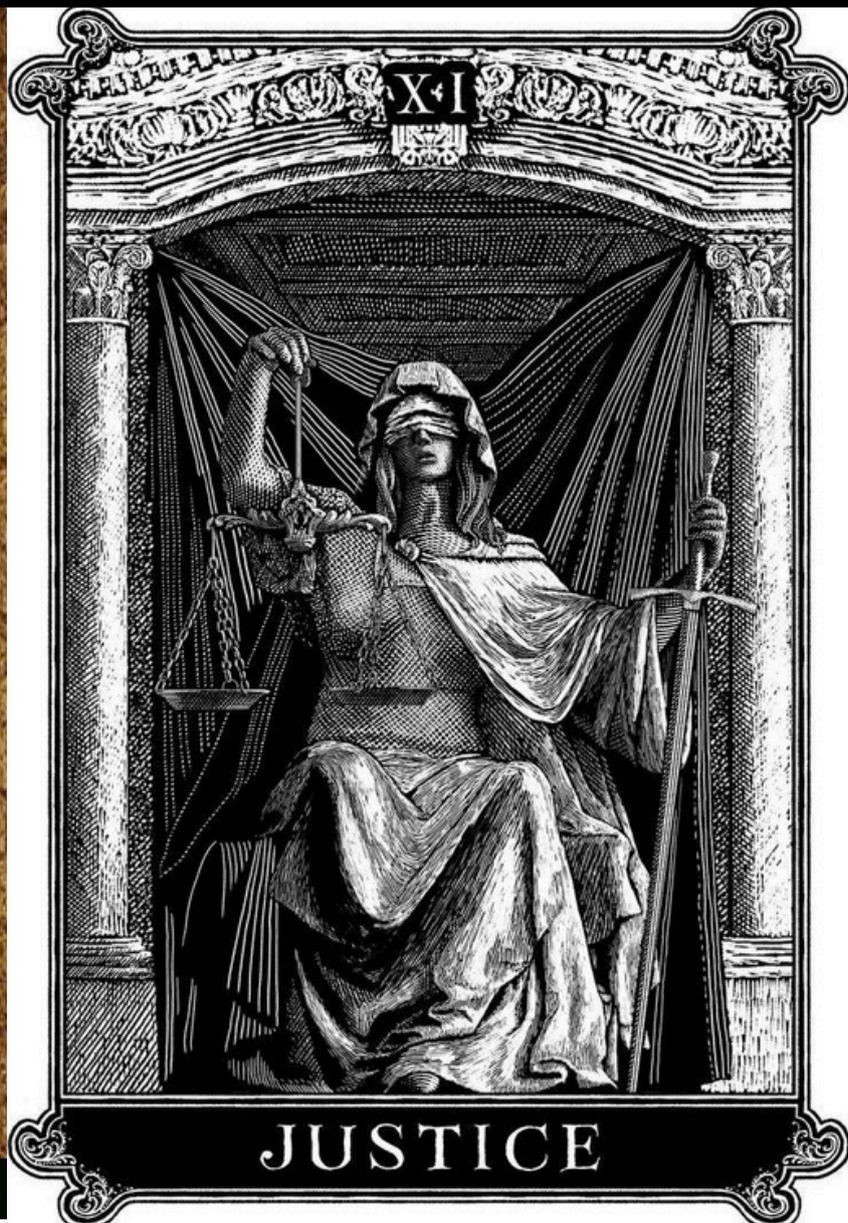


ALL CENTRE FOR PERSONAL LAWS

NEWSLETTER



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LAW & RIDDLES (LEGAL GAMES CORNER)



About the Centre

Introduction:

The AIL Centre for Personal Laws (ACPL) was founded to promote a clear and practical understanding of personal laws as they operate within India's diverse social framework. Personal laws affect everyday realities – governing family relationships, property rights, and social responsibilities – and continue to evolve as society and its values change.

The Centre's primary focus is to encourage academic inquiry that is both reflective and relevant. It aims to equip students and researchers with the ability to examine personal laws not only through legal texts, but also through the contexts in which they are applied. By engaging with real issues such as gender justice, equality, and cultural autonomy, ACPL seeks to make research purposeful and grounded in present-day challenges.

At ACPL, learning extends beyond theoretical study. Through interactive discussions, research projects, and student-led initiatives,

the Centre provides opportunities to connect classroom knowledge with lived experience. It serves as a bridge between tradition and progress – promoting reasoned dialogue over rigid division and understanding over assumption.

In essence, the AIL Centre for Personal Laws stands for the idea that studying law is not only about knowing what it says, but understanding what it means for the people it serves.

Meet the Team:

FACULTY COORDINATORS

- Dr. Alamdeep Kaur
- Dr. Indu Bala

STUDENT COORDINATORS

- Mehak Jamwal- 5th year
- Anushka Verma- 4th year
- Drishti Kaundinya- 3rd year
- Navjot Kaur- 2nd year

Together, the team aims to uphold the objectives of ACPL with diligence and integrity. We are committed to delivering impactful events and meaningful student engagement.

