

SECULARISM AND DRESS DECORATION: WITH PRIMAL PLUG TO HIJAB POLEMIC

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ABSTRACT

Religious freedom includes the ability to choose one's religious attire. The idea of a republic of liberty is closer to the so-called direct freedom, which means the realization of human essence as the ability to consider inherited beliefs and personalities. Absolutely "evil" deserves freedom as a distraction. Young women are not really victims: they are local workers and ministers of their spiritual health, and they insist on their choice of religion. Wearing the hijab can be a wise way to reconcile commitment to faith and family on the one hand and freedom in the public sphere on the other, as it is one of the most recent individual agency agencies. Freedom from domination differs from both good and bad. Individual independence is expressed as a measure of the existence of a great "right of exit" in culture or religion. India being a secular State try not to interfere in these attire related matters, it is actually the wasting of the time of judiciary so as to intrude into the matters of a religion and to check whether that certain type of attire is essential or not for the preservation of that particular religion's culture and all. There exists the three pillar words in the Constitution of India under Article 25, the morality, health and public order, if any religious attire not satisfies these conditions the court can interfere in the matter and put a ban on the same, otherwise it is like piercing the apple and squeezing its seeds, these process preferably opined to avoid by the apex judicial system of the nation.

Keywords: *Islamism, Hijab, Positive Secularism, Morality, Public Order.*

INTRODUCTION

The interaction between religion, culture, and dress is interesting. Dress can be a window into the social world, bound by a set of serious rules, customs, traditions, and practices that guide face-to-face contact. In many religious organizations, dress and grooming are an important part of religious recognition. However, for many groups, the control of one's appearance extends beyond clothing. The word dress as used here includes clothing, grooming, and other forms of adornment. Dressing includes behavioral-related patterns, such as fasting, plastic surgery, and cosmetics. So, overall, dress serves as an effective means of communication without the voice. The ideas, concepts, and categories that are important to a group, such as age, gender, race, and religion, help to define who a person is on the outside. Both the identity of an individual or a group is reflected in dress because people use self-expression and self-improvement to gain a visible identity that is consistent with their belief systems. When it comes to religion, clothing can be divided into two categories, commonly called sacred and secular or impure. In some cases, what is considered sacred is simply a garment that has a significant cultural impact on sexual orientation. In patriarchal religions where the idea is that men are given the responsibility to see the enforcement of religious rules, some garments are associated with the saint primarily by the giving and enforcement of the dress code. Although secular dress may be associated with religious ceremonies, the dress code is traditionally worn or worn by certain religious leaders as pastors. Costumes used in religious ceremonies and rituals are called church garments; the modern dress of Roman Catholic priests is similar to that worn in the early days of the Christian church when the clergy were not distinguished from other male members of the church by their dress. In the sixth century, however, as the fashion changed, the clergy did not embrace the new fashion and continued to wear old styles. Organized religion has used dress in two related ways: to preserve the traditions and customs of the organization, thus establishing a visible identity of religion; and simultaneously control the individual identity of its members by figuratively defining dress as needing control. Basically, dress code is less about dress than it is about body control by powerful church members who force the views of their groups. Religious dress code reflects the identity of the group and at the same time serves as a means of strengthening the control of male patriarchs.¹ Religious dress will change little by little as organized religions often reject fashion as an attempt to focus on the individual rather than on salvation. To understand how dress expresses religious ideas, it is helpful to

understand how each of the world's major religions views the role of dress as part of dress and how to express yourself.

From the Word go inside the Religions

Hinduism is a polytheistic religion that embraces the whole concept of life in which the inner person is highly valued, and life on earth is considered temporary. Reincarnation is a fundamental belief in both the system of separation and religious expression. A person works on the levels of moral development that are expressed in stages. It is believed that the higher a person's class, the closer he is to the spirit world. As the focus on Hinduism on the inner person, dress, the manifestation of the outer person, is less important. Dress is in line with tradition, and it is slow to change compared with the costumes found in some religious groups. Dress and adornment in Hindu society reflects a person's status, level of devotion, or the deity to which a person is devoted. Islam is the newest religion and its adherents are often called Muslims.ⁱⁱ This religion emphasizes the group over the individual, and Islamic ideas focus on masculine power and gender segregation through both physical and visual means. Islamic dress codes have a profound effect on everyday life, including popular religious expressions and practices. Among Muslims, the code of modesty extends beyond covering women's bodies to impose restrictions on women's morality. The Quran requires women to dress modestly, but it does not explicitly say that they should wear veils. Clothing styles related to coverage vary between Muslim families and cultures; however, among Islamic groups that adhere strictly to the requirement that women wear veils are strongly enforced. In addition to their visible role in protecting gender segregation, these laws are aimed at slowing down the similarities that began after World War II when the onset of westernization in Muslim societies. As Western clothing spread, the Islamic and their movement began to push back. Modest dress and veils were a symbol of both patriotism and nationalism. In all major cities in Iran, posters proclaimed specific details of the dress code that required women to wear chador gowns all over the face. In Afghanistan under Taliban rule, women were executed if they did not wear the *burqa* or otherwise named as *chadaree* that covered everything.

