

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s).1138/2025

BUDDHIST PERSONAL LAW ACTION COMMITTEE

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date : 28-11-2025 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) :Mr. Shanti Prakash, AOR
Mr. Satyapal Singh, Adv.
Mr. B. K. Gautam, Adv.
Mr. Rajender Kumar, Adv.
Mr. Mahendra Singh, Adv.
Mr. Satya Prakash Sagar, Adv.
Mr. Kafeel Ahmad, Adv.
Mr. Tasleem Arif, Adv.
Mr. Mohd Riyaz, Adv.
Mr. Shaswat Kumar, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. The instant writ petition has been filed purportedly in public interest, seeking the following reliefs:

“(a) Issue an appropriate writ, order or direction in the nature of mandamus and/or any other writ, Order or direction under Article 32 of the Constitution of India inter-alia directing for Enactment of Buddhists Personal Law; and

b) Declare explanation II of article 25 of the constitution of India and section 2 (b) of the Hindu Marriage Act, 1955 and Section 2 (b) of the Hindu Adoptions & Maintenance Act, 1956 and Section 2 (b) of the Hindu Succession Act, 1956 and Section 3 (b) of the

Hindu Minority & Guardianship Act, 1956 as *ultra vires* which violate the Fundamental Rights of the petitioner enshrined under Article 14, 15, 25(1), 26 and 29 of the Constitution of India; and/or

c) Pass any such other or further orders as this Hon'ble Court may deem fit and proper in light of the facts and circumstances of the case."

2. The petitioner-Trust is statedly working for the propagation and protection of the Buddhist religion in India. It is in this backdrop that the petitioner has raised questions with respect to a set of Statutes, including the Constitution of India, and their application to the Buddhist religion, which are allegedly contrary to the Fundamental Rights.

3. During the course of hearing, we find that an identical issue was previously raised before this Court, and the proposals duly submitted by the parties therein were then forwarded to the Law Commission of India for its consideration.

4. The petitioner-Trust itself has placed on record a communication dated 20.12.2024 by the Ministry of Law and Justice, Union of India, *inter alia*, informing that in the process of examining various issues related to Uniform Civil Code, the 21st Law Commission of India also considered the subject in question and solicited the views of various stakeholders. The communication further concludes:

"The subject matter is still under examination of the Law Commission of India and any action from this Department regarding the personal laws can be considered only after the receipt of the recommendations from the Law Commission of India."

5. There is no gainsaid that the Law Commission of India is one

of the premier non-statutory institutions of this country ordinarily headed by a former Judge of this Court or a former Chief Justice of the High Court. The primary responsibility assigned to the Law Commission is to provide its expert opinions with respect to the amendments/deletion/repeal/enactment of various laws to bring each statute in conformity with our constitutional ethos, values and moralities.

6. Owing to the limited scope of jurisdiction that may be exercised under Article 32 of the Constitution of India, it seems to us that this might not be appropriate to issue the desired *mandamus* at this stage. However, the premier Expert Body, namely, Law Commission of India can take a holistic view and make its appropriate recommendations as it deems fit.

7. Thus, in order to assist the Law Commission of India for an expeditious opinion on the pending issue(s), we deem it appropriate to dispose of this writ petition by treating as a representation on behalf of the petitioner-Trust/Committee to the Law Commission of India.

8. The Registry is, accordingly, directed to forward the complete set of paper-book(s) (soft copy) to the Law Commission of India for their consideration of the material brought on record by the petitioner.

9. We also request the Law Commission of India to invite the petitioner's representative and take their viewpoint on the subject-issue(s). We are sure that they would undoubtedly render quality assistance to the learned Law Commission of India in the formation of its viewpoint.

10. The Writ Petition stands disposed of in above terms.
11. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR