



CIVIL

# No Legal Authority: Supreme Court on 'Sharia Courts' and 'Kazi Courts'

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## Introduction

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Religious adjudicatory bodies have a long history in the Indian subcontinent, dating back to the medieval period when Islamic rulers appointed Qazis (judges) to administer justice according to Sharia law. During the Mughal era, these institutions were formally integrated into the imperial administrative structure, with Qazis enjoying official recognition and authority to resolve disputes among Muslims.

This practice continued in a modified form during British colonial rule, where the colonial administration recognized certain aspects of religious personal laws while gradually introducing a unified judicial system. Following independence in 1947, India adopted a secular constitution but retained personal laws for different religious communities through statutory provisions like the Muslim Personal Law (Shariat) Application Act, 1937.

Despite the establishment of a unified judicial system under the Constitution, parallel quasi-judicial bodies like Dar-ul-Qazas, Sharia Courts, and similar institutions continued to function informally within Muslim communities.

However, their legal status has remained contentious, leading to the Supreme Court's clarification in the present case. This clarification was made in the case of *Shahjahan vs. The State of Uttar Pradesh & Anr* (Criminal Appeal No. 2112 of 2025), where a bench comprising Justices Sudhanshu Dhulia and Ahsanuddin Amanullah highlighted that these institutions lack legal standing and their directions cannot be enforced through coercive measures.

## Shahjahan vs. The State of Uttar Pradesh & Anr

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The case involved an appeal by Shahjahan (appellant-wife) against an order of the Allahabad High Court, which had upheld the Family Court's decision denying her maintenance from her husband. The appellant's marriage was solemnized with the respondent-husband in 2002 according to Islamic customs, and they had two children together.

The legal journey began when the husband filed for divorce in the 'Court of Kazi', Bhopal in 2005, which was dismissed following a compromise between the parties. Later, in 2008, he again filed for divorce in the 'Court of (Darul Kaja) Kajiyat', Bhopal, which directly brought these religious institutions into the legal narrative. Shortly thereafter, the appellant filed for maintenance under Section 125 of the Code of Criminal Procedure. The Family Court and the High Court had previously dismissed her claim for maintenance, partly based on decisions made by a "Court of Kazi" leading the appellant to approach Supreme Court.

## Court's Observations

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While analyzing the case, the Supreme Court noted multiple references to institutions like 'Court of Kazi', 'Court of (Darul Kaja) Kajiyat', and 'Sharia Court' in the proceedings. In response, the Court dedicated a "Post-Script" section in its judgment to address this issue.

The Court relied on its previous judgment in *Vishwa Lochan Madan v. Union of India* (2014), which established that:

1. Dar-ul-Qazas or similar bodies are not created or sanctioned by any law made by a competent legislature
2. Opinions or fatwas issued by such bodies do not constitute adjudication of disputes under a judicial system sanctioned by law
3. A Qazi or Mufti has no authority to impose opinions or enforce fatwas through coercive methods

## Key Pronouncements by Supreme Court

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- **No Legal Recognition:** The Supreme Court reiterated that "Sharia Court," "Court of Kazi," and similar bodies have no legal recognition under Indian law. Their decisions or fatwas are not binding and cannot be enforced by any legal process.
- **Non-Binding Nature:** The Court emphasized that any decision or fatwa issued by these bodies is only relevant if voluntarily accepted by the parties involved. Even then, such decisions do not have legal force and cannot be enforced against third parties or in conflict with other laws.
- **Protection of Individual Rights:** The judgment underscored the importance of protecting individual rights and ensuring that no one is punished without due process of law. The Court criticized the Family Court's reasoning that dowry demands could not exist in a second marriage, calling it "unknown to the canons of law" and "based on conjecture."

- **Maintenance and Legal Principles:** The Supreme Court also addressed the issue of maintenance, directing that it should be awarded from the date of application rather than the date of the order. This decision aimed to prevent undue hardship caused by delays in the judicial process.

## Wider Implications

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This pronouncement reaffirms the supremacy of the constitutional framework and statutory legal system in India. It serves as a reminder that parallel judicial systems cannot operate within the country's constitutional scheme. The judgment highlights the principle that in a country governed by the rule of law, judicial authority must flow from validly made laws, and adjudications must be made by legally recognized authorities whose decisions are enforceable under the law.

The judgment also ensures that individuals' rights are protected and that no one can be compelled to adhere to decisions made by bodies that lack legal sanction. While acknowledging the role of these bodies in providing informal justice, the Court emphasized that their decisions are not enforceable by law and must not infringe upon the rights of individuals.

## Resolution of the Main Case

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On the merits of the maintenance case, the Supreme Court set aside both the Family Court's and High Court's orders and directed the respondent-husband to pay Rs. 4,000 per month as maintenance to the appellant-wife from the date of filing the maintenance petition. The Court also upheld maintenance for the children, though clarifying that the daughter's maintenance would only be payable until she attained majority. The judgment represents an important clarification of the legal position regarding religious adjudicatory bodies in India's constitutional framework while also addressing the substantive rights of the appellant in her maintenance claim.

## Conclusion

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The Supreme Court's judgment in "Shahjahan vs The State of Uttar Pradesh & Anr." serves as a clear reminder that in a country governed by the rule of law, decisions by informal bodies such as "Sharia Court" or "Court of Kazi" cannot override the legal framework established by the Constitution. This reaffirmation of the supremacy of the law is crucial in maintaining justice and ensuring that individual rights are safeguarded. The Court's directive that such decisions are not binding and cannot be enforced underscores the importance of upholding the principles of equality, justice, and the rule of law in all matters.

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