

'BURDEN ON JUSTIFYING HIJAB BAN RESTS ON STATE'

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Karnataka has to first prove how forbidding hijab among students affects the sovereignty and integrity of India, its security or friendly relations with foreign states or even public order, decency or morality, the Sharia Committee of Women argued against the ban on Muslim girls wearing hijab to school.

Appearing before a Bench of Justices Hemant Gupta and Sudhanshu Dhulia, senior advocate Y.H. Muchhala said the burden of justifying the restraint on wearing hijab rests on the State. "Wearing of hijab does not confer any special benefit to the Muslim girls nor does it defeat the purpose of the law. The purpose of uniform is not to erase the markers of individuality. Simply by wearing the prescribed dress code, diverse distinctions that exist amongst students do not evaporate. In multicultural societies, students should be taught to acknowledge, accept and respect diversities in the society," he argued.

The State has bent over backwards to appease "obstructionists" at the cost of violating the time-tested fundamental rights of the students, he said.

"Every religious minority has the fundamental right to conserve its religio-cultural identity. The girl students are adherents of Islam and in their individual capacities, they have a right to display/express their religio-cultural manifestations by wearing hijab," Mr. Muchhala submitted.

The ability of an individual to protect a zone of privacy enables the realisation of the full value of life and liberty, he noted. The lawyer argued that the denial of the right to education of Muslim girls across India would have serious ramifications.

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