

CASE NO.:
Writ Petition (civil) 242 of 1997

PETITIONER:
John Vallamattom and Anr.

RESPONDENT:
Vs.
Union of India

DATE OF JUDGMENT: 21/07/2003

BENCH:
S.B. Sinha

JUDGMENT:

J U D G M E N T

S.B. SINHA, J :

While agreeing with the opinion of My Lord, the Chief Justice of India, I would like to add only a few words.

Message of charity and compassion is to be found in all religions without any exception. Only because charity and compassion are preached in every religion, the same by itself would not be a part of the 'religious practice' within the meaning of Article 25 of the Constitution of India.

Thus, the Religion of Christianity encouraging the Christians to practise charities to attain spiritual salvation is of not much relevance for this purpose. Such preachings are also found in Bhagavat Geeta and Upanishad.

In Collins English Dictionary, 'Christian' is defined as a person who believes in and follows Jesus Christ.

Similarly, we may notice that this Court in Lily Thomas and Others vs. Union of India and Others [(2000) 6 SCC 224] in relation to the religion of Islam observed thus :

"The word 'Islam' means 'peace and submission'. In its religious connotation it is understood as 'submission to the will of God'; according to Fyzee (outlines of Mohammedan Law, 2nd Edn.), in its secular sense, the establishment of peace. The word 'Muslim' in Arabic is the active principle of Islam, which means acceptance of faith, the noun of which is Islam."

The petitioners have quoted a passage purported to be from Chapter 19 of Gospel according to Luke. The Holy Bible published by Gideons does not contain the said passage.

Assuming that the said preachings have found place in the Holy Bible, the same ex facie would go to show that what was being preached is renouncement.

Even if the said passage is taken to be correct, the same appears to be a person who had followed namely : Do not commit adultery; do not commit murder; do not steal; do not accuse anyone falsely; respect your father and your mother. That was an advice to a person.

Renouncement of world by a person following any religion is necessarily not the essential practice of the religion which is meant for commonness. Gandhiji also said renouncement and enjoy.

Such preachings for renouncement from the world have no co-relation with the tenets of Article 25 of the Constitution of India.

The impugned provision was enacted to prevent persons from making ill-considered death bequest under religious influence. The object behind the said legislation was, therefore, to protect a section of illiterate or semi-

literate persons who used to blindly follow the preachers of the religion. Such a purpose has lost all significance with the passage of time and, therefore, has to be declared ultra vires Article 14 of the Constitution of India.

JUDIS