

**International Journal of Policy Sciences and Law**  
**Volume 1, Issue 3**

**Campus Violence: Infringement of**  
**Fundamental Rights**

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## **Abstract**

*The emanation of campus violence in India should be seen as a major public health issue. Infringement of fundamental rights in violent incidents has shown that India has been doing poorly in redressing student's grievances. This has not only affected them physically but also, psychologically. At this juncture, it becomes a prime concern to address some serious questions about students' safety and protection of their rights. The paper attempts to highlight this emerging problem in the Indian scenario through an evaluation of various types, levels, factors, and effects of campus violence. The findings of this paper have important implications for college authorities as well as for the government authorities to find impactful solutions and devise student-friendly frameworks to prevent violence at campuses.*

**Key Words:** *Campus, Violence, laws, JNU, Harassment, College, Rights.*

## **1.0 Introduction**

A college is a place that inculcates a sense of critical thinking, independence, and diverse views among students. A safe campus environment is one in which students, faculty, and staff are free to conduct their daily affairs, both inside and outside the classroom, without fear of physical, emotional, or psychological harm (Mayhew et al., 2011). However, recent attacks on the college campus by targeting students and teachers have not only violated their rights by putting them at risk of injury or death but also affected their education by hindering them from attending colleges and causing property damage. It is also accompanied by a fear of violence. Violence is a very complex phenomenon. Understanding the effect of violence on higher education is also very difficult because one has to examine various aspects and subjective contexts before coming to any conclusion.

Campus violence is a hazardous activity for students who come to college for a safe and sound learning experience. There have been many instances of violent attacks on educational institutions and their members around the world. Before coming to the concept of campus violence, it's essential to understand the meaning of violence in a real sense. Violence is a public health issue that can lead to serious damage. It can be defined as “the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either result in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation.” (n.d.).

Thus, campus violence can be defined as “ a behaviour that takes place on and off-campus and can cause physical and psychological damage to school members, including teachers and students” (n.d.). Research has revealed that defining campus violence as physical assault is more acceptable to teachers than students. Students are more drawn towards the definition of verbal attack, property damage, and general physical punishment (n.d.). These researches also show that there is a disagreement between teachers and students on what constitutes campus violence. In other words, there is a difference between the student and the institutional approach to campus violence. Giving a single definition of campus violence is difficult since the definitions vary from community to community and are purely subjective concepts.

Students who go through this horrible experience of campus violence may be unaware that the act of violence they experienced is a grave matter. Often due to lack of information, guidance, and fear, many incidents of campus violence remain undisclosed. Surveys of Students indicate that only 25% of cases of campus violence are reported to authorities (Mayhew et al., 2011). Studies also indicate that students considerably differ on what constitutes campus violence. Some participants related campus violence to purely physical violence such as sexual assault, date rape, and murder. For others, it also constituted verbal altercations as well as emotional coercion (Mayhew et al., 2011).

Certain types of campus violence tend to occur at a higher rate on college campuses than any other part of the community (Mayhew et al., 2011). This indicates the level of underreporting of violent crimes at campuses. There are two reasons for this. Firstly, students feel that the crimes that they experienced are not ‘crimes’. This is partially due to the cultural setup of the society, as well as the fear and normalization of campus violence. Secondly, the college campus environment is such that students feel fearful and discouraged to report the incidence of violence (Mayhew et al., 2011).

Current literature shows that there is still a gap in how campus violence is defined. A systematic definition of campus violence is important for developing policies or programs that should incorporate the experiences of those who are the most affected by the violence.

## **2.0 Types and Levels of Campus Violence**

Various kinds of violence occur at campuses which can be broadly categorized as follows -

1. Rape is one of this category which has a variety of perpetrators including strangers, acquaintances, dating partners, etc. It is punishable by law and is usually defined as intercourse forced on a person against his/her will. The gender of the victim or accused and the degree of force differ from case to case (Whitaker & Pollard, 2013).
2. Non-sexual physical attacks include assault, fighting, mugging, and other forms of physical violence. It also includes interpersonal violence or “dating violence” which is equivalent to domestic violence among married couples (Whitaker & Pollard, 2013).
3. Bias-related violence is another type of violence that refers to harmful acts which target specific individuals or groups of individuals based on their cultural, ethnic or religious characteristics. It can also be a result of sexual preferences (Whitaker & Pollard, 2013).
4. Casual violence also known as wilding is a term that is prevalent in the media. It refers to violence that does not have a purpose or a specific reason for choosing a particular individual as the potential victim (Whitaker & Pollard, 2013).
5. Suicide and homicide are extreme forms of campus violence against self or others which may be perpetrated by a variety of factors at a campus setting or non-campus setting (Whitaker & Pollard, 2013).