Events By The Centre

EXPRESS, ENGAGE, ENLIGHTEN

About the Activity

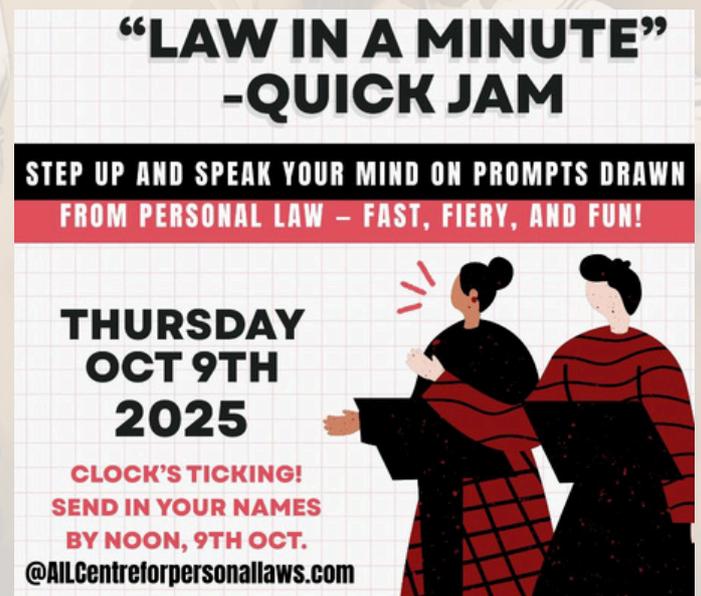
Introductory Session for First-Year Students



The AIL Centre for Personal Laws (ACPL) organized an interactive introductory session for first-year students on 1st October 2025 at 2:30 PM in their respective classrooms, under the guidance of Dr. Alamdeep Kaur and Dr. Indu Bala, Faculty Coordinators of ACPL. The session aimed to familiarize the newly admitted students with the vision, objectives, and initiatives of the Centre. Members of ACPL introduced the students to the Centre’s research goals, ongoing projects, and its role in promoting awareness of personal laws in India. To make the interaction engaging, fun activities such as “Trivia Time” and “MythBusters” were conducted, which encouraged participation and dispelled common misconceptions surrounding family and personal law concepts. The coordinators concluded the session with motivating remarks, appreciating the members’ efforts

“Law in a Minute” Activity

The AIL Centre for Personal Laws (ACPL) conducted an engaging activity titled “Law in a Minute” on 9th October 2025 at 2:30 PM in Classroom No. 1, under the supervision of Dr. Alamdeep Kaur and Dr. Indu Bala. The event tested students’ ability to think critically and express their understanding of personal laws within a limited timeframe. Each participant was given a random topic, such as “Marriage – A Contract or a Sacrosanct Union?”, and was required to present their views in one minute. Students from various batches participated, showcasing clarity, spontaneity, and insight in their brief yet impactful presentations.



Tokens of appreciation were given to participants and audience members, fostering enthusiasm and inclusivity.

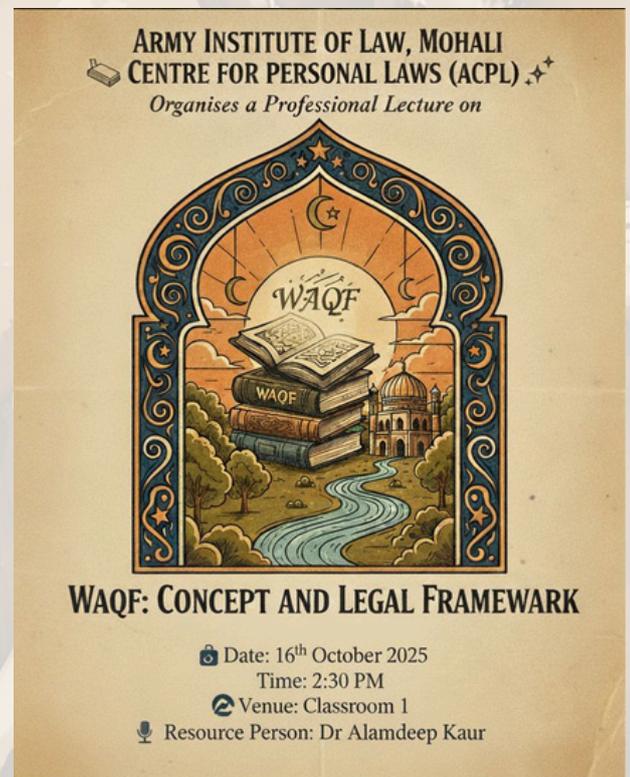
Events By The Centre

The coordinators praised the participants and organizers, and the event concluded with a vote of thanks and a group photograph.

Lecture on “Waqf: Concept and Legal Framework”

The AIL Centre for Personal Laws (ACPL) organized an academic lecture on “Waqf: Concept and Legal Framework” on 16th October 2025 at 2:15 PM in Classroom No. 1 under the supervision of the Centre’s Faculty Coordinators. The lecture was delivered by Dr. Alamdeep Kaur, an esteemed faculty member of the Army Institute of Law, known for her expertise in personal laws. Dr. Kaur discussed the concept of Waqf as an Islamic charitable endowment and elaborated on its religious, social, and legal significance.

The session covered the Waqf Act, 1995, relevant amendments, and the administrative role of Waqf Boards, along with significant judicial interpretations that have shaped this area of law. Students actively engaged in the discussion, posing questions on accountability, governance, and the balance between religious principles and statutory regulation. The lecture concluded with a vote of thanks, marking an insightful and enriching session that strengthened the students’ practical understanding of personal laws.



Inheritance in the Age of IVF and Cryopreservation: Redefining Lineage in Personal Laws

- Navjot Kaur, 2nd year student

“Law, like life, must grow with the living.”

— Justice P.N. Bhagwati¹

Inheritance is more than the transfer of property, it is the legal recognition of lineage, identity, and continuity. Personal laws in India, shaped by religion and tradition, have long associated inheritance with natural descent and legitimacy through lawful marriage. Yet, the twenty-first century has brought profound changes to how families are formed. The rise of in-vitro fertilization (IVF), surrogacy, and cryopreservation has expanded human reproductive possibilities far beyond the boundaries envisioned by existing legal frameworks.

Today, science allows children to be conceived after a parent's death, embryos to be preserved for years, and genetic material to be donated by individuals with no intention of parenthood. These realities challenge the very foundations upon which personal laws define legitimacy, kinship, and inheritance. The question, therefore, is no longer whether a child is born within marriage, but whether the law can recognize as an heir someone whose conception itself is mediated by technology.

