

Human Rights Education in Indian Universities and Colleges

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The human rights movement represents a historical journey that began with the institutionalization of political and social orders. Few phenomena have had such a profound impact on history, and few movements have such a universal presence and powerful potential. The concept of human rights is dynamic, changing as society evolves. The “first generation” rights call on governments not to interfere with the exercise of civil and political rights and individual liberties. “Second generation” rights place a duty on governments to guarantee economic, social, and cultural rights. “Third generation” rights include the right to self-determination of peoples rather than individuals, to sovereignty over their country’s natural wealth, and to development and special protection of disadvantaged groups.

Until recently only international lawyers, diplomats, and statesmen were concerned with the study of human rights. Increasingly, however, they are becoming subjects of concern for national lawyers, activists, reformers, policymakers, and other citizens due to the following:

- Governments, activists, the elite, opinion builders, and constitutionalists now realize that most countries’ constitutions incorporate provisions of various international covenants on human rights. For example, the Founding Fathers in India incorporated in the Constitution most of the rights enumerated in the Universal Declaration of Human Rights.
- A large number of national and international nongovernmental organizations (NGOs) realize that the concept of human rights can support them in their struggle against injustice and inequality.
- The end of the cold war shifted the attention of human rights activists from serving an ideological cause to fighting for social and distributive justice and checking the ever-increasing power of the state.

- New and powerful movements have emerged for feminism, environmental protection and sustainable development, protection of minorities and indigenous people and their culture, and abolition of child labor.

Education is a powerful means of influencing people and changing their attitudes. Unfortunately, the Indian education system has only recently begun to promote human rights.

At the undergraduate level, human rights education is generally conducted as international law and Indian constitutional law (fundamental rights). Only the National Law School of India University in Bangalore, offers a full course on human rights for the Bachelor of Laws (LL.B.) In political science departments, human rights education is still a limited part of the course on the constitutional and political development of India (fundamental rights) and international politics (United Nations). In some universities, human rights education is part of sociology, economics, and modern Indian history.

Human rights constitute only a subtopic of the foundation course, which is compulsory for the restructured three-year bachelor of arts.

At the master's level specialized human rights education is given in some departments of law as an optional course. No university offers a master of laws (LL.M.) degree exclusively in human rights law. In departments of political science, human rights are taught as part of one or two courses only. Recently, Central University, Hyderabad, and the National Law School of India University (Bangalore) introduced a master's course on human rights using distance education. A few universities are also introducing a one-year postgraduate diploma course in human rights.

Few doctoral dissertations have been written on human rights. More advanced-degree theses have been written on constitutionally guaranteed fundamental rights, their judicial interpretation and enforcement, and have been, by and large, exegetical.

There is no full course on human rights education devoted exclusively to human rights studies, except at the nascent Centre for Promotion of Human Rights Education and Research, Jawaharlal Nehru University.

The focus on human rights education in India thus far has been limited, social relevance is not projected, and the humanistic roots of human rights are not emphasized. The reason is that the teaching and learning of human rights in India in the 1960s and early 1970s were linked to the international ethos. Teachers were trained in US and other Western law schools.

Human rights studies in India became more important as increasing violations of human rights, cases of custodial violence, mass detentions without trial, bonded and child labor, and environmental degradation and the like were brought to the public's attention by NGOs, the media, and public interest litigators. The work of the National Human Rights Commission (NHRC) became more high-profile, contributing to this new ethos.

Human rights educators believe that a grassroots and indigenous orientation and a focus on local human rights problems are more important than projecting international human rights conventions and norms.

Perspective for Human rights Education

Democracy, development, cultural pluralism, and preservation of human rights are interdependent. Democracy is not a mere form of government: it is a set of values and a way of life that ensures respect for everyone's identity, choices, capacities, and abilities. Development is not merely development of material resources but also the betterment of everyone's quality of life. Development and democracy are also linked to the establishment of a new international economic order and the right of countries to develop their own natural resources and of all states and peoples to self-determination.

One of the greatest threats to human rights, democracy, and the rule of law in pluralistic societies such as India is conflict over caste, religion, region, and language. Human rights education should promote tolerance and respect for difference and diversity. Another threat to human rights is the unlawful use of force by the state, resulting in rising numbers of custodial deaths, killings in "encounters," and reports of innocent people killed by paramilitary forces. Bonded labor, untouchability, and *sati* (widow burning) also violate human rights.