Another debatable aspect is whether campus violence definition should include any geographical limitation or not. A standard definition of a college campus is “ the grounds of a school, college, university or hospital”. Although it can also be referred to as a mind-set or as a physical property (Whitaker & Pollard, 2013). To simplify this debate, a system of levels of where and to whom violence can take place is necessary. These levels of violence are:

1. The violence that happens to anyone within the geographical boundaries of campus, regardless of whether a constituent or an outsider is a target or an offender (Whitaker & Pollard, 2013).
2. The violence that happens between its constituents in their institutional and social roles, outside of its institutional boundaries (Whitaker & Pollard, 2013).
3. The violence that takes place in the institutional roles even though it happened to constituents outside both institutional boundaries and institutional roles (Whitaker & Pollard, 2013).

4. The violence that is inflicted on others beyond their institutional roles and beyond the institutional roles and the institution's boundaries (Whitaker & Pollard, 2013).

Most college authorities agree that the college administration is responsible for the first level of violence. As one moves down the levels, away from institutional roles and responsibilities, the college administrators become less responsible.

Violence is thus a highly debatable concept in terms of levels.

### **3.0 Factors Underlying Campus Violence in India**

There are several factors causing campus violence. There is no single cause of violence. The ultimate cause of violence is the manifestation of a combination of factors. They range from social factors such as caste, religion, and gender to the political conditions of the country. Research suggests that violence is primarily caused by adolescent's need for peer acceptance (Sitlhou, 2017). Factors ranging from social class, race, and gender influence the relationship between violence and peer acceptance substantially.

#### **1. Caste**

People who belong to the same caste or class, or are from higher status, are rarely victimized. "Others are of less value than oneself"- this mentality can be seen as an important factor of campus violence. Maintaining discriminatory standards, lack of mutual respect for those who are different in social hierarchical terms, and acting based on personal prejudices leads to brutality. Campuses are one of those social and educational places where students from different parts of societies come together. Unfortunately, undervalued castes and classes have become the target of aggression on these campuses. That is why caste plays a very important role in perpetuating discrimination on campus.

The case of MuthuKrishnan Jeevanantham, a student of Jawaharlal Nehru University, took his own life. In his last post on social media, he wrote: "There is no Equality in M.Phil./PhD Admission, there is no equality in viva-voce, there is the only denial of equality." (Sitlhou, 2017). Such caste-based discrimination has led to many deaths by lower caste students in Indian universities. When a committee was set up by the central government to investigate allegations of harassment of SC/ST students at AIIMS, it found out that discriminations were carried out by the college at a large scale (Sitlhou, 2017).

There have been several reports indicating that many universities haven't worked according to the recommendations of the UGC on preventing caste-based discrimination.

According to a committee on the welfare of scheduled caste and scheduled tribes (2016), set up under the human resources development ministry, examined the reservation policy of JNU. The report states that although SC/ST students cleared exams with good marks, they failed in interviews (Sitlhou, 2017). This is indicative of latent caste discrimination present in college. Another committee analyzed data from 2012 to 2016 at JNU and revealed that there is a pattern of difference in written and viva voce marks across all social categories indicating the presence of discrimination (Sitlhou, 2017).

#### **a) Religion**

There is an intrinsic relationship between religion and violence. According to Durkheim, there is a "sacralization of violence" in a way so that war and martyrdom potentially become sacred duties (Hallb, 2001). Rene Girard's analysis points out two important aspects of the relationship shared by religion and violence- violence practised in the form of sacrifice within a social group and a group's violence toward external opponents. Religion is, therefore, a very important determinant in campus violence in India. This is particularly true in the case of religious minority communities. The violence that unfolded at Aligarh Muslim University killed nearly 20 people over the new law and shockingly all of them were Muslims. There were fears among the students of this minority of being treated as second-class citizens in India. (Slater, 2002)

This factor has also become controversial due to the addition of a new angle. The murder of a girl by a boy near the campus, who forced her to marry him (Dhankhar, 2020). A love jihad angle to the case demonstrates how crucial religion is when it comes to assessing the causes responsible for campus violence.

