

NAVIGATING FOR PEACE IN THE CONUNDRUMS OF RELIGION AND LAW

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Abstract: It is a critical question whether unrestricted freedom of religion is detrimental to the development of peace. Recently the religious dictate of wearing a hijab has come in conflict with the prescription of uniforms at educational institutions. This led to large-scale violence and unrest in society. It raised concerns about the scope of the right to freedom of expression, protection of religious expression, the overarching requirement of a need for public order, and reasonable accommodation of diversity in society. This research explores these issues in the context of educational institutions by critically analysing the laws and operative principles and the role of law and religion in promoting social cohesion and integrity. It addresses the counterarguments of reasonable accommodation and argues that the concept of reasonable accommodation fails to address deep-rooted structural inequalities, and in an education setup prescription of uniforms is justified as it portrays higher values of equality, development, and peace.

Keywords: Essential Religious Practices, Freedom of Expression and Religion, Public Order, Reasonable Accommodation, School Uniforms, SDG 16 Peace Justice and Strong Institutions.

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1. Introduction

Despite the prevalence of well-defined laws in the context of freedom of expression and religion, complex issues of their interactions keep cropping up, prompting us to relook at the existing laws and question their soundness. Recently the *hijab* controversy took India by storm. While some countries have kept the secular and the sacred apart from each other, others have accommodated both by clearly defining boundaries. Since freedom of religion includes the right to practice, propagate, and profess religion, wearing a hijab to an educational institution fell well within its purview. On the other hand, the State asserted its power to regulate State-run educational institutions, which included the power to prescribe uniforms. While the courts ruled in favour of the State, critics persisted in the employment of reasonable accommodation stating that in a multicultural society, we need to accommodate the differential requirements of the citizenry. The authors in this research paper explore the right-freedom dichotomy using the Hohfeldian analysis, the reasonable restrictions of public order and its implications, and explore the question of whether the prescription of school uniforms is justified under the freedom of religion and expression. It explores the applicability of the principle of reasonable accommodation and finds that this principle is mostly used in the context of employment. This principle threatens to endorse deep-rooted structural inequality, and the best way forward would be to have the prescription of uniforms at school for the promotion of equality. This will also help in the promotion of peace and order. This paper concludes that for sustainable development, the boundaries of law need to be clearly defined and informed by sound legal reasoning.

2. On Freedoms and Restrictions

The Constitution of India lays down fundamental rights to freedom. In the context of choice of attire, Article 19 extends protection to free speech and expression, albeit subject to reasonable restrictions, and Article 25 protects the freedom to practice, profess, and propagate religion. The Constitution of India subjects these freedoms to restrictions, one of which is the protection of public order. The scope of the term 'public order' has

been deliberated in detail later, but suffice it to say that the State has at its top priority the maintenance of peace, law, and order in society. That is, in essence, the role of the law. All religions also preach peace and brotherhood. Yet conflicts over *hijab* raise questions of law and religion in the context of free choice.

Since the term 'right' has been used in various contexts of power, liberty, or immunities, it is essential to distinguish between the above. 'Rights' would always have corresponding duties laid down by the law. Rights emanate from the law, and their source lies in the will of people represented through the State in the laws passed by the Legislature. Freedoms, on the other hand, are innate and at the core of birth as humans. Their demand precedes the birth of States and is claimed for their innateness in humankind and not as a matter of legislation by the State. Yet civilised societies protect some basic freedoms as rights in their Constitutions, though all freedoms are not penned down in the law. For example, regulating the freedom to enjoy the sunrise or sunset is uncalled for since the enjoyment of the same does not impinge upon another's rights or liberties.

The term 'freedom' means liberty. The content of this liberty, because of its nature, cannot be laid out by the law in specific terms. Conceptually it admits to no restrictions. In Article 19 of the Constitution, the word 'freedom' refers to the absence of state control (Jain 1051). But claims of absolute freedom of speech and expression or free movement in a societal context are unheard of. The citizen has the freedom to decide on any issue listed in Article 19(1), except for the limitations in Article 19(2) to (6) (*State of Karnataka v. Associated Management of Primary and Secondary Schools*, 2014). Such freedoms are restricted *inter alia* in the interests of a just, ordered, and peaceful society. Given the important role, freedom plays in societal development, the laws choose to expressly regulate it by defining boundaries in precise terms. The law uses tools like the creation of rights in another or laying community goals of cohesion, and protecting the integrity of the State to curb individual freedoms.

