Religion Number 154 of 1991.^[8] According to Article 176 of the Compilation of Laws, the daughter's share is the same as in the Al-Quran.

For Muslim communities, references to inheritance distribution go back to the rules of Islamic law or KHI. However, in practice, the judges of the Supreme Court of the Republic of Indonesia issued decisions that violated the existing regulations, as in Decision Number 86K/AG/1994 with the ruling that girls spend assets without giving a penny to their guardians in this case, her uncle.

In the case, the judge decided that a daughter alone can exclude another guardian (hijab hirman) so that she can own all assets because this decision is in line with the opinion of Ibnu Abbas, who interprets the word "walad" in Surah An-Nisa verse 176 as a child in general, whether sons or daughter.

This decision is jurisprudence which can be used as a judge's consideration afterward in deciding cases with similar issues. This has led to inconsistencies in the judge's decisions. Some judges at the first instance of the Religious Courts and the appellate level under the Supreme Court have decided differently from this opinion by following the opinion of the Jumhur Ulama (the majority of Muslim scholars). This can lead to different reactions among justice seekers, the daughter, and the uncle.

This research is an analysis using various approaches to examine the law, namely the rules of Islamic law, including the Compilation of Islamic Law (KHI) and applied law (Jurisprudence) regarding the position of inheritance rights of daughters in statutory regulations and Islamic law provisions, and Supreme Court jurisprudence Number 86K/AG/1994, which provides full inheritance rights for daughters. In KHI, no rule states that daughters can exclude uncles in terms of receiving an inheritance, and the opinion of majority of scholars does not include daughters in the group of parties who can hijab (exclude) uncles. So, in this case, the judge has deviated from the existing legal provisions as applied in the Supreme Court decision Number 86K/AG/1994.

Research Method

The research method in this paper is normative legal research which is doctrinal legal research, namely legal research using secondary data.^[9] The position of daughters in receiving the inheritance is analyzed based on several regulations that govern it, in the form of Islamic law, the Compilation of Islamic Law (KHI), related laws and regulations, and compared with the Jurisprudence of the Supreme Court of the Republic of Indonesia Number 86K/AG/1994.

Results and Discussion

The Islamic rules regarding the inheritance rights of daughters if they are together with relatives of the deceased person are mentioned in Surah An-Nisaa verse 176 regarding the problem of *kalalah*, namely the heir who does not leave parents and children and what is left is only relatives. The word "walad" which means child, in verse 176 differs from the views of the scholars in interpreting it. Some scholars argue that the meaning of "child" in this verse is only for the son. Meanwhile, the daughter with her uncle can also receive an inheritance. Then the majority of scholars make a difference regarding the daughter cannot exclude the relatives of the deceased from inheritance. The decision was that all relationships were excluded with the presence of sons, while the presence of daughters could only exclude the relatives from the mother's side.

In Tafsir Ath-Tabari, it is found that Ibn Abbas interprets *kalalah* as those who leave neither father nor children and only leave relatives.^[10] According to Ibn Abbas, the term *walad* in verse 176 of Surah An-Nisa includes sons and daughters. This is because the word *walad* means child, as, in Surat An-Nisaa verse 11, Allah says, which means: "*Allah obliges you about "awlad" (your children), for a son (is) like the share of two daughters*". *Awlad*, in verse 11, is general, both sons and daughters. Based on this argument, the word *walad* in verse 176 of surah An-Nisaa also includes sons and daughters.^[11] This is proof that a daughter can exclude her deceased father's relatives.

In the Compilation of Islamic Law (KHI), inheritance law is generally guided by the principles of Islamic law based on the appropriate arguments of the Quran and guided by the opinion of the Jumhur ulama (majority of muslim scholars), namely the views of the *madhab* (a school of thought within Islamic jurisprudence) scholars who are followed by the majority of society. For example, the inheritance rights of a son are proportional to the inheritance rights of two daughters. The closest male relative gets the *ashabah* (heirs whose shares are not determined but can get all the assets or the remaining assets after the assets are divided among the *dzawil furudh* (those who have been fixed a specific share of inheritance in the Quran). KHI also stipulates several rules outside Islamic law, including obligatory wills and substitute heirs. In KHI, according to the provisions of Islamic jurisprudence, relatives get an inheritance if the deceased does not have children. The majority of Muslim scholars believe that the child in question is the son. So, sons can *hijab* (exclude) their uncles. The majority's opinion implies that the relatives will only get an inheritance if the deceased does not have sons. They will get an inheritance if the deceased only leaves daughters. Some contemporary Islamic scholars in Indonesia are of the opinion that such regulations can lead to gender bias.^[12]

KHI is structured according to the general rules in Article 181 and Article 182, namely that the inheritance of relatives depends on the existence of children. KHI does not describe the meaning of children in detail; it only mentions sons or sons and daughters. The word *walad* in *fiqh* has a different view among scholars. This seems to confuse some judges in determining inheritance dispute decisions. Uncles are only excluded by sons, according to the opinion of the majority of scholars, or by sons and daughters, according to the interpretation of Ibn Abbas. On the other hand, article 176 KHI stipulates that if a daughter is alone, she will receive half of the inheritance. In practice, it is found that there are judges' decisions regarding inheritance cases that refer to *fiqh* (Islamic Jurisprudence) books to protect the public interest and realize the benefit of ensuring justice for the parties.

This case concerns two brothers, Amaq Irawan and Amaq Nawiyah. Amaq Nawiyah passed away and left a brother and daughter named Le Putrahimah as heirs. The assets left behind are 2 plots of 6 hectares of land operated as plantations. When Amaq Nawiyah passes away, the land was managed by his brother, Amaq Irawan. Then, Amaq Irawan died in 1930. Amaq Irawan's wife and children manage the two plots of plantation land. After they all died, Le Putrahimah could control the plantation inherited from his father. Meanwhile, Amaq Irawan's grandson did not accept it because he felt he also had rights over the inherited land. Then a lawsuit was filed with Mataram Religious Court regarding the distribution of inheritance.