The Legal and Ethical Transformation of Family Creation

Reproductive technology has transformed the meaning of biological connection. In India, IVF and related procedures are regulated by the Assisted Reproductive

Technology (Regulation) Act, 2021¹ and the Surrogacy (Regulation) Act, 2021². Both statutes safeguard ethical practices but are notably silent on issues of inheritance and succession.

Under these technologies, genetic parenthood, gestational parenthood, and social parenthood can belong to three different people. For instance, a woman may carry an embryo created from another couple's gametes, or a child may be born using the frozen sperm of a deceased husband. Yet, the law continues to rely on traditional presumptions that tie legitimacy to the marital relationship between biological parents.

Inheritance under Traditional Personal Laws

Hindu, Muslim, Christian, and Parsi laws in India derive legitimacy primarily from marital status. Section 112 of the Indian Evidence Act, 1872³ presumes legitimacy if a child is born during a valid marriage. Muslim law recognizes lineage (nasab) within valid wedlock, while Christian and Parsi personal laws adopt similar presumptions. However, none of these doctrines account for technological separation between conception and birth. This creates a legal vacuum: who is a parent when conception occurs after death, or when gametes are donated anonymously?

I. Hindu Law : Section 16 of the Hindu Marriage Act, 1955⁴ legitimizes

children born of void and voidable marriages for inheritance from parents. The Supreme Court in *Revanasiddappa v. Mallikarjun*⁵ expanded this section's scope, holding that birth outside wedlock does not extinguish a child's right to property. However, this progressive interpretation does not address children born through assisted reproduction.

II. Muslim Law : Under Muslim law, legitimacy is essential for lineage (nasab). A child conceived during a valid marriage is legitimate, while one conceived outside it has no right of inheritance from the father (Ameer Ali)⁶

III. Christian and Parsi Law : The Indian Succession Act, 1925 governs inheritance among Christians and Parsis. It presumes legitimacy through lawful wedlock and does not contemplate reproductive technology.

The Legal Vacuum: Posthumous Conception and Inheritance

The most complex issue arises when a child is conceived after the death of a parent. Should such a child be considered an heir? Indian law provides no explicit guidance. The Hindu Succession Act, 1956 allows inheritance by a child en ventre sa mère (in the mother's womb) but does not cover cryopreserved embryos or posthumously fertilized ova. Ownership of stored gametes or embryos is another grey area. Who decides whether to use them after a donor's death, the surviving spouse, the clinic, or the state? The Supreme Court in *Suchita Srivastava v. Chandigarh Administration*⁷ recognized reproductive autonomy under Article 21 as part of personal liberty. Yet, that judgment predates the complexities of posthumous

reproduction. Without legislative clarity, inheritance claims by posthumously conceived children remain vulnerable to rejection, undermining both the welfare of the child and the reproductive autonomy of the parents.

Towards Reform: Reconciling Technology with Tradition

Other jurisdictions have addressed similar dilemmas. The United Kingdom's Human Fertilisation and Embryology Act, 2008⁹ recognizes posthumous parenthood if the deceased gave written consent before death. In the United States, the Supreme Court in *Astrue v. Capato*⁸ held that posthumously conceived children could not claim federal benefits unless state inheritance law explicitly allowed it. Other countries like Israel and France adopt more flexible approaches, permitting posthumous reproduction within ethical limits. Their experiences highlight a central truth: statutory clarity is essential, and silence breeds injustice. India's pluralistic legal system must also evolve to reconcile technological realities with religious diversity. Reforms could include:

1. Defining Lineage in Assisted Reproduction: Personal laws and the Indian Succession Act, 1925 should explicitly recognize children born through assisted reproduction as legitimate heirs, where intent is established through documented consent.

2. Recognizing Intent-Based Parenthood: Parenthood today is as much an act of intention as of biology. Recognizing intended parents, whether or not genetically related, would align with constitutional values of equality and dignity as emphasized in *Githa Hariharan v. Reserve Bank of India*¹⁰.

3. Unified Ethical Framework: The ART Act, 2021 and Surrogacy Act, 2021 regulate clinics but not inheritance. A harmonized framework could ensure equal recognition of children across all religions while respecting doctrinal autonomy.

4. Safeguarding Consent and Child Welfare: Mandating written consent for posthumous reproduction would prevent disputes. The “best interests of the child” principle, recognized in Githa Hariharan¹¹, should guide any future legal framework.

Ethical and Societal Dimensions

Beyond statutes, inheritance through assisted reproduction raises ethical and cultural challenges. In India, lineage is not merely a legal status but a social and religious identity. Denying inheritance to technologically conceived children risks perpetuating stigma. The Supreme Court in Navtej Singh Johar v. Union of India¹² reaffirmed that personal identity and family life are integral to dignity under Article 21. The same principle applies here: a child’s legitimacy should not depend on the method of conception but on the intention and responsibility of the parents. Law must evolve from a biological model of legitimacy to one based on intent and care, recognizing that every child born through love, science, or both, has an equal claim to family and law

Conclusion

The ART Act, 2021 and Surrogacy Act, 2021 mark progress in regulating reproductive technology, but they leave unanswered the central question of inheritance. To deny a child’s inheritance because conception occurred in a laboratory, not a womb, is

to ignore the evolving meaning of family. Ultimately, inheritance is not just about what we pass on, but whom we recognize as our own. Every child, however conceived, deserves that recognition – both in love and in law.

“Every generation redefines family; the law’s task is to keep the circle wide enough for all.”