Choosing one's attire is essentially a matter of free choice. It is a means of expression. It makes a statement of a person's thoughts,

choices, values, ideological leanings, political expressions, religious faiths, beliefs, and the like. Also, attires have been reflective of solidarity towards institutions and comradeship. They have been used to force uniformity, where such uniformities resolve the problems of inequalities and keep them abeyance for a stated higher cause. It occasionally stifles diversity and demands conformity to higher norms and values. This aspect of attire is covered under Article 19 of the Constitution.

However, where the attire is used as a symbol of religious expression, Article 25 of the Constitution of India comes to play. Here religious attire may be symbolic of a religious dictate which snatches away choice, or it may be an expression of the believer that also extends to religion's practice, propagation, and profession. These are subject to restrictions *inter alia* on the grounds of public order. Muslim women have used the hijab, abaya, and jilbab for various reasons apart from an expression of faith or a dictate of faith. It has been used to create an image for themselves in public spaces, as an expression of cultural leanings, to protect themselves from unwanted attention, yet on occasion calling attention to themselves because of the attire (Bigger 220). All these expressions, sometimes coerced, sometimes out of free will, and sometimes forced due to circumstances, cause varied interpretations that are highly contextual, making the subject more complex.

3. On Reasonable Restrictions

India is known as the "land of diversity" and is regarded as a secular nation. In India, "We have people who believe in different gods, people who believe in only one god, people who don't believe in the existence of God, we have a society in which a ton of rituals and ideologies are accepted and practiced, which may seem nonsensical for others" (Nair 252). The Constitution of India – the world's most diverse democracy – is a remarkable document, balancing the freedoms and rights of citizens who represent all major world religions (Jenkins 913). The right to freedom of religion provided under Article 25 of the Constitution is not absolute freedom but subjected to reasonable restrictions. It states that "Subject to public order, morality, and health and to the other

provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practice, and propagate religion."

There are different forms to profess and practice the religion, such as rituals, prayers, observance of certain customs, wearing of religious symbols and dress, etc. The wearing of religious symbols can be seen as a manifestation of a person's religious faith. The hijab is a religious garment worn by Muslim women, and its prohibition is seen as a breach of the right to exhibit one's faith. Equal right is given to all persons to freedom of conscience and the right to freely profess, practice, and propagate their religion subject to reasonable restrictions. School uniforms are subject to reasonable regulations in order to preserve public order. As a result, prohibiting religious clothing like the hijab due to reasonable restrictions cannot be viewed as an infringement of fundamental rights.

The Indian Constitution's guarantee of fundamental rights does not apply in an absolute sense. The State has the authority to set certain limitations in accordance with the legal process. However, these restrictions must be reasonable and not arbitrary. The question of what exactly constitutes a "reasonable restriction" has been debated throughout history. Giving a precise definition of the term "reasonable" is challenging (*Gujarat Water Supply & Sewerage ... vs Unique Erectors*, 1989). The word "reasonable restriction" means that the restriction placed on a person to exercise a right should not be arbitrary or unreasonable beyond what is necessary for the public interest. The term "reasonable" connotes thoughtful consideration and decision-making, which is the selection of a course that reason demands.

To determine if a restriction is acceptable, there is no set standard. No general pattern of reasonableness or abstract norm is applied uniformly to all cases; each case must be evaluated on its own merits (Jain 1054). The Supreme Court ruled that it is crucial to remember that each statute under challenge should be judged individually and that no general standard or abstract definition of reasonableness can be established as being relevant in every situation (*State of Madras vs V. G. Row...* 1952). The length and

scope of the limits, as well as the reasons and methods used to justify their imposition, are all considerations that the courts consider when determining whether a restriction is reasonable. The type of the right violated, the motivation behind the restrictions put in place, the severity and time sensitivity of the wrong being attempted to be fixed, the disproportionate character of the imposition, and the circumstances of the case all play a role in the judge's decision (*Chintaman Rao vs The State of Madhya Pradesh*, 1950). As a result, the norm of reasonableness must be assessed with proper consideration for both the relevant legislation's subject matter and its context.

