

# People's Union for Civil Liberties – Karnataka

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## Executive Summary of the Impact of the ban on Hijab in Karnataka's Educational Institutions: An Interim Study Report published by People's Union for Civil Liberties – Karnataka (PUCL - K)

The decision of the state government of Karnataka to impose a ban on Muslim women students wearing the hijab while attending classes has deprived, at one stroke, the right to education, the right to expression and other associated rights, and has even imperiled their security. Following the High Court's two orders, that prohibited the hijab in PU Colleges, the government issued a notification that the prohibition of a headscarf is not a violation of Article 25 of the Indian Constitution. This notification gave a free hand to vigilante elements to launch a vilification campaign against the hijab-wearing women students in various educational institutions in the state. The state government has refused to check these vigilante forces which has left them unhindered by any notion of the rule of law. Going further, it has even given tacit encouragement to these forces to effectively implement the government's hidden, but real, intent to prevent Muslim women from accessing their right to education. Shocked at the Karnataka government's abdication of its constitutional responsibility to protect the right to education of Muslim women, the PUCL Karnataka decided to undertake a study to understand more fully the impact of the hijab ban at the grassroots level. What we present here is a report based on the investigation.

The report is based on the visits by members of the team as they travelled to different districts of Karnataka, understanding the testimonies of women who have been denied their right to Education and other rights associated with the right to education.

The report begins by providing a timeline of critical events and is then organized into nine sections: The legal critiques of the judgment, Purpose and Methodology, Role of the media, Responses by the bureaucracy, The impact of the verdict on the affected students--educational, social, and psychological, The violation of constitutional rights: An analysis of Student testimonies, Conclusion, and Recommendations.

The report provides critiques of the judgment of the case of *Resham v State of Karnataka* heard in the High Court of Karnataka. The critique looks at critical rights and freedoms related to the case and highlights the incorrect focus on the Hijab as Essential Religious Practices. The sections point out the folly in the judgment in prioritizing the sanctity of maintaining a “uniform” as an essential feature of a school at the cost of ensuring education with reasonable accommodation for people of minority communities and freedom from discrimination, which arise from constitutional principles in educational spaces.

The rest of the report focuses on an analysis of the testimonies collected by the team in terms of different categories to give a holistic picture. This includes the role of the media, the role of the bureaucracy, concerns raised by those interviews, and an analysis of the violation of rights that came through in the testimonies.

The analysis of the media shows how local media coverage of the event fanned the flames of hatred against women seen wearing headscarves, and in certain cases harassed women on their campus.

In the section on bureaucracy, the report covers trends observed the team in its conversations with different administrative branches, including the police, members of the college administration and members of the community. The report points to the various ways in which the parties affected by the judgment were excluded. One major feature is the lack of democratic structure in the case of College Development Committee (CDC). CDCs often acted as authoritarian bodies without any concrete systems of accountability or representation of local stakeholders.

Often, local police would add to the stifling of the community. The report documents how police presence on college campuses would instill a culture of fear among students found wearing hijabs and would often prevent any expression of dissent by the local community. Police deployment was focused more on ensuring enforcement of the order than ensuring the security of the students. The section points to two broad trends, one starting before the passing of the Interim Order where a vilification campaign against the students developed without hindrance, and a second phase beginning with the passing of the Interim Order where the government machinery took part in the campaigns for the exclusion of Muslim women.

The section on concerns of the students has been organized under three headings, education, social and psychological. The educational concerns focus on the women's struggles and worries regarding their educational future, covering issues of access to educational certificates, harassment and safety within the college campuses. The social concerns have focused on larger concerns about the wider society isolating Muslim women from public spaces enforced by threats of assault reversing the earlier trends of empowerment of Muslim Women. The psychological concerns focused on the feelings of fear and panic engineered by the ban. The section ends with the expression echoed by students across the state that the solution to these problems is the enforcement of the promises of the Indian Constitution to protect their rights to a dignified life within an educational space.

The next section provides examples from the testimonies on how various constitutional rights were violated in districts across Karnataka. The analysis focuses on the Rights associated with education and looks at how associated rights, i.e.: Rights that are essential to fulfill the right to education and to partake in educational spaces as full human beings, have been attacked. The section summarizes observations from the testimonies under different headings to show how these associated rights have been systematically violated. These include the Right to Education without discrimination, Right to Dignity, Right to Privacy, Right to Expression, Right to Non-Discrimination, and Freedom from arbitrary state action. This section

The section concludes by remarking on how the ban has threatened the very constitutional ideals. In this situation of a complete failure of the state government to fulfill its obligation to protect constitutional morality, it falls on citizens to then do so. Nobody has done so with more grace, dignity and courage than young Muslim women who have asserted their right to education. The report ends with a list of recommendations by the team that would take the state in the direction of addressing the loss of rights.