



Academic Freedom from a Human Rights’ Perspective: The Indian Case and its Relevance to Africa

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Abstract

Academic freedom is the chant of the time, particularly in the context of globalisation and the gendered and restructured academia. But many scholars have not addressed what this freedom is all about in developing countries which are still very backward in education. This paper argues that academic freedom cannot be seen as part of the larger social freedom when it is concerned only with the freedom of a fortunate few who are in institutions of higher education and related learning centres and that seen from a human rights’ perspective academic freedom entails first universal access to education at all levels viewing development as freedom and then understanding the freedom of the stake holders at different levels of the academia. The paper first looks at the education systems in developed countries to see to what extent the education system in India varies from them. It then looks at various issues concerning Indian education. Its main conclusions are that Indian education is in disarray, only a fraction of the eligible population has any access to higher education, most of those getting enrolled for primary, middle, and secondary levels drop out, and such a dismal scenario leaves hardly any scope for a meaningful debate on academic freedom. By way of conclusion the paper argues that as Indian education has been mired in problems and many of these problems have been identified, African countries can learn a lot from India’s failures in reshaping its education systems.

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Résumé

La liberté académique semble être la chanson en vogue de nos jours, particulièrement dans ce contexte de la globalisation, de la restructuration de l'éducation supérieure et de ses inégalités basées sur le genre. Cependant, bon nombre d'intellectuels n'ont pas examiné l'état de cette liberté dans les pays en développement qui sont toujours en arrière dans le domaine de l'éducation. Selon notre étude, la liberté académique ne peut pas être considérée comme une partie intégrale de la grande liberté sociale alors qu'elle ne concerne que la liberté d'une minorité des personnes qui sont dans les institutions académiques et les centres d'étude qui s'y attachent. Aussi, vu sous l'angle des droits de l'homme, la liberté académique doit d'abord engendrer l'accès universel à l'éducation à tous les niveaux, reconnaître le développement comme étant une liberté et comprendre alors la liberté de tous ce qui sont concernés à tous les niveaux de l'éducation supérieure.

Ce document fait d'abord un survol des systèmes éducatifs qui existent dans les pays en développement afin de jauger leur différence celui de l'Inde. Il explore aussi les différentes questions auxquelles est confrontée l'éducation en Inde. Les principales conclusions de ce document convergent sur le fait que l'éducation en Inde est dans le chaos : seule une fraction de la population a accès à l'éducation supérieure, la majeure partie de ceux qui sont inscrits au primaire et au lycée finit par abandonner les études. Un scénario aussi sombre permet à peine l'existence d'un débat significatif sur la liberté académique. En conclusion, ce document soutient que, dû au fait que l'éducation en Inde est entachée de problèmes et que la plupart de ces problèmes ont été identifiés, les pays africains peuvent apprendre beaucoup sur l'échec de ce pays dans ses tentatives de redresser son système éducatif.

Introduction

Academic freedom is the freedom of academics – teachers, students, and other interest groups – to pursue knowledge through teaching, learning, research, and other means. The justification for it lies not in the comfort or convenience of teachers and students but in the benefits to society, for the long-term interests of a society are expected to be best served when its educational process leads to advancement of knowledge, and knowledge is best advanced when its pursuit is free from restraints by the state, other institutions, or special interest groups.¹ The underlying assumption of such an argument is that knowledge is *summum bonum* (the greatest or supreme good) of society.

This paper deals with academic freedom in general and academic freedom in India, and its relevance to education in Africa. Its main arguments are the following:

- a) Academic freedom cannot be universal so long as education systems are not universal, inclusive, and robust.

- b) Educational systems cannot be universal so long as recalcitrant social patterns are not reshaped through a context-specific human rights approach.
- c) In discourses on academic freedom it is important to make a distinction between developed countries and developing countries.
- d) Such discourses are best done within a development framework.

General

Whether knowledge is *summum bonum* of society depends on the nature and extent of access to it, and the nature and extent of its dissemination and utilisation in society. So long as access, dissemination and utilisation are unjust and unfairly uneven, the claim that knowledge is *summum bonum* of a society remains hollow.

Academic freedom as human right

The argument that society is the principal beneficiary of knowledge without which no social advancement can take place is based on the assumption that available knowledge is widely and fairly distributed in society. But the perception of academic freedom hinging on the benefits to society should not override the related freedom of individuals and institutions. This can be calibrated only if society renders its expected role as principal provider of the comforts and conveniences of teachers and students, or of the requisite freedom to the producers, providers, and seekers of knowledge, and treat such freedom as *sine qua non* to knowledge production.

Only freedom and recognition of knowledge providers and knowledge seekers by the academia, state and society can spur them to the pursuit of knowledge, and make it pleasurable. Its absence renders the task of knowledge production tedious, effete, and even counterproductive. Ensuring its presence entails civil society bringing sufficient pressure to bear upon the state to ensure that the state as its creation and custodian overcomes the pervasive disparities and discriminations in educational processes through affirmative and anti-discriminatory measures. Understood thus, academic freedom along with its centrepiece freedom of expression has to be a fundamental and foundational human right.

Conceptual conundrums

As a package of practices academic freedom is defined in many ways, and interpreted differently in different contexts. It is loaded with numerous social, political and cultural connotations and dimensions, and saturated with meanings and counter-meanings. As a concept it is essentially contested, and continuously evolving as to make it expansive and eclectic.

What is important to note here is though academic freedom in one form or another is characteristic of all societies, especially democratic societies, as it is intertwined with, and is the working out of multiple societal processes, it appears in different forms with different intensities and degrees of salience. This raises a number of related issues. Some of these are listed below.