3.1 Existing Reasonable Restrictions

The freedom of speech and expression is protected under Article 19(1)(a) of the Indian Constitution, which is limited by Clause (2), as amended by the Constitution (First Amendment) Act of 1951 and the Constitution (Sixteenth Amendment) Act of 1963. The Legislature may impose restrictions on these rights for the following reasons: (i) Sovereignty and integrity of India, (ii) Security of the State, (iii) Friendly relations with foreign States, (iv) Public order, (v) decency or morality, (vi) Contempt of Court, (vi) Defamation, and (viii) Incitement to an offence. It is established that the grounds for restriction listed in limitation Clauses (2) through (6) of Article 19 are all-inclusive, so any restriction placed on the right to free speech and expression is invalid unless it relates to one of the reasons listed in Clause (2) or is exempt from punishment under any of the immunity clauses in Articles 31A through C (*Durga* 3738). The restrictions placed on the freedoms guaranteed by Articles 19(1)(a) to (g) by Articles 19(2) to 19(6) serve two purposes: first, they indicate that these freedoms are not absolute but are instead subject to regulation; second, they limit the ability of a legislature to impose restrictions on these freedoms. There are no restrictions on these freedoms beyond what is required by Articles 19(2) to 19 (6) (*Jain* 1053). Choosing attire is an expression of the freedom guaranteed by Article 19(1)(a), but it admits to the reasonable restriction if it meets one of the criteria listed in Clause (2).

Article 25(1) assures the right of the State to interfere with matters of religion when it involves issues of public order, morality, and health though it provides the freedom of conscience and the right to profess, practice, and propagate religion to every person. Moreover, the State is given the authority to enact any law regulating or prohibiting any economic, financial, political, or other secular activity that may be connected to a particular religious practice in Clause (2)(a). All people are granted the same rights to religious freedom and to freely express, practice, and spread their beliefs. Although wearing religious symbols can be seen as an expression of one's faith or belief, it may also be restricted if it violates any of the reasons for reasonable limits.

3.2 Article 19(1), by Law, the Freedom Can Be Restricted

The freedom of speech and expression guaranteed by Article 19(1)(a) is not unrestricted; rather, it is subject to reasonable governmental limits on any of the grounds listed in Article 19(2), which was amended in 1951 to add three further grounds (Reddy 679). Nothing in Article 19 (1) shall affect the operation of any existing law, or prevent the State from enacting any law, to the extent that such law imposes reasonable restrictions on the exercise of the right conferred by the said subclause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation, or any other offence against public decency or morality (Article 19(2-6)). In conformity with reasonable constraints, the freedoms provided by Article 19(1) may be constrained by law.

Freedom should not be restricted arbitrarily, excessively, or beyond what is necessary for the circumstances for the benefit of the general population (*M. R. F. Ltd vs Inspector Kerala Govt. And Ors*, 1998). A piece of legislation cannot be considered reasonable if it arbitrarily or unduly violates a person's rights. To ensure that freedom is only restricted to the amount necessary to safeguard the society of which a citizen is merely a part, a restriction should strike a proper balance between the freedom granted by any of the provisions and social control (*Om Kumar and Ors vs Union of*

India, 2000). This introduces the principle of proportionality. This indicates that the Court will evaluate whether the restriction placed by law on fundamental rights is excessive given the circumstances. The constraints on fundamental rights set forth in Article 19(1)(a) to (g) are mandated by law, and courts have the authority to determine whether they are 'proportionate' and do not go beyond what is necessary to achieve the legislative goals (Jain 1055). The State has the burden of proving that the restriction is justified.

3.3 The Public Order

The expression 'Public order' has a broad range of meanings and refers to the tranquillity that permeates a political society's members as a result of the internal rules they have established and is enforced by the government (Romesh Thappar vs The State of Madras on 26 May 1950). As maintaining public order is every government's first and most crucial responsibility because it is a prerequisite for all civilisations and fosters human happiness, the framers of the Constitution put religious freedom behind public order. Thus, the freedom of conscience and the right to freely profess, practice, and propagate religion can be curtailed in the interest of or for the maintenance of public order (Ahmed 17).

