

Challenges of Academic Freedom in India

Considering the Human Rights Education Framework for Amplifying Marginalized Student Voices

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INTRODUCTION

Internationally applicable “civil, political, social and cultural rights” are understood to involve “freedom of thought, conscience, religion, expression, assembly and association.”¹ Freedom from censorship, discrimination, repression, and interference is intrinsic to democracy and the everyday practice of secular values such as equality and social justice. In the sphere of higher education, conceptions of academic freedom, informed by Humboldtian ideals, have evolved over time, vary between jurisdictions, and remain contested.² Tierney and Sabharwal have emphasized the importance of the free-

¹ UNESCO, “Recommendation Concerning the Status of Higher Education Teaching Personnel,” 1997, Art. 26.

² Rold Von Lüde, “From Humboldt to Market: Competition and Excellence as New Governance Principles in the German University System,” in *State and Market in Higher Education Reforms*, ed. Hans G.

dom to teach, undertake, and disseminate research, study, learn, and discuss without fear or concern of retribution.³

Academic freedom involving sensitive issues concerning caste-based inequalities and gender-based injustices becomes even more critical on socially diverse higher education campuses. Social diversity among the higher education student body signifies a plurality of ideologies and values. Plurality influences the ways in which issues of inequality and injustice are discussed by diverse peer groups, and interactions take place in classrooms and more generally on campuses. For students from socially excluded groups, the use of academic freedom to build understanding and critical analysis of social oppression and its consequences becomes important. It is only when everyone understands and agrees on principles of equality, social justice, and non-violence that students from marginalized groups feel welcomed and higher education classrooms and campuses start to become inclusive.

However, tension points exist around the ways in which academic freedom is exercised to meet its goal of creating inclusive campuses. These tensions arise when the use of academic freedom is caught between a diverse student body, a homogeneous management and faculty composed primarily of a privileged social group, and the prevalence of systemic social inequalities and injustices, as is the case in India. Given this context, this chapter asks: What challenges exist with regard to achieving the goal of academic freedom while concurrently making India's higher education campuses more inclusive?

Discussions on academic freedom necessitate an understanding of the dimensions of challenges facing students from marginalized social groups on higher education campuses and the responsibility of faculty members to internalize the varied purposes of their academic freedom. These purposes include the creation of a civic learning environment by management and faculty for realizing inclusive classrooms and campuses, free of fear or concern about retribution including censorship, direct and indirect discrimination, repression, or interference.

Based on empirical evidence, this chapter argues that academic freedom must be accompanied by academic responsibility, which allows for the mar-

Schuetze (Leiden: Brill, 2012), 149; Akeel Bilgrami and Jonathan R. Cole, eds., *Who's Afraid of Academic Freedom?* (New York: Columbia University Press, 2015).

3 William G. Tierney and Nidhi S. Sabharwal, "Academic Freedom in the World's Largest Democracy," *International Higher Education* 86 (2016): 15–16.

ginalized voices of students from socially excluded groups to be amplified and their participation rights respected. It puts forward the important role of human rights education to advance the goals of academic freedom in creating a civic learning environment. Such an environment can act as a mechanism for protecting responsible academic freedom and creating democratic spaces on socially diverse higher education campuses.

HIGHER EDUCATION IN INDIA

In order to situate the chapter, it is useful to offer some background context on higher education in India. Higher education participation in India has increased manifold over recent decades and campuses have undergone significant demographic change. India's higher education system, traditionally a domain of the elite, entered a stage of massification as the gross enrollment ratio (GER) increased from 6 percent in the 1990s to 27 percent in 2020, in large part due to growth in private higher education provision.⁴ With this shift toward massification, the proportion of higher education graduates in India's large population increased. India has grown to be the second largest higher education system after China (50.2 million in 2020); well ahead of the United States (18.8 million in 2020).⁵

In 2020–1, 41.3 million students enrolled in Indian higher education, through 1,100 universities, 43,800 colleges, and 11,300 standalone institutions. With massification, access has broadened. By 2020–1, over half of the Indian higher education student population comprised traditionally marginalized groups including 14 percent Scheduled Castes (SC; former untouchables), 6 percent Scheduled Tribes (ST; indigenous groups), and 36 percent from Other Backward Classes (OBC; lower castes in the caste hierarchy). Women's participation had grown, constituting 49 percent by 2020–1; however, Muslim students remain underrepresented, constituting 5 percent (1.9 million) compared to their representation more broadly (14 percent

4 N. V. Varghese and Nidhi S. Sabharwal, "The Future of Higher Education in India from Massification to Universalization," *CPRHE Research Papers* 16 (2022); N. V. Varghese and Garima Malik, "Institutional Autonomy in Higher Education in India," *University News* 53 (2015): 115.

