

# University Curriculum on Human Rights

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## Introduction

Human Rights Education (HRE) has been on the agenda of the University Grants Commission (UGC) for some years now. Many universities have already introduced Human Rights as a separate academic subject. Government and non-government institutions, intellectuals and activists have published documents on the subject. Discussions on human rights required new inputs after the University Grants Commission began to give permission and financial grants to universities to start Human Rights Education courses of study. The National Council for Educational Research and Training (NCERT) was also asked by the National Human Rights Commission (NHRC) to start HRE in schools and produce relevant materials for study. The NCERT, however, performed its tasks by producing a Source Book containing excerpts from International charters and covenants as also from the Constitution of India. It maintains that their textbooks on different subjects have been written keeping in mind the values of human rights; and that it is not necessary, nor desirable to write separate books.

## University Grants Commission

The UGC has made attempts to enrich educational curriculum of human rights education in colleges and universities on the basis of contemporary societal and economic situations. Its IXth Plan Approach to promotion of Human Rights Education in Universities and Colleges [UGC document] identifies present development model as one of the major violators of human rights in India. The UGC document states that development should not mean only development of material resources but also of the people. To quote from the UGC document: "Most of the activities undertaken for the sake of development result in mass uprooting of indigenous people, degradation of environment, unbalancing ecology due to an imbalanced approach to development and result in gross

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violation of human rights of those affected" (para 3.1). By citing an array of examples of exploitative and inhuman treatments to labour in hazardous industries, especially those under-aged', the UGC document finds "system's insensitivity and lack of commitment" as the main cause for creating conditions for human rights violation. The document points out that the main victims of such violations are the weaker sections of society. It mentions that focussing on "local human rights problems of deprived sections of the society" and giving a grassroot and indigenous orientation is more important in human rights education than the mere projection of "international human rights conventions and norms" (para 2.2.3). In its own words, "establishment of human rights culture demands elimination of all kinds of exploitation, not only at the hands of the State, but also by members of civil society. Many times, members belonging to civil society using their social status use force and indulge into practices, which are derogatory to human dignity. Employing bonded labour, practicing untouchability, perpetrating Sati are some of the examples that necessitate human rights education. to evolve strategies and schemes for attacking such attitudes and help members internalise more humane and egalitarian approach in their social relations" (para 3.5) [Note, it does not include the practice of the caste system]. The UGC document only refers to this topic but does not propose any remedial measures with regard to the practice of untouchability and how it can be abolished. It rests contented by making a cryptic statement: "human rights education should be so offered as to have people as the central theme" (para 3.4). It is a bit intriguing that the UGC does not consider it necessary to elaborate!

The UGC feels that human rights education of the twenty first century can "ill-afford to ignore this perspective". Human rights education, in fact, becomes "the catalyst in bringing about attitudinal and social change" among people. The question, however remains: how to bring about attitudinal and social change with regard to, for example, the hierarchical system that characterises our society? Will it come through constitutional changes or by means of movements/revolutions? If the latter, then, this revolutionary process must start in centres of learning. The UGC document does not refer to this aspect. In case we are ready to make educational institutions instrumental in bringing about a philosophical revolution, the curricula need to be formulated in a fashion that will "sensitise a person, awaken his/her conscience and

develop an attitude of mind imbuing respect for human rights of others". This can be achieved if human rights education adopts a 'multi-disciplinary' approach and reflects the complexities involved in this. Ironically, the UGC shifts from its own statement elsewhere and contradicts its position by expressing dissatisfaction against the colleges for their inability to start a "full course" on human rights education (para 2.1.4).

This is exactly what has happened in colleges and universities. Most of them have tried to introduce a degree or diploma course on human rights rather than working out a curriculum that can be instrumental in evolving 'strategies to eliminate all kinds of exploitation'; like, for example, the abolition of Varna Vyavastha. Similarly, the process of translating attitudinal and social changes to a factual reality must begin at centres of learning. A prerequisite to this" is to bring in changes in the entire institutionalised attitude i.e., to identify with the real life situation of those who are victims of human rights violations.

Notwithstanding good intentions of the foremost educational policy making bodies like the UGC to promote and strengthen human rights education, and the attempts made by them in this direction, educating people with human rights perspectives appears to remain intractable. One wonders, therefore, whether a predominantly institutional approach can bring about a fundamental change in the culture and promotion of human rights, from the point of view of the ground realities, especially, when these institutions survive on state funding. This is a genuine apprehension because the State is evidently one of the major violators of human rights. In fact, the pressing requirements of society demand new and newer aspects, including the new role of the state, to be incorporated in human rights education.

