



## An outline for a youth charter

### An Introduction

Part III of the Indian constitution provides a clear articulation of fundamental rights that all citizens enjoy. Rights that all citizens enjoy include rights to Freedom, Equality and the protection against exploitation. These protections are enjoyed by all citizens of the country irrespective of categories like age, gender, caste or income. At the same time, the constitution recognises particular vulnerable citizens who due to their particular situation require special provisions for the advancement of their rights. These include women, children, scheduled castes and scheduled tribes. Implicit in provisioning for particular citizens is the recognition that some citizens are particularly vulnerable due to their social or cultural context, their age or their gender. Given this recognition, there are various protections that are in place to guarantee the rights of these especially vulnerable citizens.

The rights of women for example are recorded in various registers across the world. After the fourth world conference in Beijing in 1995, the rights of women have been more fully articulated in various documents internationally as well as in documents at the national level. The budget of the India has a section on gender budgeting that suggests the importance given to the special needs of women. The rights of children are expressed in the United Nations Convention on the Rights of the Child. In India, women's rights are protected through the National Commission for Women and the rights of the child are taken care of by the National Commission for the Protection of Child Rights. Other categories of people whose rights are now increasingly articulated include the disabled, the elderly as well as particular minorities.

While many of these categories are sufficient for the articulation of a large number of the rights that youth enjoy, given the large demographic shift in India and across the world, it is now increasingly necessary to look at youth as a special category of citizenry whose needs are different and need to be articulated as such. Youth are sometimes described as 'not yet adults, but no longer children', and while many of their rights are protected, there remain a number of areas, where the rights of youth need to be uniquely recognised. This is especially true as young people transition from childhood to adulthood, their opinions can often be different from what their parents, relatives and immediate social circle have.

Some of the key reasons for youth rights to be recognised include:

1. Youth are making the transition from childhood to adulthood. While both these categories have a recognised set of rights, youth needs sometimes may not fit into either of these categories, creating a need for the articulation of these rights.
2. Youth are expected to follow the patterns that have been set up by their parents, families and communities. While these come from their understanding of the world, youth often can

have different perspectives as well as an understanding that is different from their own experience.

3. Given that many of the needs of the youth are emergent, there is a need to recognise the specific contexts of young people that require an understanding of their own rights and perspectives. While the perspectives of the youth are recognised as different, they are currently only classified as youth opinions, without it creating any binding obligations in terms of rights.
4. Making autonomous choices needs to be a central part of the period of life that is described as youth, without fear of reprisals or adverse effects. These freedoms need to be both recognised by the State, with provisions of adequate protections where necessary.
5. Given that the site of enforcement of many of these rights are in a young person's home, it is important to establish the framework in order to create a system of justiciability of these rights.

## **The Rights of Youth**

The site of protection of the rights of the youth is often where they are most vulnerable: their home as well as their immediate community and surroundings. Protecting the vulnerabilities of youth from exploitation and the context in which they are defined forms one part of this charter. What emerges from the protection of vulnerabilities of the youth is that it allows them to emerge out of their own limitations to fulfil their own potential as young people as well as middle aged adults. Youth are people who have high levels of energy, great enthusiasm for life as well as the willingness to take risks. The high energy and brashness of youthhood is often articulated as a reason for imposing controls that stifle their own autonomy and independence.

Encouraging them to form different opinions and take risks will enable them to fulfil their own potential rather than being constrained by the limitations of their circumstances. Supporting youth to step out of their own comfort zones, and participate actively in the political, economic and social life of the country can have many long term benefits for the country. Youth can be a powerful force for change with the potential to make transformative, systemic and sustainable changes that can be beneficial for a country or a region. Giving direction and purpose to the enthusiasm of youth can help the country leverage the demographic dividend for the task of nation building.

## **Right to Equality**

The constitution of India establishes equality as one of its central tenets. Articles 14- 18 establish the right to equality within the framework of the Indian constitution. Article 14 establishes Equality before law, and the equal protection of all laws for all citizens of the country. Articles 15- 17 prohibit discrimination on the basis of religion, race, caste, sex or place of birth. Particularly vulnerable communities are protected in these articles through guaranteeing that all people have access to places like public roads, wells, shops, restaurants or bathing ghats. Particularly, these were established because of established practices of discrimination against particular castes and communities. These articles establish clearly that vulnerable citizens need to be protected including women, children, scheduled castes and scheduled tribes. The discrimination against caste is further reinforced in Article 17 which abolishes untouchability. Establishing equality is important not only because of the constitutional protection of the same, but also because of the need to give all youth an equal chance at social and economic mobility.