Simple criticism of government action would not constitute a threat to "public order" and would therefore be protected by Article 19(1)(a) of the Constitution. When interpreting the application of Section 124A of the IPC, the Supreme Court decided narrowly that action becomes criminal when it is meant to cause disorder (Kedar Nath Singh vs State of Bihar on 20 January 1962). In other words, for the sake of maintaining public order, any utterance that has the evil potential to undermine law and order shall be punished.

4. Prescription of School Uniforms as a Reasonable Restriction

The concept of student dress codes is not of nascent origin. Increasing emphasis has been paid to student dress codes in public schools as a way to improve discipline and enhance student learning. Except in cases where it is covered by reasonable limitations, the need for uniforms in schools breaches the freedom of expression guaranteed by Article 19(1)(a) of the Constitution.

With each State having its own Education Act, uniform codes in India have mostly remained the same. With the reopening of the schools in 2022, the directorate of education of Goa issued a circular to the heads of all Govt./Govt Aided/Unaided/Pre-Primary/Primary/Secondary/ Higher Secondary and Special Schools in the State on 18/02/2022 stating that school uniforms may not be insisted upon (No. Acad/Misc/173/Cir./2022/195). School uniforms are required in some States, including West Bengal and Odisha, with the goal of reducing the frequency of social confrontations. The gender-neutral uniform at the school in Balussery was formally introduced by Kerala's higher education minister. The constitutionality of different laws enforcing dress standards or mandating that students wear uniforms is being evaluated by courts.

Historically, public school authorities have imposed restrictions on students' appearance and attire at school, and many of these prohibitions have led to litigation. The division bench of the Madras high court ruled that the management of unaided matriculation schools has the authority to prescribe a dress code for teachers and to fine them for violating it in a case where the administration of the school had provided the teachers with a code of conduct that included a specific dress code (Sir M Venkata Subba Rao v Sir M Venkata Subba Rao on 10 February 2004).

In another instance, the Madras High Court stated that educational institutions could prescribe and impose a dress code. According to the Court, the Board of Matriculation Schools is in charge of overseeing school maintenance and has the authority to give teachers directives that must be followed occasionally. Clause 6 of Annexure VIII serves as a legal foundation for the school administration's authority to issue the contested circular outlining the required dress code (Sir M.Venkata Subba Rao vs Sir M.Venkata Subba Rao on 10 February 2004). The concept of education is incomplete without professors, pupils, and a dress code. Together, they create a singularity. The idea of a school without uniforms is absurd. In a different case, the Supreme Court ruled that because schoolchildren are under the care and supervision of the institution's administrators and teachers, they have "parental and

quasi-parental" control over them (R. C. Thampan and Ors. Vs The Principal, Medical College... on 6 September 1978). Apart from that, the 1995 Curriculum Regulation, which is based on the goal of secular education, conformity, and standardisation, justifies the prohibition of religious symbols.

The honourable Karnataka High Court, in the recent case of hijab, pointed out that the uniforms in the school form uniformity among the students and are not of nascent origin (Resham & Others. v. State of Karnataka). The Karnataka Education Act of 1983 grants the government the authority to direct any educational institution to carry out the Act's purposes or to give effect to any of its provisions, and any such institution, whether governmental, State-aided, or privately managed, is required to abide by the direction. The section gives the government authority, along with section 7(2), to, among other things, prescribe or cause to be prescribed school uniforms (Resham & Others. v. State of Karnataka).

All of the aforementioned rulings affirmed the educational institution's right to impose a uniform and emphasised the benefit of having a uniform in a school. The requirement of school uniforms is subject to reasonable constraints on the right to dress whichever one chooses in accordance with one's religion in public settings like schools. According to Article 25, the requirement of uniforms constitutes a reasonable restriction on basic rights.