The legal decision of the First-Degree Court (Mataram Religious Court) was decision No. 85/Pdt.G/92/PA.Mtr, which decided that the judge rejected the lawsuit and revoked the stipulation of collateral confiscation against the object of dispute. At the Appellate Level at Mataram Religious High Court, the judge decided that the distribution of inheritance was determined according to legal provisions, namely decision No. 19/Pdt.G/1993/PTA.Mtr. It states that the collateral object of the dispute is legally confiscated as an inheritance that has not been distributed. Then, the share of the heirs, namely Amaq Irawan or biological brother, and Le Putrahimah or daughter as the recipient of the inheritance, is determined, with the entire estate divided into two parts. Half for the brother and half for the daughter.

At the Cassation Level at the Supreme Court, the cassation submission was based on Mataram Religious High Court's legal considerations, which stated that the inheritance dispute's object had not been distributed because, since 1957, the land had been registered as belonging to Le Putrahimah or the Cassation Petitioner. The next reason is Mataram Religious High Court is considered wrong in applying the law because it makes relatives *ashabah*. The Supreme Court, at the cassation level, handed down the Supreme Court decision No. 86K/AG/1994 with the ruling annulling Mataram Religious High Court decision and stipulating that the brother of the deceased did not get a share because the deceased left a daughter, namely the Petitioner.

The legal consideration in this decision is that the Supreme Court Judge believes that the deceased's sibling is excluded by the presence of children except for the husband, wife, and parents. This interpretation is in accordance with the views of Ibn Abbas, who interprets "walad" in verse 176 of Surah An-Nisaa concerning *kalalah*, which includes both sons and daughters.

At the cassation level, the panel of judges gave their opinion that Mataram Religious High Court was wrong in determining the law when Amaq Irawan was designated as *ashabah*, with the remaining half of the inheritance being distributed to Le Putrahimah. Le Putrahimah's position as the heir should not be equal to the brother of the deceased as the heir. The cassation effort is in accordance with Article 30 paragraph (1) letter b of Law No.5 of 2004 concerning Amendments to Law No.14 of 1985 concerning the Supreme Court, namely being able to cancel decisions at other court levels due to misapplication of law or violation of applicable regulations. The facts in the case show that the Mataram Religious High Court decision contradicted or violated the applicable inheritance law.^[13]

The Supreme Court found that the land area of 2 Ha as the object of the dispute had been in the custody of the family of the deceased's brother for a very long time without being shared with the child of the deceased. In legal considerations, the Supreme Court Panel of Judges believes that children, both sons and daughters, can exclude the heirs except for parents, husbands and wives by the interpretation of Ibn Abbas.

Based on this description, the legal consideration of the Supreme Court judges was the use of a grammatical interpretation method, namely interpreting provisions by describing the meaning of a rule according to a common language. Judges make legal discoveries to provide decisions that satisfy a sense of justice by understanding and exploring legal values that live in society. In this case, the meaning of the word "walad" in Surah An-Nisaa verse 176 is interpreted to mean "children" in general, including sons and daughters, with the aim of justice.

Meanwhile, on the other hand, there is the opinion of the Jumhur Ulama which states that the inheritance rights of daughters cannot exclude the rights of the deceased's brother for the inheritance. This opinion basically cannot cancel the judge's decision. However, returning to the opinion of the Jumhur Ulama, in the Supreme Court Decision Number 86K/Ag/1996, the judge's decision contradicted the provisions on inheritance in the Qur'an. However, it must also be reviewed from the side of the course of the case, which is special a case in the sense that the judge in certain cases can make legal discoveries. This is in accordance with the provisions of Article 5 of Law No.48 of 2009 concerning Judicial Power which states that judges are obliged to explore, follow, and understand the legal values and sense of justice that live in society.

The judge's legal discovery in this case also follows the Islamic jurisprudence provisions regarding *Istihsan*, namely laws that depart from general provisions with exceptions and are only applied to certain cases that require other legal considerations to realize *syara'* objectives. However, the judge is obliged to explain the reason for using the law outside the law that is usually applied to similar cases in accordance with the provisions of Article 30 paragraph (2) of Law No. 5 of 2004 concerning Amendments to Law No.14 of 1985 concerning the Supreme Court.

The Supreme Court decision No. 86/K/Ag/1994 did not elaborate on the reasons for the legal considerations which followed the views of Ibn Abbas and set aside the opinions of the Jumhur Ulama. This is a weak point that can lead to ongoing problems in the application of the law by subsequent judges. In essence, the Supreme Court's decision has tried to fulfill a sense of justice in the midst of a diverse society.

Conclusion

It can be concluded that the word "walad" in verse 176 of Surah An-Nisaa found differences in the scholars' interpretation. According to Jumhur Ulama, including scholars of the Islamic school of thought, the word "*walad*" means sons. Thus, the son's position can exclude the siblings of the deceased. The daughter with the deceased's siblings can also get the inheritance. In the Supreme Court Decision No. 86K/AG/1994, according to the provisions of the law on the Supreme Court No. 14 of 1985 Articles 50 and 51 paragraph (2), the judge annulled the decision on Mataram Religious High Court and decided by making a legal discovery using the grammatical interpretation method that the daughter can exclude the brother of the deceased from the inheritance. The Supreme Court's opinion follows the interpretation of Ibn Abbas regarding the word "walad" in Surah An-Nisaa verse 176. Although not described in the KHI, this decision is only applied to certain cases to create a sense of justice, where the inheritance has been controlled for a very long time by the heir's relative and is not handed to her. Therefore, to achieve justice, judges can depart from general rules to produce decisions to fulfill the parties' sense of justice.

