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2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

# **TITLE: “CRITICAL ANALYSIS OF THE HIJAB JUDGEMENT 2022”**

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Manipal University Jaipur (MUJ)

## **Abstract**

A school uniform dispute was reported in the Indian state of Karnataka in early January 2022, when some Muslim students of a junior college who wanted to wear hijab to classes were denied entry on grounds it was a violation of the college's uniform policy, dispute spread and groups of Hindu students staging counter-protests by demanding to wear saffron scarves Government issued an order on February 5th stating that uniforms must be worn compulsorily where policies exist and that no exceptions can be made for the wearing of the hijab, petitions were filed in the Karnataka High Court. Due to protests the government closed high schools and colleges for three days. On February 10, the High Court issued an interim order prohibiting all students from wearing religious attire., The court ruled that wearing a hijab is not a required religious practise. The Karnataka High Court judges who delivered the hijab verdict were given Y-category security.

## **Backdrop**

Karnataka's education system consists of ten years of school and two years of pre-university college ("PU college"). Using powers granted under Section 145(1) of the 'Karnataka Education Act, 1983,' the Government of Karnataka empowered recognized educational institutions to decide on uniforms for their students. <sup>[1]</sup>Uniforms are required for school students by the state government, and schools can choose the colors. Uniforms were not mandated by the government for PU colleges, but most college development committees (CDCs)[a] adopted them over time, according to a PU department official.

The department issued a directive to all PU colleges in 2017 stating that PU students should not be required to wear uniforms. College administrations that already had uniforms questioned the policy, claiming that students and parents were satisfied with them. The directive was still available on the PU Education Department website in February 2022, but it did not appear to have been implemented. Muslims make up 13% of the Karnataka state's population. An increasing number of Muslim women in the state are gaining access to public education.

According to data, the Gross Attendance Ratio of Muslim women in higher education increased from about 1% in 2007–08 to about 16% in 2017–18. Hijab is considered by many Muslim women to be an essential part of the Islamic faith. In India, public display of religious symbols, such as the wearing of a hijab or a burqa, is common. According to PEW, in Karnataka, 71% of Muslim women and 42% of Hindu women cover their heads outside the home (in India, 89 percent of Muslim women and 59 percent of Hindu women cover their heads outside the home). Several Karnataka colleges reported that a small number of Muslim students "always" wore the hijab in class. M Raghunath, Karnataka's education minister during a Janata Party government in the 1980s, stated that the government's uniform mandates permitted both the hijab and the Christian nun's habit. He claimed that the Bhartiya Janata Party did not object to the hijab at the time. <sup>[2][3]</sup>

According to the BBC, protests over hijab have occurred in the coastal belt of Karnataka in the past, but such issues were often quickly resolved. However, not all cases were simple. Due to her insistence on wearing a hijab, a second-year PU student at Moudaber was barred from attending classes for an entire year in 2011–12. There have also been reports of Hindu students wearing saffron scarves to protest Muslim students wearing hijab or burqa in class. <sup>(4)</sup> The Muslim women were said to be concerned that their parents would not allow them to attend college unless they wore religious attire.

Over the decades, the coastal districts of Dakshina Kannada and Udupi have seen sectarian polarization with the rise of Hindu nationalism, represented by organizations such as Bajrang Dal, Hindu Jacaranda Vedika, Vishva Hindu Parishad (VHP), and Akhila Bhartiya Vidyarthi Parishad

(ABVP), and a parallel mobilization of the Muslim community by the Popular Front of India (PFI) and its affiliates Campus Front of India. Karnataka has been governed by the Hindu nationalist Bhartiya Janata Party since 2019. (BJP). It has implemented popular Hindu nationalist policies such as the prohibition of cow slaughter and enacting an "anti-conversion bill" that makes it illegal to convert from one religion to another through deception, force, fraud, allurements, or marriage. Because the bill forbids conversion for the purpose of marriage, critics believe it will make it difficult for interfaith couples to marry or for individuals to convert to Christianity or Islam.

.(5)(6)

## **The Udupi Disputes**

A dispute over the wearing of the hijab was reported in early January 2022 at a government-run Pre-University College for women in Udupi, which had prohibited the wearing of the hijab as a violation of its uniform policy. Six Muslim female students insisted on wearing hijab to class on top of their college uniform, claiming that it absolutely was a part of their faith and a constitutional right. According to the college's uniform policy, the hijab isn't permitted. The women offered to hide their heads with the present uniform's dupatta, arguing that they didn't must wear a separate hijab of a distinct color or material, but the school refused. They were permitted to wear the hijab on campus but weren't permitted to attend classes. They were discovered sitting in corridors, functioning on their notebooks. <sup>(7)(8)</sup> Ansar Ahmed, the district president of Karnataka Rakshana Vedika, a voluntary organization, brought the case to the media's attention. The coed wing of the novel Islamic organization alignment of India (PFI), Campus Front of India threatened a protest, prompting the faculty to rearrange for a police presence.

The Social Democratic Party of India (SDPI), the PFI's political wing, is additionally said to possess threatened protests. The school administration met with the fogs and discussed their concerns, but they remained steadfast in their refusal to permit religious attire. It is unclear what prompted the students' change of heart on the hijab issue. They admit to attending the primary year of faculty despite the college's no-hijab policy. They arrived on campus wearing burqas and removed them in a very "ladies' room" before attending classes.

One amongst the scholars also stated that their parents were informed of this once they enrolled in college in 2020. Others were skeptical. The matter was resolved when the classes were moved online as a result of Covid. When classes resumed on campus in September 2021, some students requested permission to wear the hijab, which was denied on the grounds that everybody must wear a "common uniform." Two of them took part in an anti-rape protest in October 2021, and a photograph of the event was widely circulated. This brought their situation to the eye of their parents and also the CFI. In keeping with an investigation conducted by the Udupi Police, CFI

approached the oldsters and offered assistance in challenging the faculty administration. The agreement, consistent with one in all the scholars, "mentioned a compulsory uniform but said nothing a couple of hijabs."