4.1 School Uniforms under Public Order

School uniforms promote unity among the students. The bans on attire other than uniforms are said to be necessary for many reasons. Often a combination of the following is brought forward: bans or restrictions are said to be needed to improve safety and security within a country, to avoid separation and segregation of certain communities within a society and to improve integration and cohesion; to improve communication, especially in educational situations (Howard 30). It has been argued that religious symbols in educational settings give teachers and students a chance to discuss various religions and cultures and educate them about tolerance and diversity, as well as the right to practice one's own

religion. This will nurture a feeling of belongingness and acceptance. Therefore, the 'missed chance' to conduct these dialogues would result from a restriction on wearing religious symbols in the classroom. However, it is argued that the responsibility of the schools is to implement the national curriculum. Their job is to work with each student to realise their greatest potential. This involves developing into adulthood and taking on any role they see fit in the society they live in. The goal of the school is to encourage the ability of individuals of many races, religions, and cultures to coexist peacefully. Part of that is fostering a sense of belonging and unity inside the school (*Regina v. Governors of Denbigh High School*). A universal dress code helps to bridge socio-economic, religious, and racial divides. Constitutional secularism is served by school policies that specify a uniform clothing code for all students.

It is generally accepted that school administrators may make reasonable decisions in accordance with the preponderance of legal precedent in all advanced nations, restrictions limiting students' behaviour under their control and that they may impose the appropriate attire worn by students or establish reasonable rules regarding their appearance. It is argued that wearing a hijab does possess cognitive aspects of expression protected by Article 19(1)(a), regardless of one's freedom of conscience and right to religion (*Resham & others v. the State of Karnataka*). But, fundamental rights have relative meaning, and the extent to which they can be exercised depends on the situation. It hardly needs to be stressed that schools are 'qualified public places' designed primarily to provide pupils with educational training. Such 'qualified areas,' by definition, discourage the expression of individual rights at the expense of their overall decorum and discipline. In such places, even the substantive rights themselves change into a type of derivative rights.

The High Court of Karnataka made it clear that the requirement of a school uniform is just a reasonable restriction that is constitutionally allowed and to which the students are not permitted to complain in the name of religion (*Resham & others v. the State of Karnataka*). The wearing of school uniforms does not

infringe on any student's fundamental constitutional right because they are part of maintaining public order, which is subject to the reasonable limitations of Article 25.

4.2 On Reasonable Accommodation

Due to the rising religious variety in countries due to migration and the formation of new religious movements, requests to make accommodations for religiously driven demands have frequently been made to public authorities and private employers/service providers. These requests can be connected to the so-called obligations of reasonable accommodation, which are increasingly acknowledged by both international and domestic legal frameworks (Henrard 962). The concept of reasonable accommodation originated in the United States following the approval of the Equal Employment Opportunity Act of 1972, which aimed to combat discrimination in the labour market (Martel 88). The phrase was first applied to instances of religious discrimination, and employers were required to prove that doing so would put an unreasonable burden on their ability to provide reasonable accommodations for their workers' religious beliefs. Reasonable accommodation is a concept that encourages equality, makes it possible to grant positive rights, and stops discrimination based on a person's disability, State of health, or religious beliefs. To enable people with disabilities to participate fully and effectively in society, it captures the affirmative responsibility of the State and private parties to offer additional support. The legal framework actively discourages sectarianism of all kinds. As a result, the petitioners' requested accommodation cannot be deemed reasonable. If there is non-uniformity in the uniform policy, the goal of prescribing uniforms will be defeated.

4.3. Applicability of Reasonable Accommodation

In the Hijab controversy in the State of Karnataka in India, the petitioners requested approval to wear a hijab that adheres to the required dress code in accordance with the principle of reasonable accommodation. However, the request was denied by the court in the following grounds: In the first place, if this idea is approved, the school uniform will no longer be uniform. There will be two

groups of female students: those who wear the hijab with their uniform and those who don't. That would create a feeling of "social separateness," which is not what we want. Additionally, it violates the sense of consistency that the clothing code is intended to foster among all students, irrespective of their religious and philosophical beliefs (Reshma and Ors. v. State of Karnataka). The court made the observation that allowing for a reasonable accommodation in the context of school uniforms would increase structural inequality. Educational institutions attempt to simulate equality by prescribing uniforms so that these do not interfere with the learning processes.

