



Judicial Review of Personal Laws in India: A Comparative Study of Muslim, Hindu, Christian and Parsi Personal Laws under the Constitution

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ABSTRACT

The constitutional regulation of personal laws remains one of the most complex and contested areas of Indian legal jurisprudence. Personal laws governing marriage, divorce, maintenance, adoption, inheritance, and succession operate at the intersection of religion, culture, and constitutional governance. While the Constitution of India guarantees freedom of religion under Articles 25 and 26, it simultaneously establishes a rights-based constitutional order through Fundamental Rights, particularly Articles 14, 15, and 21. The central challenge before Indian constitutional courts has been determining the extent to which personal laws derived from religious traditions may be protected from judicial review and the circumstances under which they must conform to constitutional principles.

This paper examines the judicial review of Hindu, Muslim, Christian, and Parsi personal laws through a comparative constitutional analysis. It explores how the Supreme Court of India has approached conflicts between religious autonomy and constitutional guarantees by analysing landmark decisions including *State of Bombay v. Narasu Appa Mali*, *Mohd. Ahmed Khan v. Shah Bano Begum*, *Sarla Mudgal v. Union of India*, *Danial Latifi v. Union of India*, *John Vallamattom v. Union of India*, *Shayara Bano v. Union of India*, and *Joseph Shine v. Union of India*. The study argues that Indian constitutional jurisprudence has gradually shifted from a community-centred approach towards a constitutional rights-based framework emphasising equality, dignity, and individual autonomy.



1. Introduction

India's constitutional framework presents a unique challenge in regulating the relationship between religion and law. Unlike legal systems that separate religious norms from civil law, India has historically permitted different religious communities to govern several aspects of personal life through distinct legal traditions. These personal laws regulate matters such as marriage, divorce, maintenance, succession, inheritance, adoption, and guardianship. Consequently, personal laws occupy a special position because they represent both religious identity and legally enforceable rules affecting individual rights.

The existence of multiple personal law systems reflects India's commitment to religious and cultural pluralism. Hindu personal law, Muslim personal law, Christian personal law, and Parsi personal law have developed through different historical processes involving religious texts, customs, colonial legislation, and post-independence reforms. However, the constitutional status of these laws remains debated because India's constitutional order is founded upon both religious freedom and individual rights.

The Constitution protects religious freedom through Articles 25 and 26, guaranteeing freedom of conscience and the right of religious denominations to manage their affairs. At the same time, Articles 14, 15, and 21 establish constitutional commitments to equality, non-discrimination, dignity, and personal liberty. This creates a fundamental constitutional question: when personal laws affect individual rights, should they be treated as protected expressions of religious autonomy or as legal norms subject to constitutional review?

The debate is closely connected with Article 13 of the Constitution, which declares that laws inconsistent with Fundamental Rights shall be void. Article 13(3)(a) includes customs and usages having the force of law within the definition of "law." However, the constitutional



position of personal laws under Article 13 remains uncertain because of the Bombay High Court's decision in *State of Bombay v. Narasu Appa Mali*, where the Court held that personal laws were not included within the meaning of Article 13.¹

This judicial approach created a distinction between statutory laws and personal laws, allowing religiously derived personal laws to remain largely outside direct constitutional scrutiny. However, subsequent constitutional developments have questioned this distinction, particularly with the expansion of equality jurisprudence, constitutional morality, and transformative constitutionalism.

The Supreme Court's recent decisions involving personal law issues and religious practices demonstrate a gradual movement towards examining the compatibility of religious norms with constitutional values. Cases concerning Muslim divorce practices, Christian succession rights, Hindu marriage regulations, and gender equality have shown that personal laws cannot be examined solely through the lens of religious autonomy but must also be evaluated against constitutional principles.

This paper undertakes a comparative study of judicial review of Muslim, Hindu, Christian, and Parsi personal laws in India. By analysing different personal law systems, the paper seeks to identify common constitutional challenges and evaluate how Indian courts have balanced religious diversity with constitutional supremacy.

2. Research Problem

The primary research problem addressed in this paper concerns the uncertain constitutional status of personal laws and the extent of judicial authority to review them. Although personal laws regulate significant aspects of individual life, their legal status remains contested because they derive authority from religious traditions rather than conventional legislative processes.



