

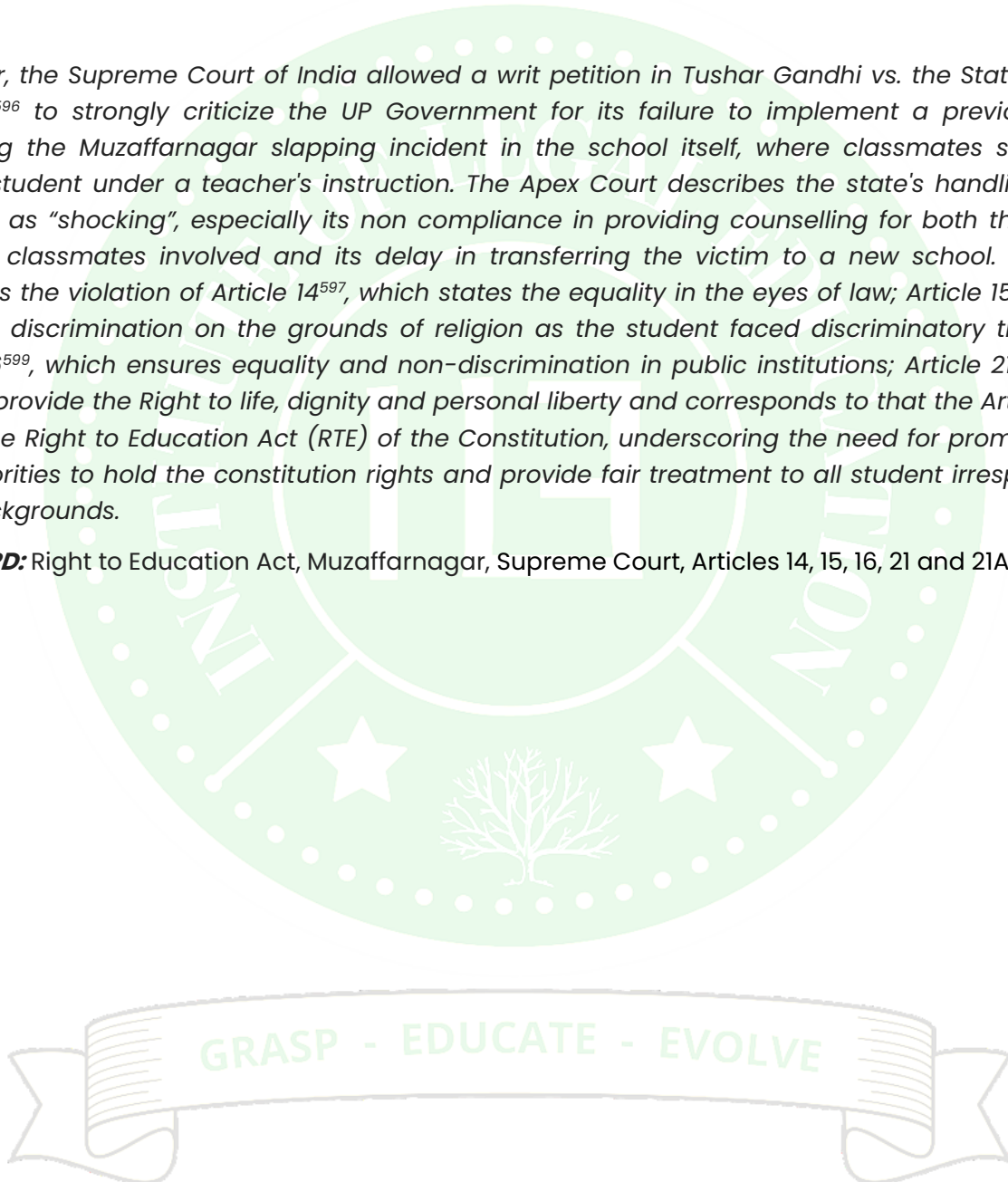
MUZAFFARNAGAR INCIDENT: URGENT NEED FOR EQUALITY IN SCHOOLS

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Last year, the Supreme Court of India allowed a writ petition in *Tushar Gandhi vs. the State of Uttar Pradesh*⁵⁹⁶ to strongly criticize the UP Government for its failure to implement a previous order regarding the Muzaffarnagar slapping incident in the school itself, where classmates slapped a Muslim student under a teacher's instruction. The Apex Court describes the state's handling of the situation as "shocking", especially its non compliance in providing counselling for both the victims and the classmates involved and its delay in transferring the victim to a new school. The case highlights the violation of Article 14⁵⁹⁷, which states the equality in the eyes of law; Article 15⁵⁹⁸, which prohibits discrimination on the grounds of religion as the student faced discriminatory treatment; Article 16⁵⁹⁹, which ensures equality and non-discrimination in public institutions; Article 21⁶⁰⁰, which aims to provide the Right to life, dignity and personal liberty and corresponds to that the Article 21A⁶⁰¹ states the Right to Education Act (RTE) of the Constitution, underscoring the need for prompt action by authorities to hold the constitution rights and provide fair treatment to all student irrespective of their backgrounds.

KEYWORD: Right to Education Act, Muzaffarnagar, Supreme Court, Articles 14, 15, 16, 21 and 21A



⁵⁹⁶ *Tushar Gandhi v. State of Uttar Pradesh And Ors.* [W.P.(Crl.) No. 406/2023 PIL-W]

⁵⁹⁷ The Constitution of India, 1950, Arts. 14

⁵⁹⁸ The Constitution of India, 1950, Arts. 15

⁵⁹⁹ The Constitution of India, 1950, Arts. 16

⁶⁰⁰ The Constitution of India, 1950, Arts. 21

⁶⁰¹ The Constitution of India, 1950, Arts. 21A

I. INTRODUCTION

The Muzaffarnagar slapping case in UP has emerged as a poignant example of how the violation of student's rights, communal harmony, and constitutional principles intersect in India's educational system. In the mentioned case, a teacher at a private school in Muzaffarnagar allegedly instructed her student to slap a Muslim classmate of 7-year-old as a punishment and an act that not only violates the Right to Education (RTE) Act also raises a severe concern under Articles 14, 15, 16, 21 and 21A of the Constitution which primarily guarantees equality under the eyes of law, non-discrimination and equal opportunity at equal phrases. The Supreme Court involvement triggers by the social activist Tushar Gandhi, reflect a grave constitution implication of the incident