5 UNESCO Institute of Statistics, "Enrolment by Level of Education (Dataset 2023)," http://data.uis.unesco.org/Index.aspx?DataSetCode=EDULIT_DS&popupecustomisetrue&lang=en.

in 2011).⁶ India has a long history of campus-based activism, with student unions frequently affiliated with major political parties.⁷

CHANGE THROUGH POLICY AND COMMISSIONS

EQUITABLE ACCESS TO EDUCATION

Targeted legislation and numerous public policies have been introduced to promote equitable access at all levels of education. Importantly, this includes the Right to Education Act 2009 framing school education as a fundamental human right along with Education for All (EFA) programs.⁸ Following these developments, the number of secondary school graduates eligible to transition to higher education has grown. At the higher education level, public policies have favored affirmative action initiatives emphasizing access. Most notably this includes the implementation of a centrally mandated quota system for admissions (i.e., reservation of seats for students from marginalized groups) and relaxation of entry-level eligibility criteria (i.e., low cutoff marks). Higher education institutions also provide student support, mostly in the form of scholarships, fee concessions, and student hostel accommodation. Many of these initiatives target SCs, STs, and OBCs, while others are available preferentially for girls and women, and religious minorities (i.e., Muslims, Christians, Sikhs, Buddhists, and Zoroastrians).

Despite such interventions, achievements of inequitable access remain overshadowed by persistent challenges students from socially excluded groups face after they have been admitted. If one of the main obligations of higher education institutions is to provide an inclusive learning environment that teaches students about tolerance and civil discourse through open discussion and debate, then gaining an understanding of these chal-

6 Government of India, Ministry of Education, "All India Survey of Higher Education 2020–2021," <https://aishe.gov.in/aishe/BlankDCF/AISHE%20Final%20Report%202020-21.pdf>.

7 Niraja Gopal Jayal, "Academic Freedom in India," in *University Autonomy Decline: Causes, Responses, and Implications for Academic Freedom*, ed. Kirsten Roberts Lyster, Ilyas Saliba, and Janika Spannagel (London: Routledge, 2023), 64.

8 Monisha Bajaj, *Schooling for Social Change: The Rise and Impact of Human Rights Education in India* (London: Continuum, 2012); Monisha Bajaj, ed., *Human Rights Education: Theory, Research, Praxis* (Philadelphia: University of Pennsylvania Press, 2017).

lenges is imperative.⁹ Tensions faced by such students manifest themselves in two dominant forms. First, caste-based prejudices influence socioacademic interactions between marginalized students and their peers, teachers, and management; second, feelings of marginalization in classroom discussions regarding social justice issues. These tensions will be discussed in more detail throughout this chapter.

INSTITUTIONAL AUTONOMY AND ACADEMIC FREEDOM

Following India's independence, important education commissions and policies highlighted institutional autonomy, academic freedoms, and rights afforded to faculty members. The Radhakrishnan University Education Commission of 1948 referred to freedom of conscience and differentiated between the role of the State in funding and controlling academic policies and practices. This early commission affirmed the importance of self-governing higher education institutions and emphasized the right of teachers to speak freely regarding controversial issues.¹⁰ Two decades later, the Kothari Commission of 1964–6 affirmed the importance of institutional autonomy and again positioned faculty members' right to critical thinking and dissent as integral to the role of the university. This report argued that “universities are pre-eminently the forum for a critical assessment of society—sympathetic, objective, unafraid—whose partiality and motives cannot be suspected.”¹¹ In 2009, the important Yashpal Committee report lamented the erosion of academic freedoms in preceding years, for example, observing that “organized youth [and] ... the official machinery of the university has been deliberately used to obstruct or subvert the possibility of peaceful debate and inquiry.”¹² The Radhakrishnan, Kothari, and Yashpal Commissions each highlighted the importance of freedom of thought for teachers, emphasizing their pur-

9 Geoffrey R. Stone, “A Brief History of Academic Freedom,” in *Who's Afraid of Academic Freedom?* ed. Akcel Bilgrami and Jonathan R. Cole (New York: Columbia University Press, 2015), 1.

10 Sarvepalli Radhakrishnan, *The Report of the University Education Commission (1948–1949)* (New Delhi: Ministry of Education, 1962).

11 Kothari Commission, *Report of the Educational Commission (1964–66): Education and National Development* (New Delhi: Ministry of Education, 1966), 275–276.

12 Yashpal Committee, *The Report of the Committee to Advise on Renovation and Rejuvenation of Higher Education in India* (New Delhi: Government of India, 2009), 16.

suit and practice of truth as the basis through which democratic ideals of equality, liberty, and fraternity could be achieved.