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DEVELOPMENTS IN MODIFICATIONS OF SHARIAT LAWS IN 'MUSLIM' COUNTRIES

A. Full Secularization

In these Muslim majority countries, Shariat has been entirely replaced by a secular Civil Code that applies to all citizens regardless of religion.

TURKEY: Turkey has no distinction between male and female heirs; children inherit equal shares. Testamentary freedom is significantly broader, though subject to "reserved portions" (legitima) for immediate family.

CENTRAL ASIAN REPUBLICS: Countries like Kazakhstan, Uzbekistan, and Kyrgyzstan utilize secular civil codes and Inheritance is gender-neutral.

ALBANIA AND AZERBAIJAN: These states maintain strictly secular inheritance frameworks.

A. Substantial/Partial Statutory Reform

TUNISIA: Tunisia is often cited as the most progressive state regarding the reform of Islamic personal law while remaining within an Islamic cultural framework. The Code of Personal Status 1956) grants "opt-in" equality where families can choose to divide estates equally. Unlike traditional Shariat, where the spouse is often excluded from the "return" of the residue, the Tunisian Code allows the surviving spouse to take the remainder of the estate if there are no other heirs.

SENEGAL : Senegal offers a unique "Option" system. Under the 1972 Family Code, Muslims can choose at the time of marriage or through a formal declaration whether their estate will be governed by Secular Civil Law (equal shares) or Islamic Law (Faraid). If no choice is made, the secular code is often the default, representing a significant shift in testamentary control.

PAKISTAN and BANGLADESH (Muslim Family Laws Ordinance, 1961 of Undivided Pakistan applicable to both): Departs from Shariat Law of Inheritance and protects the rights of grandchildren whose parents predeceased the grandparent. Traditional Shariat dictates that an heir must be alive at the time of the decedent's death to inherit. This leaves grandchildren "orphaned" from an estate if their parent died before their grandparent. Section 4 of the 1961 Ordinance provides that the children of a predeceased son or daughter shall receive a share equivalent to what their parent would have received if alive. This is a direct departure from Shariat law of Inheritance.

EGYPT AND JORDAN (The Mandatory Will): have introduced Testamentary freedom. In Inheritance instead of granting a direct inheritance right (like Pakistan), these countries use the "Wasiat Wajibah" (Mandatory Will). The law "presumes" a will exists in favor of the grandchildren for up to one-third of the estate, bypassing the Shariat rule that heirs cannot be beneficiaries of a will.

B. Judicial Reinterpretation (The "Indonesian Model")

INDONESIA : The landmark shift in Indonesian inheritance law regarding the term "walad" (child) occurred through a series of Supreme Court (Mahkamah Agung) decisions in the mid-1990s. The most cited judgment is Decision No. 86 K/AG/1994,

This ruling fundamentally reinterpreted Islamic inheritance principles to align more closely with Indonesia's bilateral kinship system and contemporary views on gender equality.

The Legal Reinterpretation

In Shariat law (the Jumhur Ulama or majority view), the term walad in Surah An-Nisa verse 176 is referring specifically to a son. This narrow definition meant that:

- If a deceased person had only daughters, the deceased's siblings (collaterals) could still claim a share of the inheritance as asabah (residuary heirs).
- Only a son was considered a "barrier" (hijab) capable of completely excluding brothers of the deceased from the estate.

The Shift to Gender Neutrality

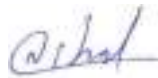
The Indonesian Supreme Court departed from this majority view by ruling that:

- "Walad" means "child" regardless of gender.

- Therefore, a daughter has the same legal capacity as a son to act as a barrier (hijab mahjub) against the deceased's siblings.
- If a Muslim dies leaving behind a daughter, his brothers are excluded from the inheritance, and the daughter (along with other primary heirs like the spouse) takes the estate.

This judicial interpretation has been codified in spirit within the Kompilasi Hukum Islam (KHI). While the KHI provides the framework, these Supreme Court decisions serve as the active "jurisprudence" (yurisprudensi) that judges in Religious Courts (Pengadilan Agama) follow today.

- Protection of the Nuclear Family: It ensures that the estate remains within the immediate family (children and spouse) rather than being fragmented among distant relatives or siblings.



[TRUE TYPED COPY]

ANNEXURE P-5**SECTIONS 49, 51 AND 61 OF THE UNIFORM CIVIL CODE
OF UTTARAKHAND ACT, 2024**

49. General rules of succession - The estate of a person dying intestate shall devolve according to the provisions of this Chapter in the following order

- (i) firstly, upon the heirs being the relatives specified in Class-I of Schedule -2 of this Code;
- (ii) secondly, if there is no heir of Class-I, then upon the heirs being the relatives specified in Class-2 of Schedule - 2 of this Code;
- (iii) thirdly, if there is no heir of the two classes mentioned in clauses (i) or (ii), then upon the other relatives;
- (iv) lastly, if there is no heir belonging to any of the clauses above, then by escheat upon the Government; and the Government shall take the estate subject to all the obligations and liabilities to which an heir would have been subject.

Explanation - In this Chapter, any reference to -

- a) "Class 1 heirs", in relation to the intestate, shall mean the spouse(s); the children; the children and the spouses of predeceased children; the children and the spouses of predeceased children of predeceased children; and the parents, limited to the relatives enumerated in Schedule -2;
- b) "Class-2 heirs", in relation to the intestate, shall mean the step parents; the siblings; the children and the spouses of predeceased siblings; the siblings of parents; the paternal grandparents; and

the maternal grandparents, limited to the relatives enumerated in Schedule-2;

c) "Other relatives", in relation to the intestate, shall mean the persons who are related to the intestate, other than the Class 1 and Class 2 heirs enumerated in Schedule -2;

d) "branch" of a predeceased person shall mean her/his surviving spouse(s) and children, and in case of branch of a predeceased child of the intestate, shall also include the surviving spouses) and children of a predeceased child of such predeceased child of the intestate.

