

Press Release

The India Hijab Issue from an Islamic Perspective

On 15 March 2022, the Federal High Court of the Indian state of Karnataka ruled, that prescription of school uniform by college authorities (that did not allow adherence to Hijab/Khimar), did not violate personal freedom or religion, rejecting all the petitions filed by the 9 Muslim girl students studying in the Government Pre-University colleges to wear the Hijab and Khimar. The 3-member jury bench further cited that the Hijab cannot be considered as an essential part of Islam, and even quoted passages from the Quran to project the court's verdict. The nine petitioners have decided to take their case to the nation's Supreme Court.

The High Court verdict running to 129 pages has gained notoriety for various reasons. The verdict showcased the BJP state-ruled Karnataka High Court's attempt to define the limits of religion to its adherents. It is seen as misapplication of the essentiality-test defined by the country's supreme court, where it first used in 1954 to define where the state law will over-ride a religious stance. It was in total contrast to another Federal High Court ruling in the neighboring state of Kerala (with non BJP state-rule), where it ruled in 2016 on a different case that Hijab is an essential part of Islam. It is seen as yet another majoritarian move by the ruling BJP to appease the Hindu hardliners and most likely to be peddled in other institutions and states of India in the future. It saw nationwide celebration by Hindu extremists, including BJP leaders, whose stance was plain hatred for Hijab in Islam much to the dismay of Muslims in India and the world, who seek the observance of Hijab in Islam as an obligation.

But this verdict should not come as a surprise to the Muslims in India and the world. It is one of the cycles of the global conflict between Islam and Kufr. The manifestation of this conflict is not just in nations that 'showcase' different variants of Democracies, but also in the Muslim world that has its own variants of democracies, if not dictatorship. We will look at few perspectives on this matter that is of great concern to every Muslim.

1. The *Hijab* and *Khimar* are *Fardh* (obligation) for the believing women (after puberty), established in the Quran and Sunnah, hence failure to adhere to it is a disobedience to the command of Allah Almighty. It must be defended as a command of Allah (swt) for the women, and indeed it is the right defense. The inclination to defend it as an 'expression of freedom' is wrong and must be avoided, despite the intentions and intended outcomes. Muslims should note that the observation of this obligation is not affected by any court ruling for indeed it has no credibility in the eyes of Allah (swt); rather, Muslims must strictly adhere to this obligation.

2. Muslims should realize the false claims of Democracies of the world. Democracy by virtue of 'Secularism' claims to protect religion. However, the supposed values of secularism violently clash when the demand to implement the Shariah of Allah (swt) on public life such as prohibiting alcohol, gambling, Zina, Riba and the like – even if the demand is in Muslim lands. Democracy demands that the prescription and proscription of laws for people, be decided in the elected legislative body with no regards to the command of Allah (swt). People of Non-Muslim lands continuously lose confidence in Democracy for the rampant abuse and corruption they witness and erosion of their rights and livelihood.

Muslims should realize that the implementation of the Shariah of Allah (swt) coupled with a high sense of accountability and sincerity will deliver peace and prosperity for the world.

3. Muslims should realize that Democracies, Republics, Dictators, Monarchs deduce laws that are arbitrary in nature, that change with time, that appeases a vote bank majority as a reward for being elected, that rewards the lobbyists that funded their elected power, that appeases their own desires. Further, the supposed independent judiciary can arbitrarily and selectively provide different verdicts for the same circumstances. For example, clauses within the Indian Constitution Article 370 related to the special privileges of Kashmir was used by the judiciary to uphold them during the Congress party era, but suspend them during the BJP party era. Not to mention the abuse and corruption arising from the indifference to accountability on the Day of Judgment by Allah, Most High, where the ruler of the people have the highest accountability. Whereas in Islam the Shariah of Allah (swt) provided by the detailed evidences in Quran and Sunnah forms the basis of the law, has principles of *fiqh* (jurisprudence) to derive the application specifics of those laws is valid for every time and place, viewed as an immense trust over people and cautioned by a high degree of accountability on the Day of Judgment to abstain from abuse and corruption.

4. Muslims should realize that many laws and court rulings taking place in different parts of the world, such as India, Palestine, Tunisia, Jordan, UK, France, America (and more) is in line with UN's CEDAW directives that looks with disdain at the application of the Shariah of Allah (swt) for humankind, whilst at the same time encouraging rules that are prohibited by Allah (swt). Such is the situation with regards to inheritance, marriage, divorce, hijab and more. The adverse stance demonstrated by governments throughout the world is a plain representation of the Western (or Capitalist) domination of the world that places 'liberalism' (of all forms) above the Shariah of Allah (swt) in the disguise of 'Secularism'. Not only affecting Islam and its practice but is a threat to all religions, worth its essence.

5. Muslims should realize that since the destruction of the Khilafah (Caliphate), on 28 Rajab 1342 AH (101 Hijri years ago), the world lost the ruling (hukm) of Allah (swt) on earth, the Muslim Ummah lost its shield. Further, the Khilafah ruling system guarantees the observation of religious beliefs by the *Dhimmi* (non-Muslims in the Khilafah state) as a matter stipulated within the Shariah. And should the Shariah of Allah (swt) be threatened by the fools among humankind, the Khilafah State is expected to spare no expenses, armies and weapons to eliminate those threats.

Hizb ut Tahrir advises and cautions the rulers of India and the world. Be prudent in your actions concerning the affairs of the Muslims. The return of the Khilafah ruling system is imminent as confirmed by the hadith of the Prophet (saw). We confirm our commitment to account every violation of the Shariah of Allah (swt). As for accountability on the Day of Judgment by Allah (swt), it is a matter of firm conviction as clear as the daylight sun.

﴿وَسَيَعْلَمُ الَّذِينَ ظَلَمُوا أَيَّ مُنْقَلَبٍ يَنْقَلِبُونَ﴾

“And those who have wronged are going to know to what [kind of] return they will be returned” [Al-Shura: 226]

**The Central Media Office
of Hizb ut Tahrir**