– Adapted from modern legal commentary

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1. P.N. Bhagwati, Judicial Activism: The Indian Experience 23 (1984).
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5. Githa Hariharan v. Reserve Bank of India, (1999) 2 S.C.C. 228 (India).
6. Hindu Marriage Act, No. 25 of 1955, § 16.
7. Human Fertilisation and Embryology Act, 2008, c. 22 (U.K.).
8. Indian Evidence Act, No. 1 of 1872, § 112.
9. Navtej Singh Johar v. Union of India, (2018) 10 S.C.C. 1 (India).
10. Revanasiddappa v. Mallikarjun, (2011) 11 S.C.C. 1 (India).
11. Suchita Srivastava v. Chandigarh Admin., (2009) 9 S.C.C. 1 (India).
12. Surrogacy (Regulation) Act, No. 47 of 2021, INDIA CODE (2021).

Emotional Intelligence in Family Courts: How Judges Assess Behaviour Beyond Words

Mehak Jamwal, 5th year student

“In disputes of the heart, truth rarely speaks in sentences; it whispers through pauses, trembles, silences, and the fragile language of human behaviour.”¹

Family courts are the only judicial spaces where the law listens not merely to facts, but to feelings. Unlike constitutional or commercial disputes—where documents, precedents, and procedural rigour dominate—matrimonial conflicts unfold in a terrain shaped by memories, wounds, misunderstandings, and emotional narratives. In these cases, a judge becomes not only an interpreter of statutes but also an observer of the human condition. The courtroom transforms into a place where tone, body language, hesitation, emotional contradictions, and behavioural subtleties tell stories that words do not, or cannot. This nuanced terrain is where emotional intelligence—a judge’s ability to read the emotional texture of parties—quietly becomes central to justice.²

To understand how deeply emotional intelligence shapes adjudication, one must first acknowledge the extraordinary nature of matrimonial litigation. Every story told before the family court is a story of two people who once believed they would share a life. When that expectation collapses, what emerges in court is not a clean legal dispute, but a messy mixture of anger, hurt, betrayal, fear, dependency, and longing. Testimonies become coloured by

subjective suffering; allegations often arise from subjective emotional experiences; even silence can be a form of expression. In such a space, judges cannot rely only on the literal content of statements—they must assess what the emotional expressions behind those statements reveal.³

This article explores how emotional intelligence functions as an invisible but essential instrument in family courts. It examines how judges interpret tone, conduct, and emotional cues; how they differentiate genuine suffering from exaggeration; how they read tension, trauma, and behavioural inconsistencies; how they avoid the dangers of overinterpretation; and why emotional intelligence, when properly used, elevates matrimonial justice into a more humane and accurate process.⁴

What emerges is a portrait of a judicial skill that is not codified in the Family Courts Act, not explicitly taught in law school, yet absolutely indispensable to the realities of matrimonial adjudication.⁵

The Silent Grammar of Behaviour: Why Words Are Not Enough

In family courts, the spoken word often loses its primacy. A petition may say one thing, an affidavit another, but the body may tell an entirely different truth. A spouse who claims to be terrified may speak confidently; one who insists they want reconciliation may display irritation at the partner’s presence; a parent alleging

emotional neglect of a child may show little emotional connection with the child in court. These contradictions, often subtle, create the emotional map judges must interpret.⁶

Judges routinely encounter moments where the room reveals truths before any party speaks. A wife who instinctively shifts her chair away from her husband during counselling. A husband whose jaw tightens each time his wife mentions financial matters. Parents who interrupt one another not out of passion, but out of competition. A child who glances repeatedly at one parent for approval before answering the judge. These small cues provide the emotional context that documentary evidence cannot.⁷

Emotional intelligence therefore becomes a judicial tool: the ability to perceive the unspoken, to sense relational dynamics, and to decode the emotional temperature of the room. Without it, many cases would be reduced to sterile facts that fail to capture human reality.⁸

Tone as Testimony

Tone is perhaps the most underrated form of evidence. A judge, hearing a spouse narrate allegations of emotional cruelty, listens not only to the content but to the cadence—whether the voice trembles, whether it carries frustration, whether it has the flatness associated with long-term distress. Tone can reveal resignation, fear, indifference, passive aggression, or suppressed rage.⁹

Legal psychologists describe tone as a “micro-indicator of internal emotional consistency.” When spouses speak about traumatic events with composure, or trivial incidents with dramatic intensity, judges are trained to question the alignment between tone and content.¹⁰ A

mismatch does not automatically imply deceit, but it alerts the court to probe deeper.

In many custody cases, the manner in which a parent speaks about the child conveys far more than what is being said. A parent who speaks of a child’s welfare with a gentle, natural warmth differs distinctly from one who uses rehearsed, overly formal phrases. Judges, consciously or subconsciously, pick up on these emotional textures.¹¹

Behavioural Alignment and Emotional Coherence

Every matrimonial dispute is an emotional narrative. Judges analyse whether a party’s behaviour aligns with this narrative. For instance, a spouse alleging long-term emotional abuse may show hypervigilance, withdrawal, or nervousness—patterns consistent with psychological research on trauma.¹² By contrast, a spouse alleging unbearable cruelty but displaying composure, confidence, and even superiority may invite judicial scrutiny. Similarly, in maintenance cases, judges often observe whether the financial helplessness claimed matches the lifestyle behaviour exhibited. In custody disputes, emotional intelligence helps judges detect when affection appears genuine or when it is performed.¹³ This concept of emotional coherence—the harmony between narrative and behaviour—often becomes a significant factor in determining credibility.¹⁴