51. Distribution of estate amongst the Class-1 heirs - Class-1 heirs shall succeed simultaneously and the state of an intestate shall be divided amongst them in accordance with the following rules –

Rule 1 - Every surviving spouse of the intestate shall take one share each.

Rule 2 - Every surviving child of the intestate shall take one share each.

Rule 3 - The heirs in the branch of each predeceased child of the intestate shall take one share together.

Rule 4 - The share devolving upon the branch of a predeceased child shall be divided equally amongst every surviving spouse, surviving child and branch of a predeceased child of the predeceased child.

Rule 5 -The share devolving upon the branch of a predeceased child of a predeceased child shall be divided equally amongst every surviving spouse and child.

Rule 6 - Surviving parents of the intestate shall together take one share in equal proportion and in case of only one of the parents surviving the intestate, such parent shall take one share;

Provided that in case both the parents have together taken one share and one of them subsequently dies, her/his interest in that one share shall devolve upon the other.

61. Person capable of making Wills - Every person of sound mind not being a minor may dispose of her/his estate by Will.

Explanation 1 - Persons who are deaf or dumb or blind are not thereby incapacitated for making a Will if they are able to know what they do by it.

Explanation 2 - A person who is ordinarily insane may make a Will during interval in which she/he is of sound mind.

Explanation 3 - No person can make a Will while she/he is in such a state of mind, whether arising from intoxication or from illness or from any other cause, that she/he does not know what she/he is doing.

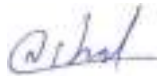
Illustrations

(i) A can perceive what is going on in his immediate neighbourhood, and can answer familiar questions, but has not a competent understanding as to the nature of his estate, or the

persons who are of kindred to him, or in whose favour it would be proper that he should make his Will. A cannot make a valid Will.

(ii) A executes an instrument purporting to be his Will, but he does not understand the nature of the instrument, nor the effect of its provisions. This instrument is not a valid Will.

(iii) A, being very feeble and debilitated, but capable of exercising a judgment as to the proper mode of disposing of his estate, makes a Will. This is a valid Will.



[TRUE TYPED COPY]

ANNEXURE P-6**REPRESENTATION TO THE MINISTRY OF MINORITY AFFAIRS
ON CONSTITUTIONAL INEQUALITY IN INHERITANCE RIGHTS
OF MUSLIM WOMEN ARISING FROM TERRITORIAL DISPARITY**

Submitted by:

Poulomi Pavini Shukla & Nyaya Naari Foundation

Date: 7th October 2025

I. INTRODUCTION AND PURPOSE OF REPRESENTATION

This representation is submitted to respectfully bring to the attention of the Ministry of Minority Affairs a serious constitutional and civil anomaly that has arisen following the enactment of the Uniform Civil Code of Uttarakhand, 2024. For the first time since Independence, Muslim women belonging to the same faith, lineage, and citizenship are subjected to unequal inheritance regimes solely on the basis of territorial residence.

The issue raised herein is confined strictly to inheritance and testamentary rights, which directly impact economic security, dignity, and equality of women, and does not concern matters of belief, worship, or religious observance.

II. THE CONSTITUTIONAL ANOMALY CREATED

Under the Uniform Civil Code of Uttarakhand, 2024, Muslim daughters residing in the State of Uttarakhand inherit equally with sons, whereas Muslim daughters residing in the rest of India continue to be governed by the Muslim Personal Law (Shariat) Application Act, 1937, under which daughters inherit a lesser share.

This has resulted in a situation where two Muslim women of identical faith, family structure, and citizenship status are subjected to different civil and proprietary consequences solely on the basis of geographical residence within the Union of India.

Such territorial differentiation in inheritance rights within the same religious community has no historical precedent and raises grave questions under Articles 14, 15, and 21 of the Constitution of India.

your content

III. NATURE OF PUBLIC INJURY

The injury arising from the present situation is systemic, structural, and nationwide in nature. It affects a large and indeterminate class of Muslim women outside Uttarakhand, their right to equal treatment under law, and their access to property, financial security, and dignity.

Inheritance rights determine real economic outcomes. Continued denial of equal inheritance rights entrenches gender-based economic inequality, reduces financial autonomy of women, and perpetuates inter-generational deprivation.

IV. LIMITED AND FOCUSED SCOPE OF THE ISSUE

This representation does not seek interference in religious practices or beliefs. It is limited solely to the civil consequences of inheritance where territorial divergence has arisen. The divergence introduced by State legislation has transformed a previously uniform personal law regime into a fragmented civil regime.

V. NEED FOR POLICY CONSIDERATION AND UNIFORMITY

The present situation places the Union Government in a constitutionally delicate position where one arm of the State has granted equal inheritance rights, while the Union continues to apply a regime resulting in unequal treatment.

The Ministry of Minority Affairs is requested to examine this issue, initiate consultations, and consider appropriate legislative or executive measures.

VI. PRAYER

The Petitioners respectfully request the Ministry to:

1. Examine the constitutional implications arising from territorial disparity;
2. Initiate consultations with stakeholders;
3. Consider steps to ensure equal civil treatment;

Yashwant

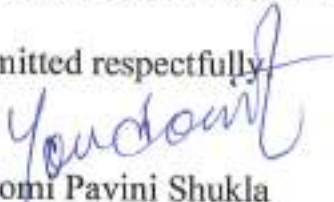
4. Modify Shariat Application Act 1937 so as to give women equal inheritance rights.

Please respond to this representation with your views at the earliest.

VII. CONCLUSION

This representation is submitted in good faith and in public interest. The Petitioners seek reasoned consideration and response, failing which appropriate constitutional remedies may be pursued.

Submitted respectfully,



Poulomi Pavini Shukla
Nyaya Naari Foundation

IN THE SUPREME COURT OF INDIA**CIVIL ORIGINAL JURISDICTION****WRIT PETITION (C) NO. _____ OF 2026****IN THE MATTER OF:-**

Poulomi Pavini Shukla & Anr.

...Petitioners

Versus

Union of India & Anr.

....Respondents

AFFIDAVIT

I, Poulomi Pavini Shukla D/o Pradeep Shukla age about 33 Years R/o 12 Hazratmahal Road Cantonment Lucknow U.P. - 226002 presently at New Delhi do hereby state on solemn affirmation as follows:

1. I am the Petitioner No.1 in the above-captioned matter and as such conversant with the facts and circumstances of the case and competent to the present affidavit.
2. That the petitioner has no personal gain, private motive or oblique reason in filing present petition.
3. I say that the contents of my above affidavit are true and correct, no part of it is false nor anything material has been concealed therefrom.



[Handwritten Signature]

[Signature]
DEPONENT

VERIFICATION:-

11 APR 2026

Verified at New Delhi on this day of April, 2026 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing has been concealed therefrom.

[Signature]
DEPONENT

I identify the deponent who has signed/T.I in my presence

Mr/Ms Adv /Self
ID No.



ATTESTED
[Signature]
Mrs. Sangita Mishra
Advocate Delhi
Regn. No. 16967
Govt. of India
Mob. No. 9990312780



IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO. _____ OF 2026

IN THE MATTER OF:-

Poulomi Pavini Shukla & Anr.

...Petitioners

Versus

Union of India & Anr.

....Respondents

AFFIDAVIT

I, Aisha Jawaid D/o Mohammad Jawaid Rahmani age about 27 Director of Nyaya Naari Foundation Registered Address: 4/34 Vivek Khand Gomti Nagar 226002 Lucknow presently at New Delhi do hereby state on solemn affirmation as follows:

1. I am the Petitioner No.2 in the above-captioned matter and as such conversant with the facts and circumstances of the case and competent to the present affidavit.
2. That the petitioner has no personal gain, private motive or oblique reason in filing present petition.
3. I say that the contents of my above affidavit are true and correct, no part of it is false nor anything material has been concealed therefrom.



Aisha

Aisha
DEPONENT

VERIFICATION:-

11 APR 2026

Verified at New Delhi on this day of April, 2026 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing has been concealed therefrom.

Aisha
DEPONENT



ATTESTED
Sangita
Mrs. Sangita Mishra
Advocate Delhi
Regn. No. 16967
Govt. of India
Mob. No. 9990312780

I identify the deponent who has signed/T.I in my presence

Mr/Ms _____ Adv./Self
ID No. _____

IN THE SUPREME COURT OF INDIA**CIVIL ORIGINAL JURISDICTION****I.A. NO. 49527 OF 2026****IN****WRIT PETITION (C) NO. _____ OF 2026****IN THE MATTER OF:-**

Poulomi Pavini Shukla & Anr.

...Petitioners

Versus

Union of India & Anr.

....Respondents

**APPLICATION FOR CONDONATION OF DELAY IN RE-
FILING****TO,****THE HON'BLE CHIEF JUSTICE OF
INDIA AND HIS COMPANION
JUDGES OF THE HON'BLE SUPREME
COURT OF INDIA****THE HUMBLE PETITION OF THE
PETITIONERS ABOVE NAMED****MOST RESPECTFULLY SHOWETH:**

1. That the present Writ Petition (Public Interest Litigation) was initially filed within time; however, certain procedural defects were pointed out by the Registry vide defect sheet.
2. That the said defects primarily related to completion of pleadings in the prescribed PIL format, including incorporation of requisite particulars under the Supreme Court Rules, affidavits, declarations, and formatting

requirements.

3. That curing the said defects required detailed drafting corrections, compilation of documents, re-affirmation of affidavits, and compliance with procedural requirements, which took some time despite the Petitioners acting with due diligence and bona fides.
4. That the delay **35** days in re-filing is neither intentional nor deliberate, but occurred solely on account of the time consumed in removing the defects pointed out by the Registry.
5. That the Petitioners have no mala fide intention and have not gained any advantage by the delay. On the contrary, grave issues of constitutional importance and public interest are involved in the present PIL.
6. That if the delay in re-filing is not condoned, the Petitioners would suffer irreparable prejudice.
7. That the Petitioners respectfully submit that the Hon'ble Court has consistently taken a liberal view in condoning delay where sufficient cause is shown, particularly in matters involving public interest and constitutional questions.
8. That the delay in re-filing is bona fide and deserves to be condoned in the interest of justice.

PRAYER

In view of the facts and circumstances stated above, it is most respectfully prayed that this Hon'ble Court may be pleased to:-

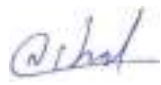
- a) Condone the delay **35** days in re-filing the present Writ Petition; and/or
- b) Pass such other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case; and/or

AND FOR THIS ACT OF KINDNESS THE PETITIONERS AS IN DUTY BOUND SHALL EVER PRAY.

DRAWN BY

FILED BY:

Drawn on: 27.01.2026
Filed on : 11.04.2026


(NIHAL AHMAD)
Advocate for the Petitioners

IN THE SUPREME COURT OF INDIA**CIVIL ORIGINAL JURISDICTION****I.A. NO. 49527 OF 2026****IN****WRIT PETITION (C) NO. _____ OF 2026****IN THE MATTER OF:-**

Poulomi Pavini Shukla & Anr.

...Petitioners

Versus

Union of India & Anr.