Judaism, the oldest religious monotheistic religion, is based on the idea that humans exist to glorify God; Therefore, dressing appropriately is a religious activity. Historically, the ancient Jews had a custom that indicated that clothing was considered symbolic. Since the upper body was considered clean, but the lower body was considered unclean, the Jews wore belts to

distinguish what was clean and what was unclean. Morality was associated with early dress; Moses forbade non descent wearing of dress. Similarly, he forbade the Jews to wear the clothing of non-Jews in order to distinguish his people from the influences that might lead to the analogy. In more recent times, standards of Judaic conservatism are reflected in dress when most Jews tend to dress like non-Jews. Orthodox and Hasidic Jews, however, wear certain clothing to mark their religious observance. Christianity is less clear about standards of dress than Judaism. The standards of Christian theology regarding the body are contradictory; ⁱⁱⁱChristian women need to dress modestly, but this does not apply to Christian men. Modesty concerning physical exposure is an important factor in the preservation of religion.

Under a roof to Hijab Hurrah

The three-judge panel ^{iv}concludes that allowing Muslim women to wear the hijab in classrooms will interfere with their liberation and is unconstitutional for "positive secularism". What is not a religious obligation therefore cannot be a very important religious object by means of social unrest or by heated debates in court. By fully supporting the Muslim and the Muslim girls, they believe they are defending the constitutional right of Muslim women to freedom of religion, the right to education, the right to freedom of choice. On the other hand, a few words compared to Muslim women and men in pain indicate that the entire Qur'an asks Muslim men and women to dress "modestly" and "respectfully". The changing face of Indian Islam in recent decades where teaching has been portrayed as a right of liberty and the right to choose. As many Muslim are saying the proposition that, Allah gives his devotees free choice or options, but faulty or wrong choices will send all of them to hell. In any case, the current controversy is not about the hijab or burqa in all public places but only within the classrooms where uniforms are determined.

The hijab is not an important religion, the Karnataka High Court said today in a major backlash against students who had challenged the ban on wearing the hijab in the classroom. Five applications challenged the ban in court. The Karnataka Supreme Court temporarily banned religious clothing, including Hijab and saffron scarves, last month as controversy erupted over protests and confrontations between different classes of students. "The history of the hijab that is complex, influenced in contrast to religion and culture over time. While some women undoubtedly hid because the pressure put on them by society, some do it voluntarily for many reasons. The veil appears at the top as a something simple. That simplicity is deceptive, like

the hijab it represents the beliefs and practices of those who wear it or choose not to do, and to understand once misunderstandings of those who see it worn. Its complexity lies behind the curtain. In *M. Venkata Subbarao Marticulture Higher Secondary School Staff Association Vs. Sir M. Venkata Subbarao Marticulture Higher Secondary School*^v, the court held that has held that wearing the hijab is not part of it and as an important Islamic practice if the same oppose it visual measurement. On the other hand in the hijab case the favourable parties argued that ,proscribing hijab in educational institutions without offending the independence of women violates the Article 14 as the same number 'on the basis of gender' to discriminate against Article 15 which prohibits it. And violates the right to education since the introduction of hijab students at the center is not allowed. Government and schools should promote plurality, not equality either the homogeneity but heterogeneity in all aspects of life as contradicts the harmony and homogeneity associated with the constitutional spirit of diversity and inclusion.

The next version of the people who favouring for the discipline or decorum of the educational institution are of the view that, The fact of the matrix from the version of the complaint does not contain material details about the wearing of the hijab at work at any given time; there is no evidence to be included in the case record, even in the slightest distortion of the complaint. For a long time, students have been wearing hijab and have never been persuaded. It was not long before these students wore a scarf over their heads not only in class but also in school. In any case, any of the rights that plaintiffs claim under Article 25 of the Constitution are incomplete.^{vi} They are at risk of being banned and regulated by the law. In any case, wearing the hijab is undoubtedly part of the 'essential religious tradition' in Islam and cannot be sought by students as a right in all girls' institutions. Wearing the hijab or head scarf is not part of the religion. The 'essential religious practice' of the Islamic religion; The Holy Qur'an does not contain any such instructions. Other education institutions such as 'appropriate public places', students must follow the compass instruction and dress code as prescribed by law from then on years. The ability to wear a school uniform goes hand in hand with the concept of school education itself. The action of the institutions to emphasize uniformity aims to maintain 'peace and tranquility'.^{vii} The term 'social order' used in the Government Order has a contextual meaning that is far from the same term used in Article 19 (2) of the Constitution. Right to wear hijab if required under Article. 19 (1) (a), the provisions of Article 25 are not subject to change as simultaneous claims made under both of these the provisions are not only inclusive but denied individually. Moreover, it can be freedom of conscience, it can be the right to practice