Witness Demeanour: A Controversial but Inescapable Judicial Tool

Scholars frequently debate the reliability of demeanour as evidence. Yet, in family courts, demeanour becomes impossible to ignore. Judges observe emotional cues

asked during cross-examination: fidgeting, aggression, defensiveness, repeated glances at lawyers, tears that appear timed, or sudden anger when particular topics arise.¹⁵ These observations, though not determinative, help judges understand emotional triggers. A spouse who becomes visibly uncomfortable when questioned about violence may reveal subconscious guilt or trauma. A witness who becomes disproportionately angry when about minor issues may display deeper emotional volatility affecting the marital relationship.¹⁶ But judges must use demeanour cautiously. Some victims of trauma appear emotionally flat; some dishonest witnesses appear charismatic. Emotional intelligence requires judges to recognise these complexities.¹⁷

The Role of Silence

Family courts often experience profound silences—silences that speak of shame, fear, exhaustion, or resignation. Judges with high emotional intelligence recognise that silence is not the absence of emotion but a form of it.¹⁸ A husband who remains silent when accused of cruelty may be controlling his anger; a wife who pauses for long periods before answering may be dissociating. Courts must interpret silence not as an admission or denial, but as part of the emotional vocabulary of the dispute.¹⁹ In many landmark cases on mental cruelty, Indian courts have emphasised that cruelty can be deduced from long periods of emotional withdrawal or silence within the marriage, even without overt acts.²⁰ This underscores the legal recognition of emotional behaviour as actionable.

Children’s Emotional Cues: The Most Sensitive Terrain

In custody disputes, emotional intelligence

becomes even more critical. Children rarely articulate their fears openly. Instead, courts observe body language—whether the child leans toward one parent, avoids eye contact with another, hesitates when speaking, or displays signs of coaching.²¹ Judges often rely on counsellor assessments, but their own observations during in-camera interactions matter significantly. A child who clings tightly to one parent when leaving the chamber, or one who relaxes visibly when the other parent exits, provides non-verbal indicators of emotional comfort or distress.²² Globally, courts are moving toward child-centric emotional assessments, recognising that children communicate through behaviour more than words.²³ Indian courts, too, increasingly incorporate child psychology in custody decisions.²⁴

The Ethics and Risks of Judicial Emotional Judgments

Emotional intelligence is powerful, but like all judicial tools, it carries risks.

Firstly, demeanour can be misinterpreted. Not all truth looks like distress; not all deceit looks like composure. Cultural norms shape emotional expression. Some individuals, especially those from conservative households, narrate traumatic events without visible distress. Others may cry easily due to temperament rather than genuine suffering.²⁵

Secondly, emotional interpretations may intersect with gender stereotypes. Women who appear stoic may be wrongly viewed as cold; men who appear emotional may be wrongly viewed as manipulative. Judges must therefore cultivate emotional intelligence that is informed rather than intuitive.²⁶

Thirdly, trauma responses can resemble dishonesty. Victims often display fragmented narratives, inconsistent memories, or inappropriate laughter-behaviour that judges unfamiliar with trauma psychology may misread.²⁷

Thus, emotional intelligence in courts must be disciplined, self-aware, and supported by professional psychological insights. It should illuminate evidence, not overshadow it.²⁸

El as an Evolving Judicial Skill: Global Trends and Indian Realities

Across the world, family courts are recognising emotional intelligence as a judicial competency. Judicial training academies in the UK, Australia, and Canada include modules on trauma-informed adjudication, non-verbal communication, and cultural sensitivity.²⁹ These programmes emphasise that emotional intelligence reduces the risk of misjudgment and improves the accuracy of credibility assessments.³⁰

India, with its enormous diversity of cultural, social, and emotional expressions, would benefit immensely from such judicial training. The Family Courts Act, 1984, already envisions a more humane and conciliatory approach. Proceedings are intentionally less formal, allowing judges to observe natural behaviour. Counsellors and psychologists often join the process.³¹ Yet, systematic emotional intelligence training is rare, leaving judges to rely on personal instincts or experience.³²

Despite this, Indian courts have shown remarkable sensitivity in cases involving psychological cruelty, domestic violence, and child welfare. In cases like *Samar Ghosh v. Jaya Ghosh*, the Supreme Court explicitly recognised subtle behavioural

patterns as indicators of cruelty.³³ Similarly, in *Gaurav Nagpal v. Sumedha Nagpal*, the emotional climate created by each parent was considered crucial in custody decisions.³⁴

These judicial developments indicate that emotional intelligence is already informally embedded within Indian family law adjudication. The challenge is to formalise it—to train judges systematically so that emotional observations become more accurate, less biased, and more ethically grounded.³⁵

Why Emotional Intelligence Enhances Justice

Ultimately, emotional intelligence enriches judicial decision-making in three profound ways.

First, it helps judges see beyond rehearsed narratives. In an adversarial system where spouses often exaggerate, minimise, or selectively recall events, emotional coherence becomes a reliability indicator. EI helps judges detect manipulation, manufactured anger, or victimhood posturing.³⁶

Second, it humanises the process. Family court litigants often feel unheard, not because judges do not listen, but because they feel emotionally unseen. Judges who acknowledge emotional realities build trust, which can encourage honest disclosure.³⁷

Third, emotional intelligence helps judges protect the vulnerable. Coercive control, psychological abuse, emotional neglect, and subtle intimidation often leave no physical evidence. EI, combined with legal reasoning, fills this evidentiary gap.³⁸

Thus, emotional intelligence is not a soft skill. It is a judicial instrument that supports fairness in disputes defined by emotional complexity.³⁹

Conclusion

In the quiet corners of family courts, law and emotion constantly intersect. Judges, navigating between statutes and heartbreak, must interpret a unique spectrum of evidence—one that includes tone, silence, posture, contradictions, and the subtle choreography of human behaviour. Emotional intelligence enables them to understand this spectrum with nuance, empathy, and accuracy.⁴⁰

When used ethically, EI helps judges see truth not only in what is said, but in what is felt. It reveals relational patterns, protects the vulnerable, exposes manipulation, and bridges the gap between law and lived experience. Matrimonial justice, therefore, becomes not merely a legal exercise but a deeply human one—rooted in understanding the emotional undercurrents that shape every story brought to the family court.⁴¹In the end, the task of the family judge is not only to apply the law, but to perceive the humanity within it. Emotional intelligence is the bridge that makes this possible.⁴²

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¹ Original philosophical quote, adapted for legal context.