Discrimination against and exploitation of women and the prevalence of child labor in hazardous industries speaks volumes about the system's insensitivity and lack of commitment to human rights. Human rights education should not only expose these practices but also re-examine laws that permit indirect violence.

Objectives and Strategies

Human rights education does not merely impart knowledge in the classroom but also sen-

sitizes students, awakens their conscience, and encourages them to respect human rights.

Building strong linkages and networking between colleges and universities and various NGOs and other groups working in the field and community will give human rights education a grass-roots orientation.

Human rights education must have a strong research component and provide training and public information. Audiovisual aids and distance education should be used, among other tools. Extension work has long been recognized by the University Grants Commission (UGC) as important as teaching and research. The National Service Scheme, women's studies research centers, adult education, and population education programs, and continuing education are area-specific and, along with field action, should be used to bring human rights programs to the grass-roots. Legal aid programs in colleges should be more vigorously used by law schools to help the poor.

NHRC has the responsibility "to spread human rights literacy and promote awareness of safeguards." NHRC and universities and colleges should cooperate to promote extension programs.

Human rights education can be pursued by simultaneously

- introducing separate courses on human rights,
- incorporating human rights issues into courses, and
- reorienting all courses so that the human rights component is not just an adjunct to the syllabus.

Such a strategy is highly flexible and can accommodate each institution's needs, pace of growth, and extent of commitment to human rights education.

If human rights education is to become more popular among university and college students, they should be able to expect decent employment after graduation, but there are few human rights-related jobs in schools, research

institutions, and the media. The setting up of proposed human rights courts all over the country could employ substantial numbers of students. Inclusion of human rights as a subject in the national competitive examinations also deserves consideration.

Public service providers such as the railways, the post office, telecommunications and electricity agencies, as well as all courts, prisons, and law enforcement agencies, should appoint human rights experts as advisers and trainers.

Scope of Human Rights Courses

Human rights education should be interdisciplinary and incorporate the following:

- philosophical and cultural bases and historical perspectives, theories, and movements (national as well as international);
- interdependence of and linkages between human rights and democracy, pluralism, development, ecological balance, peace, and harmony at the national and international level;
- a national perspective—the historical context; colonialism and postcolonialism; post-independence national development; protection for the weak and marginalized groups, including minorities, women, and children; the violation of rights by the state and its agencies (the police and criminal justice system); laws, by-laws, and rules inconsistent with human rights; violation of rights by armed political groups and terrorists; violation of the rights of the poor and weak by dominant groups; gender inequality, exploitation, and injustice; the role of the judiciary, NHRC, and the statutory commissions on women, minorities, scheduled castes and scheduled tribes, and linguistic minorities; the role of NGOs and the media in protecting and promoting human rights;
- regional perspectives—pluralism, poverty, the colonial past, rigid social structures, mass illiteracy, constant political instability,

- growing consumerism, and recent economic and structural readjustment reforms;
- emergence of the South Asia Association for Regional Cooperation (SAARC) and the debate over the need for a South Asia charter of human rights, and other regional developments such as the emergence of the European Charter on Human Rights, European Court on Human Rights, European Parliament, and South-South dialogue;
 - international perspectives—the study of texts, treaties, arrangements, and structures innovated by the international community after World War II to protect human rights; effect of the cold war on institutions to promote and protect human rights; the end of the cold war and its influence on human rights; the role of developed societies in promoting human rights; the role of institutions such as the United Nations, United Nations High Commission for Refugees, United Nations Educational, Scientific, and Cultural Organization (UNESCO), World Health Organization, and International Labour Organization in promoting human rights; and how these institutions succeeded or failed in promoting human rights.

Some modules for graduate, postgraduate, and diploma courses were suggested in the report of the UGC workshop on human rights education in 1994. Similar modules need to be suggested for short (3–6-month) certificate courses for teachers, law enforcement personnel, and NGO workers. The chair of UGC has recently set up a committee to draw up an undergraduate course on human rights for all universities.

