

**Closing the Gates to Education**  
**Violations of rights of Muslim women students**  
A PUCL-Karnataka Study

## Executive Summary

Six students were arbitrarily denied entry into their classrooms in December 2021 in Udupi. The Education Department, Government of Karnataka, issued a misleading order in February, indicating that the hijab can be restricted in some educational institutions. When some of the affected students approached the court, in *Resham v. State of Karnataka*, the Karnataka High Court issued an interim order and a final verdict that upheld a prohibition on the hijab. Even though the verdict does not issue a directive to institutions to impose a sweeping ban with immediate effect, in one stroke, educational institutions across the state banned the hijab. Hijab-wearing Muslim women students were forced to choose between continuing their education and wearing the hijab.

Since December 2021, students across Karnataka have faced violations of their fundamental rights, specifically, their right to education, right to dignity, right to freedom of expression, right to privacy, right to non-discrimination and right against arbitrary state action.

PUCL-Karnataka undertook a study to investigate the impact of the imposed ban on the students and examine the role of authorities, administrative officials and police officials. Through conversations with students as well as authorities, and an analysis of events that transpired, it becomes visibly clear that Muslim women students were not only actively prevented from accessing their right to education, but also bore the brunt of a climate of hate, hostility and misinformation. Students have faced humiliation and harassment in their own classrooms at the hands of their faculty, college administration and classmates. The report documents how vigilante groups of Hindutva organisations carried out a vilification campaign against hijab-wearing students and how the inaction of the government and police gave implicit encouragement to these fundamentalist forces.

This report focuses on 3 major areas;

- (1) The impact on Muslim women students after the restriction on wearing hijab in their educational institutions,
- (2) Various state authorities and their role in violations of rights of Muslim women, and
- (3) Various socio-cultural factors, including biases, prejudices and stereotypes against the Muslim community, especially women, which enabled the escalation of a climate of hate.

A team from PUCL Karnataka collected testimonies from women students impacted by the judgment in 5 districts across Karnataka; Hassan, Dakshin Kannada, Udupi, Raichur and Shimoga. Aided by the efforts of civil society organizations working in these districts, PUCL aims to foreground the testimonies from students and present an informed analysis based on conversations with experts, activists, journalists, college administration and state officials. The

student testimonies have been kept anonymous to protect the women from further harassment and intimidation.

In Chapter 1, 'Timeline of Events', the sequence of major developments which transpired from December 31, 2021 to the split verdict delivered by the Supreme Court has been outlined.

In Chapter 2, the report provides an analysis of the violations of the students' Constitutional rights:

- **Right to Education without discrimination:** The report elaborates the ways in which Muslim women students were denied their right to education, by being forced to stay out of the classrooms. Students have also recounted their experiences of loss, broken dreams and career aspirations, discrimination, segregation from other non-hijab wearing students and their feeling of fear and insecurity within the campuses of their colleges.
- **Right to Dignity:** Students recounted how the experience of being forced to choose between wearing the hijab and continuing their education was an assault on their dignity. Many students shared that being forced to remove the hijab made them feel naked in public. Students felt extremely vulnerable to further targeted attacks of hate and harassment.
- **Right to Privacy:** Here, the report elaborates how the right to a personal choice was seized from Muslim women students. Students also shared how they were placed under the hostile gaze of the media which displayed many of their names and images on television and the internet.
- **Right to Freedom of Expression:** This section shares the testimonies of students who shared that wearing the hijab was a way for them to exercise their freedom of expression. It is the idea of expression as including the freedom of dress and attire as encompassing a core dimension of individuality.
- **Right to Non-Discrimination:** Muslim women students were not only excluded due to the imposed prohibition, but were denied any process or mechanism to appeal for reasonable accommodations. Instead, they were segregated from other students and were held solely responsible for 'controversy', even when there were protests held by students wearing saffron scarves.
- **Freedom from Arbitrary State Action:** All actions taken by the district administration as well as college authorities, neither followed the due process of law, nor allowed any scope for students to be granted reasonable accommodations. The suddenness and arbitrariness of the ban imposed with immediate effect, has had far-reaching consequences on the academic lives, social relations and mental health of Muslim women students.