As a result, the six students and their parents decided to implement wearing hijab. per the district's federated Muslim organization Muslim Okoda, PFI and its affiliated organizations used the scholars "for their benefit." The students' hijab protest seemed to be a ploy by the political wing (SDPI) to broaden its base of support. a number of the protesting parents and relatives are SDPI and other PFI affiliate members. The SDPI had just won six seats in authorities' elections, which was hailed as a significant victory. Muslim Okoda claims that he attempted to resolve the dispute locally by speaking with college officials, parents, and also the CFI, but the CFI chose to publicize the problem by circulating photographs of scholars stranded outside of classes provoking the faculty and BJP leaders to require a firmer stance. "Nobody was within the mood for a compromise" by the top of December.

The college development committee, which is guilty of developing uniform policies, was led by K. Raghupati Bhat, an MLA from the ruling BJP. there have been no Muslims among its 21 members. Following the escalation of the dispute, Bhat held a gathering with all students' parents on 1 January and declared that the school would maintain its uniform code, which doesn't permit hijab. The CFI and SDPI argued that because uniforms weren't mandated by the govt, they may not infringe on students' religious rights. Bhat contacted the state government's Pre-University executive department to inquire about true. As a result, the matter was escalated to the amount of the authorities.

Saffron expresses its displeasure

Soon after the Udupi incident became public, groups of Hindu students began arriving at their colleges wearing saffron scarves to protest Muslim students being permitted to wear hijabs. "If girls are allowed to wear hijab, other students will include saffron shawls to institutions across Dakshina Kannada and Udupi districts," a pacesetter of the Hindu JacarandaVedika, an affiliate of the Sangh Parivar, declared.

When some students wore saffron scarves and demanded that the code be enforced, a co-educational first-grade college in Koppa tehsil, Chitmahal district, was the primary to witness this development. In order to defuse the crisis, the school asked Muslim students to get rid of their hijab at school. (9) some days later, at a parent-teacher meeting, it had been decided to permit Muslim girls to wear the hijab as long as they failed to pin it or tie it around their heads. The Hindu students didn't trust their children's request to wear saffron scarves. Hindu students at Pompei College in Mangalore wore saffron shawls to protest the hijab on January 6, and were supported by Hindu

nationalist organizations ABVP, VHP, and Bajrang Dal. The saffron protests gained traction in February, with demonstrations going down at the govt. PU College in Kondapur (2 February), Bhandarkar's' Arts & Science College within the same town (3 February), and Dr. BB Hegde College near Udupi (3 February). The saffron protesters successfully prevented hijab-wearing Muslim students from entering the school at the last location.

## **The Government's Response**

The ministers in the Bhartiya Janata Party-led Karnataka government reacted angrily to the incidents. B. C. Nagesh, the education minister, called it an "act of indiscipline." According to him, students could not practice their "religion" in public educational institutions. He stated that the uniform had been present for over three decades and that there had been no problems with it up until this point. He blamed "political leaders," presumably referring to the PFI, for inciting the students, who were allegedly "playing politics." Home Minister Araga Narendra stated that there must be a universal feeling in schools and colleges that "we are all Indians," which necessitates compliance with the uniform code established by colleges.

On January 27, the government announced the formation of an expert committee to investigate the matter. The government urged students to maintain the "status quo" until its decision was made. The "status quo" apparently meant "adherence to the uniform rule" for the Udupi PU College students. The government issued a directive to that effect. Raghupati Bhat, the chairman of the CDC,<sup>(10)</sup> convened a meeting with parents and instructed them that their children should remove their hijabs in the classroom.

On either the 3rd or 4th of February, the government issued an order requiring all uniforms mandated by the state government, school managements, or college development committees to be worn. According to the order, students who adhere to religious beliefs have a negative impact on "equality and unity" in colleges. The preamble stated that a ban on hijab was not illegal, citing three court orders from the High Courts of Kerala, Bombay, and Madras. In colleges where the college development committees did not mandate a uniform, students must still wear clothing that promotes "equality and unity while not interfering with public order." B. C. Nagesh, the education minister, issued a statement declaring that "those who want to defy the government's school uniform regulations cannot enter their schools and attend classes."

## **Fallout**

The effect of the government order was immediate. Even before the order was made public, word of it had reached the coastal districts by 3 February and was being implemented. Even colleges that had previously permitted hijab in classes felt compelled to prohibit them. Many Hindu students forced the issue by insisting that if the hijab was permitted in class, they should also be permitted to wear saffron scarves.

On 3 February, 28 students wearing hijab were barred from entering the premises of the Government PU College in Kondapur. Saffron scarves were apparently worn by Hindu students the day before, and minister B. C. Nagesh informed the college that students could only wear uniforms to classes and that neither hijab nor saffron scarves would be permitted.

The students were tense because their public exams were only two months away. 40 students were barred from entering Bhandarkar's' Arts & Science College, a private college in Kondapur. The students referred to the college rulebook, which stated that the hijab was permitted to be worn. [Some students described their college's treatment as "humiliating."

The college administration banned the hijab on 4 February, citing a government order, after saffron protesters blocked hijab-wearing students the previous day at Dr BB Hegde College. The students had apparently been wearing hijab to school for three years without incident. On February 8, Mahatma Gandhi Memorial College barred students wearing hijabs from entering, despite the fact that multiple students said the college had previously not objected to her hijab.

Between the 4th and 7th of February, there were counter-protests led by students who were opposed to allowing hijab-wearing students to enter the college. Wearing saffron shawls, these students marched to college. Authorities, however, barred them from entering the premises and ordered the students to remove their shawls. The students were only allowed in after they agreed to the request. On February 7, some students at a college in Chitmahal wore blue shawls and chanted Jai Bhim in support of Muslim girls wearing hijab (as opposed to the saffron shawls that were against the wearing of hijab)

After the controversy over Muslim students wearing hijab intensified, the Karnataka government announced the closure of high schools and colleges for three days on February 8th. Protests and agitations in the vicinity of educational institutions were prohibited by the Bangalore Police from February 9 to February 22. Two Muslim men were detained for allegedly carrying lethal weapons during a protest near a college in the Udipi district. Three others, according to police, were able to flee.

