

Human Rights of Students with a Special Emphasis on Efficiency of University and Its Effect on Student Development & Their Career Prospects

Amar Maruti Patil

School of Law

University of Mumbai Thane Sub-campus, Thane, India

Abstract: Human rights are not just values deserving to be taught, but also principles that should be put into practice. In the context of the school, human rights can take the form of student rights.¹ Human rights of students is the uncharted territory when it comes to the study of human rights and its violations. As obedience, discipline and sincerity is sought from students from their very childhood and they are made obsequious many of their human rights are infringed upon. Rights of students are not an isolated silo when it comes to the study of human rights but is a penumbral human right. Many of the human rights of students are enshrined in the Constitution of India in the form of fundamental rights like Right To Education, Right to Freedom of Speech & Expression, Right To Form Associations and Educational & Cultural Rights.

The efficiency of Indian universities especially public universities being questioned due to various grievances from students, fall in international university rankings and increasing unemployment among university graduates there is a need to revisit education among students with a greater emphasis on secondary and higher education and to analyze whether various educational institutions in India are fulfilling the mandate of human rights.

As many of the central universities are becoming sites of resistance, struggle, conflict and national politics this paper will try to analyze whether student politics is essential part of university education and is it genuine which tries to address the problems of students or it just acts as a recruitment ground for political parties.

The paper tries to analyze the various human rights that are available to students and their prospective violation. With university education largely affecting the employment rate in India the efficiency of university education should be critically analyzed and its effects on career prospects of students should be revisited.

Keywords: efficiency, employment, fundamental rights, higher education, human rights, students rights

I. INTRODUCTION & GENESIS OF MODERN EDUCATION:

“Education is the manifestation of perfection present already in man.”² Education is one of the most cherished and quintessential human rights. Right to Education is not just a right of a citizen in India but it is also a duty cast upon the parents, wards, or guardians of children to educate their children and a directive principle to the State. Thus, education in India is a unique entitlement whereby it is availed as a right as well as a duty and it is a principle to be achieved by the State.³ According to Art 26 of the Universal Declaration of Human Rights, “Everyone has the right to education. Education shall be free, at least in the elementary and fundamental

¹Student Rights & Human Rights Education – Taiwan’s Experience, Chia Fan-Lin

²Swami Vivekananda

³Art 21 A, Art 51 A(k) and Art 45 of the Constitution of India, 1950.

stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. Parents have a prior right to choose the kind of education that shall be given to their children.” Thus, Right to Education is not just a right recognized by the Indian Constitution but also universally recognized through the Universal Declaration of Human Rights.

However pious the declaration of Human Rights maybe unless and until these are not implemented vigorously and grievance redressal mechanism is made available for its violations these rights are just veritable dustbin of sentiments and grand declarations. Human rights of students are very critical since a huge time of childhood is spent in schools and other formal educational institutions. Educational institutions should be a hub of human creativity, ingenuity and practical outlook towards life. Education should emphasize on making students industry ready and competent to face challenges that beckons a student's life. Contrary to these values our education system has reformed very least as its bedrock is primarily the colonial education system whose paterfamilias is Charles Babington Macaulay. The colonial education system was tailored to provide the colonizers with an army of clerks who would be subservient to the British in education as well as in outlook. Thus, the great inferiority complex amongst Indians was imbibed through colonial education and the foremost need of our education system is its decolonization in syllabi as well as in outlook.

Even though a large number of schools have mushroomed in India and so have colleges and universities the unemployability and lack of industrial readiness amongst the students is increasing. This is a dangerous trend which signifies that the quality of education is falling and is more distanced from practical realities. There are a few prestigious educational institutions in India like the IITs and IIMs. However, given their number and the population of India the quality of education is largely asymmetric as the student-university ratio is lopsided. Indian universities have fared poorly in the Times Higher Education World University Rankings for the year 2018. None of the Indian universities is even in the top 200. Additionally, there are only 30 Indian institutes in the global 1,000.⁴ One of the reasons attributed for this is government policy which strictly restricts the proportion of students from other countries who can study in India and restricts even international scholars from being hired into long-term faculty positions. This coupled with lack of infrastructure and sustained funding has resulted in drastic reduction in quality of education in India directly affecting the employment, living standards

⁴ *Why India fared poorly in the Times Higher Education World University Rankings*, YOURSTORY, (July 26, 2018, 12:54 PM), <https://yourstory.com/2017/09/world-university-ranking-india/>.

and overall human index of Indians resulting in gross violations of human rights. Right to Education does not just mean an opportunity to get educated but right to quality education at par with global standards.