#### **b) Gender**

Of all groups, college women are at greater risks for rape and other forms of sexual assault than women in the general population of comparable age groups. (Citation) Rigid sex-role stereotypes, pornography, sexism in society are two seeds of sexual harassment. Pornography and some media images show the imposed sexuality, violence and try to justify the abuse of women and other genders.

These can put negative effects on younger generations, due to which they can develop the mentality of aggressive and coercive sexuality. So one of the major factors causing campus violence is based on hierarchical patterns of dominance. Stereotypes socialize males as aggressive and females to be submissive. All this contributes to violence in relationships. The social and cultural mechanisms for defining, shaping, and constraining sexuality are the specific element in male power over women. Macho sex roles, encouraged by sex stereotypes, fuel violence on campus. Violence against women has been on the rise. There are many cases of sexual harassment and molestation in or around campus. The most infamous case which erupted was the mass molestation at the Gargi College, where hundreds of men barged into the college without any security check and harassed and abused female students. Many girls reported the insensitivity of police officials when they called them for help. People were arrested but all released on bail in a day.

Sexual violence on campus is pervasive. This can be inferred from the following facts:

1. 13% of all students experience rape or sexual assault through physical force, violence, or incapacitation among all graduate and undergraduate students (RAINN, n.d.).
2. Among graduate and professional students, 9.7% of females and 2.5% of males experience rape or sexual assault through physical force, violence, or incapacitation (RAINN, n.d.).
3. Among undergraduate students, 26.4% of females and 6.8% of males experience rape or sexual assault through physical force, violence, or incapacitation (RAINN, n.d.).
4. 5.8% of students have experienced stalking since entering college (RAINN, n.d.).

Dating or relationship violence occurs at very high rates on the campus. Researchers point out this category of violence as a “serious” one which includes- using a gun or knife on their partner, punching or hitting with a solid object, choking or kicking their partner (Mayhew et al., 2011). Riggs and O’Leary proposed a comprehensive background-situation model of dating violence (Mayhew et al., 2011). Their theory revealed that dating violence is a result of behaviours that are learned through imitation of others. The disposal or adoption of such behaviours depends on negative or positive reinforcement. The theory also explained the factors which might result in dating violence such as exposure to models of aggression in intimate relationships, parent-child aggression, acceptance of aggression, or prior use of aggression (Mayhew et al., 2011).

### **c) Political Influence**

Political tensions are one of the root causes of violence at college campuses in India. Many times the tension at the national level has made its way into the universities.

In Sharda University clashes arose between an Indian and an Afghan student. It was reported that the violent members of a right-wing Hindu extremist group incited violence (Sharma, 2019). Another incident of violent clashes at campus due to political influence occurred when the members of the Students' Federation of India (SFI), affiliated with the Communist Party of India got attacked by people who were alleged to be ABVP members (Sharma, 2019).

There have been many such cases involving political influence. Similar clashes took place at Ramjas College between the right-wing ABVP and the left-leaning student groups (Indo-Asian News Service, 2017). More frankly, ABVP has been harassing teachers and students who do not align with their ideology. This has not only incited violence at the campus but also curbed the political freedom of both the students and teachers. Teachers are fearful of expressing their views on a subject and being termed as "anti-national". There have been many campaigns by student organizations being affiliated with political parties to dominate campus life in the name of nationalism. Students sometimes act as an ideological carrier for the political parties to influence other students on the campus.

These incidents have confirmed the presence of 'Cultism' on the campus. Cultism involves a group of people who religiously protect or harbour a particular interest with a vow to never betray it even at the threat of personal injury or death (Mayegun, 1996). Confraternity can connote a similar meaning of brotherhood. However, it can be less fetish and hidden in nature. It also becomes a tool of oppression and violence as well as unwanted repression of helpless students and purposive student activism. In many cases, when some students try to rise against these elements, they get arrested and detained with charges of criminal allegations (Mayegun, 1996).

### **d) Ragging**

Ragging is one of the major types of violence that happens on the campuses of educational institutions. It is the verbal, physical, and sexual aggression towards the newcomers in the educational institution, and accused in the case are the senior students. The juniors are usually too frightened to resist this organized group of tormentors.