The National Education Policy (NEP₂₀₂₀), representing a transformational change agenda for India's school and higher education systems and institutions, anticipated that "faculty will be given the freedom to design their own curricular and pedagogical approaches ... including textbook and reading material selections, assignments, and assessments."¹³ Further, while not explicitly referring to academic freedom, NEP₂₀₂₀ stated that "empowering the faculty to conduct innovative teaching, research, and service" is a "key motivator and enabler for them to do truly outstanding, creative work."¹⁴ Chattopadhyay has argued that NEP₂₀₂₀ hinges on institutional and teacher autonomy, coupled with the institutionalization of accountability.¹⁵

CHALLENGES TO ACADEMIC FREEDOM IN INDIAN HIGHER EDUCATION

As India's higher education system has grown, academic freedom has suffered.¹⁶ In recent years India's position on the Academic Freedom Index has declined overall, with particular concerns relating to campus integrity, institutional autonomy, and academic and cultural expression. Scholars have suggested that this "decline ... started from a comparatively high level during India's democratic period and is now associated with rapidly accelerating autocratization."¹⁷ Scholars have suggested there has been an increase in assaults on academic freedom in Indian higher education since 2014, including increased deployment of India's antiterrorist Unlawful Activities

13 Brigid Freeman, *Internationalisation at Home and Abroad: Leveraging the National Education Policy 2020* (Pariprekshya: National Institute of Educational Planning and Administration, 2022), 40. See also Brigid Freeman, *India's National Education Policy 2020 and Australia's Education Engagement: Key Findings from Roundtables* (Melbourne: Australia India Institute, 2021).

14 Freeman, *Internationalisation at Home and Abroad*, 40; Freeman, *India's National Education Policy 2020*.

15 Saumen Chattopadhyay, "Academic Freedom, Institutional Autonomy and Institutionalising Accountability: A Reflection on the National Education Policy 2020," *JMC Review* 4 (2020): 1.

16 Nandini Sundar, "Academic Freedom and Indian Universities," *Economic & Political Weekly* 53 (2018): 48; Chattopadhyay, "Academic Freedom, Institutional Autonomy and Institutionalising Accountability"; David Kaye, "Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression," UNGAOR, 75th Sess., UN Doc A/75/261 (2020).

17 Friedrich-Alexander-Universität Institute of Political Science, "Academic Freedom Index Update 2023," www.pol.phil.fau.eu/2023/03/02/academic-freedom-index-update-2023/.

(Prevention) Act (UAPA) against faculty and students.¹⁸ The *Free to Think Report of the Scholars at Risk Academic Freedom Monitoring Project* argued that in India “state and higher education actors have used arrests, prosecutions, dismissals, and other coercive means to punish and silence scholars and students whose academic work, views, or associations the government finds displeasing.”¹⁹ Sundar has also highlighted the role of student groups acting as provocateurs.²⁰

CHALLENGES TO FACULTY MEMBER’S RIGHTS

Reported instances of challenges to faculty member’s rights at Indian higher education institutions are numerous and growing. They range from censorship of books and interference with university syllabi; denial of permission to present; disruption of seminars, meetings, and events on campus; arrest and criminal charges; physical attacks; termination, suspension, and/or resignation; and denial of research visas and restrictions on academic exchanges.²¹ In multiple examples, the curriculum has been disrupted by objections from university management, or teacher and student organizations.²² For example, Delhi University’s Standing Committee of Academic Council recommended the removal of Kancha Ilaiah’s *Why I Am Not a Hindu, God as Political Philosopher, and Post-Hindu India* as the content of the book was seen as controversial.²³ Manonmaniam Sundaranar University, Tirunelveli,

18 Kusha Anand and Laraib Niaz, “The Precarious State of Academic Freedom in Higher Education: The Case of India and Pakistan,” in *Research in the Social Scientific Study of Religion: Lesser Heard Voices in Studies of Religion*, ed. Ralph W. Hood and Sariya Cheruvallil-Contractor (Leiden: Brill, 2022), 281; Dimitar D. Gueorguiev, “Introduction: Progress under Threat—Academic Freedom in Asia,” in *New Threats to Academic Freedom in Asia*, ed. Dimitar D. Gueorguiev (New York: Columbia University Press, 2023), 1; Jayal, “Academic Freedom in India.”

19 Scholars at Risk, *Free to Think: Report of the Scholars at Risk Academic Freedom Monitoring Project* (New York: Scholars at Risk, 2021), 68.

20 Sundar, “Academic Freedom and Indian Universities.”

21 Nandini Sundar and Gowhar Fazili, “Academic Freedom in India: A Status Report,” *The India Forum*, www.theindiaforum.in/article/academic-freedom-india; “Six Tables That Tell the Story of Academic Unfreedom in India,” *The Wire*, October 4, 2022, <https://thewire.in/rights/six-tables-that-tell-the-story-of-academic-unfreedom-in-india>.