Muskan Khan, a lone Muslim woman wearing a burqa, was heckled on her college grounds in Mandy on February 10 by a crowd of male Hindu students wearing saffron shawls and chanting

"Jai Shri Ram." She yelled back, "Allahu Akbar," as the college staff kept the crowd under control and escorted her into the building.<sup>(10)</sup> The incident was captured on video and quickly went viral. Many notable figures have condemned Muskan Khan's treatment, including actors John Cusack, Pooja Bhatt, FakherAllamand footballer Paul Pogba.

## **Petitions To The Supreme Court**

On January 31, several students from Udupi PU college filed a writ petition in the Karnataka High Court. The Campus Front of India claimed to have given them legal advice. The petition also claimed that singled out the petitioner solely because she wears a hijab violates "constitutional morality." Senior advocate Ravi Varma Kumar and other lawyers argued the petition.

A second petition, filed around 4 February by a student from Kondapur (referred to as "SMTP Rasham"), sought a directive allowing Muslim students to wear hijab to classes. Devadatta Kamat, a senior advocate, represented the petitioner. Two students from Bhandarkar's arts and science college in Kondapur, who were represented by senior advocate Yusuf Machala, also filed a petition. The hearings began on February 8th, presided over by Justice Krishna S. Dixit. After hearing the preliminary arguments, the judge concluded that the main issue was whether wearing a hijab is a necessary religious practice, and if so, why should the state intervene in the matter.

Given the case's public importance, the judge decided that it should be heard by a "full bench" (consisting of three judges). The following day, a full bench was formed, consisting of Chief Justice Ritu Raj Awasthi, Justice Dixit, and Justice Khazi Jawbones Mohiuddin.<sup>(11)(12)</sup> At this point, there were said to be five petitions in front of the court, representing 18 students. Hearings resumed on February 10th. On February 11, a three-judge bench issued an interim order. It asked the state to reopen the educational institutions and barred students from wearing religious attire in class until the case was resolved in court. Following the order, a few members of the Tamil Nadu Towhead Jamaat, a Muslim organization, threatened the judges, citing the incidence of a Dhanbad judge who died in an accident. The defendants were apprehended, and the judges were given Y category security.

## **Religious Freedom**

Senior Advocate Devadatt Kamat, the students' lawyer, argued during the hearings on 14–15 February (Days 3 and 4), that the right of Muslim women to wear the hijab is protected by Article 25(1) of the Indian Constitution, which guarantees freedom of conscience and the right to practice one's religion. According to Islamic scriptures, including the Quran, wearing the hijab is an "essential religious practice." These rights are only limited by concerns about public order, morality, and health. He contended that in order for a practice to be considered a violation of public order, it must be "abhorrent in and of itself" and cause "disturbance to society." Wearing a hijab is neither of these things, and thus does not violate public order. When the bench asked if every verse of the Quran should be considered an Essential Religious Practice, Adv. Kamat responded that this isn't the case before the court and thus should not be considered.

Senior advocate Ravi Varma Kumar also claimed that by banning the hijab, the government was targeting Muslim students specifically. According to Article 15(1) of the Indian constitution, this amounted to religious discrimination. He argued that the goal of education should be to promote plurality rather than uniformity, and that the classroom should reflect societal diversity. Parachuting Navidi, the state's Advocate General (AG), challenged the petitioners on 21–22 February (Days 8 and 9), claiming that Article 25 protects only "essential religious practices." He claimed that the petitioners had failed to demonstrate that wearing a hijab is a necessary practice. Furthermore, by claiming that it was a necessary practice, they were attempting to bind every Muslim woman to the dress code of hijab.

The AG argued that an essential religious practice must be mandatory, citing the Supreme Court's decision in the Ismail Farooqui case. Optional religious practices do not fall under the purview of essential religious practices and thus are not protected by the constitution. The AG claimed that the petitioners' claims under Article 19(1) of the Indian constitution (right to freedom of expression) and Article 25(1) are "mutually destructive" (contradictory). The AG and other lawyers representing the state, CDC, MLA, teachers, and others backed up these claims by stating that the right to free expression is a 'forum Internum' right that applies to inner convictions and inner thoughts, whereas the right to practice religion is a 'forum extremum' right that applies to the outward expression/manifestation of one's faith or practice.

Furthermore, they stated that these rights are subject to reasonable limitations. During the Day 3 hearing, Devadatt Kamat contested the Government Order of February 2022. He stated that the order relied on three previous High Court decisions to support dress codes, but none of them applied to the current case. Speaking on behalf of a Muslim student, Senior Advocate Yusuf

Machala stated that the Government Order was "manifestly arbitrary." It was a violation of both Article 14 of the Indian constitution and the principle of fairness because the Muslim students were not allowed to be heard. Students were barred from wearing hijabs due to objections from other students, which was clearly partisan.

The state's Advocate General defended the Government Order, claiming that it was only a "suggestion" and not a ban on hijab. Following opposition from Muslim students at Udupi PU College, the college development committee referred the matter to the state PU Department. The government formed a "high-level committee" to investigate the matter and issued an order granting college development committees the authority to prescribe uniforms. Because the order did not require uniforms, it was deemed "innocuous." It neither prescribed nor prohibited the wearing of the hijab. When asked by the Chief Justice why the order mentioned hijab at all, the AG said it was just an "indication" to the college authorities.

The CJ went on to question the AG about whether the government would object to hijabs being worn in classrooms if they were permitted by the college. The AG responded that the state was fine with it and that it would only intervene if grievances were filed under Section 131 of the Karnataka Education Act. In his rebuttal, Devadatt Kamat claimed that the AG had given up 90% of the Government Order in his arguments, effectively rendering the order inoperative, and that there was no need for further discussion on whether wearing the hijab was an essential religious practice.