One of the vehicles for social mobility is a good quality education. The Right to Education (RTE) Act has been a starting point for a discussion to ensure that all children to good quality education. The Act specifies that all children upto the age of 16 have a right to education. The Act also provides for the reservation of some seats for meritorious lower income students in private schools. While RTE establishes a right for children, it lets go of them as they are entering their youthhood, especially at a time when they need to make choices with regard to their education and other career choices. Courses that they should do, the opportunities that these courses will lead to as well as guidance and assistance to find jobs that are suitable for their qualifications and aptitude are very critical in order for youth to develop as individuals. This means establishing career counselling methods in order to ensure that they are able to look beyond the immediate job that they get towards a career path that they are able to follow.

Youth are at a time in their life, where they need both career guidance as well as awareness building to allow for them to move on to a career path (rather than be pushed to a job which can often be a dead end). Youth need the opportunity to move beyond their own constraints and limitations to exceed their own expectations. Establishing this right in unequivocal terms is a first step for all youth in order to ensure that they do not experience any form of discrimination.

Very often, the discrimination in the new age is thanks to the fee structures that are established due to the increasing marketisation of education, the reduction of funding for State funded universities as well as the privatisation of higher education. Youth from economically weaker families are at an increasing disadvantage to access a good quality education due to the high fee structures which means that the gains made through the RTE cannot be fully leveraged by these youth. While there are a few scholarships available for students, in general the cost of putting oneself through university can be a huge deterrent for many youth. What is necessary at this point is a guarantee that financial need will never be a reason a young person cannot miss out on good quality higher education. While economic criteria can prevent many students from accessing education, some students have additional constraints that prevent them from reaching the ideal of equality enshrined in the constitution. Many talented young women are usually under intense pressure to give up their education and get married, have children and run a household denying them the opportunity to explore opportunities through attaining a better education. Similarly, particular communities like the scheduled castes and tribes face can face discrimination to access higher education.

At the same time, students who have completed formal education are unable to translate that into a better job or better opportunities for themselves. Education has increasingly alienated many youth from their agricultural backgrounds and while they are unable to move up the social mobility ladder through the better education, they are not able to return to agriculture as they do not know enough and are unwilling to work in the fields again. Creating opportunities in the agricultural sector given that a large number of youth continue to be connected to the land is an important step for all youth. At the same time, establishing needs for self employment opportunities for those with traditional skills that have been acquired within the family will allow young people to make an easier transition from childhood to adulthood. The eradication of poverty, the creation of opportunities for youth and addressing the constraints in which a large majority of the youth are placed in are important steps to the constitutional ideal of a right to equality.

In addition to a greater role of the State in creating opportunities for the youth, it is necessary to provide information and resources that can help youth make informed choices regarding their own life and career. While employment exchanges were originally intended to be a clearing house for all jobs, they have increasingly become a centre for jobs available with the government. Often, when youth are making decisions on their career it is not based on credible information as much as it is on hearsay, random opinions as well as personal bias. What is necessary is a credible source of information and pathways for them to access a good career.

A key part of the youth rights agenda would be the establishment of the principle of inter-generational equity. One of the key issues over the past century has been the rapid utilisation of resources, the burning of fossil fuels and the increasing threats due to climate change. The over exploitation of resources by this generation deprives future generations access to resources and higher levels of emissions today make the threat of climate change a much bigger concern for the next generation.

The rights envisaged under the Right to Equality include:

1. The right to free education upto the age of 18 and the right to access higher education after completion of schooling
2. The right for vulnerable youth to gain access to an opportunity equalling education.
3. The right to access information on careers and access jobs as well as take control of their own career
4. The right to equal participation in decision making especially in questions of allocation of resources and the establishment of the principle of inter generational equity.

### **Right to Freedom**

Articles 19- 22 protect an individual's right to freedom. Freedom is one of the most important rights for an individual. The ability to make decisions and express opinions free of constraints can help to release the creative energies of an individual to the maximum. One of the rights protected constitutionally is the freedom of speech and expression. Within reasonable constraints, the constitution allows for individuals to express any opinion that they want free of the fear of any repercussions.

Young people as a constituency however in addition to fearing systematic repercussions from the State have to be concerned about repercussions within their family as many of the opinions that they have are expressed in a site where the State traditionally has had little role to protect rights. A part of the process of growing up is that young people can have different opinions from their parents and their communities. This can be true of their political and ideological views, their opinions on love and sexuality or other opinions that have evolved differently from their parents' views. Given the financial vulnerability of youth, it becomes necessary to protect youth opinions which are likely to be held in their homes and communities.