22 “Students Call Off Ambedkar Jayanti Event after TISS ‘Denies Entry’ to Sujat Ambedkar,” *The Wire*, April 14, 2022, <https://thewire.in/caste/tiss-ambedkar-jayanti-sujat-ambedkar>.

23 Saikat Ghosh, “Decision to Remove Kancha Ilaiah’s Books from Delhi University’s Political Science PG Syllabus Is RSS-Motivated,” *The Leaflet*, October 29, 2018, <https://theleaflet.in/decision-to-remove-kancha-ilaiahs-books-from-delhi-universitys-political-science-pg-syllabus-is-rss-motivated/>.

removed Arundhati Roy's *Walking with the Comrades* following objections on the ground that it justified the actions of groups that engaged in antistate activities.²⁴ A faculty member who used popular media to question their university's implementation of affirmative action policy may face disciplinary action. This instance occurred when a faculty member from a government-supported public university wrote a newspaper article in support of students from disadvantaged social groups. The article raised doubts and questioned his university's compliance with affirmative action policies. However as a result he was accused of damaging the institution's reputation and was threatened with disciplinary measures.²⁵ In some instances, complaints have been taken to the High Court, including an objection by the right-wing student organization (ABVP) to a reading included in a University of Delhi history syllabus.²⁶

CHALLENGES TO STUDENT'S RIGHTS

Academic freedom of students in Indian higher education institutions has been framed in terms of choices, where students have the freedom to choose to apply to study in different institutions, courses, and delivery modes.²⁷ However, there are numerous reported instances of challenges to students' rights manifest as disruption of seminars, meetings, and events on campus; arrest of students; physical attacks on students; suspension and/or expulsion of students; and bans on student groups.²⁸ For example, the Ambedkarite Students' Association (ASA), representing marginalized students (i.e., SC, ST, OBC, and religious minorities), canceled their planned celebrations where management refused entry to Tata Institute of Social Sciences, Mumbai, to journalist Sujat Ambedkar, grandson of Dr. B. R. Ambedkar.

24 "Arundhati Roy Book Removed from Syllabus of TN University over Alleged Support for Maoists," *New Indian Express*, November 12, 2020, www.newindianexpress.com/states/tamil-nadu/2020/nov/12/arundhati-roy-book-removed-from-syllabus-of-tn-university-over-alleged-support-for-maoists-2222838.html.

25 Jayal, "Academic Freedom in India."

26 Jayal, "Academic Freedom in India."

27 Saumen Chattopadhyay, "Academic Freedom and Employability: A Neoliberal Agenda to Guide Education Reform," *Social Scientist* 41 (2013): 69; Chattopadhyay, "Academic Freedom, Institutional Autonomy and Institutionalising Accountability."

28 Sundar and Fazili, "Academic Freedom in India: A Status Report"; "Six Tables That Tell the Story of Academic Unfreedom in India."

The ASA claimed management's refusal was "deeply ... discriminatory and casteist ... against the entire Dalit community."²⁹

In another instance, an event exploring "The Idea of the University" at Delhi University hosted by the left-wing All India Students Association (AISA) was allegedly disrupted by the right-wing student organization (ABVP). Faculty argued that "the obvious casualty in the process is the right to speak freely."³⁰ In another example, management at Sai Homeopathic Medical College and Nityanand Hospital disallowed an enrolled Muslim student entry to campus for wearing a hijab.³¹ In extreme cases, students from marginalized groups have resorted to suicide in response to hostile treatment, suspension, and harassment by university administration, faculty, and other students. Cases such as this have led to a nationwide outcry.³²

There are other examples where students' academic freedoms have been challenged. For example, in 2016 the ruling government in Gujarat reportedly dictated topics around government schemes as suitable for PhD theses.³³ In other instances, criminal charges have been brought against students for allegedly defamatory statements concerning issues sensitive to the government (e.g., Kashmir, Hindu gods, the Citizenship [Amendment] Act).³⁴ A Jawaharlal Nehru University (JNU) PhD student was charged with, among other matters, reading inappropriate literature for his MPhil, including Paul Brass's *Forms of Collective Violence: Riots, Pogroms and Genocide in Modern India*.³⁵ Talks at higher education institutions focusing on issues concerning caste and gender discrimination, democracy, and the constitution have reportedly been subject to protests and bans invoking the "heckler's

29 "Students Call off Ambedkar Jayanti Event after TISS 'Denies Entry' to Sujat Ambedkar."

30 Ajoy Ashirwad Mahaprashastra, "ABVP Allegedly Attacks Delhi University Students, Journalist at Public Meeting," *The Wire*, October 28, 2016, <https://thewire.in/uncategorised/abvp-allegedly-attacks-delhi-university-students-journalist-public-meeting>.

31 Sukanya Shantha, "Don't Wear a Hijab if You Want to Study Here," *The Wire*, March 25, 2018, <https://thewire.in/education/dont-wear-a-hijab-if-you-want-to-study-here>.