## **Committees For College Development**

During the hearing on February 16 (Day 5), the petitioners' senior advocate, Ravi Varma Kumar, questioned the legality of the college development committees, which are said to have been given the authority to decide on uniforms. He claimed that neither the Karnataka Education Act nor the Rules promulgated under it recognized CDCs. He also questioned the propriety of MLAs chairing CDCs, who are bound by political party and ideology. He argued that MLAs (legislators) could not be given executive powers. <sup>(13)</sup>During the hearing on February 18, the state's Advocate General responded to the criticisms (Day 7). He stated that the CDC was made up of the local MLA as President, a person appointed by them as Vice-President, parents and students' representatives, the college principal, and lecturers' representatives.

He stated that the CDCs were established in accordance with the state government's instructions under section 133(2) of the Karnataka Education Act. He also claimed that under the Westminster form of government, MLAs could perform executive functions.

Udupi College and other educational institutions

The state's Advocate General stated during the Day 7 hearing that the Udupi PU College had a dress code in place since 2013, and that uniforms had been the norm at the institution since its inception in 1985. Senior Advocate S. Nagaland argued for the PU college, claiming that the college had decided to make uniforms mandatory in 2004. For the past 20 years, the government had left it up to the colleges to decide on uniforms, and there had been no problems with them. Nagaland asserted that wearing the hijab was a "cultural" rather than a religious practice.<sup>(14)(15)(16)</sup> He emphasized that educational institutions had the authority to impose dress codes in order to maintain discipline, and that in doing so, they were exercising "parental powers." He stated that when a parent sends their child to school, they delegate parental responsibility to the teacher or institution (In loco parentis).<sup>(17)</sup>

R. Venkataramani, an advocate for the teachers of the Government PU College, argued that the practice of wearing hijab violates 'public order' under Article 25(1), and that when a religious practice violates the restrictions under Article 25(1) (public order, morality, and health), determining whether the practice is essential is unnecessary, because the question of essentiality applies only when interpreting Article 25. Senior Advocate Sajan Novaya, speaking on behalf of educational institutions, cited Article 28 of the Indian constitution to argue that education was a secular activity and that no religious instruction should be provided in schools.

## **Court's decision**

On March 15, 2022, the Karnataka High Court upheld the educational institutes' ban on wearing hijab. The court ruled that hijab is not an essential religious practice in Islam and, as such, is not protected by Article 25 of the constitution, which establishes the fundamental right to practice one's religion. The court was surprised by the petitioners' lack of evidence to prove hijab as a necessary religious practice. It conducted its own investigation by consulting Abdullah Yusuf Ali's *The Holy Quran: Text, Translation, and Commentary*, which was previously used by the Supreme Court of India in the Sahara Bano case.<sup>(18)</sup> It reproduced the various suras from the Quran on the wearing of hijab, followed by Ali's footnote 3760 to verse 53, which read: "...Note that no screen or hijab (Purdah) is mentioned for Muslim women in general, only a veil to cover the bosom and modesty in dress." The screen was a special honor feature for the Prophet's family, introduced about five or six years before his death."

The court also relied on Ali's remarks about the origins of wearing a hijab. According to Ali, the Quran expressed concern about "molestation of innocent women" during the time of Jahiliya (times of "ignorance" prior to Islam) and thus recommended this and other clothing as a measure of social security. It was not a religious practice, and it was even less important to the Islamic faith. The court determined that the Quran does not require Muslim women to wear hijab and stated, "What is not religiously made obligatory therefore cannot be made a quintessential aspect of the religion through public agitation or by passionate arguments in courts. "The Karnataka High Court judges who delivered the hijab verdict were given Y-category security, and two people were arrested for making threats.

## **The Supreme Court**

The petitions requesting an urgent hearing of the case were denied by the Supreme Court of India. Advocate asked the court to hear the case as soon as possible so that the girls could take their school exams and avoid losing their progress from the previous year. The Chief Justice of India, N. V. Ramana, denied the request, stating that the exams have nothing to do with the matter and that it should not be sensationalised.<sup>(19)(20)(21)</sup>

## **Violence**

Several incidents of violence have occurred in parallel with the protests. These were allegedly the result of the victims' social media posts opposing the wearing of the hijab in colleges. Dilip, a shopkeeper in Devanagari, was attacked and stabbed by a mob after being dragged out of his shop. An angry mob of around 300 masked people wielding deadly weapons attacked a man named Naveen and his mother, Saroj Amma, in the village of Nallur. Both were allegedly caused by posting an anti-hijab status on WhatsApp, according to the victims' families. On February 21, a Bajrang Dal member who participated in anti-hijab protests by Hindu students was discovered murdered in the Shivamogga district. According to police, the incident could have been caused by his prior involvement in at least five assault and attempted murder cases with religious overtones.<sup>[22]</sup>The investigations are still ongoing.

The Home Minister stated that no link had been established between the protests and the murder. A fatwa was issued against him earlier this year by the 'Mangalore Muslims' Facebook group. Stones were thrown at his funeral procession, injuring three people as it approached Saddish Road. A photojournalist, two bystanders, and a police officer were all hurt. Some vehicles were also set

ablaze, and over 20 were damaged. The crowd retaliated by torching vehicles, tires, and stoning numerous commercial establishments and Muslim-owned homes. The mob allegedly attacked local journalists and damaged their cameras. Three of the five people suspected of being involved in the murder have been apprehended. One of the petitioners in the Karnataka High Court, Hazra Shifa, claimed that her brother Saif was beaten up by a group of inebriated people who objected to their father's statements in support of the hijab to a local news channel. She claimed in a social media post that the attackers were "Sangh Parivar goons."

