



# India

In India, Scholars at Risk (SAR) report state authorities frequently cracking down on the higher education sector, including by using force against and detaining students, faculty, and staff participating in peaceful protests on- and off-campus, prosecuting dissident academics under the country's anti-terrorism law, and using regulatory powers to restrict academic freedom. University administrations also took aim at scholars through suspensions and efforts to force resignations.

India is bound by national and international legal instruments that provide protections for academic freedom. India is a party to international human rights instruments including the International Covenant on Civil and Political Rights (ICCPR), which provides for freedom of opinion and expression (Article 19), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which provides for the right to education (Article 13) and calls on state parties to “respect the freedom indispensable for scientific research and creative activity” (Article 15(3)). Full exercise of academic freedom depends also on respect for institutional autonomy, defined as “that degree of self-governance necessary for effective decision making by institutions of higher education regarding their academic work, standards, management and related activities consistent with systems of public accountability, especially in respect of funding provided by the state, and respect for academic freedom and human rights.”<sup>1</sup> India's constitution provides for freedoms of expression, assembly, and association (Article 19), but contains no explicit protection for academic or scientific freedom.<sup>2</sup>

Attacks on higher education in India documented this year fall against the backdrop of a years-long crackdown on dissent under the ruling Hindu-nationalist Bharatiya Janata Party (BJP) and Prime Minister Narendra Modi. This crackdown was heightened during the 2019-2020 reporting period, when students and faculty came under attack for protesting the passage of a controversial and discriminatory citizenship law known as the

Citizenship Amendment Act (CAA) and for their criticism of the government more generally. Such repression continued this year, with more students and scholars facing arrest, prosecution, and disciplinary action. As discussed in *Free to Think 2020*, cuts to internet service in Jammu and Kashmir, which began in August 2019 following the revocation that month of its special administrative status, continued to negatively impact academic activity. A proposal to revise existing guidelines on civil servants' participation in international online events also threatened to restrict scholars' freedom to engage with their peers around the world.

SAR reported detentions, arrests, and the use of force against students, faculty, and staff participating in on- and off-campus protests.<sup>3</sup> On September 5, 2020, for example, police detained more than 100 **Delhi University** faculty and staff peacefully protesting unpaid salaries.<sup>4</sup> Police claimed that the protesting faculty and staff did not have permission to hold the event on campus. Those detained were released later that day. On December 15, a group of students and family members of a prominent former student-activist were detained near the **Jamia Millia Islamia (JMI)** campus during a vigil held to mark one year since a violent police crackdown at JMI,<sup>5</sup> when police raided the campus and beat and detained at least 50 students protesting the CAA.<sup>6</sup> Those detained at the vigil were reportedly taken to an undisclosed location and released hours later. And on February 23, 2021, at least 15 **Dhanamanjuri University** students were injured during a protest demanding the resumption of

## SCHOLARS AT RISK NETWORK

protection advocacy learning

**SCHOLARS AT RISK (SAR)** is an international network of over 550 higher education institutions and thousands of individuals in more than 40 countries whose mission is to protect higher education communities and their members from violent and coercive attacks, and by doing so to expand the space