5. The Role of Religion and Law for Peace

In today's secular culture, there is a general inclination to see no connection between law and religion other than the potential for occasional conflicts. Law and religion both apply ethical ideas to everyday life. How people should live their lives has been discussed in law and religion (Sullivan, 5327). It is crucial to examine how religion and the law play a part in maintaining peace in the contemporary world because they both have a significant role to play in the creation of peace. Since most laws and human rights, which form the cornerstone of peace, are derived from religious customs worldwide, religion and law are intertwined. Religion has historically been a natural source of support and legitimacy for temporal enterprises, be they corporate or philanthropic endeavors or matters of State, due to its close ties to the values that many people regard as most important. The constitutional pillars of nations, including their founding myths, are intertwined with religion and the law (Hosen 1). Law and religion both play a significant part in maintaining peace.

5.1. The Role of Religion in Building Peace

The significance and importance of religion in the world have not diminished. All over the world, eight out of ten people belong to a religious group (Grim et al. 9). Religion clearly has its roots in a set of doctrines and ideas that its adherents believe are beneficial to their material and spiritual well-being, but it also encompasses more than just theory and belief (Deneulin 34). As religions are important partners and agents in the global agenda to transform

the world, bringing prosperity and peace to the people and the planet through partnership, religion has a major role in promoting education for sustainable development for peace. One of the primary goals of every religion in the world is to promote peace and harmony.

There is a widespread belief that religions are the main cause of hostilities around the globe. Each and every religion has established dogmas, or articles of faith, that adherents are expected to embrace without question. This may result in rigidity and intolerance toward those who hold different opinions. Frequently, the justification for religious participation in (destructive) conflict is pushed as God as the ultimate reality and ultimate authority. Religion's violent side is clearly displayed by its politicisation in nationalism, radicalisation in fundamentalism, and employment as a tool of terrorism (Anthony et al. 168). Two statements are made in response to the idea that religion incites violence. One is that only 'flawed' or 'bad religion' incites or supports violent conflict; true or authentic religion never accomplishes this. It is an abuse of that religion, a debasement of it. The second assertion is that political and economic conditions are the primary contributors to violent conflict rather than religious beliefs (Little 98). Conflicts involving religion existed, but they have become more frequent during the past few decades. Since the 1970s, domestic religious conflicts have accounted for a growing share of all domestic disputes around the world. Since 2002, they have accounted for most of such disputes in a "wave of religious conflict" (Fox 141).

On the other hand, there is a dispute on the level of religiosity required for the conflict to be classified as religious. Most people agree that non-religious elements frequently play a role in disputes, even when they involve religious matters. According to research, non-religious forms of discrimination, separatism, international engagement, and regimes all significantly impact ethnic conflict in addition to religious discrimination (Fox 142). Instead of fostering strife, religion aims to promote harmony and peace in society. Religious practitioners are becoming more interested in nonviolent methods of resolving disputes, such as mediation, conciliation, and negotiation (Little 96). In recent decades, religious organisations

have played a significant role in peacebuilding. Religions provide established channels for organisation and communication because they are organised on a national and international scale. Religions provide moral philosophies that can spur followers to action. Religious organisations may be the only institutions with some level of public credibility, trust, and moral authority in situations where the central government is in turmoil. As religions are important partners and agents in the global agenda to transform the world, bringing prosperity and peace to the people and the planet through partnership, religion has a major role in promoting education for sustainable development for peace.

5.2. The Function of Law in Fostering Peace

The law can be defined as a body of regulations created by society or the government to address issues like criminal activity, contracts, and interpersonal interactions. There have been numerous attempts to define what law is. Blackstone's remark that "Municipal law is properly considered to be a norm of civil behaviour, established by the ultimate power in a state, ordering what is right and banning what is evil" (Lucas 145) may be the most well-known example of this type of outcome. According to Thomas Aquinas, a law is a rational ordinance created and implemented for the benefit of the whole community (Cuddeback 89). Laws are directives that govern and regulate human behavior and code of conduct to ensure peace and order in society.

