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“What is new is the comprehensive nature of the political assault on academic institutions” —An Interview with Niraja Gopal Jayal

Stéphanie Tawa Lama-Rewal and Niraja Gopal Jayal

- 1 Niraja Gopal Jayal is a professor at the Centre for the Study of Law and Governance at the Jawaharlal Nehru University (JNU), New Delhi. Her research, at the crossroads between political theory and the study of Indian politics, focuses on four main areas: democracy, representation, citizenship¹ and governance (including local governance, and gender and governance). She is presently working on the crisis of the public university in India.

Interview

STLR: Niraja, you have previously written on academic freedom and the many challenges it faces, in India and elsewhere.² Two recent images of JNU—that of an army tank being installed on the campus in July 2017, and of a small army of goons waging a violent attack on students and teachers in January 2020—suggest that the denial of academic freedom is now nothing short of an assault. Before we go into the nature and forms of this assault, could you tell us how you define academic freedom?

NGJ: The definition of academic freedom, unlike its practice, is pretty standard and does not vary greatly across time or space. If we compare the most widely cited document on the subject, the 1915 Declaration of Principles of the American Association of University Professors (AAUP) to the principles adopted by UNESCO in 1997, and both of these to the academic freedom indicators used by the V-Dem Report on Academic Freedom 2020,³ we find a common core, with the definition being expanded over the course of the century, possibly in response to the challenges posed by authoritarianism and various practices of state control over the academy.

In 1915, the AAUP identified three elements of academic freedom: “freedom of inquiry and research; freedom of teaching within the university or college; and freedom of extra-mural utterance and action.” In 1997, the UNESCO defined academic freedom as part of its *Recommendation Concerning the Status of Higher-Education Teaching Personnel*, as “the right [of academics], without constriction by prescribed doctrine, to freedom of teaching and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom to express freely their opinion about the institution or system in which they work, freedom from institutional censorship and freedom to participate in professional or representative academic bodies” (UNESCO 1997:10). The UNESCO Recommendation thus includes, but goes well beyond, the AAUP Declaration in taking into account institutional factors: the freedom from the constrictions of doctrine, teachers’ freedom to express their opinion about the institution in which they work, freedom from institutional censorship and freedom to participate in professional academic bodies. There is almost no aspect of the denial of academic freedom in the world today that is not encompassed by the UNESCO’s Recommendations.

Most recently, an Academic Freedom Index developed by the V-Dem Institute (2020) has identified a set of academic freedom indicators: the freedom to research and teach, the freedom of academic exchange and dissemination, the institutional autonomy of universities, and campus integrity. The UNESCO Recommendation that autonomy is the institutional form of academic freedom is extended here to consider the institutional autonomy of universities in relation to government, and not just that of individual faculty in relation to the institution, as a core component of academic freedom. In a sense, from 1915 to 2020, these three sets of principles have a common minimum core but the passage of time, and empirical evidence of varied and more egregious types of interference, have resulted in the recognition of the constraints of doctrine and on the autonomy of institutions per se.

All of these dimensions, in my view, have resonance in the Indian context. By way of example, let me mention the obvious resonance of just the three core elements. The freedom of inquiry and research is seriously compromised when publishers are compelled to withdraw or pulp books as a result of legal intimidation, as Penguin was in the case of Wendy Doniger’s celebrated book *The Hindus: An Alternative History* or Orient Blackswan in the case of Megha Kumar’s book *Communalism and Sexual Violence: Ahmedabad since 1969*. Second, freedom inside and outside the classroom is undermined by the cancellation of lectures, films, plays and seminars. To give only a couple of examples, in April 2018, a seminar on philosophy at the Jawaharlal Nehru University was called off by the Indian Council of Philosophical Research which had initiated the idea and was sponsoring it, because there were papers on tribal religious practices, as well as papers by foreign scholars. In February 2020, the dancer Mallika Sarabhai’s Convocation Address at the National Institute of Design was cancelled at the last minute, because she has been openly critical of Modi with regard to the question of communal violence. Finally, extra-mural freedom is threatened when academics working in areas affected by insurgency are targeted by the police. For example, false charges were filed against Professor Nandini Sundar and Professor Archana Prasad for the murder of a tribal person, ostensibly based on a complaint by the latter’s wife. These charges were subsequently denied by the people of the victim’s village and had to be dropped. The worst form that such suppression of

academic freedom has taken—and here it becomes indistinguishable from freedom of speech and expression for all citizens—is of course the assassinations of rationalist scholars like the former Vice-Chancellor M.M. Kalburgi and others like him.

