
YOUNG ADULTS AND HUMAN RIGHTS: A CONTEXTUAL STUDY OF HUMAN RIGHTS ON COLLEGE CAMPUSES

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Introduction:

when we talk about human rights, it usually conjures images of refugees who have been hounded out of their homelands, or women who have been battered in their own homes, or prisoners of war who have been treated unimaginably inhumanly, or legal detainees who have been subjected to illegal means of interrogation. However, the reach of human rights is far beyond the obvious, encompassing every unit of every society all over the world. As a college teacher, the present writer is concerned with human rights of students of the college going age group. They form a considerable section of society and are its future pillars. It is imperative that their rights are safeguarded. This paper proposes what should fall within the ambit of students' human rights, and how these rights can be upheld.

Prasouk jain and apurv chandola of lpj & partners assert that the word student has not yet been statutorily defined in the indian constitution. Coupled with a lack of a codified law for students' rights in india, the challenges of exerting their rights in a systemic and result-oriented manner leading to positive change are fairly daunting for students. However, though students' rights are not mentioned specifically either by our constitution or even by the universal declaration of human rights, they can be brought within the purview of a few preexisting rights. Some of these are mentioned here.

- **Right to equality (article 14):** our constitution guarantees equal treatment and equal opportunity for all regardless of caste, creed, gender, colour or race. Applying this right to students, it can be interpreted to say that applicants, regardless of their difference in background, are entitled to an education of their choice so long as they qualify. Applicants attempting any entrance examination deserve equal opportunity in the admission process. In case of aberrations, the supreme court has laid down that a violation of this right would invite exceptional relief to the candidate.
- **Right to information (article 19 (1)):** a relatively recent act, this right pertains to students in a very significant and direct manner. Not only does this guarantee the delivery of a corpus of information to students within their educational context, but it also allows them to look into the admission process, seeking answers to whether it was fair to all concerned. On a lesser but equally important note, it also guarantees the challenge of valuation in case a student finds his/her own answer sheet inadequately marked. The earlier system of keeping answer papers secret was invalidated and students now have access to their marked papers, giving them the opportunity to seek redressal.



- **Right to freedom of speech and expression (article 19 (2)):** right to freedom of speech and expression guarantees a freedom from fear while exercising it. Applied to students, it means they can fearlessly express dissent and seek redressal. Whether it is a specific teacher's method of teaching they have a problem with or with the amenities or lack thereof, or the university exam schedules - in fact, anything that impacts their learning experience and the atmosphere in which they learn - students have the right to speak out. The one rider, as in all spheres, is that misuse of this freedom is not allowed. Malicious intent is not covered by the right to freedom of speech and expression.
- **Right to life and personal liberty (article 21):** interpreted in the specific sense of student life, this right is taken to mean that students intrinsically possess the right to life and personal liberty, and that should not be interfered with. More specifically, the right to live with full dignity comes under its purview, thus strictly banning corporal punishments and personal insults, and promoting an atmosphere where fear is not the driving force behind discipline. Even when the student partakes in violent behaviour, the punishment cannot be severe, and no physical punishment can be meted out to students below the age of 14. Corporal punishment is not to cause physical injury, and neither should expulsion from one institute automatically close doors in other institutions.

This makes it evident that although the legal standing of students as a homogenous group is shaky, there are laws in place that can help them exercise their rights and enjoy their educational journey to the fullest while equipping themselves with the knowledge and skills they will need to navigate the world. They, however, need to be aware of the fact that education is their right and they also have the right to question any discrimination, unfair practice, or misinformation while pursuing it. To that end, students also need to know what issues come under the ambit of their rights. These are a few pointers:

- There are norms to student-teacher ratios, buildings and infrastructure, working days of institute, working hours of teaching and non teaching staff. These are declared on the website and in the admission brochure of the institute, and as such, are binding for the institute making the declaration.
- there are also norms for the quality of teachers at any institute. Qualification, experience, research, their own participation in co and extra curricular activities, all have an impact on the quality of teaching an instructor brings to the table. It is the responsibility of the institute to take on good staff so as to attain the objectives of any program.
- In running an institution with thousands of students, there are bound to be some problems for students even with the best of intentions on the part of the administration. It is the responsibility of the institution to put in mechanisms for grievance redressal. A robust and fully functional anti-ragging cell, a students' grievance cell, and a women's grievance cell are the bare minimum that is expected from any institution.



- Above all, students' representation in bodies with governing powers is a must. Students must be given the right to represent themselves where policy matters are being deliberated upon and a course of action is decided. Student representatives on their part must never desist from participating and voicing their opinions. After all, students who are involved in the daily life on campus know the small and large issues they have to face.

