

CAN STATE IMPOSE LIMITS ON STUDENTS' FUNDAMENTAL RIGHTS IN CLASSROOM, ASKS SC

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

The Supreme Court on Monday said the fundamental issue to be decided in the Karnataka hijab case is whether the state can impose limitations on the fundamental rights of students in classrooms.

"Can there be any limitations to fundamental rights in classrooms? Please address that question," Justice Sudhanshu Dhulia, who is part of the Bench led by Justice Hemant Gupta, asked senior advocate Dushyant Dave.

"My fundamental right can be exercised anywhere... Whether I am in my bedroom, my classroom or whether I am before Your Lordships," replied Mr. Dave, appearing for student-petitioners who have been banned from wearing hijab to their classrooms in Karnataka.

Justice Gupta, at one point, observed that people covered their heads when they went to places of respect.

To this, Mr. Dave answered that "a classroom is the most respected of all places". He agreed there was a tradition in India to mark respect by covering the head. "Look at our Prime Minister... when he addresses from the Red Fort, he wears a turban representing the colours of all the States," Mr. Dave said.

The court asked what Mr. Dave would define as "religious practice". The students have argued that the hijab was synonymous with their religious identity and belief.

The court wondered whether religious practices would only mean those ostensibly associated with religion. The Bench said wearing a particular dress while conducting puja, may be linked to religion. But asked if wearing it outside religious places come within the ambit of "religious practice".

Justice Gupta asked whether "religious practice" included clothes.

"Religious practice is not confined to a temple or a dargah, etc. It is part of one's religious conscience... One cannot quarrel with a Muslim woman's faith or belief to wear hijab," Mr. Dave replied.

He quoted the Constituent Assembly debates to note that the only religion that mattered before the court was the Constitution.

The senior lawyer said religion was a "difficult frame of mind among the masses. It is for the leaders to control. If leaders fail, it becomes a difficult problem".

Religious practice is not confined to a temple or a dargah, etc. It is part of one's religious conscience... One cannot quarrel with a Muslim woman's faith

Dushyant DaveSenior advocate

[Our code of editorial values](#)

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

crackIAS.com