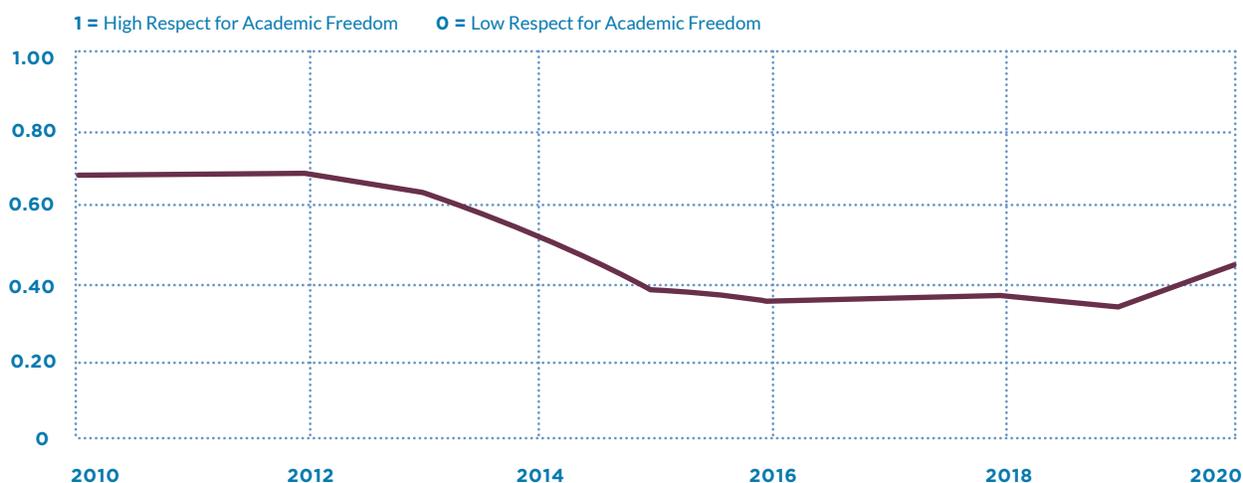
in society for reason and evidence-based approaches to resolving conflicts and solving problems. SAR meets this mission through direct protection of individuals, advocacy aimed at preventing attacks and increasing accountability, and research and learning initiatives that promote academic freedom and related values. This above text is one of 16 regional profiles from SAR's *Free to Think 2021* report, which analyzes 332 attacks on higher education communities in 65 countries and territories, between September 1, 2020 and August 31, 2021, as reported by SAR's Academic Freedom Monitoring Project. Institutions or individuals interested in learning more about *Free to Think* and the Monitoring Project are invited to visit [www.scholarsatrisk.org](http://www.scholarsatrisk.org) or email [scholarsatrisk@nyu.edu](mailto:scholarsatrisk@nyu.edu).

college classes amid a faculty strike.<sup>7</sup> Police intervened and began firing tear gas at students when the students attempted to exit campus and march towards the State Assembly to continue their protest. Clashes broke out between police and some of the students, leading the former to baton-charge students and discharge more tear gas.

State authorities continue to investigate, prosecute, and scholars and students for their public expression and associations. For example, on November 9, 2020, police opened a criminal investigation into **Shilpa Singh**, a professor of political science at the V.M. Salgaocar College of Law, for Facebook comments about conservative religious practices in India.<sup>8</sup> The police investigation was based on a first information report (FIR) filed by Rajiv Jha, a member of a far-right Hindu-nationalist group, who complained that Singh “pass[ed] derogatory comments on social media mocking Hindu religion, traditions, faith, and beliefs.” Jha posted the FIR to Facebook, which reportedly resulted in frequent harassment and violent threats against Singh, who later publicly stated that comments in her initial post had been taken out of context. About one month after the investigation opened, a court granted Singh anticipatory bail and ordered her to refrain from “posting any instigating post spreading hatred and enmity between the religions and classes.” A number of scholars and students

remain in state custody or under investigation for their expression, views, and associations. These include **Anand Teltumbde**,<sup>9</sup> **Asif Iqbal Tanha**,<sup>10</sup> **Devangana Kalita**,<sup>11</sup> **Gokarakonda Naga (G.N.) Saibaba**,<sup>12</sup> **Hany Babu**,<sup>13</sup> **Meeran Haider**,<sup>14</sup> **Natasha Narwal**,<sup>15</sup> **Rona Wilson**,<sup>16</sup> **Safoora Zargar**,<sup>17</sup> **Sharjeel Imam**,<sup>18</sup> **Shoma Sen**,<sup>19</sup> and **Varavara Rao**.<sup>20</sup> Most of these scholars and students have been accused of violating the Unlawful Activities (Prevention) Act (UAPA), a law purportedly intended to prevent acts of terrorism and other national security threats, but that has frequently been used to punish and silence human rights activists, political opposition, and other expression or activities the government finds displeasing. Babu, Rao, Sen, Teltumbde, and Wilson were jailed under the UAPA based on allegations that they instigated violent clashes at the 2018 Bhima Koregaon memorial, which commemorated an 1818 battle in which Dalit soldiers of the British army fought upper-caste Hindus. Evidence used to support the allegations has been called into question for its veracity and relevance; it reportedly includes files that were planted on one defendant’s computer. The scholars implicated in the case are known for their human rights and anti-caste activism. At the close of this reporting period, Kalita, Narwal, Tanha, and Zargar—students arrested for their peaceful activism against the CAA—were out on bail but continued to face charges.

### ACADEMIC FREEDOM INDEX: INDIA



India has experienced a significant drop in national respect for academic freedom since 2014. That year, Narendra Modi came to power as prime minister and the Bharatiya Janata Party (BJP) took control of India’s Parliament. 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. Learn more about the above data, made available by the Academic Freedom Index, a tool co-developed by the Global Public Policy Institute (GPPI), the Friedrich-Alexander-Universität Erlangen-Nürnberg (FAU), the V-Dem Institute, and SAR, at <https://www.gppi.net/2021/03/11/free-universities>.

