

People's Union for Civil Liberties– Karnataka

ಪೀಪಲ್ಸ್‌ಯುನಿಯನ್‌ಫಾರ್‌ಸಿವಿಲ್‌ಲಿಬರ್ಟೀಸ್ - ಕರ್ನಾಟಕ

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(Founder:Lokanayak Jai Prakash Narayan)

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Press Release

PUCL-Karnataka urges the Karnataka Government to redress the impact of the de facto ban on the hijab in educational institutions on Muslim women's right to education, dignity and privacy

On the occasion of the birth anniversary of Fatima Sheikh, a social reformer and an educator who was a close associate of Savitribai Phule, PUCL Karnataka has released a report titled '*Closing the Gates to Education: Violations of Rights of Muslim Women Students in Karnataka's Educational Institutions*'. This report documents the impact of the de facto imposed ban on the hijab, and foregrounds the testimonies of Muslim women students across the state, who experienced harassment, humiliation and isolation when the sudden ban was imposed.

The Karnataka Government has a constitutional responsibility to respond to the continuing violations of fundamental rights of young Muslim women. More than a year after the hijab was first prohibited in a PU college in Udupi, Muslim women students across Karnataka continue to struggle to pursue their education and face grave consequences such as psychological distress and isolation.

The split verdict of the Supreme Court delivered on October 13, 2022, has only prolonged the students' wait for justice. The matter was placed before the Hon'ble Chief Justice to constitute an appropriate Bench on that date. There is an urgent need for the matter to be taken up expeditiously as Muslim women students continue to be denied their constitutional right to education, dignity and privacy.

PUCL-Karnataka undertook a study to investigate the impact of the de facto imposed ban on the hijab and examine the role of state authorities, administrators, and police officers. The team visited 5 districts across Karnataka: Hassan, Dakshina Kannada, Udupi, Shimoga and Raichur and collected testimonies from women students impacted by the judgment. The report reveals how these students have not only been denied their right to education but have also borne the brunt of a climate of hate, hostility, and misinformation. The report foregrounds the student testimonies, and is informed by discussions with experts, activists, journalists, college administration and state officials. It also draws attention to how vigilante groups carried out a vilification campaign against hijab-wearing students and how the inaction of the government and the police gave implicit encouragement to these fundamentalist forces.

This report has focusses on three major areas:

- (1) The impact on Muslim women students after the imposition of the restriction on wearing hijab in their educational institutions,
- (2) The failure of different stakeholders in ensuring the safety of Muslim students, and
- (3) Various socio-cultural factors, including the biases, prejudices, and stereotypes against the Muslim community, especially women, which have enabled the escalation of a climate of hate.

In addition, the report chronicles all major developments from December, 2021 until the split ruling delivered by the Hon'ble Supreme Court of India. It details how the education departments failed in their duty to protect the rights of the students and to appropriately implement the order of the Hon'ble Karnataka High Court. It also analyses the role played by the police, judiciary and the media as the crisis unfolded.

The Report also makes a detailed series of recommendations to various stakeholders.

Some of the recommendations of the report are listed below:-

1. The State of Karnataka must uphold its constitutional commitment towards principles of non-discrimination, privacy, autonomy, and dignity in relation to the affected Muslim students.
2. The State must compensate students for the loss they have suffered due to its unconstitutional and arbitrary action which has deprived Muslim girl students of their constitutional rights to education, expression, dignity, and non-discrimination.
3. The Education Department must issue directives clarifying the ambit of the Karnataka High Court order in *Resham vs. State of Karnataka*.
4. The State of Karnataka should immediately withdraw prosecution initiated against Muslim students, teachers or any such individual for carrying out peaceful protests during the period of February - April 2022.
5. The media must develop internal guidelines to regulate the reporting relating to vulnerable communities, minors, and on-going court cases to ensure that the coverage does not aggravate alienation and stigma experienced by marginalised communities.
6. The police must:
 - Extend protection to all the petitioners and their families who were before the High Court and Supreme Court and ensure their physical safety and security.
 - Take swift action in registering cases against members of vigilante groups who have been visibly seen in videos and images harassing and stalking Muslim women students.
 - Act on the complaints that were filed by Muslim women students in an unbiased manner and file FIRs against college authorities, Hindutva groups or any individual who violated the right to dignity, privacy, and freedom of expression of the students and their families.
 - Undertake departmental inquiry and initiate disciplinary action against their personnel in case of inaction and unauthorised action which has resulted in the violation of fundamental rights of the Muslim students.
 - Make available to the public all orders imposing Section 144 of the CrPC in all districts of the state between 01.01.2022 and 30.04.2022.
7. The Women and Child Department, Karnataka must:
 - Initiate programmes for providing mental health support for students adversely affected by the hijab verdict.
8. The Karnataka State Human Rights Commission (KSHRC), Karnataka State Minorities Commission (KMSC), Karnataka State Commission for Protection of Child Rights (KSCPCR) and Karnataka State Commission for Women (KSCW) must take suo-moto cognisance of the violations of the rights of Muslim students, women and minors, and intervene in cases of harassment, discrimination and hate speech against Muslims students.

Link to join the Online Press Conference:

<https://us02web.zoom.us/j/86129658074?pwd=c2RiVlRlRmMk5QdjZlEbzN1K3lhVXZjdz09>

Link to the Report and the Executive Summary: <http://puclkarnataka.org/?p=961>

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