



## AUSTRALIAN NATIONAL IMAMS COUNCIL



21 March 2022

### PUBLIC STATEMENT

#### ANIC Concerned About Indian High Court Upholding A Ban On Women Wearing Headscarfs And Veils In Government Colleges

The Australian National Imams Council (ANIC) expresses a strong concern about the recent decision of the Karnataka High Court in India and its implications for women in India, particularly Muslim women.

On 15 March 2022, the Karnataka High Court in India upheld a government college ban on the wearing of headscarfs and veils by women in colleges stating that “(W)e are of the considered opinion that the wearing of the hijab by Muslim women does not form part of the essential religious practice in Islamic faith”. In doing so, the court also read down a provision of the constitution which guaranteed a person the freedom of conscience and the right to freely profess, practice and propagate their religion. The college authorities, which were backed by the State government, namely the Hindu nationalist Bharatiya Janata Party, had also contended in court that the headscarf was not an essential practice of Islam.

The decision of the court highlights the vulnerable position of minority faith communities in India. The verdict of the court relating to a fundamental tenet of Islam is not only misconceived, it also places women in the invidious situation of having to choose between obtaining an education in government colleges in the State of Karnataka or practising their religious belief. They cannot do both. It removes the ability and right of women to make their own decisions about whether or not they wear the headscarf. It also seeks to inform and dictate to them what are the essential aspects of their faith. Such an outcome is both alarming and extraordinary in a multi-faith country such as India.

The government policy and court’s decision provide a dangerous precedent for similar prohibitions to be imposed on women in other States in India and belie the claims of India to promoting democratic values and institutions. There is also a heightened concern about the court’s decision because it is in a context where lynchings and hate speech targeting Muslims have regularly been reported since 2014, when Prime Minister Narendra Modi’s Bharatiya Janata Party came to power. The decision also coincides with the third anniversary of the Christchurch massacre, when 51 Muslim men, women and children were murdered because they attended a mosque to pray.

The regressive developments in India provide a salient lesson on the importance of protecting the rights and freedoms of all persons in a pluralistic society such as ours, and how readily these can be compromised in a manner which often has a detrimental impact on minority communities.

ANIC calls on the Australian government to express concern about the policy being pursued in India.

**You may contact ANIC’s Spokesperson, Bilal Rauf in relation to this statement on (02) 8377 4178 or [spokesperson@anic.org.au](mailto:spokesperson@anic.org.au).**