

Statement By Child Rights Activists, Educators, Education Institutions and Individuals On Targeting And Exclusion of Hijab Wearing Muslim Women Students

1. We note, with deep concern and anguish, the active prevention of Muslim women from attending government schools and colleges, on the grounds that they wear the Hijab, a headscarf. This move, with the tacit and explicit support of the education administration and the government, has been criticized on grounds of violation of fundamental rights of these women, including those of freedom (Article 19, 25) and equality (Article 14). While these criticisms are valid, in this statement we would like to call attention to the violation of their right to education.
2. The Right of Children to Free and Compulsory Education Act, 2009 (RTE) covers children between the ages of six and fourteen. The National Education Policy 2020 effectively extends the state responsibility to educate all children between the ages of three and eighteen. Every child has a fundamental right to attend school/college and denying a child education, for any reason, is a violation of the RTE. It is the responsibility of the government to protect this right, and the responsibility of the High Court, to punish any violation. It is imperative that both institutions fulfill their constitutional responsibilities towards children.
3. Some people have argued that ‘uniformity’ is required in institutions to preserve the learning environment. Diversity and exposure to cultures other than our own is essential for broadening our student’s thinking, for developing respect for others, and for building a harmonious society. Individuals, specially our youth, must be encouraged to express themselves in a variety of ways, including through their dress and clothing. Such exposure permits learning about and learning from the ‘other’, and can be developed into respect for one another. When many government educational institutions have overt displays of Hindu religious symbols and prayers, selectively banning the dress/clothing of one community, and enforcing a homogeneous, majoritarian culture is bigotry. By wearing a Hijab over their uniform, Muslim women are adhering to the dress code as much as those who wear turbans, bindis/kumkum/tilak and bangles along with the uniform.
4. A primary purpose of education is the building of learner agency - the ability to think for oneself and act according to one’s beliefs and conscience. Critical thinking and scientific temper are increasingly vital in our society characterized by ‘brainwashing’ through mass media and social media, these can be built in schools and colleges only by encouraging learners to express, debate, deliberate and even disagree; this is an essential part of building their own identity.
5. Another essential purpose of education is to develop individuals who care. This means school must provide young people a nurturing environment, for them to experience and value tolerance, empathy, care, and compassion. Calling out students, punishing, and humiliating them will cause trauma and long term damage. It will tell them that power can be used to impose injustice, and that compassion is weak and unnecessary. We can imagine what kind of society this will lead us to.
6. Today, education needs to help us move away from herd mentality and mob brutality. It needs to help make room for creativity, collaboration, and expression. Dissent is essential to democracy. Cruelties invariably arise from a system of obedience and regimentation, harming both individual development and social justice. Schools/colleges must support young women to make their own decisions regarding their dress and clothing. Paternalism is harmful and violative of fundamental rights of women.
7. The RTE requires that the School Management Committee (SMC) be given the authority and responsibility to be the agency for school development. The RTE is clear that the Chairperson of the SMC, can only be a parent whose child studies in the institution. In Karnataka, Courts have decided

that the local MLA cannot subvert this principle and take over the chair of the SMC. In the case of the Government College in Udupi, the local MLA is the Chairperson of the College Development Committee which imposed the ban, this is a violation of this principle. In any case, SMCs or colleges cannot be allowed to impose restrictions which violate fundamental rights of students or teachers, or are specifically against members of a community.

8. Education of girls and of minorities is an accepted national priority, as both have historically lagged behind in accessing education. Preventing girls of a minority community from attending college, doubly harms our nation.

9. This violation of the children's Right to Education, distressing by itself, comes just after schools and colleges have re-opened, after nearly 2 years of closure due to the pandemic. The loss to students due to school closure is an Education Emergency, unprecedented in the history of independent India. Malnutrition, child labor, early marriages, and domestic violence have increased sharply. Most children have suffered learning and socio-emotional deprivation. When the educational status of students is already under severe harm, aggravating this, by raising issues that prevent their attending school/college, is simply unacceptable.

10. We strongly urge the Government of Karnataka to:

1. Remove restrictions on clothing and dressing, which are the personal choices of students
2. Encourage students to attend schools and colleges - the education emergency is going to cause a huge dropout of students, which needs a people's movement to reverse
3. Focus energies on addressing the Education Emergency

- National Coalition on the Education Emergency (NCEE)

The NCEE is a group of individuals, organizations and networks across the country which have come together to 'resume and renew' school education. The NCEE working groups produce research studies, curricular resources, guidelines for school opening to support governments, teachers, parents and communities to address the Education Emergency.

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