

# Pakistan: Of students' rights

Monday 9 December 2019, by [REHMAN I. A.](#) (Date first published: 5 December 2019).

**THE nationwide [students' solidarity march](#) of Nov 29, a most impressive expression of Pakistani students' aspirations and concerns, has received diverse responses and all of them can be dispassionately discussed.**

First, the prime minister's [willingness](#) to allow student unions can only be welcomed. His view can be justified as acceptance of the right of students to freedom of association under Article 17 of the Constitution, Article 8 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and Article 22 of the International Covenant on Civil and Political Rights (ICCPR), that the state cannot disregard.

However, the prime minister has not been properly advised on making the revival of student unions subject to the preparation of a code of conduct in the light of best practices around the world. While nobody can object to a survey of the kind indicated, as this might increase our educational authorities' awareness of the facilities and respect allowed to students at reputable educational centres, rights cannot be made subject to codes of conduct. About the code of conduct a little later, but first: the students' right to form unions at all layers and forms of educational institutions must be accepted.

This right is not absolute and the nature and scale of limitations have best been described in the ICCPR, which says: "No restrictions may be placed on the exercise of this right (the right to freedom of association) other than those which are prescribed by law and which are necessary in a democratic society in the interest of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article will not prevent the imposition of lawful restrictions on members of the armed forces or of the police in their exercise of this right."

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The restrictions mentioned have already been provided in Pakistan's laws but long periods of emergency — when fundamental rights were suspended, the authoritarian rulers' greater emphasis on responsibilities than on rights, and judicial verdicts that allowed curtailment of fundamental rights — have considerably corroded the concept of rights in Pakistan, and these are wrongly viewed as the state's concessions to its subjects. In the interest of peace between the state and its citizens, it will be necessary for the state to accept the citizens' rights fully and without reservations. Students constitute one of the important and volatile segments of society. They cannot be taken for granted in the manner peasants, for instance, are.

Once student unions have been revived, they can have their code of conduct because the most effective codes are the ones that are voluntarily adopted by organisations and associations. Codes developed and imposed by governments without due consultation with the relevant groups only increase friction between the government and citizens. But are all non-official associations, including

trade chambers, labour unions etc, allowed subject to state-designed codes of conduct? The federal union of journalists was allowed to function without a code of conduct, although it did draw up one on its own.

The reason a code of conduct is considered necessary before permitting the formation of student unions lies in the bias against students the establishment has nourished with missionary zeal. This bias is reflected in the second response to the solidarity march: a fierce opposition to the revival of student unions.

In the debate on the media, restoration of student unions is rejected on two grounds: 1) violence on campuses will increase, and 2) students will start taking part in politics. On both counts, student unions have sinned less than they have been sinned against. What violence had been done by the girl students of Dhaka and the DSF in Karachi before they were gunned down soon after independence?

Who had given a pseudo-religious student outfit police protection while they beat up their rivals all over Punjab? Was it not the student wing of President Ayub's faction of Muslim League that was given firearms and motorcycles for 'conquering' the campuses? Was the state neutral in the conflict between the Mohajir and Sindhi student groups in Karachi? More often than not, student violence has been in response to state violence.

Yes, there is a long history of students' involvement with politics, especially in East Bengal, Balochistan and Khyber Pakhtunkhwa. But this happened during periods when normal politics, especially nationalist voices, had been suppressed. If the state offers a level playing ground to all schools of political thought the students will have neither any urge nor any room to indulge in politics.

The trouble with the administration is that it has all along viewed student unions as adversaries. True, they make certain demands on educational administrations, but that does not make them enemies of anyone. They have a positive role to play in extending the frontiers of knowledge. If handled properly, student unions can help cut down the waste of time and resources at campuses. The cynics will not accept this, but it is time the latter were marginalised.

Finally, a bad response to the solidarity march is the institution of criminal cases against a number of people. This is exactly how the state has been radicalising the youth: turning innocent activists into dissidents and dissidents into extremist challengers. The government would do the people and itself much good if it scraped all these cases.

Is it impossible to bury the past and make a fresh beginning by ceasing to despise activists and trusting them instead? They are after all the best bet for the nation's future. The present generation has no right to dictate what sort of leaders they should become. The spirit of the age, the qualities of the mind they are allowed to develop and the freedom to think will help them take a democratic Pakistan forward. The only service the government and society can perform is to let the students be themselves.

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