Ragging is a worldwide practice and has a wide range of nomenclature like hazing, fagging, 'Baptême' in French, bullying, 'doop' in Dutch, etc. (Garg, 2009) These interactions between seniors and juniors have taken a very brutal, inhuman and anti-social, form at times. Even some of the highly reputed colleges and institutions have a terrible history of ragging. There has been a 75% increase in the cases of ragging in higher education institutions since 2013. The incidents of ragging are higher in most of the north Indian states (DH News Service, 2018) Many students commit suicide due to increasing bullying and ragging by their seniors or other fellow students. Seniors often try to dominate the newcomers through physical abuse, stripping, punching, etc. Ragging is also acted as a means to carry out caste-based discrimination. There have been many provisions under UGC to prevent it. This has resulted in reducing campus violence since the authorities were alerted by the sudden rise in cases and thus decided to discuss the issue with top officials of the Human Resource Development (HRD) Ministry.

**e) The Vulnerability of college students**

College students are among the ages of 16-25 that constitutes most of the offenders and victims. The main reason for this victimization of college students is the process of psychosocial development that occurs during the late teens and early twenties. There is a transition from parental control to autonomy. They are vulnerable to peer pressures and cultural expectations. Without their old support systems, they go on experimenting with their new freedoms. Such emotional struggles and strains disbalance the individual's equilibrium and creates room for either creative or destructive acts (Whitaker & Pollard, 2013).

**f) Legitimization of violence**

Sometimes the culture in which violent acts occur is the ultimate reason for the sustenance of violent behaviours. Violence is legitimized through depictions in popular culture. Movies, television shows, and songs have been the agents of this legitimization. Relationship violence is one of the most relevant examples of this process of legitimization. Many movies normalize the stereotypes against certain groups of people. This normalization perpetuates further violent acts targeting these groups. Other than violence against women, there is also legitimization of violence against other males. This is evident in three major areas: criminal assault, sports, and war (Whitaker & Pollard, 2013).

**g) Abusive use of substances**

Most of the violence takes place when the individuals are under the influence of alcohol or other substances. About 50% to 80% of violence is the result of alcohol abuse (Whitaker & Pollard, 2013). The use of alcohol is used to rationalize violent behaviours and to present a socially acceptable excuse to evade possible charges of violent behaviours at the campus. Drugs such as cocaine, crack, and steroids also lead to aggressive acts among college students.

**6.0 Effects of Campus Violence**

The seriousness of an event can be assessed by its consequences. Campus violence thus has very serious effects on individuals and the community as a whole. The effects can range from minor injuries to psychological trauma or the monetary cost of treatment of victims. Violence can leave both visible and invisible scars (Whitaker & Pollard, 2013). Effects may differ due to the different types of violence that take place on campus. Some major impacts of campus violence are discussed below:

**a) Fundamental Rights**

One of the major impacts of violence at the campus is the violation of the fundamental rights of both students and teachers. Infringement of fundamental rights in a democratic country like India is not only threatening for democracy but also the future of the students. Fundamental Rights- the right to life, right to freedom of speech and expression, right to a peaceful gathering, and assembly are some of the important rights that students possess as rightful citizens of the country. Many times when students were engaged in peaceful protests, situations escalated and led to violent clashes. Many students got seriously injured and some were in a critical stage (UNESCO, 2010). Along with students, college staff also faced violence.

The right to life is a fundamental right that states that a person has the right to live and in particular should not be killed or injured by another body including the government. However, campus violence violates this right and puts many lives in danger. Armed students, hooligans, and sometimes police (who play a very partisan role in these types of controversy) cause damage to both life and property.

For instance, in January 2020, when police encroached into Jamia Millia Islamia University campus, nearly 127 college students and staff were seriously injured (Correspondent, 2020).

The right to life is not the only right, which is infringed due to campus violence in India. The right to Freedom of Speech and expression in Article 19 states the right to express one's convictions and opinions freely.

**b) Social Effect**

Students often feel insecure due to frequent violence as well as unstable political conditions. This results in poor academic performance. Students who are not involved in the provocation of the violence often become the victims. Students often feel distracted or disorganized in their daily routines. Achievements and academic performance become secondary to survival (Whitaker & Pollard, 2013).

