diritto & religioni

Semestrale
Anno XII - n. 1-2017
gennaio-giugno

ISSN 1970-5301

23

LUIGI
PELLEGRINI
EDITORE

Diritto e Religioni

Semestrale

Anno XII - n. 1-2017

Gruppo Periodici Pellegrini

Struttura della rivista:

Parte I

Sezioni	Direttori Scientifici
Antropologia culturale	M. Minicuci
Diritto canonico	A. Bettetini, G. Lo Castro
Diritti confessionali	M. d'Arienzo, V. Fronzoni, A. Vincenzo
Diritto ecclesiastico	M. Jasonni, L. Musselli (†)
Sociologia delle religioni e teologia	G.J. Kaczyński, M. Pascali
Storia delle istituzioni religiose	R. Balbi, O. Condorelli

Parte II

Settori	Responsabili
Giurisprudenza e legislazione amministrativa	G. Bianco, R. Rolli
Giurisprudenza e legislazione canonica	P. Stefanì
Giurisprudenza e legislazione civile	L. Barbieri, Raffaele Santoro, Roberta Santoro
Giurisprudenza e legislazione costituzionale e comunitaria	G. Chiara, R. Pascali, C.M. Pettinato
Giurisprudenza e legislazione internazionale	S. Testa Bappenheim
Giurisprudenza e legislazione penale	V. Maiello
Giurisprudenza e legislazione tributaria	A. Guarino, F. Vecchi

Parte III

Settori	Responsabili
Letture, recensioni, schede, segnalazioni bibliografiche	M. Tedeschi

Comitato dei referees

Prof. Andrea Bettetini - Prof.ssa Geraldina Boni - Prof. Salvatore Bordonali - Prof. Antonio Giuseppe Maria Chizzoniti - Prof. Orazio Condorelli - Prof. Pierluigi Consorti - Prof. Raffaele Coppola - Prof. Pasquale De Sena - Prof. Saverio Di Bella - Prof. Francesco Di Donato - Prof. Olivier Echappè - Prof. Nicola Fiorita - Prof. Antonio Fuccillo - Prof. Chiara Ghedini - Prof. Federico Aznar Gil - Prof. Ivàn Ibàn - Prof. Pietro Lo Iacono - Prof. Dario Luongo - Prof. Agustin Motilla - Prof. Salvatore Prisco - Prof. Francesco Rossi - Prof. Annamaria Salomone - Prof. Patrick Valdrini - Prof. Gian Battista Varnier - Prof. Carmela Ventrella - Prof. Marco Ventura - Prof. Ilaria Zuanazzi.

Approach of the Supreme Court of India on Socio-Religious Reforms in Hindu Religion

R. Srinivasan

1. *Introduction*

The modern socio-religious reforms of Hindu religion began with *Raja Ram Mohan Roy*.[1] It initiates the new ways of life and modes of behavior in the existing social structure. It opposed the inhuman and superstitious beliefs like '*sati*', '*kulunism*', and 'widow remarriage' practices in the Hindu religion.[2] It rationalized the Hindu religious beliefs and faith and opposed the inhuman and superstitious beliefs. It distinguishes the essential practices of Hinduism from the non-essentials and tried to synthesize the age-old Hindu values with the rational principles. In late 1915, the social reform movements are transformed into National Movements and fight for independence. After independence in 1947, the members of the national movements represented in the Constituent Assembly recommended incorporating the socio-religious reformatory provisions in the Constitution document. Some provisions are 'equality before the law' and 'equal protection of law' under Article 14, 'no discrimination based on religion' under Article 15 in general and in public employment service in particular in 16, 'abolition of untouchable" in Article 17[3], 'freedom of speech and expression' in Article 19(1) (a), 'freely profess, practice and propagate religion' under Article 25 and 'establish, administer and maintain institutions' under Article 26 of the

---

[1] Raja Ram Mohan Roy was the founder of *Arya samaj* established as socio-religious movement in India in the early 19th century.

[2] Torkel Brekke, "*The Concept of Religion and Debate on the Rights of Women in the Constitutional Debates of India*", Nordic Journal of Religion and Society (2009), 22 (1): 71-85.