The difficulty arises from the constitutional tension between two competing principles. On one side, religious communities claim autonomy to preserve their traditions and regulate internal matters. On the other side, individuals affected by personal laws seek protection of constitutional guarantees, particularly equality, dignity, and liberty.

The absence of a definitive constitutional doctrine governing all personal laws has resulted in inconsistent judicial approaches. While some judgments have shown restraint towards religious autonomy, others have subjected religiously based practices to constitutional scrutiny.

Therefore, this research examines whether personal laws should be treated as exceptional legal systems protected from judicial review or whether constitutional supremacy requires their examination under Fundamental Rights.

3. Research Objectives

The objectives of this research are:

First, to examine the constitutional basis of judicial review of personal laws in India.

Second, to analyse the judicial treatment of Muslim, Hindu, Christian, and Parsi personal laws.

Third, to evaluate the conflict between religious freedom and Fundamental Rights.

Fourth, to study the development of constitutional principles such as equality, dignity, and constitutional morality in personal law jurisprudence.

Fifth, to suggest a balanced constitutional approach for regulating personal laws in a plural society.



4. Research Questions

This paper addresses the following research questions:

1. Whether personal laws fall within the scope of constitutional judicial review under Article 13 of the Constitution?
2. How have Indian courts approached conflicts between religious autonomy and Fundamental Rights?
3. What similarities and differences exist in the judicial treatment of Muslim, Hindu, Christian, and Parsi personal laws?
4. Whether contemporary constitutional principles require a reconsideration of traditional approaches towards personal law immunity?

5. Research Methodology

This research adopts a doctrinal and comparative legal methodology. The study primarily examines constitutional provisions, judicial decisions, statutes governing personal laws, and academic literature relating to constitutional law and religious freedom.

The primary sources include the Constitution of India, Supreme Court judgments, and legislative enactments such as the Hindu Marriage Act 1955, Hindu Succession Act 1956, Indian Christian Marriage Act 1872, Indian Divorce Act 1869, Parsi Marriage and Divorce Act 1936, and Muslim personal law legislation.

The comparative method is used to analyse similarities and differences in judicial treatment of various religious personal law systems. The research focuses particularly on how courts have balanced religious identity with constitutional principles of equality and individual liberty.



6. Literature Review

The relationship between personal laws and constitutional rights has attracted extensive scholarly debate. Constitutional scholars have examined whether personal laws should receive special protection because of their religious character or whether they should be subjected to constitutional limitations like all other legal norms.

H.M. Seervai argues that constitutional supremacy requires all legal rules affecting individuals to remain consistent with Fundamental Rights.¹ His analysis emphasises the central role of judicial review in maintaining constitutional governance.

M.P. Jain similarly highlights that Fundamental Rights operate as limitations upon State authority and provide courts with the responsibility of protecting constitutional values.²

Granville Austin's concept of the Indian Constitution as an instrument of social transformation provides another important perspective. According to Austin, the Constitution seeks not only to preserve existing institutions but also to transform social relationships through equality and justice.³

Contemporary constitutional scholars have further developed the concept of transformative constitutionalism. Gautam Bhatia argues that constitutional interpretation must focus on dignity, autonomy, and substantive equality rather than merely preserving historical social arrangements.⁴

However, other scholars have emphasised the importance of religious autonomy and pluralism. They argue that excessive judicial intervention in personal laws may undermine minority rights and constitutional recognition of cultural diversity. The literature therefore reflects a continuing constitutional debate between two competing visions: one emphasising community autonomy and another prioritising individual constitutional rights.



7. Constitutional Framework of Judicial Review of Personal Laws in India

The constitutional framework governing the judicial review of personal laws is founded upon the relationship between constitutional supremacy, Fundamental Rights, and religious freedom. The Indian Constitution does not expressly define the legal status of personal laws; however, it establishes a constitutional structure within which all legal norms must operate. Personal laws derive authority from religious traditions, customs, and statutory recognition, but their operation affects important aspects of individual life, including marriage, divorce, inheritance, succession, and family relations. Therefore, the constitutional validity of personal laws must be examined through the interaction between Articles 13, 14, 15, 21, 25, and 26 of the Constitution.

Article 13 serves as the foundation of judicial review in India by declaring that laws inconsistent with Fundamental Rights shall be void to the extent of their inconsistency. The provision reflects the principle of constitutional supremacy by ensuring that all legal authority remains subordinate to the Constitution. Article 13(3)(a) provides an expanded definition of “law” by including ordinances, orders, bye-laws, rules, regulations, notifications, customs, and usages having the force of law. The inclusion of customs and usages has generated significant debate regarding whether personal laws, many of which originate from religious customs, fall within the scope of constitutional review.

