

*Commentary*

## Shrinking Academic Space

Thongkhohal Haokip

The censorship on academic publications and imposition of CCS (Conduct) rules in Manipur, and the attempts to impose it in other parts of India, is not only an affront to academic freedom, it will hinder the achievement of the goals of India's new education policy.<sup>1</sup>

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In recent years there were several attempts at imposing the Central Civil Services (Conduct) Rules, 1965 (CCS rules) in various higher education institutions in India. The University Grants Commission in its letter to Jawaharlal Nehru University on 1 May 2018 instructed the university to “follow the Govt. of India rules/orders applicable to Central Govt. Civilian employees” with regard to service matters. After the teachers’ association raised objection to such attempts to incorporate the CCS rules in the ordinances the administration withdrew its move. Manipur stands out on this, in the imposition of not only CCS rules to college teachers but also censorship on research publications in the form of books recently.

On 15 September 2022 the government of Manipur issued an order which requires a prior approval from a committee for publishing books on the state. Listing certain topics that are under scrutiny the 15 member committee formed by the state government will examine the manuscripts of applicants. The topics include scholarly works on the history, culture, tradition and geography of Manipur. The order stated that “any publication of book in violation” of the order “shall be liable to be punished under the relevant law”. This order came in the wake of, what the state government considers, some works that are “published on the history, culture, tradition and geography of the state contains material which may either distort facts or disturb the peaceful co-existence amongst the various communities in the State”.

The regulation is a direct offshoot of the recent controversy surrounding a doctoral thesis that argues that only 700 square miles of the valley of the state was merged with the Indian union in the “merger agreement” signed by the Maharaja of Manipur in 1949.<sup>2</sup> Brigadier Sushil Kumar Sharma’s thesis is published as a book in January

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2019 entitled *The Complexity Called Manipur: Roots, Perceptions & Reality*. However, there is a larger malaise for long than what the largely unnoticed academic work is thought or appears to bring about. In the last one decade several vigilante groups of the valley have been actively engaged in social media and organising meetings that spewed venomous claims on indigenous minority groups as “refugees” in the state. The state government was complicit in this by allowing these hate-groups to continue their activities despite several objections raised by community-based organisations of minority hill communities. The long lingering politics of exclusion and unending hate-campaign has unsettled many in the hills and they finally found teeth in brigadier’s thesis and book to counter vigilantism. It gave them their needful counter-argument to strike back the toxic hegemony and clamour that the hill areas of the state are not parts of the territory of Manipur.<sup>3</sup>

Two years earlier, on 10 August 2020 the N. Biren Singh government, during the earlier tenure, issued an office memorandum enforcing the CCS rules to all government college teachers and other staff working under the higher education department of the state. This special order requires “due approval from the competent authority” to “be taken before publishing or making statements regarding any Government Policy or Programme in the media, failing which appropriate disciplinary action may be initiated against them as per the relevant provisions of CCS (CCA) Rules, 1965”. The order is a fallout of political instability in the state. In April 2020 the relationship between the ruling coalition partners, the BJP and National Peoples’ Party, soured leading to a public spat between leaders of the two parties. The political environment further worsened when 3 BJP MLAs resigned from the party and party switching occurred from Congress party to BJP. The manner in which BJP won the floor test in the state assembly and evaded the anti-defection law, when 7 Congress MLAs defected to BJP, became a matter of public concern and discussion. Such political issues were topics of debate on local television channels where teachers from various public funded colleges were often invited as discussant. It triggered the N. Biren Singh government to issue the aforementioned order leading to widespread public resentment.

### **Censorship on publication**

Today as we move towards, what Drucker (2011: 2, 38) calls, “knowledge society” where knowledge will be the “primary resource” – knowledge as “a utility” and “as the means to obtain social and economic results”, creating knowledge, its publication and dissemination has become important. The knowledge society emerges from the freedom to publish ideas and opinions, which is again an essential part of the freedom of expression of individuals. Without these freedoms critical thinking and inquiry cannot be made. The censorship on scholarly publication in Manipur is an affront to freedom of expression. It is what Jason Stanley calls the government’s “own desire to control acceptable lines of inquiry”. This implies that “the dominant perspective is often misrepresented as the truth, the ‘real history’ and any attempt to allow a space for alternative perspectives is derided” (Stanley 2018: 42, 43).

Writing a letter to Signor Rocco, Minister of Justice and Education under Mussolini, 1925-1932, about the “cruel hardship with which men of learning are

threatened in Italy”, and requesting him to “advise Signor Mussolini to spare the flower of Italy’s intellect”, Albert Einstein (1954: 30) wrote, referring to the “accomplishments of the European intellect”:

Those achievements are based on the freedom of thought and of teaching, on the principle that the desire for truth must take precedence over all other desires. It was this basis alone that enabled our civilization to take its rise in Greece and to celebrate its rebirth in Italy at the Renaissance.