- a) Whether academic freedom is different from other freedoms;
- b) Whether academic freedom is contingent on, or a derivative freedom operating within, a framework of freedoms, and their socio-cultural and political contexts;
- c) How academics reconcile academic freedom with other freedoms;
- d) The dual role of academics as members of the academia and of society;
- e) Whether the former influences the latter and vice-versa;
- f) What could be considered as the threshold of academic freedom, or is there a measure of all measures in its context;
- g) When do sections of the academia feel a lack of freedom, or the freedom they have is inadequate or in jeopardy;
- h) How and why academics compromise their freedom;
- i) Conversely, how and why academics do not use their freedom as academic activists and public intellectuals;²
- j) How academics reconcile with different models and interpretations of academic freedom;
- k) What are the prerequisites for ensuring right and reasonable models and interpretations of academic freedom;
- l) When legitimate academic freedom is in jeopardy what the redress mechanisms are.

The freedom discourse

Discourses on academic freedom are generally in the context of higher education. The underlying assumption is that knowledge systems, knowledge production, knowledge development, and knowledge delivery are mainly in the domain of higher education.

If development is freedom as Amartya Sen (1999) and UNESCO reports³ have persuasively argued, academic freedom should be embedded in the processes of social development and academic development should be used for overall social development. But academic development by its very nature is not a higher echelon affair; more so, when education is seen as a gutter-to-university-ladder. Seen thus, academic freedom has greater salience as human right in its overall context in terms of access, praxis, outturn and delivery, at different levels of the education continuum.

In a speech delivered in 2003 educationist Alan Gilbert brought this out eloquently: ⁴

Because good quality education promises an escape from poverty, powerlessness, and despair, creating aspirations, opportunities, and choices otherwise unimaginable, it has emerged more clearly than ever as the last best, yet often seemingly forlorn hope that humankind may use its Promethean resources to build a safe, peaceful, prosperous world. As H.G. Wells put it in a famous aphorism exactly 100 years ago, 'Human history becomes more and more a race between education and catastrophe.'

In the same speech Gilbert pointed to the fact that for 15 per cent of the world's population educational opportunities are more widely available than ever before in human history and the other 85 per cent remain seriously disadvantaged and often dangerously frustrated by educational deprivation. Gilbert cautioned that access to higher education would be one of the most serious global challenges of the twenty-first century.

Academic freedom and disciplinary diversity

Whether academic freedom is understood from a human rights' perspective or as facilitating knowledge pursuits, it is important to understand the nexus between academic freedom and disciplinary diversity. In this connection a broad distinction may be made between social sciences and non-social sciences.

As critical sciences, social sciences are very important and are subject to much debate of the issues they cover, for at least four reasons.

- a) Social sciences often involve critical thinking about culture, economics, history, politics and society, and public debate on related issues.
- b) Dissemination of social knowledge is intrinsic to the well-being of society. This is especially so as education, as some of the UNESCO reports would have it, is the process by which people not only acquire knowledge and information skills, but also values and ability to live and interact within and with social groups, as well as participate in cultural life and productive activities which may not always be economic.
- c) Despite this great academic relevance and importance, as social sciences deal with social issues, they are often opinionated, manoeuvrable, and have direct bearing on social sensibilities. This can cause widely varying social and establishment reactions.
- d) Those who make a difference to life and social well-being are primarily from critical sciences. They have to go well beyond the class room in

expanding the civil space. In that sense also academic freedom gets transformed into human rights issues.

As non-social sciences are ‘exact’ sciences, but for occasional reactions⁵ often the praxis and products of them have no direct bearing on social sensibilities. In this context, it is appropriate to conclude this section with the following observations by Karl Popper:

Einstein’s theory of gravitation clearly satisfied the criterion of ‘falsifiability’. Even if our measuring instruments at the time did not allow us to pronounce on the results of the tests with complete assurance, there was clearly a possibility of refuting the theory.

Astrology did not pass the test. Astrologers were greatly impressed, and misled, by what they believed to be confirming evidence – so much so that they were quite unimpressed by any unfavourable evidence. Moreover, by making their interpretations and prophecies sufficiently vague they were able to explain away anything that might have been a refutation of the theory had the theory and the prophecies been more precise. In order to escape falsification they destroyed the testability of their theory. It is a typical soothsayer’s trick to predict things so vaguely that the predictions can hardly fail: that they become irrefutable.

The Marxist theory of history, in spite of the serious efforts of some of its founders and followers, ultimately adopted this soothsaying practice. In some of its earlier formulations (for example in Marx’s analysis of the character of the ‘coming social revolution’) their predictions were testable, and in fact falsified. Yet instead of accepting the refutations the followers of Marx re-interpreted both the theory and the evidence in order to make them agree. In this way they rescued the theory from refutation; but they did so at the price of adopting a device which made it irrefutable. They thus gave a ‘conventionalist twist’ to the theory; and by this stratagem they destroyed its much advertised claim to scientific status (Popper 1963: 33-9).

Threat perceptions

As the pursuit of knowledge is socially conditioned, irrespective of the nature of the sciences, if academic freedom is in jeopardy, it is not so much because of the processes involved. It is because of externalities of the larger contexts and premises which determine academic freedom. Of late such externalities have been on the increase for several reasons. Some of these are listed here. Of these

probably the most important is the impact of globalisation which has restructured and continues to restructure academia, pushing it between the Scylla of diminishing funding and the Charybdis of market forces (see Brooks and Mackinnon 2001; Radhakrishnan 2002).

The Indian case

It is difficult to draw parallels between academic freedom in the west and in India as their educational processes and advancements vary widely. However, to understand the nature and extent of academic freedom in India it is important to record the main features of both. Of these features three are discussed here.

West v. India

One, the West has a history of private education, impelled and conditioned by the philosophy of educational service to society, and many educational institutions are private and self-regulating. India does not have such history. Its education system is mostly a bureaucratic appendage of the state. This may have some advantages such as security of tenure, perceived (though not necessarily real) freedom of students, teachers and non-teaching staff to organise, and involvement of students and teachers in knowledge construction (such as emphasis on student participation in curriculum development). But the regulatory features of the state militate against advancement of knowledge. These include overweening presence of non-academic structures in educational matters which causes bureaucratisation of academic and intellectual pursuits; lack of concern and cavalier approach by regulatory bodies; and their abdication of regulatory responsibility, and failure to nurture the education system. A case in point is the recent controversy about quotas for backward classes in higher education in India (see Radhakrishnan 2006a, b, c).