Sexual assault on campuses makes female students feel insecure. This also leads to limited educational life for them, particularly in conservative and patriarchal societies. Impairment in the sexual functioning of the victims of sexual assault is common in the long term. The victims may be vulnerable to “trigger events” such as seeing someone who looks like the offender or going through a similar event that they experienced before. Campus violence also causes delays in the completion of the course (Haque, 2020). There is also reduced participation in social activities and behaviours.

**c) Economic Effect**

Students also have to bear higher expenses due to campus violence (Haque, 2020). Students might be injured or hurt in a way that requires serious medical attention. Getting treatment is itself expensive for some students who live on education loans and hail from poor families. Sometimes, the violence also results in damage to property of the college or university including transport vehicles, college libraries, furniture, etc. The college authorities and innocent students have to bear the economic burden of violence on campus.

**d) Character Formation and Development**

Character formation among students is a result of harsh economic conditions, turbulent political climate, and social situation. Cultism and campus violence have negatively affected the building process of student's leadership characteristics (Mayegun, 1996). There are seven vectors for college student development which include: developing competence; managing emotions; gaining interdependence; establishing identity; freeing interpersonal relations; clarifying purpose; and developing integrity (Whitaker & Pollard, 2013). Violence damages development in each of these seven vectors in the victim as well as the perpetrators. Often victims who are targeted due to their religious, cultural, ethnic, or sexual identity, tend to hide these characteristics. This affects their dignity, identity, and empowerment (Whitaker & Pollard, 2013).

**e) Cognitive effects**

Cognitive effects are those which change one's thinking about self and situations which may be destructive for future functioning. Some of the cognitive effects of violence include the loss of personal control, lessening confidence in one's abilities as well as a loss of self-esteem. Self-esteem is damaged by acts of personal abuse. People who have faced abuse or have seen their groups getting abused often believe themselves as "secondary citizens" (Whitaker & Pollard, 2013). They lose their self-worth and sense of self-identity. Another troubling cognitive effect of violence is to blame oneself for the incidents. This happens due to the existence of a thought pattern within the society to blame the victim for any violent act rather than the offenders. This leads to a feeling of demoralization and loss of personal safety in the victims (Whitaker & Pollard, 2013).

**f) Affective reactions**

Feelings play a major role in the after-effects of a particularly violent act. Affective reactions may include embarrassment, anxiety, demoralization, and feelings of guilt and shame. There may be feelings of anger directed at self or towards the offender. Feelings of grief, loss, and hurt are also common in violent incidents.

One of the major affective reactions is the loss of trust in others as well as in one's judgments (Whitaker & Pollard, 2013). Loss of relationships is also a common effect of violence as the victim may not be able to relate himself/herself with others like before. Many of the victims may suffer from anxiety disorders, impulsive behaviours, or post-traumatic stress disorders.

## **5.0 Occurrence of Campus Violence in India**

Certain incidents in India have opted for an in-depth understanding of Campus violence. These cases are important for several reasons. Firstly, they represent many factors that were discussed earlier including caste, gender, religion, etc. Secondly, they also reflect the inability of the college administration and the insensitivity of the central government in addressing these incidents. Thirdly, most of these cases have some factors in common, especially the student protests which followed after these incidents. A brief analysis in the form of a table will follow after this.

These are not the only incidents of campus violence in the history of Indian universities but these three are very crucial since they represent the recent changes in the political fabric of the country.

### **a) Violence at Jawaharlal Nehru University**

Jawaharlal Nehru University is one of the renowned universities in the country. Its rational and enhancing environment, as well as research emphasis on liberal arts and applied sciences, are the main reasons for its top rankings. JNU was in the news due to the campus violence that occurred in 2020. Students who were trying to protest against the administration were halted brutally.

All this began when the University's Vice-Chancellor Mamidala Jagadesh Kumar introduced the revised fee structure. Their increase in the fee was not accepted by the students (mostly left-wing) (Bhattacharjee, 2020). Neither the JNU administration nor the Human Resources Development Minister paid attention to the demands of the protesting students. When the student union of JNU realized that their demands were being ignored by the administration, they called for a "complete university strike" and requested other students not to register for the session (Bhattacharjee, 2020).