Einstein’s letter “on academic freedom” still appeals today, to political leaders in India even after 75 years of Indian independence with democratic institutions and systems.

The attempt to penalise and incarcerate writers for not complying with certain regulation is an affront to academic freedom as a whole. It indicates the presence of a crisis. In this regard Chakravorty (2019: 169) notes: “If people are imprisoned because they resist authoritarianism, if their books are banned because they speak differently... then a serious sense of crisis emerge”. The International Publishers Association acknowledges the prevalence such crisis around the world and also noted with concern that “freedom to publish is under continuous, sustained daily attack, with writers and publishers vilified”.<sup>4</sup> They regarded publishing as “a powerful mechanism by which humanity has for centuries circulated works of the mind, information, ideas, beliefs and opinions”. Recognising the “freedom to publish” as a “fundamental subset of freedom of expression”, and is a prerequisite for a thriving publishing industry, the publishing association regarded freedom to publish as “an essential part of a democratic society and a basis for a knowledge economy”. They regarded the freedom to publish as “a prerequisite for a thriving publishing industry” and vowed to fight censorship to safeguard freedom of expression.

### **What do enforcing CCS rules mean?**

The attempt to impose CCS rules on teachers has been widespread in the country in the last few years. In the national capital, the Jawaharlal Nehru University and University of Delhi were at loggerheads with authorities on the issue in 2018. The JNU teachers’ association saw the attempt to impose the CCS rules on faculty members by the university’s administration as a curb to academic freedom by putting teachers under the umbrella of “government servant”.

The relevant section of the CCS rules restricts a “government servant” from expressing opinions in audio, visual, print or electronic media “(i) which has the effect of an adverse criticism of any current or recent policy or action of the Central Government or a State Government; (ii) which is capable of embarrassing the relations between the Central Government and the Government of any State; or (iii) which is capable of embarrassing the relations between the Central Government and the Government of any foreign State”.

Enforcement of CCS rules on teachers, particularly those in higher education institutions, is impairment to the profession itself. Under the rules a political scientist can no longer freely discuss about politics; an economist can be reprimanded for

talking about the economic policies of the government; an educationist can no longer make critical opinions on the educational policy of the government; a scientist can be punished for expressing views on the science policy of the government, and a teacher of environmental science can be punished for discussing the environmental policy of the government. The strictures on “publication or making statement” imply that daily academic activities of writing opinions in newspapers and magazines will involve bureaucratic scrutiny, hassle and red tape. Performing “academic honour” on the invitation to be a guest editor for a special issue of a journal in social sciences or humanities, or the routine work of writing an editorial will become a violation of service rules.<sup>5</sup>

The imposition of CCS rules on teachers in Manipur is shrinking academic space in the state. In the last two years, a series of curbs on democratic rights have been witnessed wherein several writers and activists were criminalised for expressing their views on government policies. During the national lockdown in April 2020 a PhD scholar of JNU from Manipur was arrested for republishing an old coauthored article in a local vernacular daily. In the article, the writers voiced their concern regarding state policies and the marginalisation of Pangals or Manipuri Muslims. A central university teacher who made a comment against the destruction of illicit cultivations as a part of the state’s “war on drugs” was also incarcerated in November that year. The long arm of the law is not restricted to college teachers, who are categorised as “government employees”, and university teachers, it also has the capacity to nab pseudonymous social network accounts that made critical comments to state policies and programmes. Several other political and social activists of the state, including a woman, were incarcerated in recent years. Academic disagreements need academic debate, and not government censorship on what is debatable and publishable and what is not. The mass stifling of college teachers through the imposition of CCS rules and the censorship in academic publication are an indication that the state is inching towards an Orwellian dystopia.

### **The NEP 2020 and UGC Regulations**

The National Education Policy 2020 emphasises the development of cognitive skills such as critical thinking with “particular focus on historically marginalized, disadvantaged, and underrepresented groups”. The new policy strives for education with “less content, and more towards learning about how to think critically”, and for the success of higher education institutions “the quality and engagement of its faculty” is considered to be the most important factor. Thus it emphasise “the criticality of faculty in achieving the goals of higher education” (NEP 2020: 40). Furthermore, the policy also recognises “the criticality of research” which it considers is needed “more than ever before, for the economic, intellectual, societal, environmental, and technological health and progress of a nation” (NEP 2020: 45).

During the last two years, not only the CCS rules were imposed on teachers, there were relentless attempts to stifle dissent writ large in Manipur. Several academic and political activists were incarcerated for merely expressing their views in the social media and print media against the policies and programmes of the state, which was a

common feature during the internal emergency in 1975-77, and thus predicated the existence of such situation of undeclared emergency today.

