Freedom of religion has always been a volatile subject engaging the attention of philosophers, politicians, jurists, etc. The temptation to curb this freedom through the instrument of law is always an unceasing one. An impartial agency has always been necessary to define the confines of religion on one hand and of state action on the other. The political process moulds the instrument of state intervention and the judicial process provides the arbitrating authority to decide the appropriate relationship between state and religion. The judicial process plays a very important part in the shaping of the law of the country, because, 'the principles of laws have been slowly built up from individual cases, never finally defined or expounded as they might be in a code ... they are constantly tested and retested in the laboratories of the courts'.* In these laboratories the experiment of shaping and moulding the laws is conducted under the vigilant wisdom of the judges whose approach in interpreting the law carries a substantial weight with it.

This thesis attempts 'a critical study of some significant aspects of judicial decisions bearing on

freedom of religion in India'. This study was undertaken in June 1966. The period selected for analysis covers the first two decades since the inauguration of the Constitution and the study has been, by and large, confined to denominational or institutional aspects. The issues relating to personal law of various religions like marriage, inheritance etc., though important, have not been incorporated. Similarly, issues connected with the participation of state directly or indirectly in religious functions such as congregational prayers, conferences, Puja processions etc., as well as the religious touch given to the activities of the state such as inaugural ceremonies, radio broadcasting, etc., also provide a subject of interesting analysis but the same has been excluded from the purview of this study, the reason being that these subjects, though related, are separate and independent fields of study.

The present study is primarily based on the judgments recorded in law reports and journals. It must be submitted at this stage that the work of the courts cannot fully be appraised on the basis of judgments recorded because 'so many twists and turns in the proceedings are evident to the practitioners when the cases are argued before the court and which are lost upon the world outside. And especially in the selection of relevant issues and facts and in the determination of the relevance of these
proved facts to each other, the judges show their view of what effect the law should have far more intimately and decisively than in their discussion of the law itself. It may nevertheless be admitted that the judgments recorded serve as a fairly reliable guide to understand what the judiciary means and does in case of a dispute referred to it. This study which is based on the judgments recorded in reports and journals has, therefore, its own limitations which I admit. The sources on which this study is based are mentioned in a separate bibliography at the end.

Various hands have contributed to the making of this humble effort. Uppermost in mind are the feelings for my revered 'Guru' Dr. D. K. Garde, under whose wise guidance this study was undertaken. His mature wisdom, capacity for constructive reflection and, moreover, warm encouragement have made an indelible mark on my mind for which I feel deeply indebted. To undertake such a study without any formal legal training was by no means an easy task. I am, therefore, grateful to those in the profession of teaching or practising law who helped me in appreciating properly certain technical issues. I am also grateful to my colleagues in the University of Poona and

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in the Fergusson College, with whom I had occasionally discussed some issues. I am specifically indebted to Prof. Miss Sita Shabani of the Department of English, Fergusson College, Poona, who was kind enough to go through the script of the thesis and who made valuable suggestions from the point of view of expression and presentation.

Libraries have been the main source of information for me - B. J. Wadia Library of Fergusson College, Jayakar Library of the University of Poona and more particularly the Library of the Law College, Poona, and the Library of the Poona Bar Association - I am deeply grateful to the staff of all these libraries.

I will fail in my duty if I do not express my gratitude to Mr. V. N. Inamdar for his neat and accurate typing done in the shortest possible time.

Lastly, I cannot forget my mother aged 80 without whose blessings and my wife without whose patience this study could not have seen the light of the day.

Poona
September 1972.

V. M. Bachal