....Respondents

AFFIDAVIT

I, Poulomi Pavini Shukla D/o Pradeep Shukla age about 33 Years R/o 12 Hazratmahal Road Cantonment Lucknow U.P. - 226002 present at New Delhi do hereby state on solemn affirmation as follows:

1. I am the Petitioner No.1 in the above-captioned matter and as such conversant with the facts and circumstances of the case and competent to the present affidavit.
2. That the contents of the accompanying I.A.s' 120 to 126 have been read over to me in my vernacular language and I say that all the facts stated therein are correct to my knowledge.
3. I say that the contents of my above affidavit are true and correct, no part of it is false nor anything material has been concealed therefrom.



Yashwant
DEPONENT

VERIFICATION:-

Verified at New Delhi on this ^{11 APR 2026} day of April, 2026 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing has been concealed therefrom.

Yashwant
DEPONENT

I identify the deponent who has
signed/T.I in my presence

Mr/Ms Adv./Self
ID No.



ATTESTED
Sangita
Mrs. Sangita Mishra
Advocate Delhi
Regn. No. 16967
Govt. of India
Mob. No. 9990312780

IN THE SUPREME COURT OF INDIA**CIVIL ORIGINAL JURISDICTION****I.A. NO. 49527 OF 2026****IN****WRIT PETITION (C) NO. _____ OF 2026****IN THE MATTER OF:-**

Poulomi Pavini Shukla & Anr.

...Petitioners

Versus

Union of India & Anr.

....Respondents

AFFIDAVIT

I, Aisha Jawaid D/o Mohammad Jawaid Rahmani age about 27 Director of Nyaya Naari Foundation Registered Address: 4/34 Vivek Khand Gomti Nagar 226002 Lucknow presently at New Delhi do hereby state on solemn affirmation as follows:

1. I am the Petitioner No.2 in the above-captioned matter and as such conversant with the facts and circumstances of the case and competent to the present affidavit.
2. That the contents of the accompanying I.A.s' 120 to 126 have been read over to me in my vernacular language and I say that all the facts stated therein are correct to my knowledge.
3. I say that the contents of my above affidavit are true and correct, no part of it is false nor anything material has been concealed therefrom.



Aisha

Aisha
DEPONENT

VERIFICATION:-

11 APR 2026

Verified at New Delhi on this day of April, 2026 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing has been concealed therefrom.

Aisha
DEPONENT

I identify the deponent who has signed/T.I in my presence

Mr/Ms Adv./Self
ID No.



ATTESTED
Sangita
Mrs. Sangita Mishra
Advocate Delhi
Regn. No. 16967
Govt. of India
Mob. No. 9990312780

SECTION -
IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (C) NO. _____ OF 2025

IN THE MATTER OF:-

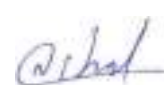
Poulomi Pavini Shukla & Anr. ...Petitioners
 Versus
 Union of India & Anr.Respondents

FILING MEMO

SL. No.	Particulars	Copy	Court Fee
1.	Office Report on Limitation	1	
2.	Listing Proforma	1	
3.	Cover Page of Paper Book	1	
4.	Index of Record of Proceedings	1	
5.	Synopsis & List of Dates	1	
6.	Writ Petition with affidavits.	1	
7.	Annexure P-1 to P-6	1	
8.	V/A	1	
		Total Rs.	

Filed by:

VINIT KUMAR
 CLERK
 I.D. NO. 7096
 MOB: 9650729627


[NIHAL AHMAD]
 Advocate for the Petitioners
 Office at :- 15, Lower Ground Floor,
 Jangpura Extension, New Om Hotel,
 New Delhi-110014.
 Email : iamnihaal@gmail.com
 M-9313283693
Code No. 3592

Date : 11.04.2026

NYAYA NAARI FOUNDATION

Office: 2nd Floor, Anjania Tower, 4/34 Vivek Khand, Gomti Nagar,
Lucknow-226010

Ref. No. 115
Date 20-11-2025

BOARD RESOLUTION

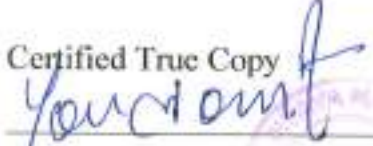
A meeting of the Board/Managing Committee of Nyaya Naari Foundation was held on the Wednesday 19th November 2025 at 4/34 Vivek Khand Gomti Nagar 226002 Lucknow.

The following resolution was passed unanimously:

“RESOLVED THAT Ms. Aisha Jawaid, being the authorised representative of Nyaya Naari Foundation, is hereby empowered and authorised to sign, affirm, verify and file the Writ Petition under Article 32 of the Constitution of India before the Hon’ble Supreme Court of India, including all affidavits, applications, vakalatnamas, statements and any other documents required for the proper conduct of the proceedings.

RESOLVED FURTHER THAT Ms. Aisha Jawaid is authorised to appoint, instruct and engage an Advocate-on-Record and any other counsel for the said proceedings, and to undertake all acts necessary for the prosecution of the case.”