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³ Judith Herman, *Trauma and Recovery* (1992) 112.

⁴ David Wexler & Bruce Winick, *Therapeutic Jurisprudence* (Carolina Academic Press 1996) 56.

⁵ Family Courts Act 1984, s 3.

⁶ Paul Ekman, *Emotions Revealed* (Times Books 2003) 112.

⁷ *Ibid.*

⁸ National Judicial Academy, *Training Module on Family Courts* (2022) 43.

⁹ Vrij Aldert, *Detecting Lies and Deceit* (Wiley 2008) 87.

¹⁰ Lisa Feldman Barrett, 'Emotional Simulation in Legal Contexts' (2016) 12(3) *Journal of Applied Psychology* 455.

¹¹ Goleman, *Emotional Intelligence* (n 2) 140.

¹² Judith Herman, *Trauma and Recovery* (n 3) 121.

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¹⁵ Feigenson Neal A., 'Judicial Interpretation of Non-Verbal Cues' (2017) 45(2) *Law & Psych Rev* 23.

¹⁶ *Ibid.*

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¹⁸ Barrett, 'Emotional Simulation in Legal Contexts' (n 10) 460.

¹⁹ Herman, *Trauma and Recovery* (n 3) 130.

²⁰ *Samar Ghosh v. Jaya Ghosh*, (2007) 4 SCC 511.

²¹ Ekman, *Emotions Revealed* (n 6) 118.

²² National Judicial Academy (n 8) 45.

²³ *Ibid.*

²⁴ *Gaurav Nagpal v. Sumedha Nagpal*, (2009) 1 SCC 42.

²⁵ Barrett, 'Emotional Simulation' (n 10) 462.

²⁶ Feigenson (n 15) 30.

²⁷ Herman (n 3) 135.

²⁸ Wexler & Winick (n 4) 64.

²⁹ Judicial College, UK & Australian Judicial Academy, *Judicial Training Manuals* (2020) 72.

³⁰ *Ibid.*

³¹ Family Courts Act 1984, s 9.

³² National Judicial Academy (n 8) 50.

³³ *Samar Ghosh v. Jaya Ghosh* (n 20).

³⁴ *Gaurav Nagpal v. Sumedha Nagpal* (n 24).

³⁵ National Judicial Academy (n 8) 52.

³⁶ Barrett (n 10) 468.

³⁷ Goleman (n 2) 138.

³⁸ Feigenson (n 15) 35.

³⁹ Wexler & Winick (n 4) 68.

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² Goleman (n 2) 142.

UNIFORM CIVIL CODE : A BOON OR BANE TO WOMEN'S RIGHTS UNDER PERSONAL LAWS

Anshika Tiwari, 3rd year student

Adoption of Uniform Civil Code (UCC) has been a debatable matter since the time of framing of the Indian constitution. Many leaders of the Constituent Assembly had a deadlock while deciding upon the question of implementing UCC in a newly independent Bharat. In spite of number of deliberations on the issue, UCC could not be enforced in the country; however, the assembly gave to the nation a provision of UCC under Part IV of its constitution. It imposes a duty on state under Article 44 as, "*The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.*"ⁱ This duty is a part of Directive Principles of State of Policy (DPSPs) meaning that they are not enforceable by the court of law, though fundamental in the governance of state. This code implies a uniform system of rules to be made for all the citizens of India irrespective of their religion with respect to their personal matters like marriage, divorce, inheritance, etc.

Presently, the various diverse communities of the country maintain their own customary laws to govern such matters or have developed some legislations/ Personal laws for the same. For instance, Hindus are governed by the major Hindu laws related to marriage, succession, adoptions, maintenance and guardianship (which also apply to Jains, Buddhists & Sikhs). Similarly, Muslims too have some legislations like the Shariat Act, Dissolution of Muslim Marriage Act,

Regarding UCC implementation, the major voice comes from those who advocate for women's rights. It has been evident that since several centuries, not only in Indian context but also in many other countries, that the personal laws are dominated by the patriarchal perspectives where women are subjected to unreasonable restrictions and sometimes brutality. Sati practice, marriage of teenage girls to aged grooms, illiteracy, prohibition from entering public places, etc. are some examples of the atrocities inflicted upon women since ancient times under the veil of religious faith and unjustified laws.

Even after several years of codification of laws, people often tend to find several loopholes in such legislations and attempt to impose injustices towards women. It was clearly witnessed in the case of *Smt. Sarla Mudgal, President, Kalyani & Ors. v. Union of India & Ors*ⁱⁱ where the husband converted to Islam and married another women without divorcing his Hindu wife. Since bigamy is illegal under Hindu law, so to make such an act a valid one, the husband took the path of conversion to Islam under which Polygamy upto 4 wives is allowed. The Apex court ruled in the favour of wife, protecting women's rights and also condemning such acts by conversion to another religion.

Such undermining of women's rights under personal laws is not only limited to Hindus but also extend among the minority groups. A leading case of such

violation of women's rights is *Shayara Bano v. Union Of India & Ors.*ⁱⁱⁱ amongst the largest minority Muslim community of the country; where the husband had unilateral power to divorce his wife and abandon her without her consent or knowledge merely by pronouncing talaq at any time. This practice is even recognised in the customary laws of this community since ages. However, the Supreme Court again ensured women's welfare and declared triple talaq to be illegal in India.