Besides constructing a holistic view, concerns of human rights violations - for example, gender rights, Dalit rights, problems arising from globalisation etc., need to be explored to give a concrete shape to a meaningful human rights education. We might mention here that liberalisation of economy, structural adjustment and growing threats of globalisation have further endangered the rights of the already vulnerable sections of the population. Similarly, unending mayhem of Dalits and other weaker sections of society at local levels and a rising acceptance of communal frenzy, chauvinism, and the culture of majoritarianism

among a section of the middle class are posing serious threat to the pluralist fabric of our society. Also the provisions of the Constitution of India and other State acts do not touch upon many of the violations of rights caused by the new international economic order and its fall-out on societal relationships.

Human rights education can not fulfill its objectives unless it addresses these socio-economic dynamics and their impact on rights and privileges of the people with the seriousness they deserve. One way to achieve this is by establishing appropriate linkages between human rights education and the overall education policy of the state, the universities, the school education boards and people's rights movements. Any human rights education policy in this context should take into account the contents of a syllabus, level of understanding and motivation of the human rights educators and mode of teaching. Limiting research studies to "jails, custody or secondary materials" alone is not likely to help much to sensitise them about violations of human rights. What seems to be really necessary is the experience of working with victims - for example, with the people displaced by large development projects, victims of caste atrocities in rural hinterlands and so on. How many institutions are there in India to allow a debate openly in the classrooms on the Sardar Sarovar Dam and its impact on the adivasi communities in the Narmada river valley, or on the significance of self-rule in the Adivasi life of the Jharkhand, or on the sub-national movements in the North-East demanding self-determination, or on the caste system ?

Let us be honest. Human rights education in most of the colleges and universities is reduced merely to obtaining a degree or diploma; it does not seem to aim at sensitising students and youth about the burning issues and concerns of human rights violations. We may recall the anti-Mandal agitation of 1990 in this context. Students from high-caste and high-class background, having an inherent mindset not to allow the deprived sections to get access to opportunity, came to the streets in large contingents and carried forward the agitation for months in the capital of India. This indicates that changes in attitude can not be brought about without challenging certain inherent dynamics of society. Perhaps, debates on the changing nature of conflict both between state and civil society and within social groups in society on regular intervals is necessary to understand the ground reality of human rights. One way

to attain this objective is to free human rights education from a formal classroom exercise; our students and faculties must expose themselves to the ground realities.

The UGC document admits: "Human Rights Education cannot merely be an intellectual exercise alone. It requires building linkages between what happens in the society and what is transmitted in the classes to the students. It requires capturing actual experiences of violation of human rights and denial of human dignity. This kind of education needs field experience and action oriented ways of learning and teaching" (para 4.3). But, how? The document is silent! None of the courses conducted by various colleges and universities seem to have taken this issue seriously. There is hardly any reading material published by human rights centres of any college or university education which has extensively dealt with sufferings of the poor and their life system based on field study of select areas, atrocities committed on SC/STs for centuries, and so on.

Our education policies, formulated by the state from time to time, perpetually suffer from certain inherent lacunae and shortcomings. A rational outlook, apropos of multi-faceted regional, ethnic and cultural dynamics of our society, has been missing from the education policy. Curricula of courses of studies have not taken note of dalit, adivasi or gender perspectives. Critical assessments of the State and governance are almost always discouraged. This is one major reason why a large section of students and more importantly the middle class, do not develop any empathy for the marginalised communities. Nor are they willing to dismantle all barriers that stand in the way of bringing the marginalised at par with the privileged. A large number of them, on the one hand, incline towards indiscriminate consumerism and on the other, nurture a feudalistic social behaviour in their daily life. Human rights education in that respect has scope to encompass those aspects which are, otherwise, not covered by other subjects. It is in the context of what we have stated above that an analysis of the course contents and the basic framework of syllabi of a few universities in the light of the UGC's IXth Plan Approach on human rights education may help us to understand the significance of this course in creating a new society.