Though India also has private institutions, only those with an educational history have imbibed some of the western educational traditions, and nurture the education systems. Private institutions established during the last two decades, mostly professional colleges, are run as corporate enterprises for profit and greed.

Two, educational advancements in India are incomparably lower than in the west. Two indicators should drive this home. The first is India's gross enrolment ratio (GER) for higher education (tertiary or degree-level) is between 9 per cent and 11 per cent of the population in the relevant age group. This is in striking contrast to the figures for developed countries. Going by UNESCO statistics, the GER in developed countries is between 44 per cent (Switzerland) and 86 per cent (Finland).

Table 1: GER in developed countries and India, 2001

Enrolment level	Developed Countries				India			
	Total	Male	Female	GPI	Total	Male	Female	GPI
Primary	100.6	100.7	100.6	1.00	98.1	106.0	89.7	0.85
Secondary	105.9	104.7	107.2	1.02	50.3	57.5	42.5	0.74
Tertiary	54.6	39.5	70.1	1.80	11.4	13.4	9.3	0.70

Source: UNESCO Institute for Statistics, World Education Indicators.

The second is a lack of internal efficiency in India's education system. Those who reach higher education in India are generally from those who survive the four preceding stages of schooling, namely the four-year primary, three-year middle, three-year secondary, and two-year higher secondary. In each of these stages, particularly the first three, 26 per cent to 30 per cent of those enrolled drop out. In view of this, it is unlikely that from among the limited number who survive all the four stages of schooling and enrol for higher education many will drop out. This is also evident from the NSS data for 1995–96 according to which the overall dropout rate in higher education is 3.3 per cent.⁶ This clearly shows that the internal efficiency of India's education system from primary to tertiary levels is very weak.

Access asymmetries

India is a large country (accounting for about 16 per cent of the world population) with every conceivable form of diversity – political, religious, social, cultural, linguistic, economic, and so on. It is nearly six decades since India attained independence and became a secular democratic republic. But its traditional hierarchical and segmented economy and society and entrenched backwardness of the social groups at the bottom of the traditional caste-based social hierarchy still persist. These groups at the bottom account for at least two-thirds of India's population. The state's failure to actively address their special needs has widened the disparities in access to education in general and higher education in particular.

According to the Census of India 2001 the overall share of Graduate-plus in India's 20–24 age population is only 7.5 per cent (6.8 million). But it is even much lower among the Scheduled Castes, Scheduled Tribes, and Muslims. These groups together comprise bulk of India's constitutional category of socially and educationally-backward classes. They account for about 36 per cent of the total

Table 2: Percentage distribution of drop-outs, all-India, 1995–1996

Enrolment level	Rural + Urban			Rural			Urban		
	Total	Male	Female	Total	Male	Female	Total	Male	Female
Primary	30.4	28.3	33.1	33.2	30.4	36.9	22.2	22.4	21.9
Middle	26.2	26.5	25.9	26.9	27.4	26.4	24.2	23.8	24.6
Secondary	28.7	30.0	26.9	26.9	28.7	24.5	33.9	34.0	33.8
Hr Secondary	8.0	8.6	7.2	7.1	7.8	6.1	10.9	11.1	10.5
Higher education	3.3	3.7	2.8	2.2	2.7	1.4	6.7	6.5	7.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Source: Government of India, National Sample Survey Organisation.

20–24 age population. But the degree holders among them are 2 per cent to 4 per cent in their respective 20–24 age-cohort populations.

If the Other Backward Classes, particularly the lower strata among them, are excluded from Caste-Hindus, it may become apparent that the upper castes continue to dominate the higher education system.

About two-thirds of India's population are in rural areas. But the proportion of graduates in rural areas accounts for only about one-fourth of the graduates in urban areas. This urban bias of higher education is evident in all communities. The proportion of degree holders among women in the 20–24 age-cohort is only about four-fifths of the degree holders among men.

Literacy and higher education

Notwithstanding the overall low access to higher education, communities which have higher literacy have relatively more access to the higher education system.

Institutional disparities

While the causes for disparities in enrolment and outturn – social and spatial – have to be located in the social conditioning of learning, a concomitant and corollary of these disparities is evident in the spread of institutions across regions.

Institutions vary in their overall size, infrastructure, quality of students, quality of instruction imparted, nature and quality of teachers and disciplines taught, and per capita cost of and expenditure on education. So they are not really comparable. All the same, their nature and number relative to population and enrolment should give a broad idea of the regional spread of higher education vis-à-vis disparities in enrolment and outturn.

Universities v. colleges

The southern region has a significantly higher share of universities, colleges, and enrolment than their share in the population. The reverse is the case in the northern region (BIMARU).⁷ The western and north-western regions also have better distribution of institutions and better enrolment compared to their population. What is, however, important to note is the contrast between the two major regions, southern and BIMARU, in the availability of institutions and extent of enrolment.

The BIMARU region has about one-fourth of the enrolment in universities, whereas the southern region has only about 8 per cent and the remaining regions have between 6 per cent and 14 per cent. Enrolment of women is only about 33 per cent in the BIMARU region, whereas it is between 38 per cent and 46 per cent in other regions.