STLR: Is the current assault on academic freedom in India unprecedented? What are the main forms taken by such assault?

NGJ: I believe it is unprecedented, and this impression is corroborated by the V-Dem report which, in tracking academic freedom in India over a period of 40 years, shows a precipitous decline from 2014-2018 (V-Dem 2020:16, Figure 3).

The structural constraints on institutional autonomy from government—such as the appointment of Vice-Chancellors by government or the UGC's prescription of model syllabi for universities—are enduring legacies of colonialism, practices so familiar that they are simply taken for granted and rarely if ever questioned. The expectation of ideological compatibility with the dominant political party in a state, as a criterion for faculty appointments, is also not uncommon, though it has just been taken to new heights (or lows, depending on one's perspective) in Central universities. In December 2018, the junior minister of human resource development, Upendra Kushwaha, resigned from the Council of Ministers. Among his reasons for quitting the government, he mentioned the fact that, in Central universities over the past four years, "RSS people are occupying all (senior) positions in academic institutions. They are appointed as VCs and chosen as teachers."

What is new in the present juncture is the comprehensive nature of the political assault on academic institutions. This encompasses almost every aspect of academic life—the politicization of appointments of heads of universities and research institutions as well as faculty appointments at every level from assistant professor to professor; the withdrawal of offers of appointment from universities to eminent academics; the refusal or cancellation of permission to host talks and seminars; the harassment of faculty who express dissenting opinions by denying them permission to take up fellowships abroad or denying sabbatical leave which is their due or holding back their retirement benefits; vigilantism around what books should and should not be part of the syllabus, and so forth.

Similarly, while the politicization of appointments is not new, what is new about the contemporary moment is their systematic and pre-meditated quality, with the careful choice of individuals who either have links with the Sangh Parivar or have been chosen directly by it. The Chairs of all the major research councils in the humanities and social sciences—the ICSSR, the ICHR, the ICPR and so on—are people whose academic accomplishments are inversely proportional to their known links to the Sangh (Sundar and Fazili 2020). Vice-Chancellors of Central Universities are equally individuals selected carefully on the basis of political-ideological kinship.

What is dramatically new and unprecedented is the unleashing of motivated violence on campuses, such as that by the police in Jamia Millia Islamia on December 15, 2019 and by ABVP vigilantes in JNU on January 5, 2020. The brutal physical attack on the students and teachers of JNU was carried out by a group of masked intruders who appear to have been let onto the campus with faculty complicity and have been identified as ABVP activists. Armed with iron rods, sticks and stones as well as the addresses and room numbers of marked students (many of these Kashmiri Muslims) in the hostels, they unleashed violence on students and teachers in a pre-meditated

and organized fashion. Though many of them were identified, they were allowed to simply vanish and presumably continue to enjoy protection from police action even now. Whether sponsored or spontaneous, vigilantism is certainly unprecedented, as is impunity from its outcomes. It represents a new model for silencing the Other, whether that Other is a member of a reviled minority or just a dissenter. In doing so, it actually crosses the line from the simple denial of academic freedom to vigilante sanctions for its exercise.

Similarly, the exponential increase in internet shutdowns in India, especially in Kashmir, is an unprecedented impediment to academic freedom. For the last two years, India has had more internet shutdowns than any other country. Since 2014, India has seen 357 internet shutdowns, and the world's largest number of such shutdowns in both 2018 (134) and 2019 (95). In the erstwhile state of Jammu and Kashmir, the internet was shut down for a whole year from August 2019, and even now there is mostly only 2G connectivity, making online teaching and learning during the pandemic impossibly difficult.

STLR: JNU seems to have been a favorite target of repression since the first Modi government was formed in 2014. Why is that so?

NGJ: One reason for the targeting of JNU is its academic reputation, both in India and overseas. The second is the assumption, practically an accusation, that JNU has been monopolized, even colonized, by the Left. This ahistorical view presumes that JNU's academic excellence was some pre-existing natural quality and the Left simply walked in and claimed exclusive control over it. It ignores the contributions of those whose scholarship gave this young university, now just half a century old, its academic reputation. Their liberal or left-political orientation becomes the focus of resentment while their scholarly achievements are obscured or denigrated.

