

Individual's belief matters in religious issues, agree judges

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Though the Supreme Court on Thursday delivered a split verdict on students' right to wear hijab in school, both judges on the Bench seemed to agree that believers or worshippers are the best persons to interpret whether a practice is essential to their religion or not.

In his opinion, Justice Hemant Gupta said the "practice of wearing hijab may be a 'religious practice' or an 'essential religious practice' or it may be social conduct for the women of Islamic faith. The interpretations by the believers of the faith about wearing of headscarf is the belief or faith of an individual".

But the judge was categorical that such a "religious belief" cannot be carried to a "secular school" maintained out of government funds and the State of Karnataka was right in issuing its February 5 government order restricting the wearing of hi-

jabs at schools.

Justice Dhulia, in his divergent opinion, said the issue whether wearing hijab was an essential religious practice in Islam was wholly irrelevant in the case. He said the court, as a secular institution, should steer clear from choosing one among many possible interpretations of theological doctrine.

"We have before us two children, two girl students, asserting their identity by wearing hijab, and claim protection under Article 19 (right to expression) and Article 25 (freedom of religion) of the Constitution. Whether wearing hijab is an ERP in Islam or not is not essential for the determination of this dispute. If the belief is sincere, and it harms no one else, there can be no justifiable reasons for banning hijab in a classroom," he observed.



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