[3] Untouchability and its origin is in '*varna vyavastha*'. High Caste Hindu did not like to touch lower caste Hindus associated with sweeping job. This is the social evil dealt so heavily by the Constitution. Initially Parliament enacted Untouchability Offences Act, 1955 and it was renamed as Protection of Civil Rights Act, 1955.

Constitution.[4]

On 2nd December, 1948, B.R. Ambedkar delivered a speech in the Constituent Assembly when the word 'profess', 'practice' and 'propagate' religion were inserted in the Article 25 of the Constitution as follows:

> "*The religious conceptions in this country are so vast that they cover every aspect of life, from birth to death. There is nothing, which is not religion and if personal law is to be saved, I am sure about it that in social matters. we will come to a standstill. I do not think it is possible to accept a position of that sort. There is nothing extraordinary in saying that we ought to strive hereafter to limit the definition of religion in such a manner that we shall not extend beyond beliefs and such rituals as may be connected with ceremonials, which are essentially religious. It is not necessary that the sort of laws, for instance, laws relating to tenancy or laws relating to succession should be governed by religion."*[5]

B.R.Ambedkar strongly believed that the religion plays a vital role from the cradle to grave in human life. While delivering his argument, he purposefully used the term 'essentially religious' to avoid the westernized perception of separation of religious activities from the secular activities of the State. He inserted the word 'essentially' under Clause (1) of Article 25 to expand the ambit of judicial interpretation based on public order, morality and health to balancing essential practices secularly. The Clause (2) of Article 25 enables the State to regulating, economic, political or other secular activity, which may be associated with religious practice through any existing law or making any law. Similarly, it also empowers the State for making social welfare and reform and open Hindu religious institutions of a public character to all classes and sections of Hindus.

---

[4] The Indian Constitution Article 25 conferred: **Freedom of conscience and free profession, practice and propagation of religion**: (1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion. (2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law- (a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice; (b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus. Article 26 conferred that: **Freedom to manage religious affairs**: Subject to public order, morality and health, every religious denomination or any section thereof shall have the right- (a) to establish and maintain institutions for religious and charitable purposes; (b) to manage its own affairs in matters of religion; (d) to own and acquire movable and immovable property; and (d) to administer such property in accordance with law.

[5] Christophe Jaffrelot, **Composite Culture is not Multiculturalism: A Study of the Indian Constituent Assembly Debates**, In India and the Politics of Developing Countries, (ed) Ashutosh Varshney, New Delhi: Sage Publications, 2004.

Further the legislatures in India implemented social welfare reforms, although certain evil practices like temple entry of untouchables, hereditary priesthood, 'superstitious belief and faith' etc. persist in the country. Hence the Judiciary in India initiated an enquiry into whether the impugned practice is an 'essential practice' or not and throws away regressive practices based on superstition and accretion for long time. Since 1950, the commencement of the Constitution the 'essential practices' of the Hindu religion has been consistently interpreted by the High Courts and the Supreme Court of India. It discards the non-essential practices from the essential practices and takes on the task of re-characterizing the Hinduism.

Dhavan and *Nariman* insightfully noted the process of interpretation of the Court as follows: 'Judges are now endowed with a three-step inquiry to determine, in tandem, whether a claim was religious at all, whether it was essential for the faith and perforce, whether, even if essential, it complied with the public interest and reformist requirements of the Constitution.'[6] Naturally, for these reasons, the doctrine has met with fierce criticism. It is argued that the Judiciary neither possessed nor legitimate to decide, what constitute the religion? In this background, the research work analyzed the approach of the Supreme Court of India in legalizing the 'essential practices' of Hindu religion from the regressive practices of the temple entry of untouchables, superstitious beliefs and faith and appointment of hereditary priesthood.

2. *Practice of temple entry of untouchables:*

Since the time immemorial, the casteism is widely existed among the Hindu religion. The '*madathipathis*', *deekshithars'* (Pontiffs) of the temples were chosen from the upper caste. The lower caste people were prevented from entry in the temple, in spite of the opposition from social and religious reform movements in the earlier 19th century. It insists the framers of the Indian Constitution to insert the reformatory provisions in the Constitution like "throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus ....State to regulate or restrict ... other secular activities, which may be associated with religious practices. In spite of that the discriminations are rooted in the system, and it is slowly standing apart by the Court's interpretation.