The controversy surrounding Article 13 and personal laws emerged prominently in *State of Bombay v. Narasu Appa Mali*, where the Bombay High Court held that personal laws were not included within the meaning of “law” under Article 13.¹ The Court distinguished between State-enacted legislation and personal laws derived from religious sources, holding that Fundamental Rights review applied only to the former. This approach effectively created a constitutional exception for personal laws.

However, the reasoning of *Narasu Appa Mali* has been questioned by several scholars



who argue that the distinction between statutory laws and personal laws is difficult to justify when both operate as binding legal rules affecting individual rights.

The constitutional guarantee of equality under Article 14 provides another significant basis for reviewing personal laws. The understanding of equality under Indian constitutional jurisprudence has evolved from a narrow prohibition against discriminatory classification to a broader guarantee against arbitrariness and substantive inequality. In *E.P. Royappa v. State of Tamil Nadu*, the Supreme Court recognised that arbitrariness is inconsistent with equality, thereby expanding the scope of Article 14.² This expanded interpretation has influenced later challenges involving personal laws, particularly where religious practices create differential treatment based on gender or personal status.

Article 15 further strengthens constitutional protection by prohibiting discrimination on grounds including religion and sex. The provision has particular relevance in personal law disputes because many challenges have involved allegations of gender discrimination. The constitutional concern is not merely whether a practice originates from religion but whether its legal consequences impose unequal burdens upon individuals. Therefore, Article 15 provides an important framework for evaluating whether personal law rules conform to constitutional commitments against discrimination.

Article 21, which guarantees the protection of life and personal liberty, has undergone significant constitutional development. The Supreme Court has interpreted Article 21 to include dignity, privacy, autonomy, and decisional freedom. In *Justice K.S. Puttaswamy v. Union of India*, the Court recognised privacy as an essential component of dignity and individual autonomy.³ These developments have influenced personal law jurisprudence by strengthening the argument that individuals must have meaningful control over decisions concerning marriage, family, and personal identity. The constitutional protection of religion under Articles 25 and 26 represents the other side of the constitutional balance. Article 25 guarantees freedom of conscience and the



right to profess, practise, and propagate religion, while Article 26 protects the rights of religious denominations to manage religious affairs. However, these rights are subject to constitutional limitations. Article 25 expressly permits State intervention in matters relating to public order, morality, health, and social welfare. Therefore, religious freedom cannot be interpreted as an absolute immunity from constitutional regulation.

The Supreme Court's decision in *Commissioner, Hindu Religious Endowments v. Sri Lakshmindra Thirtha Swamiar of Shirur Mutt* established the essential religious practices doctrine, under which courts determine whether a particular practice forms an essential part of a religion.⁴ Although the doctrine has been criticised for placing courts in the position of examining religious matters, it demonstrates that religious practices exist within a constitutional framework rather than outside legal scrutiny.

The constitutional framework therefore reflects a continuous balancing exercise. On one side lies the constitutional commitment to religious pluralism and community autonomy; on the other side lies the constitutional obligation to protect individual rights and ensure equality. The development of judicial review of personal laws demonstrates that Indian constitutional law has gradually moved towards recognising that religious freedom and Fundamental Rights must be interpreted together rather than as competing constitutional values.

8. Judicial Review of Hindu Personal Law

Hindu personal law represents one of the most extensively codified personal law systems in India. Following independence, Parliament introduced significant reforms through legislation including the Hindu Marriage Act, 1955, the Hindu Succession Act, 1956, the Hindu Minority and Guardianship Act, 1956, and the Hindu Adoptions and Maintenance Act, 1956. These legislative reforms demonstrate that Hindu personal law has undergone substantial State intervention and transformation in accordance with constitutional objectives of equality and



social reform.

The constitutional reform of Hindu personal law was initially controversial because it involved legislative intervention in matters traditionally governed by religious customs. However, such reforms were justified on the basis that the Constitution permits State intervention for social welfare and reform. Article 25(2)(b) specifically authorises the State to enact laws providing for social welfare and reform, including opening Hindu religious institutions to all classes and sections.