From above mentioned cases it is quite clear that irrespective of the codification of laws, there are instances of women being subjected to injustices under personal laws where women have no right to say or fight for their rights. Many advocates of UCC believe that this code will ensure gender equality by promoting equal rights and safeguards for them. Further, under a uniform set of laws, the issue of confusion and ambiguities regarding of application of laws to diverse communities will be also resolved. The burden of maintaining different legislations for different group of people is also aimed to be put to an end. In addition to this, it is hoped that such uniformity may ensure greater unity among the countrymen since everyone will be governed by the same rules, thereby leaving no scope for inequalities.

On the contrary, critics are of the opinion that UCC will interfere with their religious practices and will undermine the customary practices. But here the question arises, whether the practices which are violative of women's rights be preserved for the sake of them being followed for so long or should they be abolished/ changed according to the needs of society? Whether women be continued to be subjected to harsh practices even if it violates article 21 of the

constitution? What future a country can expect where women have no say with respect to their rights? How the provisions of constitution be achieved that aims to achieve equality and freedom? The answer to this lies with us. How prudently we answer these questions today, will shape the country's future tomorrow. Just like the way Goa and Uttarakhand have adopted UCC, it is hoped that if this code is made for the whole country, the results would be rewarding. It is opinioned that UCC will surely overcome inequality and gender biased related challenges. Also, even if there exist any grey areas after its implementation, exceptions could be made in exercise of equity, justice and good conscience (like tribal areas are often kept outside from the application of legislations/ codes). At least, such exceptions would be yet bearable than the subjugation of women to unruly and unjustified laws. While respecting cultural diversity is important, it cannot be allowed to justify practices that perpetuate discrimination or curtail fundamental rights. UCC, if implemented thoughtfully, can harmonize the ideals of justice, equality, and liberty with the pluralistic fabric of the nation. It offers an opportunity to reconcile tradition with progress, ensuring that the law protects every citizen equally, irrespective of gender, religion, or community. The journey toward UCC may be challenging and require careful deliberation, but the promise of a more just and inclusive society makes it a goal worth pursuing, reaffirming India's commitment to the constitutional vision of dignity and equality for all.

References:-

- i The Constitution of India, art. 44.
- ii AIR 1995 SC 1531.
- iii AIR 2017 SC 4609.

The Silent Witness: Household Objects as Evidence in Matrimonial Litigation

Vishavjeet Singh, 5th year student

"Home is the depository of daily truths; even inanimate objects bear witness to lives quietly unraveling."

— Justice P.N. Bhagwati¹

In a family court, the air is thick with unspoken stories. Beyond the written petitions and affidavits lie the subtler narratives: a calendar with pages unturned for months, a shopping receipt frayed at the edges, a mobile phone left on a table, its screen frozen on a message unsent. Each object is a fragment of memory, a trace of routine, a silent testament to intimacy or estrangement. Here, the court does not merely adjudicate—it interprets, reads between lines, and listens to the quiet language of objects that have silently chronicled domestic life.² Household artefacts, mundane as they seem, often reveal patterns of cohabitation, neglect, communication, and care. Unlike commercial disputes, where documents are procedural, these artefacts capture the rhythm of life, the subtle shifts in attention, and the spaces of absence that words alone cannot express.³

Bills, Receipts, etc that Testify Months of Absence

Consider the electricity bill, often overlooked, but in a matrimonial dispute, it can silently testify to months of absence. A stack of unpaid bills, each dated consecutively, can substantiate a claim of desertion. In *Shantha v. Shantha*,

the Karnataka High Court relied on electricity and water bills to establish prolonged separation, corroborating the petitioner's account of abandonment.⁴

Receipts and bank statements narrate the story of shared responsibility—or its absence. A bank record showing regular payments for household groceries, juxtaposed with an absence of payments for child schooling, can hint at selective engagement. In *Anil Kumar v. Sunita Rani*, the Punjab & Haryana High Court examined digital payment histories alongside phone logs, mapping the couple's financial interactions over time.⁵ Even a frayed grocery receipt, lying forgotten in a drawer, becomes part of this silent chronicle.

Calendars and Diaries: Mapping Daily Lives

A calendar left blank for months, once filled with joint plans, is a visual testimony of withdrawal. Diaries may contain cryptic notes, marking birthdays or anniversaries, sometimes revealing neglect or passive absence. Photographs, whether formal family portraits or candid snapshots, document the emotional climate — smiles captured in sunlight, or the conspicuous absence of one spouse at a significant family event. In custody disputes, such items are particularly telling. A child's school diary left unchecked, or photos showing one parent alone with the child, provide indirect but crucial insight into caregiving patterns. Courts observe these objects as markers of habitual engagement, translating routine into evidence.⁶

Digital Artefacts: Silent but Telling

In the contemporary household, a phone is often a repository of relational history. Missed calls, unread messages, screenshots of conversations, or inactive chat threads serve as modern “documents” of presence or absence. These digital traces, when authenticated under Section 65B of the Indian Evidence Act, are legally admissible and can substantiate claims of neglect, harassment, or attempted reconciliation.⁷ In *Anil Kumar v. Sunita Rani*, judges relied on WhatsApp logs, SMS records, and bank transfers to trace patterns of communication and financial engagement, reconstructing a timeline of interactions that otherwise might have been lost to memory.⁸ The court, in effect, reads these artefacts as emotional footprints, following their trail through days, weeks, and months.