The right of the lower caste people, to enter the temples was questioned

[6] Dhavan and Nariman, The Supreme Court and Group Life: Religious Freedom, Minority Groups and Disadvantaged Communities, p.260.

in the Supreme Court in *Shirur Mutt case* in 1954.[7] The central question was "what constitute religious practices?" and "Is such practice can exclude the participation of lower caste?" It is the first time the Court formulated the doctrine of essentials of religion as a code of ethical rules framed by the head of the priesthood, but also includes rituals, observances, ceremonies and modes of worship as integral part and as well held that the 'essentials of religion' are subjected to the self-satisfaction of the religion and not the satisfaction for the individuals. It is the first case drew the line between 'what are the essentials of the Hindu Religion' and 'what are not?' based upon the common law principles like *'justice'*, '*equity'* and '*good conscience'*. This judgement enabled the entry of the lower caste people into the temples in India.

Once again, the issue was incidentally questioned before the Supreme Court in Sri *Venkararamana Devaru case*.[8] In this, the substantial question of law raised is the rights of religious denomination to manage the affairs of the religion and the competency of the State to make laws in relate to social welfare and reforms, which allows the entry of lower caste people to the temple. The former is related to rights of religious denomination and the latter is on rights to the individual and each of them is not subjected to one another. If one right is accepted the object of other will be defeated. It is the first time in this case; the Court applied the principle of '*harmonious construction'* and held that the general public's are not excluded for religious worship, including lower caste people, but it excluded them in performance of certain religious services as an essential matter of religious denominations. The approach was continued in *Sardar Sarup Sing case,* where the Court asserted that right of religious denominations to manage its own affairs needed not to include the prevention of lower caste people to enter the temple.[9] The trend of rational approach of the judiciary continued in *Shastri Yagnapurushdasji case*.[10] In this '*sastangis*' a religious denomination claimed as a separate religious group it had the right to manage the religious affairs, including the prohibition of entry of '*harijans*' into the temple. However, the Court did not accept the claim of '*sastangis*'. It has held that it is 'irrational' and against the secular practice.

---

[7] AIR 1954 SC 282.

[8] Sri Venkataramana Devaru *v.* State of Mysore, AIR 1958 SC 255.

[9] Sardar Sarup Devaru *v.* State of Mysore, AIR 1958 SC 255.

[10] Shastri Sarup Singh *v.* State of Punjab, AIR 1958 SC 255.

3. *Marginalization of Superstitious belief and faith*

The Superstitious beliefs and faith are widely spreads in India, and it is glorified by the religions. Such belief and faith are finding their way into the religious sculpture and religious texts. The Article 51-A (h) of the Constitution of India imposes fundamental duty to develop the scientific temper, humanism and the spirit of inquiry and reform to the citizens. But certain practices like *sati*, animal sacrifices, *vastu sastra* and *tarot* cards are still persisting among the Hindus, which remind dark ages. To marginalize such superstitious belief and faith, the Parliament enacted laws on abolition of Sati and prohibition of Witch-hunting, Animal Slaughtering, etc.

Mohammed Ghouse insightfully noted that in America, the law relating to a superstitious belief and faith will be valid if it is secular, even though it invades the essentials of religion. But in India, a law relating to the superstitious belief and faith will be valid though serves no secular purpose, but not against the doctrine of essentials of religion.[11] In 1960s, it is necessary for the judiciary to enquire into religiousness of both the parties if any question about determining the religious practices arises. The Court should keep in mind while determining any case as to what is injured is a superstitious belief or unessential features of a religion.

In 1963, *Tilakayat Shri Govindalalji Maharaj case*, the Court distinct the 'superstitious belief and faith' and 'essential religious practices.' In this case, the Nathdwara temple is private temple established and administered by *vallabh* denomination. It prohibited the participation of other caste people, including *harijans*. In this case, the Court rationalizes the concept of religion and marginalizing the practice which is conflicting with the interest of society. So in this period the Court shifted from 'superstitious belief and faith' to 'real perception of religion'.[12]

The people from the Hindu religion strongly believed in *vastu sastra* for constructing the new houses and astrology to know their future life. Recently, the University Grants Commission, a nodal agency for regulating the education in India under the Ministry of Human Resource and Development introduced a new course on astrology in the Universities and Colleges as pseudo-science. The entire course is based on superstitious belief and faith, and it was widely opposed by the Indian Scientific community. In the meantime, it was challenged before the Supreme Court in *P.M. Bhargava v.*

[11] Mohammed Ghouse, Secularism Society Law and India, p.133.