One of the earliest constitutional challenges involving Hindu personal law arose in *State of Bombay v. Narasu Appa Mali*. The petitioners challenged the Bombay Prevention of Hindu Bigamous Marriages Act, 1946, arguing that the legislation violated equality principles by interfering with Hindu personal law. The Bombay High Court upheld the legislation and held that personal laws were outside Article 13 scrutiny.¹ The case remains significant because it established the doctrinal foundation for later debates concerning whether personal laws should receive constitutional immunity.

The constitutional transformation of Hindu succession law demonstrates the relationship between personal law reform and equality principles. The Hindu Succession (Amendment) Act, 2005 granted daughters equal coparcenary rights in ancestral property, thereby strengthening gender equality within Hindu inheritance law. In *Vineeta Sharma v. Rakesh Sharma*, the Supreme Court confirmed that daughters possess equal coparcenary rights by birth.⁵ The judgment reflects the constitutional movement towards substantive equality by removing gender-based distinctions within personal law.

Similarly, Hindu marriage law has been examined through constitutional principles of individual autonomy and gender justice. In *Sarla Mudgal v. Union of India*, the Supreme Court considered issues arising from conversion and subsequent remarriage.⁶ Although the case involved different



personal law systems, it highlighted the constitutional concern that personal law differences should not be used to defeat legal obligations.

The judicial treatment of Hindu personal law demonstrates a pattern of constitutional engagement through legislative reform and judicial interpretation. Rather than excluding Hindu personal law from constitutional values, courts and legislatures have gradually modified its operation to align with equality, dignity, and social reform objectives.

9. Judicial Review of Muslim Personal Law

Muslim personal law has been one of the most debated areas of constitutional litigation in India because of the complex relationship between religious identity, statutory regulation, and individual rights. Muslim personal law traditionally derives from Islamic jurisprudence and has been applied in matters relating to marriage, divorce, maintenance, and inheritance. However, several aspects of Muslim personal law have been examined by Indian courts through the lens of constitutional rights.

The landmark decision in *Mohd. Ahmed Khan v. Shah Bano Begum* represents one of the earliest major constitutional discussions concerning Muslim personal law.⁷ The case concerned the right of a divorced Muslim woman to claim maintenance under Section 125 of the Code of Criminal Procedure. The Supreme Court held that the statutory right to maintenance applied irrespective of religious identity and emphasised the constitutional objective of preventing destitution. The judgment generated significant debate regarding the relationship between personal law autonomy and constitutional protection of women's rights. While supporters considered the judgment an affirmation of equality and social justice, critics argued that the Court had interfered with religious personal law matters.

The constitutional position of Muslim divorced women was further clarified in *Danial Latifi v.*



Union of India.⁸ The Supreme Court upheld the Muslim Women (Protection of Rights on Divorce) Act, 1986 but interpreted it in a manner ensuring that divorced Muslim women receive fair and reasonable provision beyond the iddat period. The judgment demonstrated a constitutional approach that sought reconciliation between religious identity and individual rights.

The most significant recent development occurred in *Shayara Bano v. Union of India*, where the Supreme Court examined the validity of instant triple talaq (talaq-e-biddat).⁹ The majority decision invalidated the practice, though the judges adopted different constitutional reasoning. Justice Nariman and Justice Lalit held that the practice was manifestly arbitrary and violated Article 14. Justice Kurian Joseph examined the issue through Islamic legal principles, while other judges adopted a different approach concerning personal law protection.

The importance of *Shayara Bano* lies in demonstrating the increasing willingness of constitutional courts to examine religiously based practices affecting individual rights. However, the judgment did not conclusively resolve the larger question of whether personal laws constitute “law” under Article 13.

10. Judicial Review of Christian Personal Law

Christian personal law in India represents another important area where religious identity, colonial legal development, and constitutional principles intersect. Unlike some other personal law systems that developed primarily through religious customs, Christian personal law in India has been significantly shaped by statutory enactments introduced during the colonial period. The major legislative instruments governing Christian personal matters include the Indian Christian Marriage Act, 1872 and the Indian Divorce Act, 1869.

Although these laws were enacted before independence, their continued operation has



been examined by constitutional courts in light of equality, dignity, and non-discrimination principles.

