



Narasu Appa Mali Case 1951

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Why in News?

The landmark case of **State of Bombay v. Narasu Appa Mali Case, 1951** has had lasting implications on the **debate** over whether **personal laws** can be subjected to **constitutional scrutiny**.

- This case remains relevant today, particularly in discussions surrounding the [Uniform Civil Code \(UCC\)](#) and [gender justice](#) within religious law.

What is the *State of Bombay v. Narasu Appa Mali Case, 1951*?

- **Background: Narasu Appa Mali**, a resident of Maharashtra, was convicted by a session court under the **Bombay Prevention of Hindu Bigamous Marriages Act, 1946** for marrying a **second wife** as per the custom.
 - The act made **bigamy** a punishable **offence**.
 - The court ruled the law **didn't violate Article 14**, even though it applied only to Hindus, while Muslim men could practice **polygamy**.
- **Bombay High Court:** It **upheld** the constitutionality of the **1946 law**, stating that **personal laws**, unless codified, are **not subject** to scrutiny for violation of **fundamental rights**.
 - It ruled that personal laws are **immune** from constitutional scrutiny under **Article 13**, allowing even regressive practices.
- **Influence on Later Cases:**
 - **Triple Talaq Case, 2017:** The Supreme Court (SC) struck down **instant triple talaq**, ruling it was codified under the **Shariat Act, 1937** and subject to constitutional scrutiny.
 - **Sabarimala Case, 2018:** The SC **criticized the Narasu judgment**, asserting that all laws, including **personal laws**, must follow **constitutional principles**.
- **Current Debate:** Experts argue the Narasu ruling should be **reconsidered for gender justice**.
 - It is often cited to **justify non-interference** in personal laws, causing conflicting rulings on **marriage, inheritance, and customs**.

Other Cases Related to Judicial Intervention in Personal Laws

- **Shah Bano Case, 1985:** Recognized Muslim women's **right to maintenance**, highlighting the need for **gender justice in personal laws**.
- **Sarla Mudgal Case, 1995:** Supreme Court advocated **UCC** to prevent **Hindu men** from converting to **Islam solely to practice polygamy**.
- **Shayara Bano Case, 2017:** Declared **Triple Talaq unconstitutional**, promoting gender justice.

Drishti Mains Question:

Personal laws should align with constitutional morality rather than religious traditions. Discuss.

UPSC Civil Services Examination, Previous Year Question (PYQ)

Mains

Q. Discuss the possible factors that inhibit India from enacting for its citizens a uniform civil code as provided for in the Directive Principles of State Policy. (2015)

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