One of the key freedom's that many youth struggle to enjoy is the right to learn about their own sexuality as well as the right to choose a marriage partner. Given the nature and constitution of many of the communities in India, sexuality education is very often ignored and in many cases actively discouraged with the idea that providing information and education will result in an increase in promiscuous behaviour. Unfortunately, this approach increases irresponsible sexual behaviour.

Providing education to all youth regarding their own sexuality that includes information on sexual orientation, sexual harassment and sexual relationships is a key freedom in order for them to explore and make informed choices on their sexuality.

In addition to information on sexuality, one of the key freedoms that youth require is the freedom to choose one's own life partner. Given the rigid structures of caste and community within the country, one's marriage partner is determined by the context in which the individual is located. Customary law usually forbids relationships that are formed outside of the strict arranged marriage set up, where parents choose a partner based on caste, gothra and other considerations. While a young person might well find someone who fits all the criteria that their community approves of, it is an important right that youth be allowed to explore relationships outside the very rigid caste structures that restrict their autonomy and freedom in choosing a life partner.

This freedom goes hand in hand with the protection of the family. When some young people decide to get married outside of the rigid structures of caste, it is important that this right be established as well as protected, so that the newly established families are protected. This right will have to go hand in hand with a commitment to eliminate harmful social and cultural practices like honour killing where youth are killed in order to 'defend the honour' of a particular community. This is especially true when khap panchayats pass orders that a particular individual or a couple are killed as they chose to marry outside of the extremely rigid framework that allowed within the system.

Another key freedom that is constitutionally protected within the Right to Freedom is the freedom of association. Traditionally, student unions and other similar bodies brought out the collective voice of the youth student body. However, increasingly, student unions are facing increasing hostility and it is becoming difficult for the expression of student opinions. Ensuring that youth have representative bodies that express their own concerns in a student context is an important part of a rights framework for young people. This would also mean having greater, more meaningful involvement of students in decisions that affect them in their own colleges as well as in policies at a State and National level. Youth expression and youth rights are a pathway to a more democratic, inclusive society and the protection of the right to form associations is an important part of this exercise.

Some of the rights that need to be covered under this category include:

1. The right to freedom of thought and expression: especially as youth opinions might be different from their parents views
2. The right to sexuality education and the right to form relationships based based on their own choices
3. The right to choosing one's own life partner without fear of reprisals like honour killings etc
4. The right to form student associations to fairly represent the views of the students.

### **Right Against Exploitation**

The Right Against Exploitation was established as a right in order to prevent all forms of exploitation, especially in terms of forced labour and trafficking of humans. Additionally, there was a prohibition of employment of children in factories and other hazardous occupations. Increasingly however, youth are being forced into jobs in which they have little or no say and are in positions of extreme vulnerability. These jobs could be in agriculture, manufacturing and the services sectors. Given the

difficulty of finding employment, employers exploit the weakness of the youth to accept jobs on terms that leave little time for rest or leisure at wages that are extremely low. In some cases, work is also given in exchange for feeding habits like alcohol.

The severe shortage of labour across all industries in some parts of the country has resulted in large scale migration from across the country to these areas. This has created a flourishing market for human traffickers who organise people to move from the northern and eastern parts of the country to the southern and western parts of the country to meet an almost unlimited demand for labour in agriculture, plantations, manufacturing, hotels and restaurants. However, as these people arrive as individuals in their final location, they are not unionised or organised to ensure that they are not exploited. Young women in these positions are particularly vulnerable as they are likely to be exploited in the sex trade.

In this context, the rights that are particularly important for youth to prevent exploitation include:

1. The right to safe and fair employment, even when they have migrated from their home to other locations
2. The right to form unions in particular industries, but across companies in order to ensure fair representation of their concerns
3. The right against human trafficking and all forms of sexual exploitation especially of young women in the informal sector

### **Right to Freedom of Religion**

In a context of growing intolerance across the world, the right to freedom of religion is an important right for all youth. The freedom of thought, conscience and religion are protected which allows people to think freely and act on the basis of their conscience. In the Indian context, individuals are 'born into' a particular religion and most often are happy to live and profess the religion for the rest of their life. However, there are times when young people after examining other faiths wish to change their faith to another religion. This needs to be protected, if the change of faith takes place without coercion and through a process of reflection and introspection. Given this context, youth rights that uphold the freedom of religion should include:

1. The right to choose their faith and religion after a process of self-reflection and introspection.
2. The right to practice their chosen religion.