Certified True Copy



Name: Poulomi Pavini Shukla

Designation: Chairperson / Managing Trustee

Nyaya Naari Foundation



**GOVERNMENT OF INDIA
MINISTRY OF CORPORATE AFFAIRS**

Central Registration Centre

Certificate of Incorporation

[Pursuant to sub-section (2) of section 7 and sub-section (1) of section 8 of the Companies Act, 2013 (18 of 2013) and rule 18 of the Companies (Incorporation) Rules, 2014]

I hereby certify that NYAYA NAARI FOUNDATION is incorporated on this THIRTEENTH day of JULY TWO THOUSAND TWENTY THREE under the Companies Act, 2013 (18 of 2013) and that the company is Company limited by shares

The Corporate Identity Number of the company is **U88100UP2023NPL185511**

The Permanent Account Number (PAN) of the company is **AAICN9973E***

The Tax Deduction and Collection Account Number (TAN) of the company is **LKNN09307E***

Given under my hand at Manesar this THIRTEENTH day of JULY TWO THOUSAND TWENTY THREE

Shivraj Ranjeri

Assistant Registrar of Companies/ Deputy Registrar of Companies/ Registrar of Companies

For and on behalf of the Jurisdictional Registrar of Companies

Registrar of Companies

Central Registration Centre

Disclaimer: This certificate only evidences incorporation of the company on the basis of documents and declarations of the applicant(s). This certificate is neither a license nor permission to conduct business or solicit deposits or funds from public. Permission of sector regulator is necessary wherever required. Registration status and other details of the company can be verified on mca.gov.in

Mailing Address as per record available in Registrar of Companies office:

NYAYA NAARI FOUNDATION

2 Floor, Anjania Tower, 4/34, Vivek Khand, Gomtinagar, Lucknow, Lucknow-226010, Uttar Pradesh

*as issued by Income tax Department



IN THE SUPREME COURT OF INDIA

CIVIL/CRIMINAL/ORIGINAL/ APPELLATE JURISDICTION

WRIT PETITION (C) NO. _____ OF 2025**IN THE MATTER OF:**

Poulomi Pavini Shukla & Anr,

Petitioners

Versus

Union of India & Anr,

....Respondents

I, Poulomi Pavini Shukla D/o Pradeep Shukla age about 33 Years R/o 12 Hazratmahal Road Cantonment Lucknow U.P. -226002 in the above Appeal/Petition do hereby appoint and retain **Mr. Nihal Ahmad, Advocate Supreme Court** to act and appear for me / us in the above Appeal / Petition / Review and on my / our behalf, to conduct and prosecute / defend the same and all proceedings that may be taken in respect to any application connected with the same of any Decree of Order passed therein, including proceedings in taxation and application for Review, to file and obtain return of documents, and deposit and receive any money on my / our behalf in the said Appeal / Petition and in application for Review, and to represent me / us and to take all necessary steps on my / our behalf in the above matter, I/We agree to pay his fees and out of pocket expenses, agree to ratify all acts done by the aforesaid Advocate in pursuance of this authority.

Dated this the 21st day of November, 2025

ACCEPTED IDENTIFIED

Nihal Ahmad

Advocate for the Petitioner No.1

Office at : 15 LGF, Jangpura Extension

New Delhi -110014

Email : iamnihal@gmail.com

M-9313283693

CC-3592

Client Name : Poulomi Pavini Shukla
D/o Pradeep Shukla

MEMO OF APPEARANCE

To,

The Registrar,
Supreme Court of India,
New Delhi-110001

Sir,

Kindly enter my appearance on behalf of the Petitioner in the above mentioned / matter.

Yours faithfully

Place : New Delhi
Filed on: 21.11.2025

[NIHAL AHMAD]

Advocate for the Petitioner No.1



NIHAL AHMAD
Advocate-on-Record
Supreme Court of India
Office: 15, Lower Ground Floor
Jangpura Ext., New Delhi-110014
CC-3592, Mob: 9313283693
E-mail: iamnihal@gmail.com



भारतीय विशिष्ट पहचान प्राधिकरण
भारत सरकार
Unique Identification Authority of India
Government of India



नामांकन क्रमांक/Enrolment No.: 2019/22536/13191

Poulomi Pavini Shukla (पौलोमी पविनी शुक्ला)

D/O: Pradeep Shukla, C-83, Butler Palace Colony,
Jopling Road, Lucknow, Lucknow,
Uttar Pradesh - 226001

आपका आधार क्रमांक/ Your Aadhaar No.:

6582 1716 7892



मेरा आधार, मेरी पहचान



1947



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सूचना

- आधार पहचान का प्रमाण है, नागरिकता का नहीं।
- पहचान का प्रमाण ऑनलाइन ऑथेंटिकेशन द्वारा प्राप्त करें।
- यह एक इलेक्ट्रॉनिक प्रक्रिया द्वारा बना हुआ पत्र है।

INFORMATION

- Aadhaar is a proof of identity, not of citizenship.
- To establish identity, authenticate online.
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Date: 2019.08.25 13:25:13.187

■ आधार देश भर में मान्य है.

■ आधार के लिए आपको एक ही बार नामांकन दर्ज करवाने की आवश्यकता है.

■ कृपया अपना नवीनतम मोबाइल नंबर तथा ई-मेल पता दर्ज कराएं, इससे आपको विभिन्न सुविधाएं प्राप्त करने में सहायित होगी.

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भारत सरकार
GOVERNMENT OF INDIA



भारतीय विशिष्ट पहचान प्राधिकरण
(UNIQUE IDENTIFICATION AUTHORITY OF INDIA)



पौलोमी पविनी शुक्ला
Poulomi Pavini Shukla
जन्म तिथि/ DOB: 02/06/1992
महिला / FEMALE



6582 1716 7892

मेरा आधार, मेरी पहचान

पता:

आत्मजा: प्रदीप शुक्ला, सी-
83, बटलर पैलेस कॉलोनी,
जोपलिंग रोड, लखनऊ,
लखनऊ,
उत्तर प्रदेश - 226001

Address:

D/O: Pradeep Shukla, C-83,
Butler Palace Colony, Jopling
Road, Lucknow, Lucknow,
Uttar Pradesh - 226001

6582 1716 7892

MERA AADHAAR, MERI PEHACHAN

you are not

IN THE SUPREME COURT OF INDIA

CIVIL/CRIMINAL/ORIGINAL/ APPELLATE JURISDICTION

WRIT PETITION (C) NO. _____ OF 2025**IN THE MATTER OF:**

Poulomi Pavini Shukla & Anr.