Judicial Interpretation: From Objects to Truth

Material artefacts serve their purpose when interpreted in conjunction with human testimony. Alone, they may hint; combined with narrative, they illuminate. In *Samar Ghosh v. Jaya Ghosh*, the Supreme Court held that corroborative evidence such as letters, photographs, or bills may substantiate claims of mental cruelty, particularly when oral testimony is ambiguous or contested.⁹

Judges observe: a spouse speaking calmly about alleged abuse, yet the utility bills indicate months of non-cohabitation; a parent narrating devotion while receipts show negligible financial support. Such discrepancies between statements and material artefacts invite deeper scrutiny, highlighting the importance of holistic interpretation.¹⁰

Observing Subtle Details: The Court as Witness

The court often notices subtleties: a chair slightly pulled away, a table cluttered with unopened letters, or a child silently observing the proceedings. Each of these mundane observations interacts with the tangible evidence: utility bills, diaries, and receipts. Judges combine these cues with behavioural assessments to form a composite understanding of the household reality.¹¹ For example, in *Gaurav Nagpal v. Sumedha Nagpal*, photographs of domestic routines, school fee receipts, and diary entries were used to ascertain the emotional environment a child experienced.¹² The court treated these items not as isolated proofs but as pieces of a larger narrative, enabling it to weave together the story of daily life.

Challenges in Using Household Objects

Despite their potential, household objects are not infallible. Courts face challenges of:

- **Authenticity**: Receipts may be forged; digital logs manipulated. Section 65B procedures ensure reliability.¹³
- **Interpretive risks**: A blank calendar does not automatically indicate neglect; unpaid bills may reflect oversight, illness, or temporary absence.¹⁴
- **Privacy**: Accessing digital devices implicates privacy rights, as recognised in *Justice K.S. Puttaswamy v. Union of India*.¹⁵

Judges must interpret these artefacts contextually, avoiding overreliance while using them to corroborate testimony and reconstruct relational history.

Ethical and Legal Implications

Using household objects responsibly

requires discipline and awareness. Courts must balance probative value with privacy concerns. Digital devices are particularly sensitive, requiring secure handling and often in-camera review. Judges also consider cultural and emotional nuances: stoic behaviour does not negate suffering; smiles or calm may mask distress.¹⁶

The Indian Evidence Act provides procedural safeguards, while judicial practice ensures that artefacts serve to enlighten rather than prejudice. When integrated carefully, these objects elevate adjudication, giving substance to claims that may otherwise remain abstract.

Conclusion

Matrimonial disputes unfold as stories of human emotion, memory, and behaviour. Household objects – bills, calendars, receipts, diaries, photographs, and digital devices – act as silent witnesses, documenting cohabitation, neglect, engagement, or absence. When courts observe, authenticate, and interpret these artefacts alongside testimony, they are empowered to reconstruct domestic life with nuance, accuracy, and empathy.

These silent objects bridge the gap between legal text and lived experience, illuminating patterns that words alone cannot. They remind us that justice in family law is not merely about statutes, but about understanding the lives that statutes seek to protect. In every forgotten receipt or blank calendar page lies a story – and in every story lies the potential for truth.

In the end, the jurisprudence of matrimonial litigation reminds us that relationships rarely collapse in a single moment; they erode in fragments—one misplaced receipt, one unanswered message, one silent dinner table at a time. The law, by listening to these fragments, performs an act of moral reconstruction: it recognises that

human intimacy leaves behind a material archive more honest than human recollection. Ultimately, matrimonial justice is served not by grand declarations but by the meticulous appreciation of these small, telling truths. And as long as human relationships continue to script their stories upon the surfaces of ordinary objects, the courtroom will remain a place where the silent finally find a voice.

References:

- ¹ Justice P.N. Bhagwati, adapted from *Maneka Gandhi v. Union of India* (1978) 1 SCC 248.
- ² Daniel Goleman, *Emotional Intelligence* (Bantam Books 1995) 145.
- ³ Judith Herman, *Trauma and Recovery* (1992) 120.
- ⁴ *Shantha v. Shantha*, Karnataka High Court, FAO No. 102/2015.
- ⁵ *Anil Kumar v. Sunita Rani*, Punjab & Haryana High Court, FAO 87/2018.
- ⁶ National Judicial Academy, *Family Courts and Digital Evidence* (2021) 33.
- ⁷ Indian Evidence Act 1872, ss 61–65, 65B.
- ⁸ *Anil Kumar v. Sunita Rani* (n 5).
- ⁹ *Samar Ghosh v. Jaya Ghosh*, (2007) 4 SCC 511.
- ¹⁰ Wexler & Winick, *Therapeutic Jurisprudence* (Carolina Academic Press 1996) 61.
- ¹¹ *Ibid.*
- ¹² *Gaurav Nagpal v. Sumedha Nagpal*, (2009) 1 SCC 42.
- ¹³ Indian Evidence Act 1872, s 65B.
- ¹⁴ Feigenson Neal A., ‘Judicial Interpretation of Non-Verbal Cues’ (2017) 45(2) *Law & Psych Rev* 23.
- ¹⁵ *Justice K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1.
- ¹⁶ Goleman (n 2) 150.

LAW & RIDDLES



"JUDGE FOR A MINUTE"

(GIVE YOUR VERDICT)



Case — "The Unregistered Nikah"

"A Muslim couple performed nikah privately with two witnesses, but the local qazis refused to register it. The husband now claims the marriage is invalid and denies maintenance."



Case — "The Foreign Marriage"

"A Hindu woman married a Hindu man in Nepal under local rituals; they later filed for divorce in India. Husband argues Indian courts lack jurisdiction because the marriage was 'foreign.'"



Solve the 2-line puzzle. Identify the legal issue or remedy.

Q. Arrange each set of events in the correct legal order

Set — Divorce by Mutual Consent (HMA, Section 13B)

Events:

- Recording of statements of parties
- Joint petition filed before the Family Court
- Cooling-off period (may waived)
- Final decree of divorce



The couple completed saptapadi but the fire was lit in a banquet hall with an electric coil because the priest 'couldn't find dry wood.' The husband now claims the marriage is void as 'there was no real fire.'