The fact is that JNU has been not just the top university in India, but also the leading social science university, and its standing has come from faculty research and publications that have received international peer recognition. JNU teachers and students have generally been progressive in their social, political and economic thinking. There has also been a cherished tradition of debate, not just in the seminar halls of the university, but also in formal post-dinner meetings in the student hostels, where invited guests—politicians, academics and activists—regularly speak to a packed audience of students. In student politics too, various shades of the Left have predominated, leading to the somewhat exaggerated popular stereotype of JNU as a hotbed of communist thinking.

But we also need to consider the historical absence of a serious conservative intellectual tradition in India.⁴ The absence of conservative intellectuals with academic credentials has meant that they have self-excluded from institutions like JNU, but nevertheless feel resentful about this exclusion. The resentment would have been warranted if, for instance, such scholars had not received due recognition despite having books published by major university presses or articles in international peer-reviewed journals to their credit. Even so, there are a handful of such scholars who have been at JNU over the last few decades, and even held leadership positions, but they would need to have produced a critical mass of research students whose work meets the criteria of good scholarship. We need recognition of the importance of quality scholarship in building a fine university; resentment based on categories of Left and Right is quite simply irrelevant and

misplaced. It is arguably an excuse masquerading as a conspiracy theory; or a form of displacement of inadequacies onto imagined grievances that are then attributed to ideological difference.

STLR: How does the denial of/challenges to academic freedom play in the varied landscape of Indian academia: is it different in Central and state universities; or in public and private universities?

NGJ: There certainly are differences along all these axes, but they are differences of degree, for it would be hard to say that there is any sector of higher education where such challenges are not encountered. Public universities across the country have undoubtedly experienced the maximum and most visible curtailments of academic freedom. It is however important to distinguish between the *sources* of these. As everywhere else in the world, such denials of freedom emanate, more often than not, from governments and from university administrations doing their bidding, whether out of ideological sympathy for the ruling establishment or on account of fear or the threat of coercion. But there is another, more alarming trend as well: the denial of academic freedom engineered by elements within the student body, in particular vigilante action by students belonging to the ABVP, the student wing of the RSS. The latter has considerable potential for disruption, as the violence at JNU on January 5, 2020 revealed.

A decade earlier, the ABVP—which has long innings of success in students’ union elections at the University of Delhi—had first vandalized the offices of the History Department and then pressured the Academic Council of that university to remove from the syllabus of the department the critically acclaimed essay by A.K. Ramanujan, “Three Hundred Ramayanas: Five Examples and Three Thoughts on Translations,” because the idea that there were multiple Ramayanas offended their religious sensibilities. The use of violence to disrupt seminars and academic events that they take to be ideologically offensive is alarming enough; the impunity they enjoy for the violence is a greater cause for anxiety. It also underscores the point I made earlier—that the right-wing in India has not so far shown any signs of being invested in scholarship without a political motivation.

Universities in BJP-ruled states have witnessed many such controversies, because it is here that the ABVP’s vandalism is safe from the reach of the law. At the Central University of Haryana, in September 2016, the staging of a play based on Mahasweta Devi’s literary classic *Draupadi*, was attacked because the ABVP decided it was anti-national. The play is a critique of patriarchy and the masculinist nature of the state apparatus, and the main protagonist is a survivor of custodial rape by members of the armed forces. Ordinary people in nearby villages were mobilized, charges of sedition were leveled, and two professors associated with the performance of the play were issued show-cause notices. Similarly, in BJP-ruled Rajasthan, Professor Nivedita Menon from JNU was invited to a conference at the Jai Narain Vyas University in Jodhpur. Not only was she attacked by the ABVP as being “anti-national,” the faculty organizer of the conference, Rajshree Ranawat, was suspended just for inviting Menon to speak.