Petitioners

Versus

Union of India & Anr.

.....Respondents

I, Aisha Jawaid D/o Mohammad Jawaid Rahmani age about 27 Director of Nyaya Naari Foundation Registered Address: 4/34 Vivek Khand Gomti Nagar 226002 Lucknow in the above Appeal/Petition do hereby appoint and retain **Mr. Nihal Ahmad, Advocate Supreme Court** to act and appear for me / us in the above Appeal / Petition / Review and on my / our behalf, to conduct and prosecute / defend the same and all proceedings that may be taken in respect to any application connected with the same of any Decree of Order passed therein, including proceedings in taxation and application for Review, to file and obtain return of documents, and deposit and receive any money on my / our behalf in the said Appeal / Petition and in application for Review, and to represent me / us and to take all necessary steps on my / our behalf in the above matter, I/We agree to pay his fees and out of pocket expenses, agree to ratify all acts done by the aforesaid Advocate in pursuance of this authority.

Dated this the 21st day of November, 2025

ACCEPTED IDENTIFIED CERTIFIED

Nihal Ahmad

Advocate for the Petitioner No.2

Office at : 15 LGF, Jangpura Extension

New Delhi -110014

Email : iarnihal@gmail.com

M-9313283693

CC-3592

Client Name : Aisha Jawaid

D/o Mohammad Jawaid Rahmani

(Director of Nyaya Naari Foundation)

MEMO OF APPEARANCE

To,

The Registrar,
Supreme Court of India,
New Delhi-110001

Sir,

Kindly enter my appearance on behalf of the Petitioner in the above mentioned / matter.

Yours faithfully

Place : New Delhi

Filed on : 21.11.2025

[NIHAL AHMAD]

Advocate for the Petitioner No.2



NIHAL AHMAD
Advocate-on-Record
Supreme Court of India
Office: 15, Lower Ground Floor
Jangpura Ext., New Delhi-110014
CC-3592, Mob: 9313283693
E-mail: iarnihal@gmail.com

 	 
भारत सरकार Government of India	सूचना / INFORMATION
भारतीय विशिष्ट पहचान प्राधिकरण Unique Identification Authority of India	■ आधार पहचान का प्रमाण है, नागरिकता का नहीं। ■ आधार विशिष्ट और सुरक्षित है। ■ सुरक्षित कंप्यूटर कोड/ऑनलाइन एक्सेस/ऑफलाइन/ऑनलाइन प्रमाणिकरण की उपयोग करके पहचान सत्यापित करें। ■ आधार के सभी रूप जैसे आधार पत्र, पीवीसी कार्ड, ई-आधार और एक-आधार समान रूप से मान्य हैं। १२ अंकों की आधार संख्या के स्थान पर आधारी (विड/आर) आधार पहचान (VID) का भी उपयोग किया जा सकता है। ■ 10 साल में कम से कम एक बार आधार अपडेट जरूर करें। ■ आधार आपको विभिन्न सरकारी और गैर-सरकारी योजनाओं/सेवाओं का लाभ उठाने में मदद करता है। ■ आधार से अपना मोबाइल नंबर और ई-मेल आईडी अपडेट रखें। ■ आधार सेवाओं का लाभ उठाने के लिए स्मार्टफोन पर mAadhaar ऐप डाउनलोड करें। ■ आधार/बायोमेट्रिक्स को लॉक/अनलॉक करने की विशेषता का उपयोग सुरक्षा सुनिश्चित करने के लिए करें। ■ आधार (पत्र/संघ) चाहने वाली संस्थाओं को उचित सहमति देने के लिए बाध्य किया गया है। ■ Aadhaar is a proof of identity, not of citizenship. ■ Aadhaar is unique and secure. ■ Verify identity using secure QR code/offline XML/online Authentication. ■ All forms of Aadhaar like Aadhaar letter, PVC Cards, eAadhaar and mAadhaar are equally valid. Virtual Aadhaar Identity (VID) can also be used in place of 12 digit Aadhaar number. ■ Update Aadhaar at least once in 10 years. ■ Aadhaar helps you avail various Government and Non-Government benefits/services. ■ Keep your mobile number and email id updated in Aadhaar. ■ Download mAadhaar app on smart phones to avail Aadhaar Services. ■ Use the feature of lock/unlock Aadhaar/biometrics to ensure security. ■ Entities seeking Aadhaar are obligated to seek due consent.
नार्मल एनरोलमेंट/Enrolment No.: 1047/88169/01815 To आशा जवेद Asha Jawad D/O: Mohammad Jawad Rahmani A-129 first floor new friends colony Jamia Nagar South Delhi Delhi - 110025 9871215562	
Signature Not verified  	
आपका आधार क्रमांक / Your Aadhaar No. : 8543 4534 3476 VID : 9154 3567 8278 4957 मेरा आधार, मेरी पहचान	
 भारत सरकार  Government of India  आशा जवेद Asha Jawad जन्म तिथि/DOB: 26/02/1998 लिंग/ GENDER: FEMALE Issue Date: 14/01/2014 8543 4534 3476 VID : 9154 3567 8278 4957 मेरा आधार, मेरी पहचान	 भारतीय विशिष्ट पहचान प्राधिकरण  Unique Identification Authority of India पता: संजीव, कोमल जवेद राहमानी, A-129, फर्स्ट फ्लोर, नई फ्रेंड्स कॉलोनी, जामिया नगर, दक्षिण दिल्ली, दिल्ली - 110025 Address: D/O: Mohammad Jawad Rahmani, A-129, first floor, new friends colony, Jamia Nagar, South Delhi, Delhi - 110025  8543 4534 3476 VID : 9154 3567 8278 4957 1047 Help@uidai.gov.in www.uidai.gov.in

Asha
Self Attested.