religion, whether it be the right to speak or to be so it is a right of privacy, not all of them are absolute rights either therefore, they can be banned though the rule of law, however, depends on the specified passengers. Children who attend school are placed under care and guidance of authorities and teachers be institution; therefore, they have parents and the number and the care of guardians authority over school children. This is separate, schools, 'appropriate public places' and therefore do not include religion symbols corrected.

India can rightly be described as the most diverse society in the world. It is a land of wealthy people. Several races have joined the continent. They came with their traditions, languages, religions and cultures. These differences created their problems but the first leadership showed ingenuity and wisdom in dealing with them by preaching the philosophy of accommodation and tolerance.^{viii} The 42nd Amendment, 1976 introduced the term 'Secularism' in the Introduction or can be authentically say as the preamble where our Constitution already has introduced the same in such an animated character in the first instance.^{ix} Whatever diversity of its meaning, nationality has become a Basic Structure of our politics. The Indian insensitive principles may not be limited to the idea of division between the Church and the country as proposed under the American Constitution posted First Amendment, 1791. India of the country but not the anti-religious world, in our Constitution guarantees freedom of conscience and religion. The articles 27 and 28 emphasizes the State's state of nationality.

In *Indira And Huggier Vs. Raj Narain*^x, the court explained the basic feature of secularism or in a better manner like in the language of a layman called as atheism means the State will not have its own religion one person and all other persons and everyone else will have the same right to liberty conscience and the right to freedom of expression and action spread religion. From ancient times, India has been an ignorant country. Because in India, there is no official religion, as it is not Theocratic Kingdom. The State does not extend support to any a particular religion and thus, maintains neutrality in and the feeling that it does not discriminate on the basis of merit religious identities per person. Indian 'positive secularism' does not contradict religious devotion but includes religious tolerance. Under the integration of human rights, the individual. Creatures may choose not to believe in God or to believe in God, or they may choose to do so choosing to belong to basic religious communities. Honest practices of freedom of conscience keep one out by conversion to the religious traditions found earlier by birth defect or by a review of faith choice, which may not be repeated only once.

CONCLUSION

It may be difficult, if not impossible; to establish a satisfying religious definition and the followers of many different and varied religions existing, or have ever existed, on earth. Those who view religion as a whole in a belief system or doctrinal statement. Therefore, the religion considered may be true or false. Others they are more inclined to view religion as deciding a code of Conduct. So religious views may be favourable or bad. There are others who pay close attention in religion as involving a specific type of culture or religious observance. Many religious disputes have been related to cultural issues and observance. The English word 'religion' is different shades and colours. It does not fully transmit India a religious concept that is what is known as 'dharma' which is very broad that is, a person is a 'moral code' or ethical principle in life is governed by nature. Free use of religion under Article 25 is that the same has been clothed with some reasonable restrictions imposed by the State on public grounds of order, morality and health. Moreover, it is made underneath other provisions of Part III. Article 25 (2) (a) reserves the right State to regulate or impose any economic, financial, or other restrictions, political and other worldly activities that may be associated by religious practice. Article 25 (2) (b) empowers the State to legislate for social welfare and reforms however in practice; it may interfere with religious practice.

ENDNOTES

ⁱ See, Brems, E., 'Improving Justice in the 'Burqa Ban' Debates: Group Vulnerability and Procedural Justice' in M. Foblets, K. Alidadi, J. Nielsen and Z. Yanasmayan (eds.), *Belief, Law and Politics: What Future for a Secular Europe?* (Surrey, 2014) 265-73

ⁱⁱ *Id* at 21

ⁱⁱⁱ Salmons, D., *Toward a Fuller Understanding of Religious Exercise: Recognizing the IdentityGenerative and Expressive Nature of Religious Devotion* (1995) 62 U. Chi. L. Rev. 1243, 1259

^{iv} *Resham v. State of Karnataka and others*, March 15, 2022.

^v (2004) 2 MLJ 653

^{vi} See *Supra n 4*

^{vii} *Id*

^{viii} Vickers, L., 'Achubita and Bougnaoui: One Step Forward and Tow Steps Back for Religious Diversity in the Workplace' (2017) 8 (3) ELLJ 232, 23

^{ix} See H M Seervai's *Constitution of India*.

^x (1975) Supp. SCC 1