## **Reactions**

### **(Domestic)**

Rahul Gandhi, the leader of the opposition Indian National Congress party, slammed the government, saying "We are robbing the future of India's daughters by allowing their hijab to interfere with their education. Hijab-wearing students being barred from entering school is a violation of their fundamental rights." Maharashtra state minister Aaditya Thackeray told journalists, "If schools have a uniform, there should be no room for any other type of clothing.<sup>[23]</sup> Schools and colleges are educational institutions, and only education should be imparted there."

Muslim Rastriya Manch (MRM), the Rastriya Swayamsevak Sangh's Muslim wing (RSS)

Anil Singh, the MRM's Print Sankhla (Awadh), issued a statement in support of the burqa-clad student who was heckled by youth shouting 'Jai Shri Ram' slogans at a Karnataka college, saying 'purdah' is part of Indian culture. The MRM distanced itself from Singh's statement, stating that it does not support such "fanaticism and religious frenzy," and that it supports the enforcement of dress codes in Karnataka's educational institutions.

According to Madhya Pradesh Education Minister Inder Singh Parmar (BJP), "Hijab is not a part of uniform and, therefore, I believe it should be prohibited." The state government of Madhya Pradesh clarified that no proposal to outlaw the hijab was being considered. Education ministers in BJP-ruled Himachal Pradesh and Tripura said their governments had no plans to implement a uniform dress code at this time. The education ministers of Maharashtra and West Bengal, both of which are ruled by opposition parties, have accused the BJP of "politicizing" school uniforms.

West Bengal's education minister stated that his state would "never" impose a hijab ban. The Maharashtra education minister insisted that the Indian Constitution guaranteed religious freedom. Rajasthan Education Minister Balakadas Kalla stated that hijab is not prohibited in his state and

accused the BJP of "making issues out of non-issues." Sonam Kapoor – She posted an Instagram photo of a man wearing a turban and a woman wearing a hijab, questioning why a turban can be worn but a hijab cannot. Sadhvi Pragya, a BJP MP, stated that "there is no<sup>[24]</sup> need to wear hijab anywhere" and that only those who are "not safe in their own homes" should wear hijab. She also stated that there is no need to wear a hijab when in the company of Hindus, particularly at educational institutions.

Arif Mohammad Khan, a BJP leader and the governor of Kerala, stated that Islam has only five essential practices, and that hijab was not one of them, and thus Article 25 of the Indian constitution did not apply to the hijab because the article only covers essential, intrinsic, and integral practices. He also stated that, as a result of the ban on triple talaq, Muslim women are "having a sense of freedom," "pursuing education," and "joining great careers," and that the ongoing debate is "not a controversy, but a conspiracy" and a "sinister design" to push back Muslim women, particularly young girls.

Kerala Chief Minister Pinarayi Vijayan spoke out against the hijab controversy in Karnataka, saying "This demonstrates how dangerous communism is to our country. Secularism should be fostered in educational institutions. Rather, efforts are being made to instill communal venom in young children." He shared a photo of schoolgirls in Kerala wearing hijabs on Twitter. "What is happening in Karnataka should not be allowed in Tamil Nadu," Kamal Haasan said. According to the citizen group Bauta Karnataka, the violence related to the Hijab controversy was perpetrated by members of Hindutva organizations affiliated with the RSS, who coaxed, exhorted, and threatened youth. They also claimed that anti-hijab protests in colleges across the state appeared to be coordinated. They stated that they arrived at these conclusions after visiting the sites of religious violence.

According to Congress leader Mukarram Khan, those who oppose the hijab will be chopped into pieces. On February 16, a FIR was filed against him, but he went into hiding.<sup>[24][25]</sup> He was apprehended in Hyderabad but had to be admitted to a hospital due to health concerns. In an interview with the BBC, journalist and author Rana Ayyub allegedly referred to the hijab counter-protesters as "Hindu terrorists." A complaint was filed against her under Section 295 of the IPC (insult to religion with malicious intent). United States of America International Rashad Hussain, the United States Ambassador-at-Large for International Religious Freedom, called the hijab ban a violation of religious freedom.

Bahrain The National Assembly of Bahrain has condemned the hijab ban imposed in an Indian state's educational institutions. Kuwaiti MPs have joined international condemnation of the hijab row, calling on Kuwait to bar BJP leaders from entering the country. Pakistan Pakistani Foreign

Minister Shah Mahmood Qureshi charged India with denying Muslim girls the right to an education. According to the Economic Times, he claimed that India is depriving Indian muslim girls of an education simply because they wish to attend classes while wearing religious headgear.

Ina mullahSamangan, an Afghanistan Taliban spokesman, praised the college girls for wearing hijab and defending their religious values. Human Rights Watch criticized the ban as a violation of the right to an equal education.Malala Yousafzai tweeted that it is abhorrent to bar girls wearing hijabs from attending school. She stated that there were still objections to women's clothing and demanded that Indian leaders stop the process of separating Muslim women from the mainstream.

External Affairs Ministry (MEA)

In response to comments on the controversy made by some countries, including the United States, the MEA's spokesperson stated that the matter is "under judicial examination" and that the issue will be resolved in accordance with the "constitutional framework and mechanisms" and "democratic ethos and polity." "Motivated comments" on India's internal issues, he said, "are not welcome." In response to the OIC General Secretariat's statement, the MEA's spokesperson called the statement "motivated and misleading," and the OIC Secretariat's mindset "communal." He also stated that "The Organization of the Islamic Conference (OIC) is still being used by vested interests to further their nefarious propaganda against India. As a result, it has only harmed its own image."

## **Analysis Of The Judgement**

Over the years, courts have used the 'essential religious practice' test to determine which practices are protected by the Constitution and which can be regulated by the state. The Karnataka High Court held in its decision upholding restrictions on Muslim women wearing hijabs in educational institutions that wearing the headscarf is not an "essential religious practice" in Islam. This was the first question addressed by the court, and its response served as the foundation for the remainder of the decision.

