

**FACULTY OF LAW  
MARWADI UNIVERSITY  
RAJKOT, GUJARAT**

**5<sup>th</sup>**

**#1styearmoot**

**LATE SHREE ABHAY BHARADWAJ  
MEMORIAL MOOT COURT  
COMPETITION, 2025( 5TH EDITION)**

**04-06 APRIL, 2025**

**VENUE:**

Faculty Of Law, Marwadi University,  
Rajkot-Morbi Highway,  
Rajkot, Gujarat pincode- 360003.





# MOOT PROPOSITION



In January 2025, the state of Kailasa, located in the Himalayas, became the first Indian state to implement a Uniform Civil Code (the “UCC”). This groundbreaking reform changed the personal law framework governing marriage, divorce, inheritance, and cohabitation.

Under the UCC, the state government came up with a set of rules to regulate live-in relationships. The UCC imposed strict conditions in relation to the live-in relationships:

1. Mandatory registration of the live-in relationships before a civil court in the capital, Shilapur, within 30 days.
2. Mandatory disclosure of past relationships, including details of previous marriages, divorces, and live-in partnerships to the State Government.
3. Criminal penalties for non-compliance, including fines up to INR 50,000 and imprisonment up to one year.
4. Penalties for landlord for renting premises to unregistered couples.

The State Government defended UCC, arguing it was meant to protect women, prevent fraud, and curb forced religious conversions. However, the critics saw it as a draconian measure that violated privacy, religious freedom, and personal liberty.

Amit Sharma, aged 30, is an IT professional working based in Anand Nagari, Kailasa. Originally from the state of Gazopur, he moved to Kailasa five years ago for work and has been living in a rented apartment in the city’s suburb. Amit was previously married to Priya Mehta, a college classmate, but their marriage ended in divorce three years ago due to irreconcilable differences. The divorce was finalized in a family court in Delhi, where he had briefly lived for work.

Amit met Sara Khan, a 31-year-old journalist at a workshop and they started dating each other. After dating for approximately an year, they decided to get into a live in relationship. Their decision was based on financial practicality and mutual career growth, as Sara worked for a major media house in the city.





When Amit and Sara attempted to register their live-in relationship, as per the UCC, they encountered multiple obstacles. Amit was asked to provide his final divorce decree, which he had misplaced. He was also required to submit proof of residency from the past five years, which was difficult because he had changed apartments multiple times. Despite both being above 30 years old, the system flagged their Aadhaar-linked registration asking for parental consent, a requirement meant for couples under 21.

Amit's landlord, a retired government officer, refused to renew his rental agreement without a valid live-in relationship certificate, citing the new UCC Rules. When Amit refused to vacate, the landlord filed a police complaint, leading to a formal warning from the authorities about possible fines and legal action. His employer, a global IT firm, was concerned that his name being associated with a legal dispute might impact his prospects for an upcoming transfer to their Singapore office. His family strongly disapproved of his live-in relationship, urging him to either marry Sara or end the relationship.

Frustrated with the bureaucratic hurdles and social backlash, Amit and Sara decided to challenge the UCC provisions in the High Court of Kailasa.

The Hon'ble High Court upheld the provision pertaining to live in, as provided in the UCC, and held that :

- The state has a legitimate interest in regulating live-in relationships to prevent fraud and protect vulnerable partners.
- Registration is merely a procedural safeguard, not a prohibition, making it a reasonable restriction on personal liberty.

Following this ruling, Amit and Sara appealed to the Supreme Court under Article 136 and the Hon'ble Supreme Court admitted their SLP. Their case which was initially filed before the Hon'ble High Court, which ruled in favor of the state government, upholding the registration rules, was now merged with a broader challenge to the UCC and is now pending before the Supreme Court of India.

The petitioners argued before the Hon'ble Supreme Court that the UCC's uniform marriage and inheritance laws erased cultural identities, violated Article 25 (Freedom of Religion), and disproportionately affected religious and tribal communities.





Given the overlapping constitutional questions, the Supreme Court decided to merge the UCC challenge with the live-in case, recognizing that both raised fundamental questions about privacy, religious freedom, and state control over personal lives and framed the following issues to be considered in the final arguments:

1. Whether the UCC, by overriding personal laws, violates the right to religious freedom and cultural identity under Articles 25 and 29.
2. Whether the UCC's uniform marriage and inheritance rules disproportionately impact religious and tribal communities, violating Article 14 (Right to Equality).
3. Whether the mandatory registration of live-in relationships violates the fundamental right to privacy and personal liberty under Article 21.
4. Whether the criminal penalties for non-registration of live-in relationships and other UCC violations are an excessive and unconstitutional restriction on individual rights.

Note- All laws applicable in this case are *pari materia* to the laws of India, and any reference to state legislation shall be interpreted in alignment with the broader legal framework of the country.



**FACULTY CONVENER - MS. RIDHI SINGHAL**

**CONTACT: +91 708-154-8257**

**FACULTY CO- CONVENER- MR. KUNWAR**

**KUSHAGRA SRIVASTAVA**

**CONTACT: +91-945-028-3384**

**STUDENT CONVENER**

**ATUL GAURAV -+91- 620-577-1010**

**STUDENT CO- CONVENER**

**DIMPLE TILOKCHANDANI- +91-636-759-7580**