Curriculum Development

Curriculum development should also take into account the changing global, national, and regional socioeconomic and cultural contexts. Textbooks need to be integrated with other materials that refer to local experiences.

Preparing, revising, and updating teaching materials is slow, time-consuming, imaginative, and arduous, and entails long-term collaboration among experienced human rights teachers and activists. Above all, the thrust of human rights education is sensitizing the community, changing attitudes, and creating a human rights culture.

Appropriate teaching methods are required for teachers, students, NGOs, other activists, field workers, government personnel (police, army, and other law enforcement agencies), and institutions. The objective could be to disseminate awareness of rights and obligations, or enforce a particular right of a specific group or class, or train law enforcement personnel to respect human rights.

Teaching methodology remains neglected in several disciplines. Periodic workshops with interdisciplinary participation, including that of NGOs, could be rewarding. Holding periodic workshops of those engaged in human rights education in universities, and at the regional and national level could go a long way in building capacities and expertise.

Experiences can be exchanged through a newsletter for all human rights education institutions. Keeping in touch with international developments in human rights education is important. Attending human rights education courses abroad and participating in international conferences and workshops should be encouraged.

Research

Research improves the insight and vision of scholars, which will enrich classroom teaching. The focus of human rights research should shift to local, regional, and national problems of specific disadvantaged and marginalized groups. Involving NGOs in such research could be enriching.

Small projects and case studies should form part of postgraduate course work. NHRC has offered to facilitate, on request, research on

jails, custody, records, etc., where official agencies are involved.

Field Action and Outreach

Human rights educators should gain field experience to test their methodologies and see for themselves how structures oppress and exploit prisoners, those under trial, children in protective homes, and unorganized and bonded labor. Organizing and mobilizing women against pollution or displacement, or preparing a public interest petition requires innovating strategies and techniques and creating new knowledge. Field experience needs strong linkages between colleges and universities and NGOs and other groups working for justice and human rights.

Training of Teachers

Teachers not only require training in pedagogy, preparation of teaching materials, development of curriculum, identification of projects for study and research, research methodology, formulation and direction of students' activities, and interaction with various agencies, but also in effective communication.

Training of teachers should be done through regular workshops conducted with the help of resource persons from various fields, and through application exercises. Help from staff colleges would be useful as would international exchanges and university experience.

Departments of social work should identify resource persons from all over the country. NGO and other social activists also require training, perhaps by universities. NGOs should thus be identified, and their profiles prepared and classified.

Coordination with National and State Human Rights Commissions

The establishment of NHRC and human rights commissions in some states has greatly pro-

moted human rights. Through these commissions' efforts a significant national initiative has been institutionalized. Liaison and coordination are also envisaged among the commissions for women, religious minorities, linguistic minorities, scheduled castes, and scheduled tribes.

Coordination of universities with NHRC is minimal but their recent interaction with the UGC has sparked some interest among universities and colleges in promoting human rights education.

NHRC has certain statutory obligations under Section 12 of the Human Rights Protection Act (1993), which could be better carried out in collaboration with universities. NHRC could entrust universities and teachers with investigation, collection of data, compilation of study reports, and visits on behalf of the commission. Areas and modalities of coordination between NHRC and the universities should be spelled out.

Human Rights Education Centers and Cells

National coordination and management of human rights education activities is indispensable for the program's success. A human rights center or cell should be set up in the UGC to create a reference database on human rights education, disseminate information, oversee execution of programs and projects, and organize workshops and other meetings.

The center should work under a director, whom the UGC may choose from teachers of repute and with standing in the field of human rights. A small committee of people of proven competence and commitment to human rights education should guide the center or cell. The center or cell should be provided supporting staff and equipment by the UGC. In the long run a full-fledged documentation center is needed, and seeking help from global financing agencies to set it up may be viable.

Financial Support

One important reason for the poor promotion of human rights education has been lack of funds. Recently the following amounts per annum have been made available for human rights education by the UGC:

Introduction of course	US\$ 7,500,000
Seminars and workshops in universities	6,000,000
Seminars and workshops in colleges	1,500,000
Total	US\$15,000,000

This funding can support the introduction of a master's degree course in 10 universities,

a diploma course in 2–5, and a certificate course in 5.