One of the significant constitutional challenges involving Christian personal law arose in *John Vallamattom v. Union of India*.¹⁰ The case concerned the constitutional validity of Section 118 of the Indian Succession Act, 1925, which imposed restrictions on testamentary dispositions by Christians for religious and charitable purposes. The petitioner argued that the provision discriminated against Christians by imposing restrictions not applicable to other communities. The Supreme Court accepted the challenge and declared the provision unconstitutional as it violated Article 14 of the Constitution.

The importance of *John Vallamattom* lies in the Court's recognition that religious identity cannot justify unequal legal treatment. Although the case did not directly concern the broader question of personal laws under Article 13, it demonstrated the constitutional principle that laws affecting religious communities remain subject to equality review. The judgment reinforced the idea that constitutional guarantees apply equally to all communities and that religious affiliation cannot provide a basis for discriminatory legal treatment.

Christian marriage and divorce laws have also undergone judicial and legislative transformation to ensure consistency with constitutional principles. Historically, provisions under the Indian Divorce Act, 1869 created unequal standards for men and women seeking divorce. For example, the grounds available to Christian women were previously more restrictive compared with those available to Christian men. In *Ammini E.J. v. Union of India*, the Kerala High Court examined such discriminatory provisions and highlighted the constitutional concern of gender inequality within personal law frameworks.¹¹ Subsequently, legislative reforms modified several discriminatory provisions.

The judicial development of Christian personal law demonstrates an important constitutional



pattern. Unlike the argument that religious personal laws operate completely outside constitutional scrutiny, Christian personal law has been increasingly evaluated through the principles of equality and non-discrimination. Courts have recognised the importance of religious freedom but have simultaneously maintained that legal rules affecting individual rights must satisfy constitutional standards.

11. Judicial Review of Parsi Personal Law

Parsi personal law occupies a distinctive position within Indian personal law jurisprudence because the Parsi community represents a religious minority with specific legal traditions governing marriage, divorce, and succession. The primary legislation governing Parsi personal law is the Parsi Marriage and Divorce Act, 1936, which provides a statutory framework for marriage validity, matrimonial disputes, and divorce procedures.

Although Parsi personal law has generated comparatively fewer constitutional disputes than Hindu or Muslim personal laws, it provides an important example of how minority personal law systems interact with constitutional principles. The Parsi Marriage and Divorce Act incorporates both community-specific rules and judicial mechanisms, reflecting an attempt to preserve religious identity while providing legal regulation.

One significant issue concerning Parsi personal law relates to questions of religious identity and the consequences of marriage outside the community. In *Goolrokh M Gupta v. Burjor Pardiwala*, the Supreme Court examined whether a Parsi woman who married a non-Parsi man could retain her religious identity and rights within the Parsi community.¹² The case involved questions concerning religious identity, gender equality, and community autonomy.

The Supreme Court recognised the importance of individual choice and examined the conflict between community-based religious rules and constitutional values. The judgment reflected the



broadier constitutional trend of giving importance to individual autonomy in matters concerning identity and personal choice.

Parsi personal law demonstrates that even where a personal law system applies primarily within a small religious community, constitutional principles remain relevant. The protection of minority rights does not eliminate the obligation to respect individual dignity and equality. Therefore, Parsi personal law, like other personal law systems, operates within the broader constitutional framework.

12. Comparative Evaluation of Hindu, Muslim, Christian and Parsi Personal Laws

A comparative examination of Hindu, Muslim, Christian, and Parsi personal laws reveals significant differences in their historical development, legislative structure, and judicial treatment. Hindu personal law has undergone extensive codification and reform through parliamentary legislation after independence. These reforms were closely connected with constitutional objectives of equality and social reform. As a result, Hindu personal law has experienced substantial legislative transformation, particularly in areas relating to marriage, adoption, and succession.

Muslim personal law, by contrast, has traditionally maintained a stronger connection with religious jurisprudence and customary practices. Judicial challenges involving Muslim personal law have frequently raised questions regarding the relationship between religious autonomy and individual rights. Cases such as *Shah Bano*, *Danial Latifi*, and *Shayara Bano* demonstrate the Court's attempt to balance religious identity with constitutional protection of dignity and equality.

Christian personal law occupies a different position because many of its governing rules were historically codified through colonial legislation. Judicial review in this area has primarily



focused on eliminating discriminatory provisions and ensuring compliance with constitutional equality principles. The decision in *John Vallamattom* illustrates how statutory personal laws affecting religious communities remain subject to constitutional examination.