particularly regarding the state failure to provide timely support to the victim⁶⁰². The court has strongly criticised the UP government for its slow response by highlighting its non-compliance with the mandate of counselling and school admission for the victim. The Right to Education Act prohibits any form of physical and mental harassment of students, including on the grounds of religion or caste.⁶⁰³ The court also raised a concern about the discriminated treatment the victim faced, pointing out a deeper issue of religious intolerance within the educational spaces.

The state's failure to act in this is reflex a bridge of this guiding principle, reinforcing the need for the judiciary to step in where the states fail to meet their constitutional obligations. Supreme Court's role in the matters only aims to ensure justice for the victim but also serves as a broad reminder to the state for the safeguard of whole fundamental rights along with providing a safe, inclusive, and non-discriminatory educational environment for all students regardless of their social and economic

grounds and religion background. The case also reflects the need for a more comprehensive national network to address the communal bias and violence in the school, ensuring that incidents like this are addressed and prevented in the future.

II. CONSTITUTIONAL FRAMEWORK AND FUNDAMENTAL RIGHTS

The incident of Muzaffarnagar pointed directly to the violation of several constitutional provisions, primarily Article 14, Article 15, Article 21, and Article 21A, which guarantees equality, non-discrimination, the right to life and personal liberty with dignity and the right to education⁶⁰⁴. Each of these provisions is critical in understanding the depth of the involvement in constitutional breach.

A. CONSTITUTION MORALITY AND RELIGIOUS DISCRIMINATION UNDER ARTICLE 21

Constitutional moralities serve as the bedrock for ensuring that the rights and dignity of every citizen, particularly the student studying in school, are upheld. The teacher's actions in the Muzaffarnagar incident, where she ordered her student to slap one of the Muslim students, actually it showed an act of communal violence and reflected the violation of constitutional morality⁶⁰⁵. The teachers must be trained in their professional skills and constitutional values, including respect for human dignity, equality and non-violence. In the absence of such training, the very essence of Article 21, the right to life and personal liberty, is being compromised in the school where students are meant to be kept safe, feel secured and valued.