Table 3: Graduate-plus (percent) in 20–24 age-group population of each community, 2001

Community	Rural + Urban			Rural			Urban		
	Total	Male	Female	Total	Male	Female	Total	Male	Female
Scheduled Castes	3.6	4.7	2.4	2.4	3.6	1.2	7.4	8.2	6.6
Scheduled Tribes	2.3	3.1	1.5	1.6	2.4	0.9	8.5	9.3	7.7
Caste Hindu	9.8	10.8	8.7	5.3	7.0	3.6	18.5	17.9	19.2
Muslim	4.0	4.7	3.3	2.1	2.9	1.2	6.8	7.0	6.6
Christian	11.0	10.0	11.9	6.6	6.1	7.2	18.2	16.6	19.7
Sikh	7.9	6.5	9.5	3.5	3.0	4.1	19.4	15.6	23.7
Buddhist	7.4	8.3	6.4	4.7	6.3	3.0	10.9	10.9	10.8
Jain	32.3	30.6	34.2	15.5	16.6	14.1	37.3	34.9	39.8
Others	3.1	4.0	2.2	1.7	2.6	0.9	13.3	13.8	12.8
All	7.5	8.4	6.6	4.0	5.4	2.7	15.1	14.7	15.5

Note: Table excludes data on Age not stated.

Source: Tabulated from the Census of India, 2001, Social and Cultural Tables.

Table 4: Percentage of literates in 7-plus population by community and region, 2001

Community	Rural + Urban			Rural			Urban		
	Total	Male	Female	Total	Male	Female	Total	Male	Female
Schdeuled Castes	54.7	66.6	41.9	51.2	63.7	37.8	68.1	77.9	57.5
Scheduled Tribes	47.1	59.2	34.8	45.0	57.4	32.4	69.1	77.8	59.9
Caste Hindu	70.5	81.1	59.1	64.2	76.9	50.8	84.2	90.1	77.6
Muslim	59.1	67.6	50.1	52.7	62.3	42.7	70.1	76.3	63.2
Christian	80.3	84.4	76.2	74.5	79.5	69.7	90.9	93.6	88.3
Sikh	69.4	75.2	63.1	64.2	70.6	57.2	83.6	87.5	79.2
Buddhist	72.7	83.1	61.7	66.9	78.8	54.6	81.6	89.8	72.9
Jain	94.1	97.4	90.6	87.5	94.2	80.3	96.1	98.4	93.8
Others	47.0	60.8	33.2	43.9	58.2	29.5	75.3	83.8	66.5
All	64.8	75.3	53.7	58.7	70.7	46.1	79.9	86.3	72.9

Note: Table excludes data on Age not stated.

Source: Tabulated from the Census of India, 2001, Social and Cultural Tables.

Table 5: Percentage of institutions and enrolment by region and population, 2001

Region	Population	Institutions		State-level enrolment ratio		Total enrolment	Women in percent
		Varsities	Colleges	Varsities	Colleges		
South	21.8	26.6	31.8	8.0	92.0	24.8	43.3
North (Bimaru)	41.1	31.3	27.9	23.8	76.2	31.8	32.9
West	14.5	16.0	19.3	6.8	93.2	20.0	42.1
Northwest	7.4	12.5	7.3	14.0	86.0	9.1	46.4
East	11.4	9.0	9.3	7.7	92.3	10.8	37.6
Northeast	3.7	4.7	4.4	5.9	94.1	3.5	42.1
India	100.0	100.0	100.0	13.2	86.8	100.0	39.4

Source: Tabulated from UGC Annual Reports; Census of India 2001, Basic population data.

Affiliation and academic freedom

At the all-India level about 90 per cent of under-graduate and 66 per cent of post-graduate students are in affiliated colleges and only the rest are in university departments and constituent colleges. Of the research students 91 per cent are in universities. As many of the colleges lack facilities, they do not have academic freedom for teaching and research. As affiliation is seen as an affliction and a systemic malaise, of late there has been increasing demand to do away with it.

As the majority of students and teachers are in affiliated colleges where the foundations of higher education are laid, in order to place higher education on a fast track, the most important need is to foster these institutions by ensuring equity and fairness in intake, by strengthening basic and infrastructure needs including, and especially of qualified teachers, and by grounding these institutions in disciplinary diversity and excellence in quality. In the absence of these measures any discussion of academic freedom in the context of most of these colleges is inane.

To provide academic freedom to potential colleges, the UGC has been granting autonomous status. Granting autonomy is an important measure of fostering quality education and academic freedom. But as of 2001 there were only 130 autonomous colleges. These are spread over 29 universities in eight states.

Stage-wise enrolment

Higher education in India stops mostly with the first degree. Going by the UGC, of the total enrolment in 2000–01 about 89 per cent was in under-graduate courses, 9 per cent in post-graduate courses and less than 1 per cent in research.

The low enrolment for research degrees has serious implications for grooming and motivating teachers and researchers at the highest level for developing a critical mass of scientific talent pool in different faculties.

Higher education growth

Going by the UGC data, the growth is mostly in the southern region (which along with the western region also has a higher enrolment in medicine), followed by the western and north-western regions.

The rapid increase in private educational institutions since the last two decades, mostly engineering colleges may be an important reason for the higher presence of professional courses.

The southern region where ICT has been having its greatest impact is spearheading India's information revolution. In it, with an exponential growth of private professional colleges, only less than 10 per cent of the engineering colleges

Table 6: Total enrolment by field of study and region, 2001

Region	General education				Professional education				
	Arts	Science	COM	Total	E and T	M	AGR/VS	EDN	Law
Scheduled Castes	54.7	66.6	41.9	51.2	63.7	37.8	68.1	77.9	57.5
South	23.5	31.6	19.9	75.0	13.8	5.9	0.7	1.8	2.7
North (Bimaru)	57.5	18.7	13.3	89.5	2.5	1.6	0.9	1.1	4.4
West	42.6	12.4	27.2	82.2	8.9	3.6	0.8	1.2	3.4
Northwest	57.3	15.5	14.3	87.1	6.1	3.2	0.7	1.6	1.2
East	57.4	17.2	17.5	92.1	2.8	1.2	0.3	1.0	2.5
Northeast	71.3	15.0	6.5	92.8	1.9	1.0	0.7	1.2	2.4
All	46.5	20.1	18.0	84.6	6.9	3.2	0.8	1.3	3.2
									15.4

Note: Enrolment in percent; COM = Commerce; EDN = Education; E & T = Engineering and Technology; M = Medicine; AGR = Agriculture; VS = Veterinary Science. Table excludes Others or unspecified.

are state-run and the rest are under private management (Gill 2005). This has implications for academic freedom; for in the absence of regulatory measures these institutions have been a law unto themselves.