In some states, such as Gujarat, there are longer histories of the denial of academic freedom, of surveillance around talks and films and of attacks on art exhibitions. In 2007, the reputed Faculty of Fine Arts at M.S. University, Vadodara, was vandalized by the moral police of BJP-VHP activists who found the paintings of a Masters’

student, Srilamathula Chandramohan, obscene. Chandramohan soon found himself in jail, and the dean of the faculty was suspended since the Vice-Chancellor refused to stand by them, or even to allow an FIR to be filed. It was also in Gujarat, reportedly under pressure from the ABVP, that an offer of professorship by a private university to a distinguished historian was withdrawn. Gujarat has the dubious, and perhaps unique, distinction of recommending to state universities that doctoral research be conducted on a specified set of 82 topics, including the following: “Comparative study of Sardar Patel Awas Yojna and Indira Awas Yojana” and “Gujarat: Good governance for growth, scientific management and development—A critical study of existing pattern and future course—A policy suggestions (sic).”

Disruptions have occurred even outside of BJP-ruled states, wherever the ABVP has enjoyed popularity on campuses. In February 2017, there were clashes at Allahabad University between the ABVP and the Students’ Union, because the latter had invited an eminent left-wing journalist to speak on campus. Similar clashes occurred a month later, at Ramjas College, University of Delhi, to prevent a seminar, organized by the literary society of the college, from taking place. Ironically, the seminar was titled “Cultures of Protest.” Students and faculty were injured in the violence that ensued.

While the challenge is, as one would expect, more intense in public universities, private universities too have been affected by it. Perhaps the most well-known example of the denial of academic freedom in a private university is the central government’s refusal of visas in 2018, denying Pakistani scholars the authorization to attend a prestigious conference of the Association of Asian Studies (USA) in collaboration with Ashoka University. It is also reasonable to suppose that in private colleges across India, especially those that are run by families and trusts, there would be greater caution and more restraints. There is probably also a large number of institutions where a culture of vibrant debate has not historically been fostered, where academic freedom is a distant phrase with little connection to the lived reality of the academic experience.

The restraints on university autonomy, which have flowed from government ever since the earliest modern universities came into being in 1857, are of course conceptually distinct from challenges to academic freedom, but they do have important consequences for it. The UNESCO Recommendation saw the autonomy of universities from government as a precondition for the work of teaching and research. The suffocating ways in which the central government, acting through the UGC, has regulated universities (a point that even the National Education Policy 2020 acknowledges) is paralleled in the states. For example, the West Bengal Universities and Colleges (Administration and Regulation) Act, 2017 entrenched the control of the Governor over higher education institutions, increasing the representation of government nominees on their governing bodies even as they reduced teacher representation on these. In September 2020, the Government of Odisha promulgated an ordinance that takes away the right of the University to appoint its own teachers. This power will now be exercised by the Odisha Public Service Commission, which means that the bureaucracy will make faculty appointments, and decide on transfers and service conditions for teachers.

In the end, whether it is public or private universities, and central or state universities, the challenges to academic freedom are pervasive. The introduction of vigilantism as the source of curtailments of academic freedom is decidedly a new and significant element in this story.

STLR: When it comes to what you call the "politico-ideological" challenge to academic freedom, some disciplines seem to be more targeted than others, and among the social sciences and humanities, history is a case in point. What about political science, our discipline?

NGJ: History as a discipline has been a special target because the entire worldview of the RSS and therefore the BJP is based on a version of Indian history that is akin to myth more than fact. This cherished vision of the glories of ancient Indian (read Hindu) civilization is a vehicle of political proselytization—it is a past that must once again be reinvented as the future of India. The Indian future of this vision is rooted in, and parasitical on, a manufactured but sacralized narrative of India's past. Allowing this narrative to be tested by established methods of historical research is simply inadmissible, so the methods themselves are impugned, and attempts are made to discredit those who have formidable research achievements, validated by the highest professional standards of the discipline.

In school textbooks, the obsession with the rewriting of history has taken on such laughable proportions that, in some states, the winners and losers of battles a few centuries ago have effectively been swapped, and even references to Prime Minister Jawaharlal Nehru were expunged from textbooks in Rajasthan in 2016.

It is mainly in the context of schoolbooks that the discipline of Political Science has come under attack. The abbreviation of the academic calendar due to the Covid-19 crisis led to a pruning of the syllabi and, in Political Science, the sections of the syllabus that were removed were those that are controversial in the current context. The list of chapters deleted from the syllabus, at various levels of the high school curriculum, is suggestive: Federalism, Citizenship, Nationalism and Secularism, Democratic Rights and Structure of the Indian Constitution.