The right to life and dignity under Article 21 has been interpreted by the Supreme Court to improve not only the physical well-being of the citizens but also their mental and emotional health. In this case, the public humiliation of the student, accompanied by the communal

⁶⁰² Sanstuti Nath, UP Muslim Student Slapping Case: From Beating Up Child To Accused Teacher Being Booked, NEWS 18.com, 26 August, 2023

⁶⁰³ Marc Galanter, *COMPETING EQUALITIES: LAW AND THE BACKWARD CLASSES IN INDIA*, (University of California Press, 1992)

⁶⁰⁴ Gautam Bhatia, A Constitution in Search of an Identity, SSRN (2022) available at <https://deliverypdf.ssrn.com/> delivery. php ID=44100400510303011807710909507009

⁶⁰⁵ ABP News Bureau, Muzaffarnagar Student Slapping Case: SC Notice To UP Govt Seeks Report On Probe Status, ABP LIVE NEWS, 6 September, 2023

remarks from the teacher, significantly harms the victim's dignity. This constitutes a violation of Article 21, and failure to protect the mental and emotional well-being of the student to provide adequate counselling to ensure the child's safe transition to a new school depends on the violation of the child's right to live with dignity.

In the case of Saurav Chaudhuri, which mainly focuses on reservation in higher education, it indirectly relates to discrimination in school by highlighting the importance of ensuring equal opportunities for marginalised groups such as the Dalit and OBC students⁶⁰⁶. Just as the case stretches reservation to address the caste-based discrimination, education similarly measures the quality in school to compact this aggregation of unequal treatment among students and harassment from disadvantaged groups, both at the school and the higher level of education; constitutional protections provide equal chances to all the students, ensuring that the discrimination does not hinder the Right to Education, Rights for equal treatment in the educational institutes thus provides a canopy of Right to avail the personal liberty.

B. STATE'S RESPONSIBILITY TO ENSURE EQUALITY UNDER ARTICLE 14

Article 14 of the Constitution guarantees equality before the law. That is, everyone is equal under the eyes of the law. The teacher's action, which inappropriately targeted a Muslim student based on their religious background, reflects a blatant violation of fundamental rights. The incident indicates that student in educational institutions are not always subject to equal treatment, and in this case, religious discrimination was allowed to permeate a learning environment. The state's failure to take swift action against the teacher and the school reflects the lack of commitment to ensuring

equality in education⁶⁰⁷. The Uttar Pradesh Government allowed this incident to escalate and aimed to protect the child from further harm by exacerbating the equality violation⁶⁰⁸.

The educational disparity for Muslim students in India is being worsened in Rajasthan, with the reported 8% drop in enrollment since 2022-23 witnessed enormous discrimination where the Muslim student was targeted and labelled as "*Chambal ke daaku*", and the students who were wearing hijab were threatening to deduct in their marks.⁶⁰⁹ Additionally, Assam Law, 2020 mandating the conversion of madrasas into a regular school has been criticised for failing to address the real barrier to quality education for marginalising Muslim students.⁶¹⁰

Key factor includes the contribution in banning the hijab in Karnataka, which led around 2000 students hijab-wearing girls to drop out of Pre-University College, exacerbating gender and religious discrimination.⁶¹¹ Karnataka High Court ruled that the hijab is not an essential religious practice in Islam and upheld the ban on prioritising uniforms and decorum in school over individual freedoms. The descending opinion was that the fundamental rights to education and religious freedom potentially erode constitutional protection like equality and freedom of expression. The case highlights the tension between secularism and personal liberty in a diverse democracy like India.

The Human Rights Watch report highlights rampant discrimination in Indian schools against marginalised groups and even minor groups. Also, for example, Dalit and Muslim students faced segregation punishment and derogatory remarks from the teachers. A

⁶⁰⁶ Dr. Saurabh Choudhary And Ors. vs Union Of India And Ors. AIR 2004 SC 2212, ¶¶ 27-30

⁶⁰⁷ Awstika Das, No Quality Of Education If Student Is Penalized Based On Religion: Supreme Court Slam UP Govt. And Police On Muzaffarnagar Student Slapping Incident, LIVE LAW.in, 25 Sep 2023

⁶⁰⁸ Express News Services, Muzaffarnagar slapping case: SC pulls up UP govt over delay in student counselling, THE INDIAN EXPRESS, 10 February 2024

⁶⁰⁹ Lidija Misić, Addressing discrimination faced by Muslim children in Indian education, Humanium Reports, 13 August 2024

⁶¹⁰ The Assam Repealing Act, 2020

⁶¹¹ Pandey Geeta, The Indian School children who are bullied for being Muslim, BCC News World, 13 July 2024