The court dismissed the petitions challenging an order on (26) school uniforms issued by the Government Pre-University (PU) College for Girls in Udupi that prohibited the hijab, as well as the Karnataka government's 5 February order that supported the restriction. After ruling that wearing the hijab is not an essential religious practice, the bench of Chief Justice Ritz Raj Awasthi and Justices Krishna S. Dixit and J.M. Khazi asserted that the hijab restriction was "reasonable" and constitutionally permissible, and that students could not object. But what exactly is meant by "essential religious practice," and how did Indian courts come to apply such a standard? How did it evolve over time, and why did the court eventually rule that the hijab did not pass muster? The Print elaborates.

## **What Does The Test Indicate?**

Article 25 of the Constitution guarantees "freedom of conscience and the free exercise, practice, and propagation of religion." This right, however, is not absolute and is limited by public order, morality, health, and other fundamental rights. While Article 25 does not include any other conditions for the protection of this right, courts have ruled over the years that the right only protects "essential religious practices" and not all religious practices. As a result, this test determines which religious practices are protected by the Constitution. Over the years, courts have taken a variety of approaches to the test. In some cases, they relied on religious texts to determine essentiality, in others on empirical behavior of followers, and in a few cases, on whether the practice in question existed when the religion was founded. Court decisions on this test typically trace its origins to Constituent Assembly debates and attribute it to a speech given by Dr. B.R. Ambedkar. Dr. Ambedkar acknowledged on December 2, 1948, that religious beliefs in India "cover every aspect of life, from birth to death."

"There is nothing extraordinary in saying that we should strive hereafter to limit the definition of religion in such a way that we shall not extend it beyond beliefs and such rituals as may be connected with ceremonials that are essentially religious," he added, he went on to say that "it is not necessary that the type of laws, for example, laws relating to tenancy or laws relating to succession, be governed by religion." Courts cited Ambedkar's use of the term "essentially religious" to establish the essential religious practice test.

The Shrir Mutt case and 'basically religious': In 1954, a seven-judge bench of the Supreme Court adopted Ambedkar's words in the Shrir Mutt case, which was one of the first such instances of a court adopting Ambedkar's words. The court was asked to define the constitutional scope of religious freedom in this case because of a disagreement over the extent to which the Madras Hindu Religious and Charitable Endowments Act, 1951, could control the management of the Shrir Mutt, a monastery in Udipi. "What constitutes the essential part of a religion is primarily to be ascertained with reference to the doctrines of that religion itself," the court observed. "If the tenets of any Hindu religious sect prescribe that food offerings be given to the idol at specific hours of the day, that periodical ceremonies be performed in a certain way at certain times of the year, or that there be daily recital of sacred texts or ablations to the sacred fire, all of these would be regarded as parts of religion, and the mere fact that they involve expenditure of money or employment of priests and servants.

While some consider this to be the origin of the test, other scholars argue that the Supreme Court's intent up until this point was to draw a line between religious and secular. In other words, the test was not intended to distinguish between religious practices that were essential and those that were not. It was intended to differentiate between practices that were fundamentally religious and those that were secular. The latter practices could be legally restricted, but the former could not. What does the test indicate? Article 25 of the Constitution guarantees "freedom of conscience and so the free exercise, practice, and propagation of religion." This right, however, isn't absolute and is proscribed by public order, morality, health, and other fundamental rights. While Article 25 doesn't include the opposite conditions for the protection of this right, courts have ruled over the years that the right only protects "essential religious practices" and not all religious practices.

As a result, this test determines which religious practices are protected by the Constitution. Over the years, courts have taken a spread of approaches to the test. In some cases, they relied on religious texts to determine essentiality, in others on empirical behavior of followers, and in an exceedingly few cases, on whether the practice in question existed when the religion was founded. Court decisions on this test typically trace its origins to Constituent Assembly debates and attribute it to a speech given by Dr. B.R. Ambedkar. Dr. Ambedkar acknowledged on December 2, 1948, that religious beliefs in India "cover every aspect of life, from birth to death." "

There is nothing extraordinary in saying that we should strive hereafter to limit the definition of religion in such the only way that we shall not extend it beyond beliefs and such rituals as could even be connected with ceremonials that are essentially religious," he added, he went on to say that "it isn't necessary that the sort of laws, as an example, laws regarding (27) tenancy or laws regarding succession, be governed by religion." Courts cited Ambedkar's use of the term "essentially religious" to see the essential religious practice test. The Shrir Mutt case and 'basically religious' In 1954, a seven-judge bench of the Supreme Court adopted Ambedkar's words within the Shrir Mutt case, which was one of the first such instances of a court adopting Ambedkar's words. The court was asked to define the constitutional scope of spiritual freedom during this case because of a disagreement and so the mere undeniable fact that they involve expenditure of money or employment of priests and servants. While some consider this to be the origin of the test, other scholars argue that the Supreme Court's intent up until this point was to draw a line between religious and secular. In other words, the test wasn't intended to inform apart between religious practices that were essential and folks that weren't. it had been intended to differentiate between practices that were fundamentally religious and folks that were secular.

The latter practices may be legally restricted, but the previous couldn't. Shirr Mutt all the due to Sabarimala. However, the 'essentially religious' test gradually gave because of the 'essential religious practice test,' with the Allahabad judicature ruling in 1957 that bigamy couldn't be considered an integral part of Hinduism, and another Supreme Court ruling in 1958 holding that the sacrifice of a cow on the occasion of Id wasn't a crucial religious practice for Muslims.