While the south has only 23 per cent enrolment in Arts subjects the enrolment in other regions including the west is between 43 per cent and 71 per cent. Though social sciences are included in Arts, the nature of enrolment and quality of education imparted calls for close scrutiny. As the basic degree in Arts is generally of three-year duration, unlike engineering, technology, and medical degrees which have a longer duration, education in social sciences picks up momentum only at the post-graduate level. But considering the low enrolment for post-graduate courses in general, the inevitable conclusion from the available data. This again has implications for academic freedom.

As of now, degrees in social sciences are poor cousins of degrees in professional and technical courses. As a result of this and the fast changing education scenario, social sciences may gradually lose whatever little sheen they have. As social sciences are also the main choice of the weaker sections and the last resort of others who cannot get admission to professional courses, the neglect of social sciences despite their continuing and increasing social relevance will further deprive the disadvantaged social groups, and result in the emergence of a newfangled education system and a social order devoid of socio-cultural moorings and sensitivity.

The enormity of the task of expanding the education system by increasing institutions and enrolment, commensurate with the needs of the relevant age-groups, the late-learners, and the national imperative of confronting the challenges of globalisation which has already driven the system haywire, is only too obvious. This task is made complex by the wide social, gender, rural-urban, regional and disciplinary disparities, which if not addressed will only vitiate further attempts to develop the education system.

The problem was placed in perspective by the UGC in its Tenth Plan Document.⁸ Its relevant observations are reproduced below:

The problems of the Indian education system relate to size, access, equity, relevance, quality, and resource constraint. Public universities are facing several crippling constraints, many of which are the result of the unwillingness on the part of all the players in higher education to change with time and adopt new ways and methods to address various issues concerning the sector. The system is inextricably entangled in its myriad problems and there is no magic solution to sort this out... Alternatives, like private institutions and foreign universities opening centres etc., are emerging in India. These alternatives, albeit expensive, are equipped to

give better and more useful education. This will, no doubt, give an advantage to a few people, who come from an enlightened family background, have a strong academic commitment and better resources for meeting the financial demands of such education. The poor and disadvantaged communities, thus, run the risk of being marginalised in this competitive regime.

When an education system is mired in myriad problems, as the UGC has admitted, sustaining academic freedom even at a minimalist level is difficult.

The failure of the higher education system to expand to take care of the increase in demand should mean many things. These include the resistance of a hierarchical society to transform into an egalitarian society; the advantages of the traditionally entrenched groups to take to education; the continuing capability deprivation of the traditionally oppressed and disadvantaged groups; and the continuing neglect of education as a fundamental human right. This makes a multi-pronged approach to the expansion of education at all levels a socio-political and national imperative.

If the data available are any indication India has about 131 million population in the 18–24 age cohort of which a major part should have ideally been in higher education. However, as mentioned earlier the enrolment is only between 9 per cent and 11 per cent. The problem of the meagre presence of youth in higher education cannot be addressed without reference to the access to, and the survival rates in, primary and secondary education.⁹

If the dropout and survival rates, and the literacy and illiteracy rates of the broad social categories are any indication, India has not done much for democratisation of access even at the primary level: going by the Census of India 2001, India's illiterates are 41 million, 16 million, 33 million, 56 million, and 157 million in the 7–13, 14–17, 18–24, and 25–34 age-cohorts, respectively, and in the 35 and above population. India has denied 56 million of its school-age children (primary and secondary)¹⁰ and 33 million of its college and university level age youth access to relevant education.

In each age-cohort women far outnumber men. The percentage of illiterates is highest among the Scheduled Castes, Scheduled Tribes, and Muslims (26, 24 and 35; 35, 33 and 44, and 32, 27, and 33 respectively for the age groups 7–13, 14–17, and 18–24), and highest among women in each of these categories (31, 32 and 48; 42, 43, and 58, and 35, 32, and 40 respectively).¹¹ Thus, if India has a long way to go to achieve basic education for all, its distance to achieve universal higher education seems infinite.

It is only against the above background of India's complexity and diversity as a nation, its very low enrolment for higher education, the various pulls and

pressures over the education system, its internal weaknesses, and widely varying quality of universities and colleges, that any debate about academic freedom in India will be meaningful.

Lack of academic freedom

If the purpose of development is to expand freedom and that expansion drives further development because development depends on the free agency of people, then seen against the persistent lack of educational development, India has hardly any academic freedom. This is because the various choices which the stakeholders in education can normally exercise in a developed democracy are lacking in India. There are other problems as well. These include:

The ongoing privatisation and commercialisation of education, which affect the freedom and autonomy of students, teachers, and parents in relation to education. Within the state sector teachers and students are fairly well organised. This is not so in private institutions.

Recently, when the AICTE (All India Council for Technical Education) de-recognised a number of deemed universities, students, parents, and teachers were all helpless. The students, anxious about their future, went on strike. But they were roughed up by police. Police also filed false cases against some of them, apparently at the instance of the managements. The state was a passive spectator.

Many of the state universities are in disarray. Because of language and quota politics the quality of students, teachers, and teaching leaves much to be desired. There are cases of teachers migrating to other universities under duress. The faculty incentive scheme recently introduced in some state universities works against academic ethos. Those who can bring in money to the university corpus are given incentive credits in cash. The attempts to turn education into a money-spinner are apparently at the cost of academic freedom.