Muslim student faced harsh treatment from her teacher, which changed his academic life⁶¹², and a student from the Ghasiya tribe was called "dirty" by both his classmates and the teachers⁶¹³. These discriminatory practices not only contribute to high dropout rates, especially among girls but also push them forward into child labour and early child marriages. Many researchers and experts argued that there are insufficient efforts to sensitise the teachers to address such socio-economic issues despite the Right to Education (RTE) aiming for inclusive education for all⁶¹⁴. The report calls for an end to discrimination and for the government to ensure a safe and welcoming learning environment for all students.⁶¹⁵

C. IMPACT OF EDUCATION ON THE RIGHT AGAINST RELIGIOUS DISCRIMINATION CONCERN TO ARTICLE 15

The most glaring breach in this case is the violation of Article 15, which prohibits discrimination based on caste, religion, place of birth, and sex. The action of the teacher in encouraging the student to slap the Muslim classmate represents a clear violation of this provision of the constitution. The student's religious identity becomes the basis of the physical humiliation, suggesting that the educational environment fosters not just a lack of secularism but an active promotion of communal violence. This reflects the failure of school administration to provide a safe space for students from minority communities, which is the constituent obligation.

D.P Joshi vs. the state of Madhya Bharat involves the discrimination capitation fees in educational admission based on regional residency, which led to violation of Article 15, which prohibits discrimination.⁶¹⁶ The court ruled

that the regional domicile distinction based on the state laws that create a discriminatory practice in public institutions is considered unconstitutional. This ruling affects the constitutional commitment to equality and non-discrimination, which aligns with the principles in Muzaffarnagar case where Muslim communities faced systematic discrimination and marginalization, especially in the context of educational institutions. It emphasizes that the constitutional principle of non-discrimination and equality under Article 15 must be protected regardless of any situation. The principle established especially the direction of discriminatory practices based on regional distinctions, is relevant in addressing the institutional discrimination and injustice faced by Muslims in Muzaffarnagar⁶¹⁷. The judgment concludes that such regional discrimination could result in unconstitutional discrimination, reinforcing the need for uniformity and equal treatment for all citizens.

The Muzaffarnagar slapping case and the Justice Chandru Report both highlight a pursued issue of discrimination within the educational space though in different contexts, but the core idea of discrimination remains the same; the Chandru's report addresses the caste based violence and the discrimination in Tamil Nadu educational institute. Both the incidence of Muzaffarnagar case and Chandru's report highlight that educational environments that ideally foster inclusivity can instead become a site of division where the students from marginalized communities face inclusion harassment violations, reflecting the religious discrimination that can be institutionalized in schools. Justice Chandru's report focuses on deeply entrenched caste-based segregation and violence practised in the school in Tamil Nadu.⁶¹⁸

⁶¹² Sacks Brianna, Education for the Voiceless: India's Muslim students are still ignored and underserved; From Huffington Post, 26 June 2024

⁶¹³ CJP Team, Education inequalities worsen for Muslim Student in India, Centre of Justice and Peace, 23 May 2024

⁶¹⁴ Shabnam vs Govt Of Nct Of Delhi & Anr., 2022/DHC/005622, ¶¶ 61, 64, 65-69

⁶¹⁵ Betwa Sharma, 'Rampant discrimination' in India's schools, ALJAZEERA.COM Post, 22 April 2024

⁶¹⁶ D. P. Joshi vs The State Of Madhya Bharat And another, 1955 AIR 334, ¶ 24 (As per J.Venkatarama Ayyar)

⁶¹⁷ Vaibhav Ojha, Muzaffarnagar School Slapping- "Education Worthless If Students Aren't Aware Of Constitutional Ethos": Supreme Court, LAWCHAKRA.in, 13 December, 2024

⁶¹⁸ TNN Team, Caste discrimination in 30% Tamil Nadu School, TIMES OF INDIA; 24 December 2024

III. SUPREME COURT'S INTERVENTION AND ITS IMPACT

In ray of the Supreme Court's strong remarks on Muzaffarnagar slapping incident where the bench Judges, Justice AS Oka and Pankaj Mithal termed the state government's handling of the matter as “shocking” and stated that the court decision rightly holds the state to account for its negligence, termed the government to be “casual” in response and indifference in ensuring victims welfare⁶¹⁹. Here, the Supreme Court's interpretations in the case contradict the fundamental values of our democracy, as laws established in such settings cannot be considered as compromising the rights guarantees under Articles 14, Article 15 and Article 21.