The Supreme Court used the test of essential religious practices in 2004 to determine whether the Tandava dance was a very important rite of the Ananda Marga Faith. It ruled that the faith was founded in 1955, but the Tandava dance wasn't adopted until 1966. As a result, the court ruled that because the faith existed before the adoption of the dance, the latter couldn't be considered a necessary feature of the faith. The Bombay tribunal allowed women to enter the Haji Ali Dargah's sanctum sanctorum in 2016, ruling that the Haji Ali Dargah Trust's decision to exclude them was illegal and unconstitutional. The court ruled in its decision that the Trust had failed to present any evidence to indicate that the exclusion of women from dargahs was an "essential feature" of Islam. Recently, the Supreme Court ruled in 2017 that triple talaq wasn't an important practice of Islam and thus couldn't be afforded constitutional protection under Article 25. In 2018, the Supreme Court rejected the claim of 'Ayapanas' (pilgrims) that the exclusion of women between the ages of 10 and 50 from entering the temple was a necessary practice within the Sabarimala case. However, a review petition against this decision is currently pending before the Supreme Court. during a landmark case that may have ramifications across the country, a judicature in India's Karnataka state ruled that the hijab isn't "essential" to Islam. The court also upheld an authorities order prohibiting the wearing of headscarves in school.

Protests erupted in January when a Karnataka college barred Muslim girls wearing the hijab from entering. The situation quickly escalated, forcing the state to shut schools and colleges for several days. The Indian girls who are fighting for the correct to wear a hijab in college. The hijab controversy is dividing Indian classrooms. Allowing Muslim women to wear the hijab in classrooms, per the three-judge panel, would impede their emancipation and violate the constitutional spirit of "positive secularism."

The 129-page order uses passages from the Quran and books on Islam to argue that the hijab isn't a spiritual practice that has to be followed."There is enough intrinsic material within the scripture itself to support the view that wearing a hijab is merely optional, if at all." what's not religiously made obligatory cannot thus be made a quintessential aspect of faith through public agitation or passionate arguments in court," the order states.

"We feel betrayed by our own country," she explained Almas AH, another petitioner, stated that they're going to take the fight to the Supreme Court, "I'm not visiting college unless I wear my hijab." "And I will be able to fight for it because the hijab is a very important a part of my religion," she said. the decision has been welcomed by the Karnataka government. Thousands of individuals in India, where Muslims are a minority, had been watching the court proceedings with bated breath. While hearing the case, the bench issued a contentious interim order prohibiting students from wearing religious clothing, including the hijab, until a verdict was issued.

As a result, several Muslim women skipped classes and even exams while the case was being heard. The row also polarized opinions, with critics seeing it tile now another attempt by Prime Minister Narendra Modi's Hindu nationalist government to marginalize Muslims. The controversy began in Karnataka's Udupi district when a government-run college forbade six teenage students from wearing the hijab in school.

The college stated that students were permitted to wear the hijab on campus and were only required to get rid of it inside the classroom. However, the girls, who were all wearing the desired college uniform, went on strike outside the school, arguing that they must be allowed to hide their hair in school. Udupi is one amongst three districts in Karnataka's communally sensitive coastal region that Mr. Modi's right-wing Bhartiya Janata Party considers to be a stronghold (BJP). Protests quickly spread to other colleges throughout the state, which is additionally governed by the BJP.

Some Hindu students began wearing saffron shawls to class, despite the very fact that the color is taken into account a Hindu symbol, forcing officials to insist that both couldn't be permitted on campus. After some demonstrations devolved into violence, the problem drew international attention. Malala Yousafzai, a Nobel Peace winner, tweeted about the problem, urging India's leaders to require action to "stop the marginalization of Muslim women."

## Summary

On March 15, 2022, a three-judge bench of the Karnataka tribunal, comprised of jurist Ritu Raj Awasthi and Justices Krishna Dixit and J.M. Khazi, upheld the ban on hijab within the state's educational institutions. On February 5th, 2022, the Karnataka Government issued an Order prohibiting student from wearing the hijab in State educational institutions with a code.

This Order was later challenged in Karnataka state supreme court. On February 11th, the Court issued an Interim <sup>(28)</sup>Order prohibiting all religious symbols, including hijabs and saffron shawls, from being worn in classrooms. The Court addressed four major issues in its March 15th decision upholding the ban.

Is Hijab Wearing Protected by the proper to Freedom of Conscience? Muslim students claimed that the hijab ban violated their right to freedom of conscience under Article 25 of the Indian Constitution of 1950. Muslim students argued in *Bijou Emmanuel v State of Kerala, 1986*, that because wearing the hijab could be a a part of their conscientious belief, it must be protected. it's not necessary to research the need of the practice so as to work out whether a Right to Freedom of Conscience is at stake.

The Court distinguished between 'Freedom of Conscience' and 'Religious Expression' in its decision, claiming that while conscience is an enclosed belief, religious expression is an outward expression of that belief. The hijab could be a style of religious expression that has to pass the Essential Religious Practices test. Muslim students claimed the hijab ban violated their Article 25 right to non-secularexpression. Muslim students argued that wearing the hijab is a vital religious practice, citing Islamic scriptures and claiming that wearing the hijab is a necessary aspect of their religion. This Essential Religious Practice cannot be restricted by the State.

According to the Court, wearing the hijab isn't a non-secularpractice. It is, rather, a cultural practice. The hijab evolved as a security measure for girls, and it absolutely was linked to the socio-cultural conditions that existed at the time the Quran was written. It can't be considered a fundamental aspect of the faith. is that the Hijab a compulsory Religious Practice in Islam? The Court ruled that wearing a hijab isn't a required religious practice. It didn't qualify for cover under Article 25 of the Indian Constitution of 1950.

The Muslim students contended that wearing the hijab is an expression under Article 19(1)(a), citing *National Legal Services Authority v Union of India, 2014*. the scholars also claimed that wearing a hijab is protected under the proper to Privacy. Students must be given "reasonable accommodations" so as to exercise this right. The Court noted the worldwide consensus that educational institutions may impose uniforms and dress codes. The imposition of a code by the

authorities could be a reasonable restriction that doesn't violate constitutionally protected rights because it's "religion-neutral" and "universally applicable" to all or any students. It had been noted that the code actually promotes secularist principles.