Here is a three step approach to how students can be aware and take action:

- **Get informed:** as it is said, knowledge is power. Knowing your rights and knowing how to go about ensuring you enjoy them is half the battle. Students should make an active effort in garnering information about their rights so they know if they are being robbed of them. This can be done by reading up on the university website and their college website. In most cases, the code of conduct for students is listed on the website. This code is a very good way of decoding how the said institution looks at its students and whether the institution's own conduct towards its students is consonant with student rights, and, by extension, human rights. Secondly, it is also important to scour through the website and the admission brochure to study the claims of the institute about facilities extended. If these are not found on the ground - i.e., if the institute claims it has a ramp for specially abled students, a vending machine for sanitary napkins, a sick room, a qualified visiting counsellor for struggling students, etc, and doesn't offer one or any of these in reality - it is fully within the rights of the students to raise their voice against this misinformation. However, it is imperative to be informed in order to know what misinformation is. The onus of being informed falls upon the student.
- **Get involved:** the next step after getting informed is to get involved. It is quite obvious that mere information does not lead to solutions automatically. The information needs to be internalised, processed, and then acted upon. There are many forms action can take; however, it must be conducted peacefully and must be within the framework of the law. Rioting and arson may be popular methods of protest among young students, but they can (and often will) be penalised for it, thus jeopardising their educational pursuits. Such extreme action will also build resentment in the authorities and it may take longer to fulfil even the most basic demands. Instead, the focus should be on dialogue. This can be done in any or all of the following ways:
- **Dialogue on a personal level:** before escalating, it is always a good idea to have a one on one talk. The chances of redressal are not negligible. In fact, if the grievance is serious enough, there is a good chance that the administration see the merit of the case and jump right in, or, in the worst case, may want to quickly rectify things in the interests of keeping up their good reputation.
- **Petitioning:** if dialogue does not work, petitioning is the next step. The student may list his or her grievances and submit a petition for perusal by authorities. While



submitting a petition, it is important to go through the proper channel and retain an acknowledgment of receipt.

- **Seeking support:** it is quite possible that the grievance of one student is not that of one student alone. In such a case, it will be very fruitful to garner support of the entire affected group and arrive upon a consensus on what the best course of action might be. This is where the right to freedom of assembly can be invoked. So long as the group is peaceful, there is nothing that can be done to disrupt its unity.
- **Activism:** a group homogenous in thought is a powerful weapon. It brings a variety of creative ideas, it brings efficiency since work can be divided, and it brings force with it since it is not easy to ignore a disgruntled group. Young adults are by nature very creative and it is not unusual for them to come up with novel but peaceful ways of getting noticed. Some of the most impactful peaceful protests have been grounding of aircraft by cyclists in amsterdam for cutting down on fossil fuel, spilling milk in edinburgh by common people for advocating a plant based diet, and switching off wasteful street lights by parkour athletes in paris. Actor rainn wilson even changed his name to rainnfall heat wave extreme winter wilson to draw attention to climate change. All these protests got the attention of not just authorities, but also the entire world. Penalties for such activism are minimal because hardly any law is broken, and the added attention improves chances of being heard.
- **Get help:** when all the above measures do not help bring matters to acceptable fruition, there is one last recourse left. Students may seek outside help. This can come in two forms, and both are possible simultaneously. Students may seek the help of the law and engage lawyers to approach the courts with their grievances. At the same time, they may also drum support for their cause by involving various channels of broadcast. Newspapers, radio, social media, can all give a larger audience to aggrieved students and help the cause by gaining sympathy of the people.

Conclusion:

students have always been a strong force that upholds democracy, and by extension, human rights and academic rights when they are threatened. Whether it was protesting the apartheid in south africa, or opposing the constant meddling in wars around the world by the us, or raising environmental issues that will impact them more than the current power-wielding generation, or triggering a movement that came to be known as the arab spring, or raising their voices against the growing economic, social and educational inequalities following the covid-19 pandemic, students have been instrumental in demanding and bringing about change.

Age is on the side of college going students. At their age, they are risk takers and very vocal in their demands. Because of this, they are often misunderstood at best and prosecuted viciously at worst. There is evidence of this persecution around the world. Students played a major role in the democratic movement in belarus collecting and releasing evidence of activists



being unlawfully detained or expelled. This resulted in students being targeted actively by the regime. Turkey similarly penalised students who were supportive of the lgbtq movement. Esteban mosquera, a student activist and journalist studying in the university of cauca is also a case in point. He was mercilessly gunned down for exposing income inequality, the cost of education and the persecution of student protestors. Egyptian patrick zaki and ahmed samir only fared slightly better with the former facing a five year sentence and the latter being sentenced to four years of detention for engaging in pro-democracy and pro-student activities. India, sadly, fares no better with students being prosecuted under the extremely stringent anti-terrorism laws for something as innocuous as expressing their critical opinion of the present prime minister and his administration. All through the world, student unions find themselves banned, and student leaders and activists have met with violent consequences for demanding rights that should have been theirs without asking. It appears almost as if students would get a raw deal if they do not specifically demand their human rights. For this reason, it is all the more necessary for students to be vigilant of their rights, unite, and keep the torch of democracy shining bright. For, it is only in a vigorous and thriving democracy that human rights can be enjoyed without hindrance.

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