In Chapter 3, the report presents its findings from its investigation of the Educational Bureaucracy, which includes college principals and authorities, district administration and the CDCs. Interviews with district administration officials revealed that they neither received written orders from higher authorities nor gave instructions to college administrators in writing. Their actions to 'counsel' Muslim students and parents and their refusal to document their grievances or take legal action against Hindutva groups who harassed Muslim students, revealed their prejudiced and biased approach towards Muslims. College authorities too, shared that they

received strict orders, and hence enforced a ban with immediate effect. They also treated students with disrespect and contempt.

Chapter 4 elaborates on the role of the police and how they enabled a hostile environment of hate targetted against Muslim students. By going beyond their mandate and entering college campuses, forcing students to remove the hijab, taking pictures and videos of hijab-wearing Muslim women students and displaying a callous indifference to the harassment faced by the students, the police failed to fulfill their responsibility towards those who were made to be extremely vulnerable. The police also filed several FIRs to criminalise dissent from the Muslim community, denying them their constitutional right to freedom of expression.

Chapter 5 investigates the development of the hijab discourse regarding gender, faith and empowerment and shows the multifarious ways in which Muslim women are asserting themselves and charting a distinct vision of assertiveness and identity. This chapter draws from the global narrative regarding the hijab as well as understandings coming from the local level, and also different perspectives from other students, academics, and global activists on the same.

Chapter 6 documents the organized hate campaign against Muslim women students and a systematic effort to deny Muslim students their right to education while wearing the hijab. The report details how vigilante groups from Hindutva organisations used social media and college WhatsApp groups to mobilise youth to claim that the hijab is anti-national, and a threat to all Hindus.

Chapter 7 describes how the media played an active role in spreading inflammatory statements about the hijab and the protesting Muslim women students. The TV media's coverage, especially Kannada TV media, constantly pushed a dominant narrative that stereotyped Muslim students and grossly violated their Constitutional rights as well as the media's codes of ethics.

Chapter 8 presents the initiatives and efforts of different civil society groups to express solidarity and assert the values of secularism, communal harmony and peace. Civil society organisations also reached out to students impacted by the order and judgements and assisted them with negotiating with college authorities and district administration. These actions were blunted by the state in different ways, including restrictions of protests, restrictions of messages that could be used in protests, and criminal action against protesting Muslim women.

Chapter 9 analyses the Karnataka High Court judgment, in *Resham v the State of Karnataka*. The analysis shows that the judgment incorrectly focused on the question of the hijab as an Essential Religious Practice (ERP) and ignored the more immediate question surrounding the practice, which is whether students have a right to express themselves through the practice and what powers does the state have to regulate their form of expression. The chapter also elaborates on the Supreme Court's split verdict in *Aishat Shifa vs. State of Karnataka* and critically examines both the judgements. Justice Hemant Gupta's judgement upheld the hijab prohibition, on the basis of a definition of secularism as one that requires a forced invisibilisation of identities. While not denying that wearing of the hijab is a fundamental right, he opined that it can be restricted on the grounds of discipline.

Justice Sudhanshu Dhulia's judgement is imbued with a constitutional concern for the rights of girl students to equal access to education. He holds that discipline cannot be at the cost of dignity and autonomy. While he set aside the Karnataka High Court verdict and quashed the Government Order of February 5, it remains a split verdict.

Chapter 10 details specific recommendations towards authorities, state machinery and other sections of society to address the human rights violations that have resulted from the suspension, order and judgements. Recommendations have been made to:

- Elected Representatives
- State Government
  - Department of Collegiate Education & Department of Public Instruction
  - Department of Women and Child Development,
- State Commissions:
  - Karnataka State Human Rights Commission
  - Karnataka State Minorities Commission
  - Karnataka State Commission for Protection of Child Rights
  - Karnataka State Commission for Women,
  - Karnataka Legal Services Authority,
- Media
- Civil Society Organisations
- College Administrators

The PUCL-K study aims to foreground the voices and struggles of Muslim women students, and critically analyse both the administrative lapses as well as the socio-cultural factors that enabled an aggravated climate of fear, hostility and injustice towards them.