However, the CCS rules are in contradiction to the UGC's regulations since 2018. The UGC regulation on "Measures for the Maintenance of Standards in Higher Education, 2018" clearly states that teachers in universities and colleges should be able to "express free and frank opinion by participation at professional meetings, seminars, conferences etc, towards the contribution of knowledge". They are required to "work to improve education in the community and strengthen the community's moral and intellectual life" and "be aware of social problems and take part in such activities as would be conducive to the progress of society and hence the country as a whole". The Science, Technology and Innovation Policy of 2013 also "aims to bring fresh perspective to bear on innovation in the Indian context" (GoI 2013: p 3).

### **Academic Freedom and India**

The concept of academic freedom is still evolving in India, although largely influenced by the ideas in the West and despite having a different context - institutional censorship or discipline in the west and government censorship in India. In the United States the adoption of "1940 Statement of Principles on Academic Freedom and Tenure" in 1941 by the American Association of University Professors and Association of American Colleges was a landmark. In this regard Cain (2012: xi) observes that: "In doing so, the two organizations... agreed that professorial freedoms to teach, research, and retain rights as citizens were vital for the expansion of knowledge, for student learning, and for the common good of society". The Statement listed three academic freedoms:

1. Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties.
2. Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.
3. College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations.<sup>6</sup>

In the landmark judgement on *Sweezy vs New Hampshire* in 1957 the United States Supreme Court Chief Justice Earl Warren remarked that without academic freedom, "our civilization will stagnate and die".<sup>7</sup>

In India the concept of academic freedom became more pronounced in light of recent governmental censorship on dissent and incarceration of activists. The "Free to Think 2021" published by Scholars At Risk expressed their deep concern "about actions taken and policies enforced by the Indian authorities that undermine academic freedom and institutional autonomy". The annual report takes into account the "imprisoning and taking disciplinary actions against scholars and students for their ideas and restricting the academic activity of entire communities of scholars", and

maintains that it can “jeopardize the conditions India’s higher education communities require for quality research, teaching, and discourse” (Scholars at Risk 2021: 89). In light of the imposition of CCS rules Menon (2018) remarked that: “The freedom to reason, profess, argue, dialogue, critique, debate and disagree is a professional requirement for an academia to flourish. For one has to be critical of tradition or method to find newness and create or discover innovation. Such a regime prevents teachers from contributing to democratic processes as citizens and curtails their professional and personal lives in ways that undermine their constitutional rights comprehensively”.

A petition filed in the Supreme Court to protect “academic freedom” in India said that “Academic freedom is part of the right to freedom of speech under Article 19(1)(a) and also of the right to practise a profession or occupation under Article 19(1)(g). The work of an author or an academic may be a work in progress to be protected from premature exposure, it may contain sensitive data concerning others, and may store years of research.”<sup>8</sup> In *M/S Fairfield Institute vs Ms. Nikita* on 5 September, 2018 Delhi District Court observed that: “A teaching job is not like any other job. A conducive environment has to be provided to teacher which includes plethora of factors such as dignified atmosphere, transparency, academic freedom, protection from harassment and bullying etc.”<sup>9</sup>

Academic freedom is increasingly considered to be an essential part of the knowledge society. The attack on such freedom through the imposition of rules and regulations is not only hurting the knowledge economy, it is inimical to democracy itself. Academic censorship is anathema for the post-industrial society.

## Notes

<sup>1</sup> The earlier and shorter version of this commentary was published as “A Silencing in Manipur”, Haokip 2022.

<sup>2</sup> Sushil Kumar Sharma, *Socio-Economic Roots of Insurgency in North East India*, PhD Diss. IGNOU, 2015. Viewed on 20 September 2022: <https://shodhganga.inflibnet.ac.in/handle/10603/226349>

<sup>3</sup> Many issues in the state are politicised resulting in otherisation and even spurning. For more details see Haokip 2016.

<sup>4</sup> “About Freedom to Publish”, viewed on 20 September 2022: <https://www.internationalpublishers.org/freedom-to-publish-news-blog/11-freedom-to-publish>

<sup>5</sup> Earlier I discuss about the implications of imposing CCS rules (Haokip 2020: 11). A colleague Ranjani Mazumdar also shared similar views in JNU Teachers’ Association group email on 8 Octob8er 2018.

<sup>6</sup> American Association of University Professors, “1940 Statement of Principles on Academic Freedom and Tenure”, viewed on 21 September 2022: <https://www.aaup.org/report/1940-statement-principles-academic-freedom-and-tenure>

<sup>7</sup> *Sweezy v. New Hampshire*, 354 U.S. 250 (1957).

<sup>8</sup> The Hindu, “Plea in Supreme Court to save academic freedom”, 30 March 2021, viewed on 21 September 2022, <https://www.thehindu.com/news/national/plea-in-supreme-court-to-save-academic-freedom/article34200750.ece>

<sup>9</sup> M/S Fairfield Institute vs Ms. Nikita on 5 September, 2018, Civil Judge Iii (West) Tis Hazari Courts, Delhi.

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