32 Bharat Rathod, "Caste Conflicts on Campuses: Examining Diversity Research to Transform Indian Universities into Inclusive Learning Spaces," *Journal of Social Inclusion Studies* 5 (2019): 129.

33 Jayal, "Academic Freedom in India"; Bharat Yagnik and Ashish Chauhan, "Gujarat Govt Gives Universities List of Topics for PhD Theses," *Times of India*, April 26, 2016, <https://timesofindia.indiatimes.com/india/Gujarat-govt-gives-universities-list-of-topics-for-PhD-theses/articleshow/51986510.cms>.

34 Sundar and Fazili, "Academic Freedom in India"; "Six Tables That Tell the Story of Academic Unfreedom in India."

35 Nandini Sundar, "When Universities Become Objectives of Counterinsurgency," *The Wire*, March 26, 2021, <https://thewire.in/education/when-universities-become-objects-of-counterinsurgency>.

veto.”³⁶ Incidents involving faculty at elite Indian higher education institutions abusing students from Dalit and Adivasi backgrounds have also been reported, and there are multiple examples of student resistance against casteism on campus.³⁷

Many of these examples involved management and faculty push-back against academic endeavors and activities of marginalized students. Examining such issues, Rathod concluded that “the evidence demonstrates ... a range of discriminatory practices and behaviors by higher caste individuals and the higher castes-controlled institutions” against Dalit students.³⁸

DIMENSIONS OF CHALLENGES FACING STUDENTS FROM SOCIALLY EXCLUDED GROUPS ON HIGHER EDUCATION CAMPUSES

While achieving higher education equity has been a major goal of various Government of India education policies and commissions, and an important principle underpinning diversification of the student body, challenges persist for students from socially excluded groups who enter higher education. This section discusses empirical evidence from a large-scale national study on the nature and forms of challenges that threaten the social justice goals of academic freedom in Indian higher education.³⁹ The study was carried out in twelve higher education institutions located across six major states including Bihar, Delhi, Karnataka, Kerala, Maharashtra, and Uttar Pradesh. The empirical research followed a mixed methodology approach with primary data collected through a survey, focus groups, and in-depth interviews. The survey was administered to over 3,200 students, while focus group discussions were conducted with students from marginalized groups (i.e., SCs, STs, OBCs, women, and minorities). In-depth interviews were carried out with faculty members, faculty in charge of cells and committees, and institutional leaders. Secondary data was sourced from administrative records. The empirical study found that campus tensions faced by students from socially

36 Sundar, “Academic Freedom and Indian Universities.”

37 See, e.g., Ananya Bhattacharya, “‘Bloody Bastards’: India’s Elite IITs Have a History of Deep-Rooted Casteism,” *Quartz India*, April 27, 2021, <https://finance.yahoo.com/news/bloody-bastards-india-elite-iits-100341453.html>; Sundar, “Academic Freedom and Indian Universities.”

38 Rathod, “Caste Conflicts on Campuses,” 131.

39 Nidhi S. Sabharwal and C. M. Malish, “Diversity and Inclusion in Higher Education: A Study of Institutions in Selected States of India,” *CPRHE Research Report* (2016).

excluded groups on higher education campuses stem primarily from two channels: exclusion from curriculum content and pedagogy, and teachers' negative conceptions of diversity.

EXCLUSION FROM CURRICULUM CONTENT AND PEDAGOGY

In India's higher education system, what gets taught in the classroom (i.e., the curriculum) is centrally prescribed by the government or the curriculum development committees to a greater extent than in more decentralized systems.⁴⁰ Students from socially excluded groups reported that their experiences were not reflected in the curriculum. These students reported that, in group discussions, the curriculum overrepresented the life world and cultural practices of dominant socioreligious groups, while theirs remained largely invisible. This aspect is particularly felt by students from religious minorities.

Furthermore, it is striking that a much higher proportion of students from the SC group (39 percent) than from the ST/OBC group (28 percent) reported that teachers rarely encouraged students to respect diverse beliefs and perspectives in their classrooms. A significant majority of teachers in Indian higher education institutions are from privileged socioreligious groups.⁴¹ Students from marginalized groups also reported that the dominant pedagogy, the lecture method, and the lack of classroom discussion involving diverse perspectives and alternative opinions exacerbated their sense of exclusion. Clearly, opportunities to encourage constructive interactions among various social groupings in higher education classrooms are being lost.

TEACHERS' NEGATIVE CONCEPTIONS OF DIVERSITY

Faculty members frequently had low expectations regarding the academic talents of students from underprivileged social groups, particularly the SCs and STs, and harbored bias against these pupils. Several faculty members

⁴⁰ Tierney and Sabharwal, "Academic Freedom in the World's Largest Democracy."