Paragraph 1.1 of the document states, "The concept of human rights in its expanding comprehension, has now travelled to encompass

what are called 'third generation' rights which include right to self-determination, right regarded as belonging to peoples rather than individuals, right to sovereignty over natural wealth and resources of the country and, right to development as well as rights of disadvantaged groups to special protection". This changing conceptual framework may be a convenient tool for those whose only job is to theorise without taking into account the praxis aspect; but the moment one generalises it, problems crop in. For example, people's understanding of rights has always been linked with their livelihood and life systems including those aspects which are termed as 'third generation rights'. A series of protest movements by indigenous communities and various subaltern collectives against their immediate rulers bear testimony to their concern for rights to self-dignity and self-rule. Mass rebellions against the local rulers, Mughal and other dynasties and the British over the centuries, are a few examples to mention in this regard.

The authors of the UGC document tend to indulge in making ex-cathedra statements like for example, "respect for human rights as a part of its social philosophy has existed in the Indian ethos for a long time despite its aberration intermittently". They do not make any attempt to specify 'the social philosophy' and 'intermittent aberration'. What is it that our educators and students will imbibe from such statements? Which social philosophy had respect for human rights? Which social philosophy is the UGC talking about? The statement that violation of human rights has been only an aberration and not a part of the social system in India, will certainly cheer up the violators. For example, caste system, devadasi *pratha*, bonded labour system, sati and so on were/are still being patronised and practised by a sizeable segment of society.

The State's perceptions of human rights are very different from that of the common people, specially suffering victims. While the state's agenda of human rights is often guided by specific national and international political criteria, deprived sections of society are not circumscribed by nation-states, in that the ideals of social justice are not limited by our geographical loyalty. The UGC document accepts the fact that in view of new developments in international politics there has been a shift in attention of human rights. Now the emphasis is more on "issues of social justice, distributive justice and putting check on the ever-increasing power of the State with potential of its being abused or

excessively used against the individual in the national context as well" [para 1.2 (c)]. The statement falls through because of the same shortcoming that has been mentioned earlier. This shift, perhaps, is true in case of human rights educators and social activists with a middle class background. This is not necessarily applicable to people's collectives, who, since long, have been struggling to protect and preserve identity in their respective historical settings. The term identity includes culture, language, religion, livelihood and also their own way of evolving developmental processes.

The UGC, however, takes a different position on development concepts. Even though its document mentions, "Development and democracy anywhere are intimately linked with issues of establishment of a New International Economic Order", and "recognition of the rights to development and sovereignty over natural wealth and resources and the right to self-determination as the basic rights of all states and peoples" (para 3.2), it does not tell whether by new international economic order they mean globalisation. This concern is relevant in view of serious threats to sovereignty and self-determination of independent nation states from the new global economic giants. The concept of democracy in the Indian context requires to be widened so that the right to self-determination of various social groups is recognised. The UGC document baffles one when it says that democracy and development include "issues of social justice, distributive justice, bringing marginalised and historically deprived sections to the mainstream of national life" (para 5.1), but is silent on: Who constitute the mainstream? It is inexplicable that while the UGC advocates for the so-called 'mainstream' theory, it does not clarify what do they mean by this. This is not only an unacceptable concept but violative of the pluralist ethos of our society. Does it not derogate various small human collectives in the North-Eastern states where the people are struggling for self-identity and self-rule?

Human rights education can be instrumental in bringing attitudinal changes in the people and in transforming society provided teaching of human rights does not remain restricted to classroom lectures within the framework of a pre-defined curriculum. Education on human rights is not possible unless one learns to take a position on contemporary issues and concerns. The UGC document states, "The textual teaching materials need to be appropriately integrated with other materials making adequate use of local experiences". We don't have any sample of such

material. What is necessary in this context is taking a strong position on basic issues like, for example, rule of law, the hierarchical system, communalism, gender discrimination and so on. To give one instance: a dominant section of bureaucrats, law-enforcing agencies, politicians and the intelligentsia is of the view that the law should be bent for those police/security personnel who claim to have curbed terrorism by resorting to unlawful methods like killing in fake encounters. Another example: How does one educate an educator that under no circumstances the law can be bent, or that there can be one law for one and another for another? The UGC document is silent on this. One need not be surprised if many of the authors of the document themselves believe that it is necessary, at times, for law-enforcing agencies to act in contravention of laws. Many of our intellectuals firmly subscribe to this view. Therefore, commitment to human rights and love for freedom as values are the most important attributes that HRE courses must aim to foster.

