



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

LANDMARK JUDGEMENTS OF THE SUPREME COURT OF INDIA

Vanshika Pandey

TITLE: Sarla Mudgal (President, Kalyani) and Ors. v. Union of India, Ors.

COURT: Supreme Court of India

DATE: 10th May, 1995

CITATION: AIR 1995 SC 1531

APPELLANT: Sarla Mudgal, President, Kalyani and Ors.

RESPONDENT: Union of India and Ors.

INTRODUCTION –

Sarla Mudgal v. Union of India is a 1995 judgement which laid down the principles against the solemnization of second marriages by conversion to Islam, while the first marriage is yet not dissolved. The landmark judgement focuses on the practise of conversion of religion to secure a second marriage, being against the principles of justice when the first Hindu Marriage remains undissolved. It focused on discontinuing the practise of conversion to the Islamic Religion for the purpose of securing a valid second marriage while the first Hindu Marriage is undissolved and stated such marriages as an offence under Bigamy¹.

¹ Indian Penal Code, 1860, § 494, No. 45 of 1860 (India). / The Bharatiya Nyaya Sanhita, 2023, § 82, No. 45 of 2023 (India).

FACTS OF THE CASE –

The judgement was a result of four consolidated writ petitions filed under Article 32², presenting similar accounts of marital desertion and misuse of religious conversion.

1. Meena Mathur

Meena Mathur married Jitendar Mathur following the Hindu rites, and three children were born out of the wedlock. In 1988, Meena discovered that her husband had converted to Islam and performed a second marriage with Sunita Narula, who also converted and changed her name to Fatima. Smt Sarla Mudgal, the President of Kalyani, an organisation dedicated to assisting distressed women, joined Meena in the Court. They argued that Jitendar Mathur's acts were intended to circumvent the bigamy provisions of the Hindu Marriage Act, 1955.

2. Sunita Narula

In the multi-layered vulnerability of women in the arrangements, Sunita Narula also filed a petition asserting that she and Jitendar had converted to Islam and had a son. However, due to family pressure, Jitendar converted back to Hinduism. He agreed to maintain his first wife and children, abandoning Sunita without any maintenance and without clear status under which personal law.

3. Geeta Rani

Geeta Rani married Pradeep Kumar in 1988 through Hindu rituals. After enduring physical abuse, in which one incident her jawbone was fractured, she came to know that her husband had converted to Islam and married a woman named Deepa. Geeta contended that the conversion was designed to facilitate the second marriage and to avoid criminal prosecution for bigamy.

4. Sushmita Ghosh

Sushmita Ghosh married G.C. Ghosh according to Hindu Rituals in 1984. Her husband in 1992 demanded a mutual-consent divorce, to which she refused. He told her that he had reembraced Islamic Traditions and had obtained a conversion under the name of Mohd. Karim Ghazi, and

² India Const.

intended to marry Vinita Gupta. Sushmita petitioned the court for an injunction to restrain her husband from bigamy.

LEGAL ISSUES –

1. Whether a Hindu husband, married under Hindu law, by embracing Islam, can solemnise a second marriage?
2. Whether such a marriage without having the first marriage dissolved under law would be a valid marriage qua the first wife who continues to be Hindu?
3. Whether the apostate husband would be guilty of the offence under Section 494 of the Indian Penal Code (IPC)?

JUDGEMENT OF COURT –

- **RATIO –**

When a marriage is solemnised as per the Hindu Marriage Act, 1955, certain rights and status are acquired by the parties involved, and if one party dissolves the marriage by adopting and enforcing another personal law, it would negate the existing rights of the spouse who proceeds to be a Hindu. Therefore, a Hindu marriage can only be dissolved as per the norms given under Section 13³. The same has been asserted by the doctrine of indissolubility.

It was further stated that a person converting to Islam only for the purpose of doing a second marriage is guilty of Bigamy⁴. The term ‘void’ has different uses under The Hindu Marriage Act, 1955 and the Indian Penal Code, respectively. Therefore, it is inferred from the ingredients of bigamy that a second marriage would be void and the apostate husband would be guilty under Section 494 of IPC.

Lastly, it was advocated by the court that the Uniform Civil Code (UCC)⁵ is necessary for the Indian Legal System, which would prevent citizens from infringing on the personal laws of

³ The Hindu Marriage Act, 1955, No. 25, Acts of Parliament, 1955 (India).

⁴ Indian Penal Code, 1860, § 494, No. 45 of 1860 (India) / The Bharatiya Nyaya Sanhita, 2023, § 82, No. 45 of 2023 (India).

⁵ India Const. art. 44.

others. The court then directed the Government of India to file an affidavit for the steps towards securing a UCC for the citizens.

- OBITER DICTA –

Justice Kuldeep Singh observed that marriage is the very foundation of a civilised society under which a relation is formed, and the law is involved, binding the parties to carry out certain obligations towards the relation established. It can be said that marriage is a foundation of a family, without which there is no society and since monogamy is an obligation as per the Hindu law, husbands usually convert to Islam for polygamy, which therein is allowed.

It was also observed that the Constitution of India itself provides a Uniform Civil Code⁶, but there has been no development to achieve the goal. The implementation of the UCC would contribute to national integrity and avoid disparities amongst the personal laws. Justice Sahai opined that it would provide a necessary shield to the oppressed minorities and promote national unity and solidarity. Therefore, the first step is to rationalise the personal laws of minorities to develop religious and cultural amity.

LAWS –

1. Indian Penal Code, 1860 –

Section 494 – Whoever, having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

The following conditions must be met for conviction-

- The accused must be legally married, having a husband or wife who is still alive.
- There must be a valid second marriage, i.e. the ceremonies and rituals must be complete.
- The second marriage must be considered void due to the first marriage.

⁶ *Id.*

2. Constitution of India –

Article 44 – The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.

ANALYSIS AND IMPACT –

The case of *Sarla Mudgal v. Union of India* (1995) remains a cornerstone of the Family Law and of justice jurisprudence. By giving the ruling that a Hindu marriage cannot be dissolved through unilateral religious conversions and that bigamy is void and punishable under the Indian Penal Code, the Apex Court effectively plugged a major legal loophole, leaving women vulnerable to marital desertion. In Indian society, this judgement bridges the gap between individual religious freedom, given under Article 25 of the Constitution, and civic responsibility, establishing that conversion cannot be weaponised to evade prior obligations. The court's advocacy for the Uniform Civil Code (UCC) was to ensure national integration and to eliminate disparities in personal laws, which continues to serve as the primary jurisprudential catalyst for modern legislative achievements, such as the Uttarakhand UCC Act of 2024.

The case has had a huge impact on providing justice for gender equality and putting an end to uncertain practices harming the nature of society.