The case underscores the fact that the state's failure to oppose this principle is due to the systematic violation of the constitution, such as Article 15, which is the prohibition of discrimination, and Article 21, which is the right to life and personal liberty. The state's failure to promptly address the discriminated treatment faced by the Muslim student, including delay in providing counselling, failure to transfer the victim to a safer environment and its overall negligence in ensuring a non discriminately educational atmosphere, highlights a resounding failure in governance which underscores the state's lack of responsiveness to constitutional duties and basic human rights.⁶²⁰

From a broader perspective, Supreme Court interventions serve as a reminder that governments could go beyond significant policy-making to ensure the implementation of prospective measures in real-life situations. A ruling that incorporates DPSPs would set an essential precedent in compelling the state to take proactive measures for the welfare and dignity of all students, particularly those from

marginalised communities. The DPSPs are non-justifiable and provide a framework for ensuring that social justice and human dignity are prioritised in state actions. By invoking the right to good governance, the Supreme Court would reinforce the idea that governance is essential for the realisation of fundamental rights as both are closely interrelated.⁶²¹

IV. NEED FOR REFORMS AND INITIATIVES TO SAFEGUARD THE CONSTITUTION

The challenges faced by minor background students, such as Muslim student in India, require urgent attention, including the policies that promote education, address the social and economic disparity, and ensure equal opportunity⁶²². It is crucial to provide targeted support for the marginalised community and remove the barriers to their education and professional advancement. The nationalist group should face the effects of harassing and threatening minorities, and enforcing anti-discriminatory rules and promoting tolerance are essential to this effort⁶²³.

The Sachar Committee, 2005 aims to assess Muslims social and economic status in India.⁶²⁴ It highlights the better sex ratio and higher urban population among Muslims compared to the Indian average. The recommendations include setting up an equal opportunity commission, increasing the representation in public bodies linking Madrasas to the formal educational system, and recognising Madrasas as a degree for the civil service exam and focusing on inclusive development and mainstreaming of Muslim community while respecting the diversity and also helps to protect the community from

⁶¹⁹ Tushar Kholi, Ultimate Object Of Education Is To Make Children Citizens Aware Of Constitutional Ethos: Supreme Court, VERDITUM.IN, 12 Dec 2024

⁶²⁰ Bar & Bench Publishing team, Muzaffarnagar Muslim child slapping case: UP government did not do what it was expected to do, says Supreme Court, BAR AND BENCH, 13 Jan 2024

⁶²¹ Dr. Khatoon Farhana, Spatio-temporal analysis of educational status of social and religious groups in Uttar Pradesh: 1961–2011, 25 June 2020, Vol 8, Issue: 2, <https://www.indianjournals.com/>

⁶²² Kiran Vinod Bhatia and Manisha Pathak-Shelat, India: Challenging Discriminatory Practices of Religious Socialization among Adolescents, Springer Nature Switzerland AG; 1st ed. 2019 edition; pg: 29-42

⁶²³ Ministry of Social Justice and Empowerment, ANNUAL REPORT OF 2019-20; available at <http://www.socialjustice.nic.in>

⁶²⁴ Ministry of Minority Affairs, SACHAR COMMITTEE, Report on the follow up of the Social, Economic and Educational status in India; November, 2006

significant discrimination in public areas such as educational institutions, etc.

The Justice Chandru Committee's recommendation for reforms suggests that there should be banned on the caste markers such as bindis, wristbands, etc., a mandatory orientations program for teachers and students to do segregation, and a proposal to drop the caste affiliation from the school names can be viewed as a step towards eliminating caste based violence and discrimination similar to how the Muzaffarnagar case emphasis only need of the accountability and the anti-discriminate in measures within the educational system.⁶²⁵

V. AN ANALYSING OF DISCRIMINATION IN EDUCATION AS A CONSTITUTIONAL CHALLENGE

The relationship between religious discrimination and education settings has been the subject of extensive research reflecting both the progress made and the challenges possessed by the Indian educational system. The Indian constitution system, through fundamental rights, envisions an inclusive and non-discriminatory academic landscape. However, the effectiveness of this legal provision in eradicating religious discrimination in education and ensuring equal opportunity for all students remains a complex issue. This analysis will explore the role of constitutional provision in shipping educational quality, the practical implementation of the profession, and the broader impressions of students from the marginalised community.⁶²⁶