Courses of studies prescribed by different universities reveal that most of them are aimed at awarding students with a degree or diploma. In most of the syllabi human rights have been projected as a politico-legal subject. An examination of the contents reveals that majority of them have tried to understand the issues of human rights from an institutional framework. Barring a few, the syllabi of most of the courses begin with discussions on evolution, philosophy and theory of human rights developed in the west. The western thoughts of human rights are constructed primarily in the context of the specific socio-political developments of those countries. One may wonder if students will be in a position to relate these concepts to Indian realities. Often the theory paper does not even refer to the works of Indian philosophers like Gandhi, Nehru, M.N.Roy, Ambedkar etc. Perhaps, our educators in colleges and universities hold a mistaken understanding that Indians have to christen themselves with the western concepts first to understand the ground realities of human rights violations in India.

The syllabi are sometimes so vast that a student is likely to get exhausted in understanding the salient features of various theories. This is again difficult because the canvas of the course contents is often too large for a student to grasp. Given the pressure of passing the examination with better grade, the students and faculty members have to be selective in their choices for topics. Thus many important subjects of human rights will be out of discussion or may not get even a reference

in classroom discussions. The reference lists often do not fulfill the purpose of promoting a 'human rights culture'.

Though most of the syllabi are informative but for various reasons their scope in bringing about attitudinal changes among students is limited. More importantly, none of them have the "people as the central theme" (para 4.8). Except in one or two, reference to local governments - for example, Panchayati Raj Institutions - is totally missing from human rights curricula. They seem to have taken human rights violations as results of improper functioning of the system and not the lacunae that are inherent in the system itself. Human rights violations are predominantly viewed as a concern of the police, administration and the judiciary. There is no mention about land reforms and atrocities on daiits. In many course contents not a single people's movement, case of police atrocity, series of public interest litigations subsequent to the Bhopal gas tragedy and decided cases on human rights issues find a place. Even if somewhere the issues and concerns of the civil society find a place, they are the works of academics. Literature circulated by different movement and activists does not receive any mention.

Some of the syllabi have adopted a liberal approach in constructing the curriculum, especially by including many contemporary concerns of human rights with a purpose to conscientise citizens within the limits of classroom lectures. In spite of attempts to critically analyse the present-day developmental concerns, people's rights movements and crisis of life and livelihood of daiits and other weaker sections of society, students may not obtain informed experience of the grassroots problems, because programmes on human rights education do not provide an opportunity to get exposure to grassroot problems, especially to societal violations like atrocities on daiits and women, mass displacement of adivasis etc. In a few cases emphasis is laid on activist - involvement without mentioning what kind of activist involvement is sought for and which are those movements. Perhaps, associating with a movement to fulfill an academic assignment does not help much in understanding the underlying human rights dynamics of the cause the people are struggling for, nor does it contribute much in bringing about attitudinal changes. In some of the courses a full paper and in some other cases half a paper is kept for field-based project work in which students are expected to write an essay or make a case study or a survey report to complete certain

formalities; there is no indication of how to integrate them with the cause of human rights.

Most of the syllabi talk about national movements and international instruments but do not refer to regional perspectives of human rights. Rights have been discussed keeping the constitutional provisions in mind. The syllabus is primarily constructed from legal perspectives. Human rights seem to have been understood mainly from the resolutions and provisions of various international treaties and covenants. There is no clarity about the topics the course is to cover on topics like ancient, medieval and modern history. Broadly speaking, none of the courses has discussed at length about any social philosophy of India like the Bhakti movement, the Sufi or Charbak philosophy etc. which enormously contributed to cultivating human rights values and a human rights culture.

Although a few have included a chapter on globalisation they do not refer to the "recently introduced economic/structural re-adjustment reforms vis-a-vis states of human rights reports" (UGC document, para 5.2). They do not provide opportunities to discuss about the impact of structural changes on life and livelihood on people and society, which most of the third world national economies including India have experienced in the recent past.

While developing knowledge and understanding about the international covenants on human rights is extremely important, efforts that are being made to colonise the underdeveloped countries through globally designed cartel system requires equal attention to look at human rights violations from a larger perspective. While some of them focus on human rights issues from specific social, political and economic perspectives, others seem to have tried to construct a politico-legal perspective on human rights. Generally speaking, human rights education curricula do not display any serious desire to prepare citizens of India for initiating social change - to change the mindset which is primarily responsible for violation of human rights in our country.

A serious discourse seems necessary to ponder whether human rights education needs to be de-linked from degree or diploma, because students may prefer to concentrate on study materials to pass through examination than taking interest to integrate him/herself with incidents of human rights violations. Whether the idea of having a separate academic course on human rights is by itself a hindrance to enable human rights to become a 'multi-disciplinary' subject needs critical reflections.