II. UNIVERSITY AS A SITE OF CONFLICT & STUDENT ACTIVISM OR STUDENT SELF DETERMINATION:

University which should be a site of catharsis encouraging students to put forth their views and broaden their perspective liberalizing their inherent bias or prejudices if any is becoming verily a site of conflict. Campus is a place where the metamorphosis of a student takes place. Recent incidents of conflicts at reputed universities in India like Jawaharlal Nehru University, Delhi University, Amity University, Tata Institute of Social Sciences (Mumbai), Mumbai University have highlighted various issues plaguing university education in India like quality of education, duration of a graduate degree, examination and results which has become almost the focal point of struggle in many universities. Right to form associations or unions is a fundamental right under Art 19(c). Thus, there is legitimacy to students unions and associations throughout Indian universities however, their efficacy as to address the issues of students is highly doubted and their credibility is always at stake as the bipartisanship of such unions is not guaranteed as most of these unions act as frontal organizations of political parties and prospective recruitment grounds for meeting political ends. Thus, the schism between the University administration and students organizations is increasing which is further deteriorating the quality of education and overall campus environment. Lack of mutual cooperation and faith from both the ends has ensured an environment of distrust which has created a hostile environment. To address this issue there needs to be sufficient delegation of powers to student unions and self determination in all matters connected with academic and extra-curricular activities. Co-operation from university administration rather than high handedness can go a long way in mending the relationship between students and universities. With macro problems like UGC certification and grants regarding various scholarships and funds regarding critical infrastructure in universities looming large there needs to be a proper appraisal committee to address these issues and come up with long term framework and solutions to address the same. Protests and strikes in universities are aberrations which ultimately afflict students and they can only ensure ad hoc solutions, to come up with sustainable solutions there is a requirement of institutional framework and grievance redressal through constitutional means. As Dr. B.R. Ambedkar had rightly quoted that after the promulgation of the Constitution there is no scope for resorting to unconstitutional means like strikes, non cooperation, protests, etc.⁵

⁵*The first thing in my judgement we must do is to hold fast to constitutional methods of achieving our social and economic objectives. It means we must abandon the bloody methods of revolution. It means that we must abandon the method of civil disobedience, non-cooperation and satyagraha. When there was no way left for constitutional methods for achieving economic and social objectives, there was a great deal of justification for unconstitutional methods. But*

III. EFFICIENCY OF UNIVERSITY VIS A VIS EMPLOYMENT AND INDUSTRIAL READINESS OF STUDENTS:

It is no secret that there is a great divide between college campus and corporate campus. Education which should act as a stepping stone to career and one's vocation has rather become an impediment due to rote learning and memory based learning methodologies employed widely in Indian Universities while the whole world or atleast the developed world is moving towards application based learning.

The fifth Annual Employment-Unemployment Survey, 2015-16, shows that with rising education levels, the unemployment rate has also gone up in the age group of 18-29 years.

The unemployment rate for persons aged 18-29 years and holding a degree in graduation and above was found to be maximum with 18.4 per cent based on the Usual Principal Status Approach at the all-India level, said the Survey report on Youth Employment-Unemployment Scenario, Volume II. Based on the Usual Principal Status Approach, the unemployment rate for the age group at the all-India level was estimated at 13.2 %. For men, the unemployment rate was estimated at 11.3% whereas for women, it was 20% for the same age group. While India is experiencing a demographic dividend due to a youth bulge, many young people are struggling to acquire the right skills sought by employers to successfully navigate the transition from school to work. Demographic dividend is only realized when it is transformed into human capital. It is what makes youth employable and provides them with requisite skills. Ultimately, in the job market, demand must match supply. Adding qualifications would not be helpful unless it creates employability.

According to a report of ASSOCHAM there are nearly 5500 Business Schools or B-schools in India which churn out thousands of graduates, however, only a staggeringly low 7% turn out to be employable. MBA graduates are earning a measly income in the bracket of Rs 8000 to Rs10000. Management education emphasis on pedagogies like using case studies etc. instead of imparting the practical expertise attained from years of experience in the domain. Management institutes, not following current contextual mix of innovative pedagogical tools, create an immense disparity between the real and academic culture of business management. Thus, there is a great need for skill based education and vocational training to bridge the gap between college and corporate.⁶

where constitutional methods are open, there can be no justification for these unconstitutional methods. These methods are nothing but the *Grammar of Anarchy* and the sooner they are abandoned, the better for us.

⁶Roshni Chakrabarty, *93 per cent MBA graduates are unemployable: Problems with management education in India*, INDIA TODAY, (JULY 26, 2018, 12:58 PM), <https://www.indiatoday.in/education-today/featurephilia/story/mba-education-problems-328626-2016-07-11>.

However, rising unemployment and under employment among students is not only affecting them but it is also affecting the overall economic and financial health of the nation. Unemployment results in non availability of income which in turn renders them ineffective to repay the hefty amount of loans that they avail from banks to educate themselves. The default in repayment of loans has risen to 7.67%. As per the data compiled by the Indian Banks Association (IBA), the total outstanding education loan at end of the fiscal 2016-17 was Rs 67,678.5 crore, of which Rs 5,191.72 crore was NPA(Non-Performing Asset). Thus, the problem is spreading and urgent measures should be undertaken to address it.⁷ Thus, university education in India needs a complete overhaul keeping in mind market realities with a view to empower youth. If we fail to provide students with the requisite set of skills we will not be able to exploit our demographic dividend to the fullest rather it can turn into demographic disaster with a huge army of unemployed youth.

IV. CONCLUSION:

As empirical studies and various reports have suggested one of the greatest problems facing the nation is unemployment and generation of employment. The current government dispensation has also taken note of it. It can be deduced that poor higher secondary and university education is giving rise to this problem. University should be a catalyst to employment and not a handicap. Necessary and immediate steps should be taken to bring our education standards at par with global standards and harmonize them by inculcating vocational training and application based education. The effort should first begin with grassroots level by creating a dialogue and deliberating on the issue with the help of various students unions and bodies active across the country. Not only the human right regarding education is affected but also the human right to work and protection against unemployment as enshrined in Art 23 of the UNDHR is being violated.⁸ Thus, there is a great intersection of human rights when it comes to education, and its efficiency should be ensured for the holistic development of students guaranteeing them high living standards through livelihood and employment.

⁷ *RISING NPAs in education loan add to banks stress*, BUSINESS TODAY, (July 26, 2018, 01:06 PM), <https://www.businesstoday.in/sectors/banks/rising-npas-in-education-loan-add-to-banks-stress/story/266715.html>.

⁸(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.