Furthermore, the Court stated that the Muslim students were contesting a violation of their 'derivative rights' rather than their 'substantive rights'. 'The Court admitted that the right to choose what one wears is a component of one's autonomy and expression. This, however, must be subject to reasonable constraints. To maintain discipline and decorum in qualified public spaces such as schools, freedom may be limited. The Court rejected the argument that students should be allowed to wear hijabs in colors and designs that match their uniforms. This is due to the fact that if allowed, "the school uniform ceases to be uniform."

Is the Government Order Purportedly Prohibiting Hijab Wearing Valid?

The Court upheld the validity of the State government's Order issued on February 5th. The Order, it was ruled, was<sup>(29)</sup> issued in furtherance of the Karnataka Education Act, 1983. Under Section 133(2) of the Act, which empowers the Government to give effect to the Act's purposes by issuing Orders and forming bodies such as the College Development Committees, the Government had the authority to prescribe a dress code. The Bench declined to order a disciplinary hearing against the principal and teachers of the Government PU College, where students were first barred from wearing the hijab. The Court stated that it found no merit in the petition requesting that the Court conduct an investigation into the involvement of Islamic organizations in the anti-hijab protests.

## Conclusion And Future

The hijab 'isn't a necessary part of Islam as the Karnataka High Court ruled that wearing the hijab is not an essential religious practice under Islam, which means it can be regulated by the state. To reach this conclusion, the court consulted a Quranic commentary and determined that there is no "Quranic injunction" or mandate against wearing the hijab.

The court stated, adding that "the practice of wearing this apparel may have something to do with culture but certainly not with religion." It went on to say that "what is not religiously made obligatory and cannot thus be made a quintessential aspect of the religion through public agitation or by passionate arguments in courts."

As a result, the court concluded that "the wearing of hijab by Muslim women does not constitute an essential religious practice in the Islamic faith." The test's future is unknown. However, the test has been chastised on several occasions. Critics have frequently pointed out that it forces judges to become "ecclesiastical authorities (often for religions other than their own)." In the Sabarimala case, Justice D.Y. Chandrachud lamented that "compulsions nonetheless have led the court to don a theological mantle.

### Footnotes

(1) *D'Souza, Vincent (10 February 2022). "Uniform not must, says PU dept website, contradicts Karnataka govt stand". The New Indian Express.*

(2) *"Girl submits complaint to DC on hijab row". The Times of India. 13 August 2011. ProQuest 883328954.*

(3) *"Hadiya Iqbal finally allowed to appear for PU examination". Coastal Digest. 15 March 2012.*

(4) *"Hijab ban: Karnataka high court upholds government order on headscarves". BBC News. 15 March 2022.*

(5) *Mogul, Rhea; Suri, Manveena; Gupta, Swati (10 February 2022). "Hijab protests spread as girls refuse to be told what not to wear". CNN.*

(6) *Rushda Fathima Khan (9 February 2022). "'Targeted harassment': Muslim girls in India denounce hijab ban". Al Jazeera.*

(7) *"College refutes charge by students". The Hindu. 1 January 2022. ProQuest 2615545813.*

(8) *"College in Udupi decides to continue with dress code". The Hindu. 2 January 2022.*

(9) *"Karnataka hijab row grows, High Court to hear pleas". The Times of India. 4 February 2022. ProQuest 2625026024.*

(10) *"Hijab row: If you don't stick to uniform, you cannot attend classes, says Karnataka Education Minister BC*

Nagesh". The Economic Times. 6 February 2022.

(11) "Hijab plea goes to three-judge bench including Karnataka Chief Justice". *The Indian Express*. 10 February 2022.

(12) *PTI* (9 February 2022). "Hijab row: Karnataka High Court refers matter to larger bench". *Business Standard India*.

(13) "MLAs no authority to prescribe uniforms: Petitioners' Counsel in Karnataka". *The Economic Times*. 16 February 2022.

(14) "Karnataka hijab row: High Court adjourns hearing for Thursday morning". *The Free Press Journal*. 23 February 2022.

(15) *Sharma, Nalini* (23 February 2022). "Karnataka hijab case: Ruckus started after CFI met students and authorities, college tells HC". *India Today*.

(16) "Hijab Ban- Karnataka High Court Full Bench Hearing (Day 9)- LIVE UPDATES". *Live Law*. 23 February 2022. (Chief Justice)

(17) High Court of Karnataka Live telecast of Court Proceedings of CH-1 on 23.02.2022 at 2.30 PM. High Court of Karnataka Official. 23 February 2022.

(18) *Aditya, A. K.* (15 March 2022), "Why the Karnataka High Court held that wearing hijab is not an essential religious practice of Islam", *Bar and Bench*.

(19) "Don't Sensationalise": Supreme Court Refuses Early Hearing On Hijab Ban". *NDTV.com*. Retrieved 24 March 2022.

(20) "Hijab ban: Supreme Court refuses urgent hearing on pleas against Karnataka court verdict". *The Economic Times*. Retrieved 24 March 2022.

(21) "Don't Sensationalise": Supreme Court Refuses Early Hearing On Hijab Ban". *NDTV.com*. Retrieved 24 March 2022.

(22) "Three arrested for Bajrang Dal activist Harsha's murder: K'taka home minister". *Hindustan Times*. 21 February 2022.

(23) "Prescribed school uniforms should be followed: Maharashtra minister Aaditya Thackeray on hijab row". *New Indian Express*. 9 February 2022.

(24) "Hijab row: Karnataka Congress leader arrested in Hyderabad". *The Siasat Daily*. 8 March 2022.

(25) "Hate speech: Karnataka Congress leader Mukarram Khan traced at Hyderabad hospital". *Times of India*. 8 May.

(26) "Amidst ongoing hijab row ,murder of Bajrang dal activist creates further tension in Karnataka". *The Print*. 21 February 2022.

(27) "Bahrain Parliament condemns hijab ban, calls for end to discrimination against Muslims in India". *Kashmir Media Service*. 17 February 2022.

(28) "Karnataka hijab row: Student moves HC, seeks interim relief to attend classes". *The News Minute*. 31 January 2022.