The absence of violence is the first and most fundamental requirement for a normal peaceful human life. Giving citizens physical tranquillity, public security, and fundamental freedoms are the main responsibilities of any government. The unifying goal of all democratic forms of government is to establish the conditions necessary for its citizens to realise their needs, satisfy their desires, and exercise their human rights, so long as doing so does not damage others. The achievement of sustainable development for peace is the ultimate goal. Peace is sometimes associated with strong nations imposing their purportedly 'benevolent' authority upon the weaker. Security establishment, institutional renewal, the establishment of the rule of law, the potential planting of

democratic seeds, and socio-economic development and rehabilitation are the major components of peacebuilding.

According to international communism, global governance may bring about world peace. Therefore, it is claimed that everyone should be brought into the global order and uniformity of action, thought, and belief (Dulles 15). But in order to achieve the highest levels of production and harmony, humans must be viewed as just animated particles of matter. People are more than just living, breathing objects. They belong to a spiritual realm. Purely materialistic thinking would only lead to failure. This strategy is, therefore, inappropriate. The maintenance of a supposedly equal balance of power is another method for keeping the peace. This occasionally works. However, any such equilibrium will always be tenuous. Hence, a third strategy for keeping the peace can be adopted. This is an orderly system wherein communal justice, which reflects moral law, is used in place of force. It will take persistence and patience to bring peace through the rule of law (Dulles 16). Coordination of peace operations or peacebuilding initiatives depends on the rule of law. When people respect each other's fundamental rights, more stability is provided to society as a whole. The ideal of the rule of law is typically viewed as one that promotes social stability, individual freedom, and justice and order. In certain cases, the rule of law and peace can be achieved by placing partial restrictions on freedoms. Living under the rule of law is preferable to religious rules for the better coexistence and peaceful cohabitation of people of various religions in a nation. It is also seen that restrictions to freedoms can be for the sake of dismantling structural inequalities or for the promotion of harmony and discipline.

6. Conclusion

Fundamental rights of the nation include the freedom of expression and the right to freely profess, practice, and spread one's religion. These rights are not absolute. The scope of these fundamental rights is best understood while reading them in conjunction with the reasonable restrictions mentioned therein. These reasonable restrictions not only serve to define the scope of the right but also

act as a restrictive provision to state power. While choosing one's attire is a matter of freedom of expression, choosing to wear religious attire or a symbol is a matter of practice of religion. This may be out of their own choice or as per strict religious dictates. Accordingly, it may be contextualised as an issue of freedom of expression or freedom to practice and propagate religion. In the context of the claimed right to wear the hijab in educational institutions, - it was examined against the limitation of 'public order' specified under both articles, i.e., the right to freedom to practice and propagate religion (Article 25) and the right to freedom of expression (Article 19)(1)(a). The scope of 'public order' can be read in conjunction with the aims and objectives of the Karnataka Education Act of 1983. The Act is designed with the objective to *inter alia* to improve educational standards, inculcate healthy practices and discipline and cultivate scientific and secular outlooks through education. In view of the limitation specified and the objectives of the Karnataka Education Act, it may be concluded that the right to expression and the propagation of religion may be limited in the interest of school discipline and the cultivation of healthy practices and a secular outlook.

Concerning the objection based on the principle of reasonable accommodation of differential needs of different communities, it is seen that the principle has been commonly used in workplaces to accommodate special needs. The claim that reasonable accommodation promotes equality, enables the granting of positive rights, and prohibits discrimination is erroneous, as seen from the experiences of jurisdictions where it is employed. It has led to more segregation and discord rather than integration and social cohesion.

Uniforms at school inculcate and encourage student homogeneity and prioritise discipline. It addresses the problem of socio-economic disparities, promotes equality, and nurtures togetherness. The argument of a 'missed chance' to teach value by allowing various religious attires fails to consider the threat of disintegration resulting from unequal backgrounds of students, which interferes with the learning process. While opportunities for learning cultural diversities may be created and essentially

claimed, there cannot be a claim to hijabs as an addition to uniforms as a specific mode of promoting integrity and acceptance of cultural diversity.

Education brings hope and ambitions that lead to development and peace. Value-based education is a tool that provides us not only a profession that we can pursue but also the development of a society wherein we have a peaceful life. School uniforms are implemented for the uniformity and common brotherhood of the students. The distinctions in how one practices and expresses their faith may be restricted to achieving the more significant objectives of sustainable development and a united community.

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