The political and bureaucratic interference in state-run universities is deplorable. Often Vice-Chancellors cannot inspire the faculty and students; in their eagerness to please politicians and bureaucrats they forget their academic and leadership roles in universities.¹²

Corruption is rampant in state universities. According to Transparency International, education is the most corrupt sector in India, next to health. When some of the appointments of teachers and Vice-Chancellors are by ingratiating politicians, their primary concern is profit, and not teaching. Quality of the profession is the casualty. In such situations academic freedom cannot flourish.

Between central and state universities, the former get favoured treatment. It is mainly the former which may be said to have academic freedom, though even

Table 7: Illiterates by age-cohort and community, 2001

Caste/Community and age-group	Illiterates in million			Illiterates (in %)		
	Total	Male	Female	Total	Male	Female
Scheduled Castes						
7-13	8.014	3.506	4.508	26	21.7	30.8
14-17	3.161	1.264	1.897	23.8	17.5	31.5
18-24	7.117	2.375	4.742	34.7	22.2	48.2
Scheduled Tribes						
7-13	5.559	2.386	3.173	35.2	29.2	41.5
14-17	2.188	0.849	1.339	33	24.4	42.5
18-24	4.33	1.436	2.895	44	29.7	57.7
Caste Hindus						
7-13	16.602	6.97	9.631	17.8	14.3	21.7
14-17	6.228	2.277	3.951	13.9	9.5	19
18-24	14.635	4.482	10.153	19.7	11.4	29
Muslim						
7-13	8.652	4.092	4.56	31.5	28.6	34.6
14-17	3.329	1.513	1.817	27.4	23.7	31.6
18-24	5.781	2.367	3.414	32.5	25.3	40.4
Christian						
7-13	0.664	0.322	0.342	18.5	17.6	19.5
14-17	0.214	0.096	0.118	11.2	10.1	12.4
18-24	0.415	0.163	0.253	13	10.4	15.6
Sikh						
7-13	0.416	0.205	0.21	13.6	12.4	15
14-17	0.187	0.088	0.099	11.7	10.4	13.2
18-24	0.467	0.205	0.262	18	14.9	21.4
Buddhist						
7-13	0.15	0.068	0.082	11.3	9.9	12.8
14-17	0.053	0.021	0.032	7.8	5.9	9.9
18-24	0.138	0.041	0.097	13	7.4	19.3
Jain						
7-13	0.019	0.009	0.01	3.6	3.3	3.9
14-17	0.004	0.002	0.002	1.3	1.2	1.6
18-24	0.012	0.004	0.007	2	1.4	2.7
All						
7-13	40.563	17.771	22.792	22.9	19.2	27
14-17	15.531	6.174	9.357	19	14.2	24.6
18-24	33.202	11.167	22.035	25.4	16.3	35.4

Note: Table excludes others and data on Age not stated.

in their case only very few academics are active as to claim their role as one of freedom.

Academic colonialism

Drawing on the debate on academic colonialism in the December 1968 issue of *Seminar*, in its November 2000 issue on 'Situating Sociology', Patricia Uberoi wrote:

Setting 'the problem' in the opening essay, Satish Saberwal described the several facets of the phenomenon of academic colonialism: (i) where foreign intellectuals contribute information for political domination and infiltration; (ii) where foreign intellectuals seek to use their status to influence local politics; and (iii) where Afro-Asian social scientists come into relations of financial, political and intellectual dependence on first world (particularly U.S.) academic institutions, moulding their research designs and priorities accordingly.

As he saw it, the basic problem for academics in the non-West was:

'How does the stimulus of communication with the international intellectual community balance against the hazards resulting from the flow of data concerning our societies into the U.S. war machine? What are our options for improving the balance sheet? How shall we relate our research to the needs of our society, and how shall we communicate its findings to our local constituents, so that we may shed our 'clientship' to patrons abroad, a relationship of subservience always and everywhere?' (Uberoi 2000)

Academic colonialism persists even four decades down the line, and if anything, persists on a higher level. Its persistence is mainly because of lack of integrity of sections of the academia, and the lure of lucre and assignments and travel abroad.

Threats to Academic Freedom

During the political emergency from 1975 to 1977, freedom in general was curbed by the state, though unlike the media whether the academia did anything to contest the curb is questionable.¹³ The Congress Party which was in power buried a 'history capsule' in front of the Red Fort.¹⁴ It was dug out by its successor the Janata Party. As the history capsule could not have been prepared without the help of historians and pseudo-historians, there is need to make a distinction between establishment and opportunistic academics and those who uphold professional integrity.

But for the short period of emergency, until recently state interference in academic freedom was not direct and frequent.¹⁵ During the 1990s, in Tamil

Nadu in the confrontation between Governor Channa Reddy and Chief Minister Jayalalitha, the latter replaced the Governor as Chancellor of all state universities with the Chief Minister. This was direct interference with the autonomy of the universities as provided in the statutes. Whether it affected academic freedom *per se* is difficult to say.

Academic freedom in India is, however, often stymied by the state's inaction, particularly failure to foster academic institutions, and lack of well-being, ethos, and integrity in many institutions.

Other ways in which academic freedom is denied are (a) restriction on the use of archival material, by treating the last 30 years records as 'current', and inaccessible to scholars; (b) some universities not allowing dissertations on living personalities without their written permission; and (c) political interference in university appointments and affairs.

During the Bharatiya Janata Party (BJP) rule which preceded the present Congress-led United Progress Alliance, State actions went against established academic norms. These included the introduction of astrology as an academic discipline, rewriting of textbooks by the NCERT,¹⁶ rewriting of history books, and in general, attempts to introduce into education the BJP's version of Indian society, through what was generally termed as the falsification of history.¹⁷ As the persons who carried out the state's diktats were academics, who could have resisted what are now considered political aberrations, whether it is the academia or the state which should be blamed is debatable.¹⁸

In this context, it is important to note the following observations of August 21, 2004, by Prime Minister Manmohan Singh, in his address to the AICC (as reported in the media):

A major issue we are tackling is to reverse the ideological and bureaucratic onslaught on education which was one of the major damages inflicted on the Nation by the previous government. The Congress Party has always stood for liberal values and principles and believed in academic freedom, institutional autonomy, social justice and intellectual excellence as the guiding principles of educational policy.