⁴¹ Nidhi S. Sabharwal, Emily F. Henderson, and Roma Smart Joseph, "Hidden Social Exclusion in Indian Academia: Gender, Caste and Conference Participation," *Gender and Education* 32 (2020): 27; Anand and Niaz, "The Precarious State of Academic Freedom in Higher Education."

appeared to hold a meritocratic ideology, believing that increased student diversity resulting from quota admission systems and relaxed eligibility criteria—rather than merit—was harming the quality of higher education. Faculty members frequently failed to take into consideration the rights of students from underprivileged social groups enrolled through affirmative action initiatives such as reservations.

As a result, students from marginalized groups, most notably SCs and STs, feel excluded from higher education. Diverse perspectives are frequently not respected in classroom discussions, and prejudice and stereotypes influence teacher–student socioacademic interactions. Peer group interactions unnecessarily reflect students’ social identities. These findings are consistent with research that has highlighted challenges facing students from socially excluded groups on higher education campuses in India, including poor treatment and discrimination.⁴²

These challenges increase the responsibility of faculty members to question dominant ideologies, encourage discussions on foundational principles, and allow diverse perspectives to be debated. Only when everyone in the classroom understands the principles of equality, social justice, and nonviolence can the academic freedom of the marginalized be realized and learning proceed without fear or concern of retribution. The presence of democratic spaces to be able to freely discuss and critically analyze multiple forms of social inequalities and injustices can help develop a shared understanding.

HUMAN RIGHTS EDUCATION FOR ADVANCING SOCIAL JUSTICE GOALS

The multifaceted issues facing higher education students from socially excluded groups suggest there is scope to promote a greater understanding of human rights and academic freedom in order to advance social justice goals. This would involve expanding the notion of academic freedom afforded uni-

42 Samson Ovichegan, “Social Exclusion, Social Inclusion and Passing: The Experience of Dalit Students at One Elite Indian University,” *International Journal of Inclusive Education* 18 (2013): 359; Anoop Kumar Singh, “Defying the Odds: The Triumphs and Tragedies of Dalit and Adivasi Students in Higher Education,” in *Beyond Inclusion: The Practice of Equal Access in Higher Education*, ed. Satish Deshpande and Usha Zacharias (London: Routledge, 2013), 186; Nidhi S. Sabharwal et al., “Diversity, Academic Performance, and Discrimination: A Case Study of a Higher Educational Institution,” *IIDS Working Paper Series* 8 (2014); Rathod, “Caste Conflicts on Campuses.”

versities teachers, and students in terms of institution and course choice, to student engagement with curriculum, pedagogy, and teacher–student socio-academic interaction. Where human rights education is introduced, a civic learning environment that safeguards the social justice goals of academic freedom emerges. What follows presents elements of the human rights education framework that could more broadly be deployed to address current tensions around academic freedom, particularly for students from marginalized groups as they navigate higher education classrooms and campuses.

We argue that even where education policy interventions have stipulated that academic freedom be valued and protected, this has not been sufficient. In the context of a social mismatch between student and faculty composition, where what gets taught in the classroom is more or less centrally prescribed by regulatory authorities developing and approving curriculum, we affirm the important role of education that promotes human rights in creating a civic learning environment for teachers and students on higher education campuses.

HUMAN RIGHTS EDUCATION FRAMEWORK

International conventions and declarations obligate states to guarantee the rights of persons facing inequality and injustice including women, religious and sexual minorities, people with disability, refugees, displaced and trafficked persons. Framing of human rights by the UN Human Rights Commission in the years following the Second World War broadly encompassed economic, social, and political inequality and, more particularly, racial antidiscrimination. Bajaj explained that through this lens, “human rights led to justice by challenging unequal hierarchies of power, amplifying the voices of the weak, and working to eliminate the root causes of conflict: poverty, discrimination, and exploitation.”⁴³

The right to human rights education was first codified in the 1948 Universal Declaration of Human Rights and reinforced by international treaties on civil, political, economic, social, and cultural rights that India is party to.⁴⁴ According to the Universal Declaration of Human Rights, edu-

⁴³ Bajaj, *Human Rights Education*, 229–230.