This was opposed by the right-wing teachers as well as students and they demanded the registrations from students, which caused a seesaw of ups and downs in the university. This situation continued till January 2020, when a violent act occurred in the university. On 4<sup>th</sup> January it was reported that when the JNUSU President and others tried to stop university servers as a part of their protest, they were attacked by some right-wing members, causing them serious injuries. The next day, the left-wing associated students and teachers planned to do a peace march at the Sabarmati T-point. When they were doing so, masked men with rods and sticks entered the campus and attacked them brutally (BBC News, 2020). They attacked a girls' hostel, destroyed property, and many students and teachers got serious injuries. Students tried to confine themselves in their rooms and were terrorized for days. It was reported that the attack was most probably carried out by right-wing members.

#### **b) Jamia Millia Islamia, 2019**

Students of Jamia Millia Islamia undertook a series of protests against the Citizenship Amendment Act. The university was a major Centre of protest for this. On December 13, 2019, the JMI students carried out a march to Parliament to protest against the CAA. The police used force to stop them by attacking the students with stones and batons. On December 15, more than two thousand students joined the protests against CAA in Delhi. The Jamia Millia Student body along with the JMI Teachers Association condemned the violence carried out by the police force.

Another incidence of violence occurred on the campus itself. The police entered the campus and fired tear gas into the library, causing many students to suffocate. Some students ran on different floors to escape the police. Police tried to justify their actions by stating that many protestors entered the campus (Staff, 2019). Many students claim that they were hit by batons. Guards of the campus also received injuries, with the media as the evidence. The police detained more than 50 students and took them to the Kalkaji Police station (Staff, 2019). The major cause behind violence in the JMI case was the use of force by the police. There are two important things to be noted in this regard. Firstly, the Delhi Police entered the college campus without permission. Secondly, the police used violence against the students that were present in the library room, although the students didn't engage in any act of provoking them. On February 10, as stated by the report of the National Federation of Indian Women (NFIW), about 15 women and 30 men were sexually assaulted (Mathew, 2020).

They suffered injuries in their private parts and were being sexually harassed by the policemen. Eyewitnesses also told the NFIW, that a misty substance was sprayed on the protestors which led to an experience of drowsiness, severe headaches, and even immobility for hours.

### **c) Gargi Mass Molestation Incident**

On 6th February, a Music Festival in Gargi College, Delhi University turned into a nightmare for the women who attended the event. During the festival, some unidentified men barged into the women's college without any ID proof. They allegedly molested the women, verbally as well as physically. Many eyewitnesses reported that they were not students and a part of a pro-CAA rally. Some men were even screaming "Jai Shree Ram" on the campus. When the students complained to the security, nothing was done (Bose, 2020). College's response to the incident was unsatisfactory. Here the college administration was mainly responsible for the molestation faced by women during the event. Many students reported that although CRPF and Delhi Police were present on the campus, however, their presence didn't make any difference in controlling the chaos. Although the entry was restricted to the students of Delhi University, IIT, and Delhi Technological University, the college administration didn't adhere to its guidelines, letting men without passes or IDs enter the college. Even insensitive was the response of the Principle, "Why come to the fest when you feel so unsafe" (Singh, 2020).

Table 1 is a brief analysis of these three incidents of campus violence. The table indicates the type and level of campus violence. It also shows the factors underlying the incident as well as their effects. Although there can be several factors, effects, types, or levels of campus violence, the table uses those terms and concepts which were used and explained briefly in the paper.

(Table 1- Analysis of type, level, factors, and effects of campus violence)

<b>INCIDENT</b>	<b>TYPE OF VIOLENCE</b>	<b>LEVEL OF VIOLENCE</b>	<b>FACTORS UNDERLYING VIOLENCE</b>	<b>EFFECTS OF VIOLENCE</b>
<b>JAWAHARLAL NEHRU UNIVERSITY</b>	Non-sexual physical attack	Level 1 i.e. violence that happens within the geographical area of a campus.	Political influence	Physical harm, social effect, economic effect, cognitive effect, etc.
<b>JAMIA MILLIA ISLAMIA</b>	Non-sexual physical attack	Level 1	Political Influence	Physical harm, economic effect, cognitive effect.
<b>GARGI COLLEGE, DELHI UNIVERSITY</b>	Bias-related violence	Level 1	Gender, Alcohol and substance abuse.	Social effect, Cognitive effect, Affective reactions.

