

Safeguarding Academic Freedom Is the Bedrock of India's Constitutional Morality

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Ashoka University campus. Photo: Official website

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Any attempt to reimagine or recreate a constitution may fall woefully short in its objective if 'freedoms' are threatened and 'unfreedoms' are instilled by a usurper of power.

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In an attempt to initiate a discussion on the 'new' foundations of the Indian Constitution, chief economic advisor to the prime minister Bibek Debroy wrote a column this Independence Day, arguing the following:

"This is 2023, 73 years after 1950. Our current Constitution is largely based on the Government of India Act of 1935. In that sense, it is also a colonial legacy. In 2002, there was a report by a commission set up to review the working of the Constitution, but it was a half-hearted effort. As with many aspects of law reform, a tweak here and another

there won't do. We should start with first principles, as in the Constituent Assembly debates.

What Constitution does India need for 2047? Much else follows. How many states do we need? In similar vein, what about the Seventh Schedule and local bodies? If development is correlated with urbanization, why have we set up these rural-urban silos, exemplified in the 73rd and 74th amendments? But what's the Supreme Court's role and how much supervisory control does it have over high courts? Little, if we go by the Constitution. What about judicial appointments? What about the Governor's role?"

Some might feel these are valid, critical questions to reflect upon as India is apparently 'shining' when viewed from the corridors of power. Still, India's founding constitution involved constituent assembly debates for a period of three years. This gave space for critical dialogue, open access, freedom of expression and to raise/discuss complex issues. What came out of it, under Dr B.R. Ambedkar's anchorship and prowess, was a carefully crafted constitution addressing the concerns of a deeply-stratified, heterogenous socio-economic fabric in a newly born republic.

What we now see is of course a different reality.

When constitutionally safeguarded rights, entitlements and freedoms are bulldozed with less regard for reflection, or critical discourse, any attempts to 'recreate a new Constitution' may only appear to be loose talk or an insidious attempt, as part of a government-supported rhetorical exercise for gathering attention towards another majoritarian intervention.

Freedoms are the bedrock of constitutional liberalism. A good marker of ascertaining the role, value and realisation of 'freedoms' remains an integral process of securing *vikas* or development for all, and, in Nobel laureate Amartya Sen's words, is closely linked with a gradual removal of 'unfreedoms' (poverty, malnutrition, unemployment, subjugation of rights, protective security etc.).

A redefined *freedom*-based approach to development describes processes of development as a quest by individuals (citizens) for ever expanding freedoms. Hitherto, economic criteria for evaluating development consisted of measuring Gross National Product, personal incomes, levels of industrialisation, technological advances and so on.

[Also read: Democracy Needs Dissenters, Critical Thinkers. But IISc Row Reveals Eroding Academic Freedom.](#)

While these continue to remain valid for evaluation of economic progress, they are now seen only as a *means* to expand freedom and not as *ends*. The goal of development becomes the pursuit of enabling ever-expanding freedoms to be gained and this becomes the overarching objective of human development.

The context of *freedoms* being instrumental to development of any given nation also means that a nation's knowledge infrastructure – anchored by its academic landscape/education system across all forms (from lower to higher academia) – must be able to remain free, to practice and nurture *critique*, which as a practice of its own, is the basic means to incubating critical reflection in a parliamentary democracy for a polished, consensus driven outcome to be produced on complex issues. Issues that are also of the kind raised by Debroy in his column.

However, when there is no free space left for either critique, dissent or critical reflection, we are coerced to operate and function in an era of darkness where even the only source of light is controlled by a usurper of power. The current regime's actions reflect that – a usurper's control.

More recently, [the nature of events unfolding at National Capital Region's elite private Ashoka University](#), as a bastion of 'liberal' arts education, shows how an environment of unfreedoms (not freedoms) is shaping the academic culture of higher education, even in private 'elite' institutions where government support/money isn't dictating the working affairs. Students of such institutions almost pay to 'buy' liberty and learn 'liberal education' of the best kind.

Back in 2021, [in a column written for the Indian Express](#), Sudheendra Kulkarni observed how the Modi government had then mounted its biggest attack on 'academic freedom' with its (new) diktat on organising international webinars/conferences/workshops. The mini "surgical strike" came in the form of an "office memorandum" on January 15, 2021 from the offices of an undersecretary, the junior-most bureaucrat in the Ministry of Education, and was innocuously titled 'Revised Guidelines for holding online/virtual Conferences, Seminars, Training, etc.'

As per the new guidelines, all "central educational institutions, publicly-funded universities" – this category will naturally include affiliated colleges – "and organisations owned and controlled by the Government of India / State Government" were required to get prior approval from the Ministry of External Affairs if they want to hold online international conferences or seminars on subjects related to "security of State, Border, Northeast states, UT of J&K, Ladakh or any other issues which are clearly/purely related to India's internal matter/s". Furthermore, they need approval from the appropriate "administrative secretary for the event as well as for the list of participants".

This was just one instance amongst the many measures taken by the current regime in its last nine years of power that was aimed at curtailing the *academic freedom* of public institutions. The wreckage and damage caused to 'free' thinking critical academic discourse from social sciences to other disciplines has now seen almost every public institution toeing the government line. And then came the turn of private institutions.

[Also read: Campuses of Foreign Universities in India Will Be a Tool in the Hands of Hindu Nationalists](#)

Observe the shape decline in the Academic Freedom Index developed by the V-Dem Institute of the University of Gothenburg. The components of academic freedom are well defined and are broadly the same across countries by the institute (irrespective of what one might say about its methodology).

For instance, the Academic Freedom Index is coded on the following indicators: 1) freedom to research and teach; (2) freedom of academic exchange and dissemination; (3) institutional autonomy; (4) campus integrity; and (5) freedom of academic and cultural expression. While this India Forum article follows the same parameters, their authors, Nandini Sundar and Gawhar Fazili, follow a somewhat different order and emphasis, drawing on previous research on the Indian context.

In the words of the authors, “Universities for their part must restore and strengthen conventions on institutional autonomy; and inform student and faculty unions of their rights to academic freedom and free speech. Contracts with faculty should include a clause on the protection of academic freedom, i.e., they will not be penalized for extra-mural activities. Faculty should create a network to support academics (faculty and students) at risk.”

It seems the administration and governing body of an elite institution like Ashoka failed to ensure these basic tenets of ‘academic freedom’. While Ashoka University’s administrative response to Sabyasachi Das’s paper leading to his resignation may have evoked solidarity amongst faculty members and students on campus, the action taken by the governing body and academic administration is symptomatically in alignment with what’s happening in every academic institution in India right now – and is extremely worrying. More private institutions may follow suite and faculty members may be more explicitly shunted out for pursuing critical thought.

But wasn’t the possibility of this seen coming? Or perhaps the ‘elite’ only roars in dissent when its own position, people, freedoms and interests are threatened, without caring, nor engaging in what’s happening outside the boundaries of its/their own gated communities. Elite, private institutions need to be forewarned about their own vulnerability to the current atmosphere of instilled fear, conformism and subjugating of democratic principles. It is the safeguarding and practice of these principles that make well-written/drafted constitutions work for their people and their welfare.

Debroy, as prolific a writer and scholar as he is, must be aware of the conditions in which the socio-political, economic landscape of a regime’s nefarious actions – and attack on academic freedom – makes any reasonable dialogue on some of the most complex yet fundamental building block questions of the Constitution a precarious challenge – no matter what the future stakes might be for 2047 or the next 1,000 years.

Deepanshu Mohan is an associate professor and director, Centre for New Economics Studies at O.P. Jindal University.