Parsi personal law represents a minority personal law system where community autonomy and individual choice frequently intersect. Although fewer constitutional challenges have emerged, judicial decisions involving Parsi identity demonstrate that minority protection must coexist with constitutional principles of equality and personal liberty.

Despite these differences, a common constitutional theme emerges across all personal law systems. Indian courts increasingly focus not merely on the religious origin of a legal practice but on its consequences for individual rights. The constitutional question is gradually shifting from whether a rule belongs to a particular religious tradition towards whether that rule is consistent with Fundamental Rights.

13. Judicial Review, Gender Justice and Constitutional Morality

Gender justice has become one of the most significant themes in the constitutional review of personal laws. Many disputes concerning personal laws have involved questions of gender equality, particularly relating to marriage, divorce, maintenance, inheritance, and family autonomy. The constitutional challenge is based upon the recognition that personal status laws directly affect an individual's dignity and equal citizenship.

The Supreme Court's decision in *Joseph Shine v. Union of India* provides an important example of constitutional reasoning based on dignity and autonomy. Although the case concerned criminal law rather than personal law, the Court rejected the idea that historical social practices can justify unequal treatment.¹³ The judgment emphasised that constitutional morality must prevail over social assumptions that undermine individual dignity.



Similarly, in *Navtej Singh Johar v. Union of India*, the Supreme Court reaffirmed the importance of autonomy, privacy, and dignity as essential constitutional values.¹⁴ These developments have influenced personal law debates by strengthening the argument that individual rights cannot be subordinated merely because a practice has historical or religious acceptance.

The concept of constitutional morality has therefore become an important analytical tool in evaluating personal laws. Constitutional morality does not require rejection of religious traditions; rather, it requires that all legal practices operate within the constitutional framework of equality, liberty, and dignity.

14. Challenges in Judicial Review of Personal Laws

Although constitutional review of personal laws serves an important rights-protective function, it also raises significant institutional and constitutional challenges. One major concern is the possibility of excessive judicial intervention in matters involving religious beliefs and community practices. Courts must carefully distinguish between practices that genuinely constitute religious freedom and practices that operate as legal rules affecting individual rights.

Another challenge concerns the role of courts in interpreting religious practices. The essential religious practices doctrine requires judges to determine whether particular practices are central to a religion. Critics argue that courts may lack expertise in theological matters and that such determinations may create uncertainty.

Furthermore, personal law reform involves complex social and political considerations. Legal change imposed without adequate understanding of community practices may generate resistance and undermine the legitimacy of reform efforts. Therefore, constitutional review must be conducted through a careful balance between protecting individual rights and respecting legitimate religious diversity.



The future development of personal law jurisprudence requires a principled constitutional approach that avoids both extremes: complete judicial immunity for personal laws and unrestricted judicial intervention in religious matters.

15. Theoretical Contribution of the Study

The study contributes to the broader discourse on constitutional law by examining personal laws not merely as religious institutions but as legal frameworks operating within a constitutional democracy. Traditional approaches to personal laws have often focused on the distinction between religious autonomy and State intervention. However, contemporary constitutional jurisprudence indicates that this binary approach is insufficient because personal laws simultaneously represent community identity and regulate individual legal relationships.

The central theoretical contribution of this research lies in demonstrating that judicial review of personal laws should be understood through the principle of constitutional balance. The constitutional question is not whether religion should be protected or whether personal laws should be abolished; rather, the issue concerns the conditions under which religiously derived legal norms can coexist with constitutional guarantees. The Constitution protects religious diversity, but it also establishes individual dignity, equality, and liberty as foundational commitments.

The comparative analysis of Hindu, Muslim, Christian, and Parsi personal laws demonstrates that Indian constitutional law has not adopted a uniform approach towards all personal law systems. The degree of legislative intervention, historical development, and judicial scrutiny differs among communities. Hindu personal law has undergone extensive statutory reform, Muslim personal law has primarily developed through judicial interpretation and selective legislation, Christian personal law has been influenced by colonial statutory frameworks, and Parsi personal law has evolved through community-specific legislation. Despite these



differences, the constitutional standard applicable to all personal laws increasingly depends upon their compatibility with Fundamental Rights.

The study further contributes by highlighting the movement from a source-based understanding of legal validity towards an effect-based constitutional analysis. Earlier debates focused primarily on whether personal laws originated from religion or legislation. Contemporary constitutional reasoning increasingly examines whether the operation of a legal rule produces discrimination, inequality, or violation of dignity. This shift represents a broader transformation in Indian constitutional jurisprudence towards substantive constitutionalism.