The announcement by Arjun Singh, Minister for Human Resource Development in May 2006 of 27 per cent reservation (quota) for Other Backward Classes in all central institutions, widely seen as a political move, is interpreted by sections of the academia as interference with academic autonomy. The State's callousness towards the agitating students, and the confrontation between the Union Minister for Health, Anbumani Ramdoss, and the All-India Institute of Medical Sciences (AIIMS) resulting in the dismissal of the eminent doctor and veteran director of AIIMS, K. Venugopal, which the Supreme Court stayed, though

in the realm of petty power play, are not without bearing on academic autonomy and freedom.

Teaching v. research

Though both teaching and research institutions and their stake-holders need academic freedom, considering that those engaged in full-time teaching may not find adequate time for research, over the last three decades India has evolved a network of social science research institutions within the framework of the Indian Council of Social Science Research. Though they are supposedly engaged in full-time research with hardly any teaching load, for the kind of autonomy, freedom, and facilities they have their research output is deplorably poor. Lack of accountability of those heading these institutions, their self-aggrandisement, nepotism, favouritism, and petty power play, and the politics of their governance structures have almost ruined many of these institutions.

Conclusion

In about half a century since independence India has developed one of the largest higher education systems in the world (265 universities, 13,150 colleges, 8.821 million students, and 0.427 million teachers during 2001–02 as against 32 universities, 695 colleges, and 0.174 million students during 1950–51), and India's enrolment for higher education is the third largest in the world next only to US and China.

However, numbers in Indian context can be deceptive. To understand academic freedom in a socially meaningful way, the first important thing is to have institutional facilities, freedom and flexibility to admit eligible and aspiring students to academic institutions. In the absence of this freedom, which is capability deprivation, freedom of those who are already in the academia cannot be construed as academic freedom. For such freedom is not functional to the entire society.

In this sense, the observation made at the beginning of this paper that academic freedom is intertwined with, and is the working out of, multiple societal processes, appears in different forms with different intensities and degrees of salience, assumes added importance in India for developing education from human rights' perspectives. Central to this is the need to understand the nature and extent of the persistence of historically accumulated social deprivations of several groups which in turn have led to their capability deprivations, especially in gaining access to education.

To conclude, if Prime Minister Manmohan Singh has to honour his recent assurance to the agitating students of a fair, just, inclusive, and robust education system, addressing the needs of the heterogeneous ensemble that makes up the

student community in the melting-pot of the education system from primary to tertiary levels by fostering existing institutions and creating new ones commensurate with the perceived and projected demand for education should be a national imperative.

For doing this, a comprehensive White Paper on India's higher education policy for a pragmatic programmatic for at least the next 20 years is urgently needed. Such a Paper should take stock of the present and required availability of access taking into consideration the size of the populations in the relevant age-groups, and cover all issues relating to higher education such as ensuring social justice through education for all, relevance of public-private partnership, admission policy, quotas, fee-structure, quality-control and other matters. Without this, higher education in India will continue to be in a mess with the state and the judiciary tossing issues around without moving towards a resolution on genuine concerns, and politicians and the fast emerging education industry continuing to fish in troubled waters. Such a scenario leaves no scope for any meaningful discourse on India's academic freedom in its overall societal context.

India v. Africa

African countries have much in common with India in terms of their colonial baggage, social disparities, discriminations, social and economic backwardness, and so on. They are also educationally very backward. In this context it is relevant to reproduce here what is mentioned in one of the end notes:

According to UNESCO's EFA Global Monitoring Report, 2002, 28 countries, accounting for over 15 per cent of the world's population, may not achieve any of the three measurable Dakar goals: universal primary education (UPE), gender equality and the halving of illiteracy rates. Two-thirds of these countries are in Sub-Saharan Africa; but they also include India and Pakistan.

Given the above context, initiatives for educational advancement and related academic freedom in Africa can learn a lot from the problems Indian education has been facing. This is particularly so in expanding the education system at all levels, in ensuring its internal efficiency, and using the concept of academic freedom from human rights perspectives as first and foremost the freedom of the illiterate and semi-literate masses to access the education system and then facilitating the articulation of freedom within the larger academia for ensuring autonomy in the pursuit and promotion of knowledge in the context of overall social development, particularly of the socially deprived, which should in turn lead to more freedom and more development.

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Notes

1. 'Academic freedom', *Britannica Online Encyclopedia*.
2. The reference is to concerned, committed and discerning intellectuals making use of their knowledge pursuits and capabilities to improve human rights particularly in the context of the less fortunate in society by contributing to increasing the dynamic interplay of democracy and civil society.
3. The UNESCO, and the U.N. Committee on Economic, Social and Cultural Rights observed the issues thus:

Academic freedom is rooted in the fundamental human right to education. A key component of this right is that governments must educate their citizens without discrimination through their acts or their omissions. The eternal triangle of access, quality and cost has been a straitjacket for education in the past; a virtuous circle of hope made up of education, freedom and development. It is a circle of hope because more education means more freedom, which means more development, which means more education – and so on.
4. *Education or Catastrophe*, General Conference of the Association of Commonwealth Universities held at Queen's University, Belfast. Media Release, September 1, 2003. Web: www.acu.ac.uk/belfast2003.
5. A case in point is the cloning of sheep in which scientists were engaged for about twenty years, and the birth of Dolly as the first genetically cloned sheep, with larger implications for cloning and geneticism. Even in this case, the reactions were mainly from the scientific community, and not from society at large.
6. Going by UNESCO data of those enrolled for primary education in 2001 the survival rate at grade 5 was only 61.4 per cent (male 59.7; female 63.4); and

the NER in secondary education during 2000 was 49.9 per cent (male 58.9; female 40.2). Source: UNESCO Institute for Statistics. World Education Indicators.