⁴⁴ The Universal Declaration of Human Rights, when read with the 1966 International Covenant on Civil and Political Rights (ICCPR) (in force from 1976) and 1966 International Covenant on Economic So-

cation aims to promote “understanding, tolerance, and friendship among different nations, racial or religious groups.”⁴⁵ Gibson and Grant argued that such human rights instruments “provided a new common language for contesting injustice.”⁴⁶ Subsequent supranational agreements have reiterated the importance of human rights education and intercultural understanding. First, the 1989 UN convention obligated states to promote education for “the development of respect for human rights and fundamental freedoms ... in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.”⁴⁷ This convention also asserted the right to an education that promotes respect for cultural identity, language, and values. Second, the 2011 UN declaration envisaged education promoting observance of human rights, peace, and fundamental freedoms “by providing persons with knowledge, skills, and understanding and developing their attitudes and behaviors, to empower them to contribute to the building and promotion of a universal culture of human rights.”⁴⁸

At the global level, several initiatives have embraced these principles. For example, the UN World Programme, launched in 2004, aimed to advance human rights education to build inclusive, peaceful societies.⁴⁹ These governance instruments and initiatives anticipated human rights education acknowledging the rights of teachers and students, including students’ participation rights and empowerment and, more recently, progress toward achievement of the Sustainable Development Goals (SDGs).⁵⁰

cial and Cultural Rights (ICESCR) (in force from 1976), together form the International Bill of Human Rights.

45 Universal Declaration of Human Rights, GA Res 217A (III), UNGAOR, 3rd Sess., Supp. No 13, UN Doc A/810 (1948) 71, Art. 26(2).

46 Melissa L. Gibson and Carl A. Grant, “Historicizing Critical Educational Praxis: A Human Rights Framework for Justice-Oriented Teaching,” in *Human Rights Education: Theory, Research, Praxis*, ed. Monisha Bajaj (Philadelphia: University of Pennsylvania Press, 2017), 234.

47 Universal Declaration of Human Rights, 1948, Art. 29.

48 Universal Declaration of Human Rights, 1948, Art. 2(2).

49 United Nations, “Fourth Phase (2020–2024) of the World Programme for Human Rights Education,” www.ohchr.org/en/resources/educators/human-rights-education-training/world-programme-human-rights-education/phase4.

50 Audrey Osler and Juanjuan Zhu, “Narratives in Teaching and Research for Justice and Human Rights,” *Education, Citizenship and Social Justice* 6 (2011): 223.

*INFLUENCE OF HUMAN RIGHTS FRAMEWORK ON INDIAN
CONSTITUTION, POLICY, AND PROGRAMS*

The Constitution of India, in force from 1950, enshrined fundamental rights including the right to equality, the right to freedom, the right against exploitation, the right to freedom of religion, cultural and educational rights, and the right to constitutional remedies. While not explicitly protecting academic freedom, the constitution stipulated that “no citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.”⁵¹

The constitution and supranational legal instruments, including the Universal Declaration of Human Rights, have informed the establishment of Government of India ministries (e.g., Ministry of Minority Affairs), enforcement mechanisms (e.g., National Human Rights Commission), and institutions (e.g., Indian Institute of Human Rights). They have also energized India’s national education regulatory authorities such as the University Grants Commission and National Council of Educational Research and Training.⁵² Government-commissioned reports have also promoted human rights education. For example, the 1985 Sikri Committee report, *Blueprint for Promotion of Human Rights in India at All Levels*, gave some impetus, while the National Human Rights Commission and University Grants Commission produced model human rights education curriculum and foundation course materials.⁵³

Policies have also reinforced the role of higher education in engendering human rights. The Kasturirangan Committee’s Draft National Education Policy 2019 affirms that higher education institutions “will develop an understanding of our Constitutional values, and the disposition and capacities for their practice, amongst all their students. The curricula of (all) programs, in tandem with the overall culture and the environment of the [higher education institution], will enable this. The duties and rights in action, of all citi-

51 Constitution of India, 1950, Art. 29(2).

52 Monisha Bajaj and Rachel Wahl, “Human Rights Education in Postcolonial India,” in *Human Rights Education: Theory, Research, Praxis*, ed. Monisha Bajaj (Philadelphia: University of Pennsylvania Press, 2017), 147.

53 Kumar Kumar, “The Relevance of Human Rights Education in Indian Society,” *Yojana*, <http://yojana.gov.in/public-account3jan.asp>.

zens of India, informed by these values will also be highlighted, [including] commitment to equality, justice, and fairness; embracing diversity, plurality, and inclusion.”⁵⁴ More recently, NEP2020 mooted increased institutional autonomy and emphasized human and constitutional values as guiding principles for programs, including the democratic spirit, pluralism, equality, justice, liberty, equality, and fraternity.

India’s human rights education programs are now provided variously at undergraduate and postgraduate levels, through regular, distance learning, and, more recently, online modes. Such programs are provided through different disciplinary lenses including political science, law, sociology, economics, and history emphasizing human rights and duties and human rights law. Programs differ in scope and intensity throughout India.⁵⁵ For example, the Savitribai Phule Pune University Human Rights Education Programme explores human rights and duties, the human rights of women, socially and economically disadvantaged people, and vulnerable groups (i.e., stateless persons, sex workers, migrant workers, and HIV/AIDS victims).⁵⁶ The National Human Rights Commission runs training programs in conjunction with some Indian education institutions and makes available online human rights education resources from the Indira Gandhi National Open University. Such programs frequently highlight three dimensions: knowledge about human rights; values, beliefs, and attitudes underpinning a human rights lens; and actions to defend human rights and avoid abuses.⁵⁷

Somewhat similarly, peace education programs have been introduced by some institutions, with India’s National Council for Educational Research and Training envisioning such programs emphasizing responsible citizenship and social justice while promoting a secular, democratic culture. India’s

54 Kasturirangan Committee, *Draft National Education Policy 2019* (New Delhi: Ministry of Human Resource Development, 2019), 231.

