

P R E F A C E.

The present study, "Supreme Court in the Indian Political System: A Study of Judicial Behaviour and Judicial Decision-Making, 1967-1976," aims at exploring some significant dimensions of judicial behaviour and judicial decision-making covering the period 1967-1976, in relation to Fundamental Rights guaranteed to the citizens of India by the Indian Constitution.

The behavioural aspect of public law and constitutional politics had been long neglected by the Indian scholars while, in the U.S.A., there had been a plethora of works on this subject, in the wake of Behavioural Revolution, owing mainly to the pioneering effort by Professor C. Herman Pritchett, David J. Danelski, Joel B. Grossman, Joseph Tanenhaus, Sidney Ulmer, Walter Murphy, Stuart Nagel and others, who not only went beyond the confines of Pritchett, but developed highly sophisticated models for the study of this unexplored field in the American context. While the study of Indian judiciary in the behavioural perspective continued to escape the attention of Indian scholars who were oriented by the 'constitutional law' approach in the traditional mould, it was left to an American specialist, George H. Gadbois Jr., to apply these new models and techniques to the study of Indian judiciary and thus set a new pathbreaking trend that has inspired the new generation of Indian scholars with a fresh motivation for such studies, inspite of severe constraints and handicaps.

The present study, apart from treating the Supreme Court from the institutional perspective, as a judicial system with all the systemic components and characteristics, is an humble attempt to explore some unexplored and novel (in the Indian setting)

dimensions of judicial behaviour and judicial decision-making of the highest tribunal in the Indian political system. This study has been conducted through the survey method to supplement the data collected from the Law Reports regarding the judgements of the Indian Supreme Court in the field of Fundamental Rights guaranteed by the Constitution. Particular attention has been paid to the determination of the patterns and directions of the behaviour of the individual Judges as evidenced from their voting records, whether they are liberal or conservative, in the traditional and the modern senses, or activist or self-restrained. The influence of such invisible factors as political parties and pressure groups, and the impact of the Chief Justice's role, on the making of judicial decisions, has been studied with deep care and insight, with the help of the above models applied by the American scholars.

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