The Indian constitution, especially Article 15, lays the foundation for the protection of marginalised groups and restricts discrimination on the grounds of religion, caste, and sex⁶²⁷. Researchers such as GPS Bhatnagar

and Satish Deshpande state the hostile environment many Dalits students face in academic settings⁶²⁸. Agarwal was surveyed in 2016, where a student from a marginalised group reported higher levels of stress and anxiety compared to their peer lastly due to the physical and mental troll of religious segregation.⁶²⁹ This stress often results to academic underperformance undermining the objective of the reservation policies, which aim to improve the educational outcome of the disadvantaged group. However, evidently observed in the Muzaffarnagar case, judicial intervention is often reactive, addressing individual cases of abuse rather than focusing on systematic reforms within the educational institution.⁶³⁰ While the court has held this state accountable for a hold of constitutional rights, the more significant issue of institutional discrimination remains inadequately addressed.

VI. CONCLUSION

Muzaffarnagar slapping case serves as a stark reminder that the constitutional framework of India, while progressive, remains insufficient if the state does not take any responsibility for its duty of care towards its citizens, protecting their fundamental rights and especially towards the most vulnerable student. The Supreme Court's intervention is the necessary corrective, but it should not be seen as a final solution. The UP government is accountable for its failure and has enacted systemic reforms to protect student's protection, religious equality, and inclusive education.⁶³¹

The Supreme Court stressed that the purpose of education is to foster responsible citizens who understand and uphold

⁶²⁵ JUSTICE CHANDRU COMMITTEE, Report on the Remedies against the caste discrimination at School; August 2023

⁶²⁶ Dua Saumendra & N. Saibabu, Indian Constitution: An Analysis of the Fundamental Rights and the Directive Principles, Vol. 1(17), Journal of applied research and social science, 5 (2014) available at <https://deliverypdf.ssm.com/delivery.php?ID=154065122118102007015003064>

⁶²⁷ H. M. Seervai, Constitutional law of India, Vol. 2, 460 (Universal Law Publishing, 4th edn., 2009)

⁶²⁸ Agarwal, The Psychological Impact of Caste-Based Discrimination in Education: The Dalit Student Experience. Indian Journal of Social Psychology, 34(2), 98-112, 2016.

⁶²⁹ National Survey Sample Office (NSSO), Social Consumption: Education in India- Key finding from 81st rounds of the NSSO survey, June-July 2024

⁶³⁰ Artha Vijnana and Reena Kumari, Growing Regional Disparity in Uttar Pradesh: academia.edu, Inter-District Analysis, Vol. LVI, No. 3, September 2014, pp. 339-360

⁶³¹ Abraham Thomas, SC raps UP over Muzaffarnagar slapping case, HINDUSTAN TIMES, 11 November 2024

constitutional values and morality. The court emphasises the need for quality education to include teaching values like equality, fraternity, and secularism.⁶³² The court criticised the lack of enforcement of the Right to Free and Compulsory Education Act 2019, section 17(1), which prohibits physical and mental harassment in school⁶³³. It also raised concerns about the grievance redressal mechanism, urging the state to ensure that parents are informed and this system is actively implemented.

The court directed the state to ensure compliance with rules against caste, class, religious, or gender bias discrimination in schools and called for more vigorous action against physical punishment. The Muzaffarnagar case illustrates the urgent need for a national conversation on educational reforms, child protection, and communal harmony⁶³⁴. Suppose India truly lives up to the promise of its constitution; in that case, we must ensure that every child, regardless of their religion, caste, and socio-economic background, has a right to a safe and non-discriminately and high-quality education. Only then will the foster values of secularism, fraternity and equality that are essential for protecting the basic fundamental rights to its nation's progress and unity.



⁶³² Awasthi, I.C. and Shrivastav, P.K., "Inequalities in economic and educational status among social groups in India: Evidences from a village-based study in Uttar Pradesh", International Journal of Social Economics, 2019, Vol. 44 No. 6, pp. 774-796.

⁶³³ The Right to Free and Compulsory Education Act, 2019, §17(1)

⁶³⁴ Kanu Sharda, Muzaffarnagar slapping case: Top Court says state did not act the way it should have, INDIA TODAY, 12 January 2024