These amounts are inadequate for country-wide human rights education initiatives, especially with the revision of salary scales in universities and colleges. Funding needs to be augmented substantially as human rights education programs and activities cannot generate revenues. Substantial funding might be available within the country through the Planning Commission, and outside the country from the World Bank, UNESCO, and private foundations.

ANNEX A

Teaching Fundamental Duties

The Ministry of Human Resource Development of India created on 21 July 1998 a committee to suggest ways to teach fundamental duties.

The 10 fundamental duties referred to are found in Article 51-A in Chapter IV-A of India's Constitution, namely:

- a. to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
- b. to cherish and follow the noble ideals which inspired our national struggle for freedom;
- c. to uphold and protect the sovereignty, unity and integrity of India;
- d. to defend the country and render national service when called upon to do so;
- e. to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
- f. to value and preserve the rich heritage of our composite culture;
- g. to protect and improve the natural environment including forests, lakes, rivers, wild life, and to have compassion for living creatures;
- h. to develop the scientific temper, humanism and the spirit of inquiry and reform;
- i. to safeguard public property and to abjure violence;
- j. to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.

The committee, headed by the Honorable Justice J. S. Verma, submitted on 30 January 1999 its interim report. The report emphasizes raising awareness of citizens' fundamental duties to evolve a culture supportive of human dignity and human rights. Using holistic perspective in teaching fundamental duties, it recommended the following:

1. The fundamental duties should be taught in schools and teacher education institutions as a combination of rights and duties.
2. Judicial decisions on environmental protection and improvement should be strictly enforced.
3. Conscious efforts should be made to not only help non-governmental organizations (NGOs) promote national integration and communal harmony, culture and values, and protect the environment, but also continuously monitor

them. The committee also recommends a definitive evaluation of NGOs' work to optimize its benefits.

4. Advocacy and sensitization programs should raise awareness of the fundamental duties. The Preamble to the Constitution and the fundamental duties should be printed in all government publications, diaries, and calendars, and displayed in public places in all Indian languages.
5. The preamble and fundamental duties should be printed in all school textbooks, supplementary materials, and general publications brought out by the National Council for Educational Research and Training (NCERT). (NCERT has already issued instructions to this effect.) State governments will be asked to do the same for state-published school textbooks.
6. The intent of each clause of Article 51-A should be taken up briefly during all school morning assemblies, and by the head or a senior staff member of teacher education institutions throughout the academic session.
7. Seminars, debates, and competitions on different aspects of Article 51-A should be part of co-curricular programs of schools, colleges, and universities.
8. A sensitization module based on the fundamental duties should be made an integral part of all in-service teacher education programs organized by national, state, and district institutions. The fundamental duties should be included in the foundation course of the teacher education curriculum.
9. Radio and video spots highlighting clauses of Article 51-A should be produced in all regional languages by All India Radio, Doordashan, and other Doordashan channels with the help of innovative media people.
10. 3 January (when Article 51-A came into force) should be observed as Fundamental Duties Day.

The University Grant Commission (UGC) considers some of the committee report's recommendations and suggestions to be so significant that it started executing some of them.

UGC's Human Rights Education Initiative is widely thought to provide a most suitable forum to incorporate some of the committee's recommendations. To decide what steps and strategies UGC should evolve, the academic community was asked its views. Representatives from many universities from all over the country and many members of UGC's Standing Committee on Human Rights Education joined a brainstorming session. Justice

V.S. Malimath, former member of the National Human Rights Commission, shared his rich experience. UGC has already taken the following steps:

1. The Human Rights Education Initiative will be referred to as the Human Rights and Duties Education Initiative.
2. UGC will insist that funding proposals from universities and colleges under the Human Rights and Duties Education Initiative include raising awareness of the fundamental duties. UGC's proposal evaluation committee followed this guideline in evaluating funding proposals at its meeting of July 1999.
3. Universities already receiving grants and support from UGC have been asked to focus on raising consciousness of the fundamental duties.
4. A workshop to draw up curriculums, evolve teaching methodologies, and orient faculty to focus on raising awareness of the fundamental duties is being considered.

NCERT believes that the committee report's suggestions and recommendations will help greatly to promote a human rights culture. NCERT already includes the fundamental duties in all its textbooks.