## **6.0 Laws and Supreme Court Verdicts against violence**

- i. In *Vishakha vs State of Rajasthan & others* (1997) the supreme court apprehended the omnipresent phenomenon of sexual harassment of women in Indian society. The court defined sexual harassment as unwelcome sexually determined behaviour including physical contact; demand or request for sexual favours; sexually coloured remarks; exhibiting pornography; and any other unwelcome physical, verbal or non-verbal conduct of a sexual nature. (Rawat, 2003)
- ii. UGC guidelines to universities and colleges direct institutional management to take strict action against bullies and offenders on pain of either disassociating it in the case of a college or cutting down financial assistance if it is a university.



The Supreme Court of India took note of ragging in 2001, when in *Vishwa Jagriti Mission through President vs Central Govt. through Cabinet Secretary & Others* (1998) it set out guidelines to deal with this phenomenon (Rawat, 2003).

- iii. Delhi University's Ordinance XV B also lists in great detail culpable acts violative of campus discipline. Among them: physical assault, the threat of physical force, violation of status, dignity, and honour of students of the scheduled castes and tribes, any acts verbal or otherwise derogatory of women, willful destruction of institutional property and ragging. A separate ordinance (XV C) specifically prohibits ragging and prescribes punishments ranging from withholding permission to write exams to fines and rustication. (Rawat, 2003)
- iv. The central legislation, which keep a check on the practice of ragging in India, can be divided into three broad categories: Indian Penal Code; UGC Regulations On Curbing The Menace Of Ragging In Higher Educational Institutions, 2009; Other institute specific regulations. There are also some states in India that have their own legislation on ragging. (Anti-Ragging Laws in India, 2018)
- v. There are punishments under the Indian Penal Code against acts of Ragging. Every single occurrence of ragging or abetting in ragging puts an obligation on the institution to get the FIR registered. There are provisions in the IPC, which can be used by a student to register an FIR in the nearest Police Station (Anti-Ragging Laws in India, 2018).

### **6.1 International conventions and treaties against violence**

- i. The Universal Declaration of Human Rights, endorsed in 1948 by the United Nations, lays out the most fundamental international agreement for combating violence against women, as it declares the equal rights of women and men, including the right to personal security. (Violence Against Women and the Law – Every Woman Treaty, 2018)
- ii. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was a landmark treaty addressing inequality for women that entered into force in 1981. (Violence Against Women and the Law – Every Woman Treaty, 2018)

- iii. The Rome Statute—the treaty that established the International Criminal Court—considers widespread or systematic violence directed at women and girls in civilian populations a crime against humanity, and a war crime if it happens during the conflict. It only holds individuals accountable for crimes, not states. (Violence Against Women and the Law – Every Woman Treaty, 2018)
- iv. The UN Study on Violence against Children implores States to: “prohibit all forms of violence against children, in all settings, including all corporal punishment, harmful traditional practices, such as early and forced marriages, female genital mutilation and so-called honour crimes, sexual violence, and torture and other cruel, inhuman or degrading treatment or punishment, as required by international treaties, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child.” (Legal Ban on Violence against Children | UN Special Representative of the Secretary-General on Violence Against Children, n.d.)

## **6.2 Loopholes in Enforcement of Laws and Important conventions**

Despite several laws, rights, and supreme court verdicts, the situation in the country remains depressing. In a country where cases of sexual assault, rape, ragging, have only risen with successive, the need for fast track mechanisms and proper law enforcement becomes important. Campus violence has always been treated as a result of student politics in India with less emphasis on what the government or concerned regulatory bodies could have done to prevent it. Police, an essential law enforcer, have become insensitive to the plight of students and consider brutality as a tool to make students realize their faults for ‘protesting’. In fact, in this process infringement of rights takes place at a very large scale. Violence against students has seen a steady increase with the emerging political scenario in the country.

## **7.0 Recommendations**

### **Education and Awareness**

1. Learning of factual information related to violence, sexual assault, stalking, etc. should be imparted to college students with a special focus on dispelling myths that contribute to these campus evils.

2. Making students understand the university's code of conduct and protocol of response to incidents of violence both on and off-campus contributes to their knowledge of acceptable and unacceptable behaviours (CALCASA, n.d.).
3. Students should be familiarized with both on and off-campus resources i.e. medical, psychological, legal, academic, etc., and how to access them (CALCASA, n.d.).  
Training programs should be devised and students should be encouraged to participate in these so that they can learn appropriate ways to respond to incidents of campus violence.