16. Major Findings of the Study

The first major finding of this research is that the constitutional status of personal laws under Article 13 remains unresolved. The decision in *State of Bombay v. Narasu Appa Mali* established the view that personal laws are outside the scope of Article 13; however, this proposition continues to face significant academic and constitutional criticism. The inclusion of customs and usages having the force of law within Article 13(3)(a) creates a strong argument that certain personal law rules should be subject to constitutional review.

The second finding is that the Supreme Court's approach towards personal laws has gradually evolved from limited judicial intervention towards greater constitutional scrutiny. Earlier decisions demonstrated caution regarding interference in religious matters, whereas recent judgments have increasingly examined personal law-related issues through the principles of equality, dignity, and individual autonomy.

The third finding is that religious freedom under Articles 25 and 26 does not provide absolute constitutional protection to every religious practice. The Constitution itself places limitations upon religious freedom by recognising public order, morality, health, social reform, and other



Fundamental Rights as relevant considerations. Therefore, religious autonomy must operate within constitutional boundaries.

The fourth finding is that gender justice has become a central factor in judicial review of personal laws. Several important cases involving maintenance, divorce, inheritance, and religious practices demonstrate that courts increasingly consider the impact of personal laws upon individual equality and dignity. The constitutional concern is not directed against religious communities but against legal consequences that undermine equal citizenship.

The fifth finding is that judicial review alone cannot provide a complete solution to the challenges surrounding personal laws. Constitutional courts can identify violations of Fundamental Rights, but sustainable reform also requires legislative action, social dialogue, and community participation.

17. Recommendations for Constitutional Reform

A balanced constitutional approach towards personal laws requires greater doctrinal clarity regarding their relationship with Article 13. The Supreme Court may need to reconsider the continuing relevance of the *Narasu Appa Mali* doctrine and provide a clear constitutional position regarding whether personal laws, particularly those having legal consequences, fall within the scope of judicial review.

The constitutional review of personal laws should adopt an approach based on substantive equality rather than formal classification. Courts should examine whether a particular personal law rule creates unjustifiable inequality or restricts individual dignity. Such an approach would allow protection of legitimate religious practices while ensuring constitutional remedies for rights violations.

Legislative reform should also play an important role in modernising personal laws. However,



reform initiatives should be developed through constitutional consultation and democratic processes rather than through approaches that disregard religious and cultural contexts. The objective of reform should be the protection of individual rights while maintaining respect for India's plural social structure.

There is also a need for developing a consistent constitutional framework applicable to all personal law systems. The comparative study of Hindu, Muslim, Christian, and Parsi personal laws demonstrates that different communities have experienced different levels of reform and judicial intervention. A uniform constitutional standard based on dignity, equality, and liberty would provide greater coherence in personal law jurisprudence.

18. Conclusion

The judicial review of personal laws in India represents one of the most significant constitutional challenges involving the relationship between religion, law, and individual rights. Personal laws are deeply connected with religious identity and cultural traditions; however, they also operate as legal mechanisms regulating essential aspects of individual life. Therefore, their constitutional validity cannot be determined solely by examining their religious origin.

The Indian constitutional framework requires a careful balance between religious freedom and constitutional supremacy. Articles 25 and 26 protect religious autonomy, but these guarantees exist within a constitutional order committed to equality, dignity, and liberty. The development of Indian constitutional jurisprudence demonstrates that religious freedom and Fundamental Rights are not necessarily opposing values; rather, they must be interpreted together to achieve constitutional harmony. The comparative analysis of Hindu, Muslim, Christian, and Parsi personal laws reveals that judicial review has become an important mechanism for ensuring that personal law systems remain consistent with constitutional principles. While the nature and extent of judicial intervention differ among communities, the broader constitutional trend



indicates increasing recognition that individual rights cannot be compromised merely because a legal practice has religious or historical foundations.

The future of personal law jurisprudence in India depends upon developing a constitutional model that respects diversity while protecting individual autonomy. Such a model should neither ignore religious traditions nor permit them to operate beyond constitutional accountability. The objective of constitutional review should therefore be understood not as the elimination of personal laws but as ensuring that all legal systems functioning within India's constitutional democracy remain compatible with the fundamental values of equality, dignity, justice, and liberty.

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