[12] AIR 1963 SC 1638.

University Grants Commission based on the ground that the course undermines India's scientific credibility.[13] Even so, the case was dismissed by the Court and stating that the petitioner's concerns were unfounded.

Another recent issue came before the Supreme Court is '*Santhara*', a ritual of voluntary systematic fasting to death to attain *moksha* practiced by the Jain community, and it was claimed as 'essential practice' of the religion. However, the Court held that the practice is based on the superstitious belief and faith had no valid source of information's like scriptures, preaching's, articles or practices followed by the Jain ascetics in practicing *Santhara* for the pursuit of immortality or *moksha*. Further it was observed that the right to take one's life, on the ground that right to end the life is a superstitious belief and treated it is an illegal and punishable act under Indian penal law.

4. *Abolition of hereditary priesthood in the temples:*

In the year 1969 the 'Committee on Untouchability, Economic and Educational Development of the Schedule Castes' has suggested in its report for abolishing the hereditary priesthood in the Hindu Society should be abolished, that the system can be replaced by an ecclesiastical organization of men possessing the requisite educational qualifications which may be trained in recognised institutions in priesthood and the line should be open to all candidates irrespective of caste, creed or race. In purporting to introduce the social reform in the matter of appointment '*archakas*' and '*pujaris'* in the temple the Court district the 'religious service' from 'person who performs the service' after 1970s.

In the light of the recommendation of the committee, the Court abolished the hereditary principles of appointment of all the office holders in the temple in *His Holiness Srimad Perarulala Ethiraj Ramanujar Jeeyar Swami case*. The approach of the Court continued in *Vaishno Devi Shrine Case*, where Mata Vaishno Devi Act, 1988 was challenged.[14] The Act was passed for better management and governance of the temple and its endowment. The hereditary office of the priest was abolished, and provision was made for appointment of priests by the State. In this case, the Court made a distinction

[13] Civil Appeal 5886 of 2002 disposed on 5th May, 2004. Available at www.indiankhanoon-org/doc/697794/ and retrieved on 28.10.2015.

[14] The Commissioner, Hindu Religious Endowment, Madras v. Sri lakshmindra Thirtha Swamiar of Sri Shirur Mutt, AIR 1954 SC 282.

between 'religious service' and the 'person who performs that service'.[15] The Court held that 'Religious service' is integral part of religious practice. It has to be discharged to only be a man of that creed according to tenets, customs and usages of that religion. If a man perform the service which is incidental to worship, but nor religious, can be regulated by the State. *Pujari*, *Shebaiti* and *Archak* are all public office and anybody is eligible and versed in the way of worship can do it. Further it was held that the occupant of that office performing rituals and ceremonies can draw salary from the State and held the Act as valid.

The question on distinction between 'religious service' and the 'person who performed that service' was continued in *A.S. Naraya Deekahitulu v. State of Andhra Pradesh*.[16] The Andhra Pradesh Charitable and Hindu Religious Endowment Act, 1987 was challenged. The Act abolished the hereditary right of '*archak*' and other offices. The Court held that hereditary office of *archak* is not necessary or integral part of religious practice, but it is a secular activity. As such subject of restriction by State, *archak* is an employee of the temple. State can appoint '*Pujari*' or '*archak*' and he can be of any caste subscribing to that religion, sect or denomination. But it cannot be of any other 'creed'. But in both the cases, the 'religious service' was declared as integral part of religious practice. It has to be discharged only by a man of that religion. But 'person who performs that service' can be regulated by the State, because such services are incidental to worship. In 2002, the Court ended the controversy ended in *N. Adithayan v. Travancore Devaswom Board*, where it was found that a non-Brahmin community could be appointed as a '*archak*a' in a particular temple, and it is not essential to that temple practice to appoint only a Brahmin community as '*archaka*'.[17]

5. *Redefining the 'essential practice' of religion:*

In the pre-colonial period the doctrine of 'essential practice of religion' was based on 'justice, equity and good conscience'. After the commencement of the Constitution, it was articulated by *Mukherjea.J.,* in *Shriur Mutt*

---

[15] But in contradict to this view, the Kerala High Court in G.Raman Nair v. State of Kerala, the Court was of view that only the Hindu has right to manage the temple who is believer in God, believer in temple worship. Non-believer of God and temple worship has no right administer and manage a temple simply because he is a Hindu.