7. BIMARU is an acronym for the states Bihar, Madhya Pradesh, Rajasthan and Uttar Pradesh, and suggests that these states' economies are ailing.
8. Tenth Plan of University Grants Commission. Part 1: UGC's Vision and Strategy for X Plan.
9. On access to education quoting the UN, the Human Rights Watch Report for 2001 observed:

As pointed out by the U.N. Committee on Economic, Social and Cultural Rights, academic freedom was rooted in the fundamental human right to education. Another key component of this right was that governments must educate their citizens without discrimination through their acts or their omissions.

Discrimination based on caste status was also a concern, as evident in the widespread cases of discrimination against members of India's Dalit community, which belong to the lowest rung of the traditional caste hierarchy.

10. In its Global Monitoring Report, UNESCO has ranked India with 34 other countries in the lowest category. The report was released in Brasilia on 8 November 2004. It means that despite *Sarva Shiksha Abhiyan*, UNESCO doubts that India would not be able to ensure that every child goes to school by 2015, the target date for UNESCO's 'education for all' goal. *The New Indian Express*. 9 November 2004. *Sarva Shiksha Abhiyan* is a premier program of the Government of India launched in 2001 to achieve the cherished goal of Universalisation of Elementary Education, a Fundamental Right (Constitutional Amendment 2002). The super goals of the programme are: All children in school by 2005; Focus on satisfactory quality with emphasis on education for life; Bridging gender and social gaps in Primary education by 2007, and Elementary by 2010; and Universal retention by 2010.
11. According to UNESCO's EFA Global Monitoring Report, 2002, 28 countries, accounting for over 15 per cent of the world's population, may not achieve any of the three measurable Dakar goals: universal primary education (UPE), gender equality and the halving of illiteracy rates. Two-thirds of these countries are in Africa; but they also include India and Pakistan.
12. In this context the following observations by Philip G. Altbach in the write-up 'Higher Education India' (*The Hindu*, April 4, 2005) are important:

India's colleges and universities, with just a few exceptions, have become large, under-funded, ungovernable institutions. At many of them, politics has intruded into campus life, influencing academic appointments and decisions across levels. Under-investment in libraries, information technology, laboratories, and classrooms makes it very difficult to provide top-quality instruction or engage in cutting-edge research.

The rise in the number of part-time teachers and the freeze on new full-time appointments in many places has affected morale in the academic profession. The lack of accountability means that teaching and research performance is seldom measured. The system provides few incentives to perform. Bureaucratic inertia hampers change. Student unrest and occasional faculty agitation disrupt operations.

13. In an obituary on historian S. Gopal, K.N. Panikkar recalled in the *Frontline* of April 27–May 12, 2002:

During the Emergency of 1975–77, despite being close to the government establishment he did not hesitate to articulate his opposition. At the Indian History Congress session at Aligarh in 1975 Gopal moved the resolution opposing the Emergency. While several senior historians were hesitant to support such a resolution, Gopal stated unambiguously that the Emergency was an assault on academic freedom.

14. Red Fort in Delhi is known by that name because of the red stone with which it was built. It is one of the magnificent palaces in the world. India's history is closely linked with this fort. It was from here that the British deposed the last Mughal ruler, Bahadur Shah Zafar, marking the end of the three century long Mughal rule. It was also from its ramparts that the first Prime Minister of India, Jawaharlal Nehru, announced to the nation that India was free from colonial rule.
15. Absence of state interference does not mean that the managements of institutions have not been targeting individual academics. There have been a number of reports on this in the media and on websites.
16. The National Council of Educational Research and Training (NCERT) is an apex resource organisation set up by the Government of India, with headquarters at New Delhi, to assist and advise the Central and State Governments on academic matters related to school education.
17. A report in the *Frontline* of March 18–31, 2000 by Parvathi Menon under the title 'Falsification of History' began thus:

The latest ICHR-sponsored assault on academic freedom is just one of several official actions under BJP rule in the realm of education and research that are aimed to disseminate the Hindutva version of history.

A related observation is in the report 'Freedom in the World – India (2005)' by the *Freedom House* in Washington, D.C.

The promotion of Hindu nationalist ideology by the BJP government also affected the educational system. According to the U.S. State Department's International Religious Freedom Report for 2004, textbooks that had been rewritten to favor a Hindu extremist version of history were introduced in late 2002, despite protests from academics, minority leaders, and advocates of secular values. However, the new Congress-headed government pledged to reverse the 'saffronisation' of education, and the content of the textbooks is currently

under revision. Academic freedom is also occasionally threatened by intimidation of and attacks on professors and institutions: in January, Hindu activists vandalized a research institute in Pune, according to the BBC.

On the curbs on academics during the BJP rule, the Human Rights Watch report for the year 2001 observed the following under the subtitle "Censorship and Ideological Controls" in the section on Academic Freedom:

India also instituted regulations governing attendance of foreigners at international academic meetings held in India. The Indian Home Ministry issued a circular ordering security clearance before holding such gatherings, singling out participants from Afghanistan, Bangladesh, China, Pakistan, and Sri Lanka. Similarly, the ministry issued an edict requiring prior approval for all international academic meetings.

India's governing Hindu nationalist Bharatiya Janata Party continued its policy of 'Hinduisng' education at all levels. India's University Grants Commission earmarked funds for university courses in astrology, a move that sparked strong opposition from India's academic community. A lawsuit brought by a group of academics contesting the new university program was before the Supreme Court of India.

18. In an open letter dated April 9, 1999 to Indian president K.R. Narayanan, the Human Rights Watch Academic Freedom Committee called on the government to launch an investigation into reports of politically motivated censorship at the Maulana Abdul Kalam Azad Institute, a government-funded Asian studies center in Calcutta. The letter urged Indian government to ensure that political tensions in the country do not spill over and restrict academic freedom.

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