### **College Administration**

- i. The effectiveness and efficiency of College administration can reduce the probability of campus violence. Even if the violence occurs, the administration has to be quick and logical in its statements and actions.
- ii. The administration should develop response teams consisting of a variety of stakeholders affiliated with the campus. Faculty, students, and off-campus experts should be involved in devising safety measures in line with emerging safety concerns (Mayegun, 1996).

### **Student-Teacher Relationship**

- i. Solidarity in educational institutions can make the way to a safe environment easier. However, students and teachers sometimes have deep divisions amongst themselves. In such an environment, every student has to remain aligned to one group or the other to protect themselves. Not only students, but the division is also present among the teachers. So there is firstly a need for unity among the students as well as teachers association to prevent such violence in the campuses.
- ii. There should be a friendly relationship between teachers and students. Informal meetings should be organized to improve communication and the flow of information between students and teachers.

### **Undergraduate Grants Commission**

- i. There is an urgent need to critically analyze the UGC Guidelines. The University Grants Commission issued "Guidelines on the safety of students on and off campuses in Higher Educational Institutions" in 2015.

- ii. However, these guidelines contain several problems (Chandra, 2015). According to many, if these guidelines are enforced then it would be asserting the state's notion of morality. Students are submissive infantile entities requiring permission from authorities all the time.

### **Police Brutality**

- i. The presence of police forces on the campus is also problematic to some extent. It keeps students under constant fear. Since most of the universities are a symbol of autonomy and freedom, such a provision may instil fear and feelings of insecurity among students.
- ii. However some might argue that the presence of police might prevent sexual harassment, but there is plenty of evidence to show that when it comes to sexual violence it can happen in the police station as well. There is a need to evaluate this provision and think wisely of how and to what extent is the use of police force necessary in a campus setting.
- iii. There is a need for a monitoring mechanism for Law Enforcement Officials. According to Article 1 of the United Nations Code of Conduct for Law Enforcement Officials, Law Enforcement Officials should fulfil their duty by law as it's the responsibility endowed on them by their professions (OHCHR, n.d.). Indian authorities should investigate the cases of campus violence as well as attacks on the student including the inaction of police.

### **Political Influence**

- i. Political influence on educational institutions had often led to violence. In the Indian context, it is one of the main factors underlying campus violence today. It is thus important to reduce campus violence by making the campus politically neutral.
- ii. However, student politics is an integral part of a college student because it gives them the right to raise their opinions and be aware of decisions and actions concerning them. The university/college should try to reduce conflicts related to student politics in a way that it does not escalate into a violent conflict. They should instead try to redress student's grievances and settle disputes peacefully using appropriate conflict resolution mechanisms.

### **A social-ecological model**

1. Many campuses have adopted a social-ecological model as a framework for campus violence prevention. A social-ecological model is a system of strategies that identify and change the physical, social, legal, and economic factors that lead to negative behaviours in an environment (Wies, 2013).
2. The social-ecological model focuses on the interplay of four environmental levels: the individual, the relationship, the community, and the society (Wies, 2013). Prevention strategies in this model take into account the experiences of the individual with peers and family; their place in the college, workplace, and home as well as the influences of health, education, and social policies.

### **Post-violence measures**

- i. Re-victimization of students who experienced violence should be prevented, particularly in cases of harassment or sexual assault.
- ii. The recovery process of the victims should be given attention. The victims should be facilitated with appropriate legal, medical, social, and academic services (CALCASA, n.d.).

### **7.0 Conclusion**

Violence can have hazardous effects not only on the victim's life but also on society as a whole. The victims of campus violence mostly constitute women and minorities who do not enjoy much power and rights in reality. All types and levels of violence leave deep impressions on the students, meanwhile shattering their self-esteem, trust, and a sense of security.

Students are an important and integral part of the future of the country. They are also active in expressing their opinions on various issues at the national and the international level. If the government does something against the law or a policy that doesn't serve the interests of the citizens, it is their right to express their dissatisfaction through peaceful protests or in other words the right to assemble, to object to the decision. However, these rights are breached when incidents of campus violence occur.

Lack of sufficient legislation to put an end to campus violence in India and effective compliance of laws and international agreements, constitute the major drawback for the Indian democracy. Although the presence of regulatory bodies, such as the University Grants Commission promotes coordination, determination, and maintenance of standards of higher education, its story of inability to tackle incidents of campus violence has been read by every student. This shows that there is a dire need for new mechanisms and policies to deal with violence at the campus so that students can learn and grow without any fear.

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