[16] AIR 1996 SC 1765.

[17] (2002) 8 SCC 106.

case as collection of individuals classed together under the same name; having a common faith and organized in a distinctive name and allow to carry its religious practices. Further for the question 'what constitutes an integral or essential part of religion', the Court determined that it is based on various tenets and doctrines of the religion.

In the same time the High Court in India put different gloss on things. The Allahabad High Court in *Ram Prasad Seth v. State of UP* rejected the contention that the Hindu religion allowed certain funeral rites for a deceased individual to be performed only by sons. Consequently, it was imperative for a Hindu individual to have a son, and sometimes. Bigamy was the sole way of achieving this. In response, the Court analysed certain important Hindu religious texts, and based on analysis, held that:

> *"[bigamy] cannot be regarded as an integral part of a Hindu religion… the acts done in pursuance of a particular belief are as much part of the religion as belief itself but that to my mind does not lay down that polygamy in the circumstances such as of the present case is an essential part of the Hindu religion."* In the Mehrotra,J., further added that: *"A sharp distinction must be drawn between religious faith and belief and religious practices. What the State protects is religious faith and belief. If religious practices run counter to public order, morality or health or a policy of social welfare upon which the State has embarked, then the religious practices must give way before the good of the people of the State as a whole. It is rather difficult to accept the proposition that polygamy is an essential part of Hindu religion."*[18]

However, in *Ananda Margi case (I)* the Court observed that "whether the Ananda Margis had a fundamental right within the meaning of Article 25 or Article 26 to perform *Tandava* dance in public streets and public places.[19] The Court found that *Ananda Marga* was a distinct religious denomination, practicing Hindu religion, and it enjoys complete autonomy in the matter of deciding as to 'what rights and ceremonies are essential according to the tenets of the religion they hold' and outside authority has no jurisdiction to interfere with their decision in such matters. But when it was examined the question 'whether the *Tandava* dance was a religious rite or practice essential to the tenets of the *'Ananda Marga'* and found that it was not in existence when *Anand Marg* was entrenched. Based on the finding the Court conclu-

---

[18] AIR 1957 All.411.

[19] Acharya Jagadishwaranand Avadhuta *v.*The Commissioner of Police, Calcutta, AIR 1984 SC 1.

ded that the *Ananda Marga* had no fundamental right to perform *tandava* dance in public streets and public places in breach of public order.

But in the *Ananda Marga case (II),* it was held that *Ananda Marga* is not a religion, but it is a religious denomination.[20] It is a philosophical teaching of *Sri Aurobindo*, and it has no right to perform '*Tandava'* dance as fundamental right under Article 25 and 26 of the Constitution. In this case, the Court re-examined the doctrine of 'essential practices of a religion',' and the approach of the Court is incorporated as follows:

> "*What is meant by 'an essential part or practices of a religion' is now the matter for elucidation. Essential part of a religion means the core beliefs upon which a religion is founded. Essential practice means those practices that are fundamental to follow a religious belief. It is upon the cornerstone of essential parts or practices the superstructure of religion is built. Without which, a religion will be no religion. Test to determine whether a part or practice is essential to the religion is to find out 'whether the nature of religion will be changed without that part or practice'. If the taking away of that part or practice could result in a fundamental change in the character of that religion or in its belief, then such part could be treated as an essential or integral part. There cannot be additions or subtractions to such part because, it is the very essence of that religion, and alterations will change its fundamental character. It is such permanent essential part is 'what is protected by the Constitution'. Nobody can say that essential part or practice of one's religion has changed from a particular date or by an event. Such alterable parts or practices are definitely not the 'core' of religion where the belief is based and religion is founded upon. It could only be treated as mere embellishments to the non-essential part or practices."*

