

SC's split verdict on Karnataka's Hijab Ban



The Supreme Court delivered a split verdict on pleas contesting the Karnataka High Court's refusal to lift hijab ban in educational institutions in Karnataka.

Key facts

- The Karnataka HC held that wearing hijab is not part of the essential religious practice in Islamic faith.
- The SC bench consisting of Justice Hemant Gupta and Justice Sudhanshu Dhulia heard pleas challenging this verdict.
- While Justice Hemant Gupta dismissed appeals challenging the HC judgement, Justice Sudhanshu Dhulia held that there shall be no restrictions on wearing hijab anywhere in schools or colleges in Karnataka.
- Justice Hemant Gupta held that wearing hijab is not an essential religious practice, unlike the Kirpan worn by the Sikhs. He also held that the Karnataka government's hijab ban promotes environment favouring equality. He adjudged that permitting girls to wear hijab is an antithesis to secularism.
- Justice Dhulia countered the rulings of the Karnataka High Court by stating that hijab ban is an invasion of privacy and dignity and that it goes against rights guaranteed under Article 19(1)(a) – right to freedom of speech and expression – and Article 21 – right to protection of life and personal liberty.
- He held that, while wearing hijab may not be an essential religious practice, it is still a matter of choice, conscious, belief and expression.
- He also held that the hijab ban could result in girls from conservative Muslim families being denied of education.
- Justice Dhulia questioned how wearing hijab in a classroom goes against public order, morality or health or against the fundamental rights of the Constitution.

What is split verdict?

A split verdict occurs when a bench is unable to give a conclusive judgement either through unanimous decision or by majority verdict. It happens only when there is an even number judges like Division Benches (two-judge benches). If a split verdict occurs, the case will be heard again by a larger bench.