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REVIEWER'S REPORT

Manuscript No.: IJAR-56201

Title: Personal Law in Comparative Perspective: Foundations, Variations, and Contemporary Challenges.

Recommendation:

Accept after minor revision

Rating	Excel.	Good	Fair	Poor
Originality		✓,		
Techn. Quality		✓,		
Clarity	✓,			
Significance	✓,			

Reviewer Name: Dr Abdul Haseeb Mir

Detailed Reviewer's Report

The article titled "Personal Law in Comparative Perspective: Foundations, Variations, and Contemporary Challenges" provides an extensive and intellectually rigorous exploration of the mechanisms through which legal systems balance the preservation of religious and cultural identity with the overarching requirements of state authority and constitutionalism. By positioning personal law at the intersection of private life and public regulation, the author successfully highlights the inherent tensions that arise when universal legal standards of equality encounter pluralistic community norms. The manuscript is well-structured, moving from a detailed historical account of the evolution of personal law to a contemporary analysis of globalization, migration, and the specific challenges faced within the Indian legal framework.

The paper's greatest strength lies in its comparative breadth, particularly in its categorization of "connecting factors" such as domicile, nationality, and religion. The author effectively demonstrates how common law jurisdictions prioritize domicile—focusing on a person's permanent home—while civil law systems typically rely on nationality as the primary criterion for personal law. This distinction provides a necessary foundation for understanding why international disputes regarding family and inheritance remain so complex. Furthermore, the analysis of how colonial administrations in India, Nigeria, and Malaysia "frozen" flexible customs into rigid state-administered codes offers a critical perspective on the origins of modern legal pluralism.

The specific focus on the Indian context as a paradigmatic case of legal pluralism adds significant value to the research. The author provides a nuanced discussion of the tension between Article 14 (equality) and Article 25 (religious freedom) of the Indian Constitution, using landmark judicial interventions like

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the Shah Bano case to illustrate the difficulty of implementing a Uniform Civil Code (UCC) in a deeply pluralistic society. The manuscript also deserves praise for addressing modern gaps in scholarship, such as the impact of digital technology on virtual religious authority and the evolving rights of LGBTQ individuals within traditional personal law frameworks.

Despite these strengths, there are areas where the manuscript could be further refined to enhance its academic impact. The transition between the historical development of personal law and the socio-legal critiques regarding gender justice is somewhat abrupt. Additionally, while the author acknowledges the discriminatory nature of many personal laws against women and sexual minorities, the paper would benefit from a more detailed analysis of how international human rights instruments, such as CEDAW, have been practically integrated—or resisted—within specific national courts beyond the Indian examples.

Recommendations

To improve the narrative flow, the author should consider consolidating the historical discussions found in sections 2.1 and 4.1. Currently, both sections cover the origins of canon law and Sharia in a repetitive manner. Merging these into a single, cohesive "Historical Foundations" section would allow more room for the contemporary analysis that follows.

The section on globalization and "forum shopping" would be significantly strengthened by the inclusion of a brief case study involving a transnational family dispute. Specifically, illustrating how a conflict between the "domicile" rule of a common law country and the "nationality" rule of a civil law country leads to inequitable results would ground the theoretical discussion in practical reality.

The bibliography requires a thorough review for consistency. Several entries lack full publisher details or follow inconsistent citation styles. Standardizing all references to a single format (such as APA or Bluebook) and ensuring that all works cited in the text—such as those by Flavia Agnes or Werner Menski—are fully documented is essential for a high-quality academic publication.

In the concluding sections, the author calls for a "subtle" way forward that respects cultural identity while upholding baseline rights. The manuscript would be more impactful if it offered more concrete policy recommendations. For instance, the author could elaborate on the "Special Marriage Act" model as a

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voluntary secular alternative that could be adapted in other pluralistic nations to bridge the gap between tradition and modernity.

Although the research is primarily qualitative and doctrinal, the inclusion of a table or map illustrating the global distribution of the three main personal law systems (domicile-based, nationality-based, and religion-based) would provide a valuable quick-reference for readers. Addressing the "lacunae" mentioned regarding empirical data by including a brief summary of existing socio-legal surveys on how individuals perceive these laws would also fulfill the author's stated goal of combining doctrinal and socio-legal methodologies.

Recommendation for the Editor

This article is a comprehensive and timely contribution to the field of comparative family law. It successfully identifies the critical challenges facing personal law in an accelerating global society. By addressing the minor revisions suggested above—particularly regarding structural redundancy and citation consistency—the manuscript will be a valuable resource for legal scholars and policy makers alike. **I recommend this article for publication with minor revision.**