6. *Conclusion*

Hinduism is the majority religion in the secular India. It is segmented into different sects and castes. Historically, the people are separated as *Brahmin*, *Kshatriyas*, *Vaisyas* and *Sudras* and their professions are determined based on the respective caste. In the hierarchy of caste, the *Brahmin* is the higher caste of the Hindu religion, and it instructs the doctrine of essential practices of the religion through *sastras* and customary practices, etc. Hence the caste-based discrimination is persisting for centuries in the Hindu reli-

[20] The Commissioner of Police, Calcutta *v.* Acharya Jagadishwaranand Avadhuta, AIR 2004 SC 2984.

gion and the upper caste always discriminate the lower caste people based on *sastras* and customary practices. In those periods, Courts interpreted the doctrine of essentials of religion based on *sastras* and customary practices, and it was witnessed in *Gopala Moopanar case* in 1915, where it applied 'sastras' and 'customary practices' as sources of law to determining the doctrine of religion.

The trend was continued until the independence in 1947. However, the Constituent Assembly of India debated for a new perception of secularism in the west. It has neither pro-god nor anti-god, i.e. respect all religion and tolerant all religions. At the same time, it also addressed for the prohibition of caste-based discriminations for all including Hindu religion under Article 14, 15(1), 16(1), and 17 of the Indian Constitution apart from Article 25(1)(a). Further the Parliament of India enacted social welfare reforms based on the provisions. Even though the regressive practices like the temple entry of lower caste people, hereditary priesthood, superstitious beliefs and faith run through the Hindu religion. Such practices are regulated and restricted only by the Supreme Court of India from time to time.

After the commencement of the Constitution, the Supreme Court relied sculptures, religious texts and customary practices as the source for interpretation of doctrine of essentials. It was evident in *Saraswathi Ammal case*, in 1953 for the issue of perpetual dedications of the husband tomb as essential practices of Hindu religion. However, it was overturned in the next year in *Shriur Mutt.* The Court relied the common law principles like justice, equity and conscience and expanded the doctrine which is cribbed, cabined and confined by code of ethical rules prescribed by the respective religious denominations, but also includes rituals, observances and ceremonies as integral part of religion and also held further that the doctrine of essential practices is based on self-satisfaction of the religion, not the interest of the individual. The approach of the Court widened the sphere of State to frame social welfare reformation laws include the entry of lower caste people into the temple. In the same year, the Bombay High Court in *Ratilal Panachand v. State of Bombay*, held that the essential of religion constitute individual conscience, moral and ethical principles. It was observed that: "*the essential religion is a matter of personal faith and belief, of personal relation of an individual with what he regards as his maker of his creator or the higher agency which he believes regulates the existence of sentient beings and the forces of the Universe.*"

However, it was reversed in appeal by the Supreme Court and held that the doctrine of religion includes worship, rituals and observations, which are primarily associated with the religion and not open to determine by any authority. This approach of the Supreme Court was in-

sightfully noted by *Jacobson* as 'internal reinterpretation of religion'. Immediately in the next year, the Supreme Court devised the doctrine of 'harmonious construction' to interpret the rights of the religious denominations and power of the State to make social welfare reform laws. It diffuses the restrictive approach of the upper caste people to prevent the entry of lower caste people into the temple.

Similarly to achieve the mandate of Article 51A (h) of the Constitution, the Court marginalized the superstitious belief and faith practiced by the name of religion in late 1960s. It was witnessed in *Tilakayat Maharaj case*, where the Court applied rational approach in separating the essentials practices of religion from superstitious belief and faith. It removed the discriminatory practices of upper and lower caste in the Hindu religion. Although such belief and faith were not completely removed. Recently, the Supreme Court rejected the 'practice of santhara' *Nikhil Soni v. Union of India*, as superstitious belief, and it is not an essential of religion.

Further the Court extended the rational approach in abolishing the appointment of hereditary priesthood based on caste in the Hindu religion in 1970s and 80s. It was appeared in His Holiness Srimad Swamiyar case, where the Court opened the priesthood to all caste and creed of the Hindu religion. Interestingly, in this period the Court also distinct the 'religious service' and 'the person who performs the service'. Simultaneously, the Court shaped the definition of 'essential practices of religion' from *Shirur Mutt* to *Ananda Margi (II) case,* and it separated the religious preaching and philosophical teachings and held that denominations established under philosophical teachings could not be the availed freedom of religion. All these judgements enable the State to implement social and welfare laws by the name of public order, morality and health and show the good will towards all religion.