



ALL INDIA LAWYERS' ASSOCIATION FOR JUSTICE

#18, Bharat Bhavan, No. 35, Infantry Road, Bengaluru- 560001

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31st March 2022

To,

Shri B.C. Nagesh

Minister of Primary & Secondary Education

Government of Karnataka

Vidhana Soudha, Bengaluru, Karnataka – 560001.

[\[gok.educationminister@gmail.com\]](mailto:gok.educationminister@gmail.com)

Sir,

Sub: Notice seeking withdrawal of misleading statements reg. Order of Hon'ble High Court relating to permissibility of uniform

It has been reported in the media that you have stated "*Following the Karnataka High Court order, we have decided that students wearing hijab or any other religious attire will not be allowed inside the examination hall. They can come to campus wearing the hijab but they need to remove it before entering the hall,*"¹ It is further reported that you have stated "*Leave the ego and attend exams. Majority of students are following the High Court verdict and government notification,*"²

Your statements run contrary to Government Circular dated 25.03.2022, which states that the uniforms in schools fixed either by the government or by the private schools are to be worn by the students. Your statements also contradict the Judgment of the Hon'ble High Court dated 15.03.2022 in WP 2347/2022. The judgement did not

¹ <https://indianexpress.com/article/cities/bangalore/hijab-not-allowed-class-10-board-exams-karnataka-7839060/>

² <https://www.freepressjournal.in/india/hijab-row-shed-ego-attend-exams-karnataka-education-minister-bc-nagesh-to-students>



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impose a blanket ban on hijab. The judgement upheld the G.O. dated 05.02.2022, which specified that any uniform that had been fixed by the government or a private school in accordance with the law has to be adhered to.

Additionally, the judgment is restricted to the classroom, and the Hon'ble High Court has specifically clarified that "*It hardly needs to be stated that this does not rob off the autonomy of women or their right to education inasmuch as they can wear any apparel of their choice outside the classroom.*" [Para XVII(ii)]

As per your Constitutional oath, you have sworn to bear true faith and allegiance to the Constitution of India as by law established, and to faithfully and conscientiously discharge your duties as a Minister for the State of Karnataka, and to do right by your people in accordance with the Constitution and the law without fear or favour, affection or ill-will. Your statements are in violation of your constitutional oath and promote communal disharmony. As an elected representative, you have a responsibility towards all members of the State, and not just the majority. In fact, there is a constitutional responsibility upon you to promote the welfare of marginalised members of society.

Your irresponsible and misleading statements have resulted in massive and unwarranted repercussions. It has been reported that in Gadag, seven teachers were suspended on 29.03.2022 for allowing students wearing the hijab to attend their SSLC exams. In fact, the deputy director of public instruction is reported as having stated that "*These teachers had allowed girl students to wear the hijab while writing exams on Monday. As it was a violation of the high court order, we have suspended*



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*them,*³This is a misinterpretation of the G.O as well as the Order of the Hon'ble High Court, which has caused great prejudice to the minor Muslim girls seeking to pursue their fundamental right to education. Your statements go beyond the scope of the orders in question and have resulted in a violation of rights of Muslim girl children.

Hence, we call upon you to immediately withdraw your statements, for they fall foul of the Judgment of the Hon'ble High Court of Karnataka as well as the relevant government orders. We also urge you to issue a clarification, failing which we will be constrained to take necessary action.

We hope, given the urgency of the situation that immediate action will be taken.

Regards,

Maitreyi Krishnan
Co-Convenor, AILAJ

³<https://timesofindia.indiatimes.com/city/hubbali/hijab-in-sslc-exam-7-teachers-suspended/articleshow/90528730.cms>