

## **Shrinking Space of Academic Freedom in India – Violation of Human Right.**

Dr. Mrs. Anjali Gaidhane

Associate Professor and Head

Dept. of Political Science

Hislop College, Nagpur

*Abstract: Academic freedom is considered to be one of the most important pillars of educational institutions. It is a prerequisite for quality education and essential for complete development of human personality. However, what is a matter of genuine concern is that academic freedom has been subjected to constant restraint from both governmental and non-governmental entities. This is shrinking space of academic freedom and is detrimental to overall cultural health of the society tarnishing reputation of the country internationally. Violation of academic freedom also leads to breach of human right as both are interlinked with one another and protection of human right is only possible if it is accompanied with academic freedom.*

*Keywords – Academic Freedom, Right, Human rights, freedom of speech and expression*

### **Introduction**

Academic freedom is a form of freedom of speech and expression, one that is constrained by academic ethics and principles of research. (Sundar, N and Fazili, G. 2020) Broadly, there are two types of academic freedom Intra-mural or within the classroom and Extra-mural or outside the classroom. The former has to be exercised with caution subject to teaching morals and ethics, while the latter is similar to freedom of speech and Expression. Academic freedom breeds creativity as it allows scholars to question the existing knowledge, even if it goes against the conventional views of the society or the government, without the fear of being persecuted. The purpose of an academic institution, like a university or college, is preservation, production, and dissemination of knowledge and to produce new ideas and concepts and communicate them liberally. It is therefore that academic spaces should be free spaces of dissemination and spread of knowledge without fear or favour.

The Indian Constitution guarantees Fundamental Rights in Part III. 19 includes the right to freedom of speech and expression. Since Academic Freedom is a subset of freedom of speech, the former is violated when the latter is targeted. Academic Freedom is not unlimited freedom of expression, but a right to argue for an idea or concept in 'an appropriately academic manner'. (Williams, J. 2016.)

The Indian constitution imposes “reasonable restrictions” upon freedom of speech and expression in order to maintain “public order, decency or morality”. This was important as in India “the animosities of centuries are always smouldering beneath the surface”. It is therefore perhaps the members of constituent assembly thought that communities could be easily provoked through hate speech, especially since the literacy rate was low and the scars of communalism and partition were still fresh and provision of reasonable restrictions was inserted. (Lal.V, 2014)

What is a matter of concern is the myriad ways in which academic freedom is being targeted and constricted recently, the most popular being censorship or cancel culture. By controlling what the students learn, the government, it appears, is attempting to ensure that their political views, regarding India and its culture, are propagated. Moreover, attacks on University campuses, like the one at JNU by masked ABVP members or at JMI or AMU, reflect a desperate attempt to counter free speech by vandalizing the spaces known for the exchange of views and ideas, i.e. Universities. The brazen display of indifference by the authorities to such vandalism emboldens the vigilantes to openly threaten and damage the campus. More recently, the resignation of Pratap Bhanu Mehta and Arvind Subramanian, two intellectual stalwarts, indicates the penetration of politics deep into the management affairs of a private Universities. (Perrigo, B. 2021) Gautam Bhatia terms it as a Heckler's Veto, a legal system where dissenting views are suppressed in order to satisfy the majoritarian stand. (Indian, A.,2018)

The impact of this is experienced by the society at large as lack of genuine and serious scholarly work, on 'controversial' topics, deprives the students of understanding the concepts with a broad perspective. The acts of vandalism, while the authorities look on, also discourages potential investors/business or foreign Universities from setting up their branch in India. Furthermore, it leads to the diminishing of the international reputation of India.

In March 2020, the Academic Freedom Index (AFI), which uses a scale between 0 – 1, placed India's score at 0.352, equivalent to Saudi Arabia and Libya. Countries like Pakistan (0.554) and Somalia (0.436) ranked above India. Moreover, Scholars at Risk (SAR), an international NGO dedicated to the protection of Academic Freedom, in its ‘Free to Think Report 2020’ highlighted that the ‘heightened nationalistic rhetoric has circumscribed the space for open talks. The report also pointed out the gradual diminishing effect it is having on India's reputation internationally. (Staff, T. W. 2020)

Academic freedom and Human Rights are interlinked to one another and protection of human rights is only possible if accompanied with Academic Freedom. Both of them are interlinked in the sense that, in 1999, UN's ICESCR recognized Academic Freedom as a Human Right to Education articulating that, "the right to education can only be enjoyed if accompanied with Academic Freedom of staff and students". Academic Freedom, if looked at an individual level, is a subset of Freedom of Expression, with constraints in the context of the concerned discipline, and therefore, a Human Right that must be protected. Moreover, the aim of education, as per ICHR is, "full development of human personality", which can only be achieved with Academic freedom.

As per the UN's United Declaration of Human Rights (UDHR), Article 19 says that "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers".

### **The way ahead -**

Granting autonomy to institutions of higher education is seen, by some, as a way forward, despite its limitations. All the previous Education Commissions (Radhakrishnan Commission 1948-49, Kothari Commission 1964-66, Yashpal Commission 2006) have highlighted the importance of autonomy in institutions of higher education. The Government must also discern the dire need of addressing corruption in appointments to Universities. As per Transparency Report, education was the most corrupt sector in India. When appointments are made based on political affiliations, it adversely impacts the quality of education and violates Article 21 of UDHR. The National Education Policy (NEP) 2020 aims to increase the efficiency of educational institutions through autonomy and de-bureaucratization of institutions by handing over the management to academicians. The proper implementation of NEP 2020 could serve as a good measure for upholding both Articles 19 and 21 of the UDHR and other fundamental rights enshrined in the Indian Constitution.

Education is a continuous dialogue of questions and answers that pursue every problem on the universe. To allow that space of freedom to exist to be able to solve the myriad problems of mankind is one of the most quintessential need of the time.

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