Aside from this, there has been the usual attempt to "pack" departments with friendly faculty appointments and the cancellation of talks and lectures by political scientists who are well-known for their critical anti-establishment views. But these have been attacks on individuals rather than attacks targeted at a particular discipline or at disciplinary practices, much less methods of enquiry. The fact is that meaningful intellectual conversations or methodological disagreements cannot be had without some disciplinary proficiency. Its absence increases the propensity to resort to other methods in lieu of argumentation.

STLR: What have been the forms of resistance to the assault on academic freedom? What is new regarding such forms?

NGJ: The resistance to assaults on academic freedom has mainly come from the teachers' and students' movements, with support from some sections of civil society, though the mainstream media have often been reticent. The resistance has largely taken the form of protest marches, demonstrations and signature campaigns. Some of these have found international support from leading intellectuals and academics abroad, as well as critical mentions in the foreign press. However, while international

opprobrium has had a shaming effect in the past, the current establishment seems impervious to such embarrassment.

This has also been a period of a lot of university-related litigation, but such court cases have mostly been about issues other than academic freedom. This may be because India, like most countries, does not have a law specifically on academic freedom, though there is some jurisprudence on it. Contrast this with New Zealand where the Higher Education Act of 1989 explicitly guarantees “intellectual independence” and describes its universities as the “critic and conscience of society.” The case law in Indian courts inevitably invokes the commitment to academic freedom contained in the first University Education Commission (1949-50) appointed after independence, headed by Dr. Sarvepalli Radhakrishnan. The report of this Commission made a strong case for university autonomy, saying that exclusive control of education by the State facilitated totalitarian tyranny, and that while the state was obliged to provide for higher education, this did not mean that it was entitled to control academic policies and practices. For reasons of both intellectual progress and professional integrity, the report said, the spirit of free inquiry must be fostered, and teachers should be as free as other citizens to comment on controversial issues. This is arguably the most enlightened, and sadly most forgotten, document on higher education produced in modern India. Unfortunately, the gap between principle and practice is wide.

In these circumstances, resistance to the denial of academic freedom has mostly taken the form of trying to engage the conscience of society and public opinion. However, the political surround sound has tended to drown out the voices of reason. So overwhelming has the propaganda been that there is little public sympathy for what academics do, let alone for academic freedom. Publicly funded higher education has become a taxpayer’s burden that has to be justified in the terms set by the ideology of the day.

More disturbingly, resistance has a tendency to spark reprisals. Students and teachers who spoke out against the Citizenship Amendment Act 2019, and were visible in the anti-CAA protests, were targeted in connection with the riots in northeast Delhi in February 2020. The interrogation of outspoken faculty members and the arrests of student activists are ongoing. There are obvious similarities with Turkey here.

STLR: How do you read the central role of students in the anti CAA protests, with regard to academic freedom?

NGJ: From October 2019 onwards, the JNU students’ protests against the hostel fee hike and the privatization of education were the precursor to the anti-CAA protests, and eventually segued into the latter. JNU students fearlessly faced teargas attacks and police brutality. As their protest evolved into, and got merged with, the anti-CAA protests, students from JNU, Jamia Millia Islamia and Delhi University did much of the groundwork organizing of the protests: from preparing posters and striking artwork on the streets and the walls, to collective recitations of the Preamble to the Constitution. We tend to lament the shortcomings of the public university but these protests testified admirably to the role that public universities have performed as sites of political socialization and as places where students are trained to think critically about social and political issues. Although this was not its purpose, the protest turned out to be, in addition to everything else it represented, a tribute to the

public university and the academic freedom it has historically enjoyed. One can only hope that future generations of university students will continue to benefit from an environment of freedom and intellectual adventure to become the questioning citizenry that a democratic society needs.

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NOTES

1. See Tawa Lama-Rewal (2015)
 2. See Jayal (2018) and Jayal (2019).
 3. See Spannagel, Kinzelbach, and Saliba (2020)
 4. See Guha (2015)
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AUTHORS

STÉPHANIE TAWA LAMA-REWAL

Centre d'Études de l'Inde et de l'Asie du Sud (CNRS-EHESS), Paris

NIRAJA GOPAL JAYAL

Centre for the Study of Law and Governance, Jawaharlal Nehru University, New Delhi