55 Sheeraz Ayoub Kuchy and T. Thilagavathy, “Human Rights Education in India: Importance, Present Status and Future Actions,” *Asia Pacific Journal of Research* 1 (2016): 120; Bajaj, *Human Rights Education*.

56 Other examples include the Jamia Millia Islamia Master of Arts (Human Rights and Duties Education), Jawaharlal Nehru University (Human Rights Studies Programme), Banarus Hindu University (Master of Laws, Human Rights, and Duties Education), and National Law School of India University (human rights law units in Bachelor of Arts/Bachelor of Laws [Hons.], Postgraduate Diploma in Human Rights Law).

57 Indian Institute of Human Rights, “Education: A Tool for the Elimination of Human Rights Violations,” www.rightsedu.net/about_us.htm#.

peace education programs frequently critique structures of violence, respond to intergroup and societal violence and conflict, and/or concentrate on pluralism, character building, and values education. For example, peace education programs include Communalism Combat in Mumbai primary schools and Centre for Dialogue and Reconciliation teacher training in the northern India region of Kashmir.⁵⁸

India's experiences of violence relating to Dalits and religious minorities and cultural and structural violence (e.g., income inequality and discrimination on the basis of caste, religion, gender, language, and sexual identity) have encouraged the introduction of human rights and peace education programs.⁵⁹ These programs have some synergies with citizenship education more broadly defined, which has been established at school and higher education levels. Thorat and Sabharwal posit that citizenship education "prepare[s] students to become effective citizens by enhancing [their] knowledge regarding issues pertaining to inequalities, poverty, discrimination, injustices, and inculcating democratic values of equality, liberty, fraternity and skills needed to participate in effective democratic engagement."⁶⁰ Expanding the provision of such programs using a human rights education framework to develop democratic classrooms and campuses would go some way to addressing the limitations of existing academic freedoms of universities, teachers, and students in higher education institutions.

CONCLUSION

This chapter has examined the challenges of academic freedom in India and proposed the adoption of a human rights education framework to amplify marginalized student voices and assure their academic freedom, to realize human rights. Furthermore, human rights education can provide protection to faculty members whose academic freedom has been violated while advocating for students from marginalized social groups. In Indian higher education, tensions around academic freedom are situated between a large diverse

58 Monisha Bajaj and Maria Hantzopoulos, *Educating for Peace and Human Rights: An Introduction* (London: Bloomsbury, 2016).

59 Bajaj, *Schooling for Social Change*; Bajaj and Hantzopoulos, *Educating for Peace and Human Rights*.

60 Sukhadeo Thorat and Nidhi S. Sabharwal, "Education for Civic Learning: Bring It at Core of Learning," *University News* 53 (2015): 61.

student population, homogeneous faculty and management composed primarily of privileged socioreligious groups, and the prevalence of systemic social inequalities and injustices. Some of these tensions manifest themselves in students from marginalized groups feeling excluded from curriculum and by pedagogy. They may also feel excluded by teachers' negative conceptions of diversity. Empirical analysis revealed dominant factors including teacher's apparent meritocratic ideology, perceptions regarding India's quota admission system, and relaxed eligibility criteria for marginalized groups.

In the context of Indian higher education when there is a social mismatch between student and faculty composition, and what gets taught in the classrooms is typically prescribed centrally, we have argued that academic freedom must be accompanied by academic responsibility. Higher education should promote human rights and fundamental freedoms, including students' full participation and empowerment, regardless of caste, gender, religion, language, sexual identity, disability, or citizenship. Democratic spaces must be created by institutions, management, teachers, and all students where marginalized student voices can be spoken and amplified. In such an environment, persistent tensions around exclusion from the curriculum, pedagogy, and teacher–student (and student–student) interactions can start to be addressed.

Despite prominent Government of India education policies and important education commissions having recognized the centrality of institutional autonomy and academic freedoms for universities, faculty, and students, challenges remain for students from socially excluded groups. This chapter makes two recommendations: first, extending the conception of academic freedom more fully to higher education students; second, expanding human rights education opportunities through civic learning environments free of censorship, discrimination, repression, or interference, affording discussion regarding caste-based inequalities, gender-based injustices, and violence. These two recommendations we argue would go some way to allowing marginalized voices to be heard.