Higher education institutions retaliated against scholars through suspensions and other pressures. On January 7, 2021, Visva-Bharati University (VBU) suspended economics professor **Sudipta Bhattacharyya**, in apparent retaliation for his expression critical of a hiring decision at VBU and his inquiry into a conversation the vice-chancellor claimed to have had with the renowned economist Amartya Sen.<sup>21</sup> The university said that Bhattacharyya “ma[de] derogatory remarks” and “circulat[ed] a complaint against a colleague.”<sup>22</sup> News of the suspension order prompted student protests and a petition signed by more than 500 academics. On May 17, the Central University of Kerala (CUK) suspended **Gilbert Sebastian**, an assistant professor in the Department of International Relations, for describing the Rashtriya Swayamsevak Sangh (RSS), a Hindu-nationalist organization connected to India’s ruling party, as a “proto-fascist” group.<sup>23</sup> Sebastian allegedly said this during a virtual session of a course he teaches on “fascism and Nazism,” during which he also allegedly referred to other political figures and governments that could be considered examples of proto-fascists, including the Spanish general Francisco Franco and the apartheid government of South Africa. Members of a student wing of the RSS, known as the Akhil Bharatiya Vidyarthi Parishad, complained to the university about Sebastian’s remarks. At Ashoka University, a vice-chancellor’s sudden resignation raised serious concerns over scholars’ ability to think freely. **Pratap Bhanu Mehta**, a political scientist and the vice-chancellor of Ashoka University from 2017 to 2019, wrote in a resignation that he was considered by the university’s founders to be a “political liability,” apparently due to his writings, saying “My public writing in support of a politics that tries to honour constitutional values of freedom and equal respect for all citizens is perceived to carry risks for the university.”<sup>24</sup> Protests and international outcry followed news of his resignation.<sup>25</sup> One of Mehta’s close friends and a colleague at Ashoka, economist **Arvind Subramanian**, resigned in protest two days later, citing a shrinking space for academic freedom.<sup>26</sup>

During this reporting period, Indian authorities used regulatory powers to restrict academic exchange. On January 15, 2021, India’s Ministry of Education (MoE), in consultation with the Ministry of External Affairs (MEA), announced guidelines for how publicly funded higher education institutions and their members hold online virtual conferences, seminars, and trainings.<sup>27</sup> According to the guidelines, state institutions, including public universities, organizing any international online event must seek the advance approval of the MEA, which is instructed to ensure that the event’s subject

matter “is not related to security of State, Border, North East States, [the Union Territory] of [Jammu and Kashmir], Ladakh or any other issues which are clearly/purely related to India’s internal matter/s.” The guidelines called for “appropriate level of scrutiny to be exercised to identify the nature and sensitivity of data / contents of presentations / information to be shared by the Indian delegation” and required the MEA’s advance approval of event participants. Given the dependence of scholars, students, and their institutions on virtual meeting platforms due to the ongoing COVID-19 pandemic, members of the academic community raised concerns that the guidelines would severely hamper international academic exchange.<sup>28</sup> On February 25, the government announced that the new guidelines no longer applied to the higher education sector.<sup>29</sup> At the same time, however, existing guidelines from 2008 continue to require clearance from the MEA in the organizing of non-virtual international academic events, including “all events related to security of State, Border, North East States, [Jammu and Kashmir] or any other issues which are clearly/purely related to India’s internal matters;” “events having foreign funding and sponsorship;” and “events involving sensitive subjects (political, scientific, technical, commercial, personal) with provisions for sharing of data in any form.”

As described in *Free to Think 2020*, scholars, students, and society generally in Jammu and Kashmir continued to suffer from state-ordered restrictions on telecommunications that significantly impeded academic activity. Drastic cuts to internet service, along with a heightened security lockdown, were imposed on Jammu and Kashmir in August 2019 after India’s Parliament voted to revoke the region’s special status, which had offered some limited autonomy. Scholars and students had lodged complaints that they were unable to access research and learning materials, to submit academic works, register for academic programs, or apply for scholarships.<sup>30</sup> Internet speed was intermittently increased and throttled back over the course of the year. By February 2021, state authorities announced that internet connectivity would be fully restored.<sup>31</sup> Concerns have also been raised about scholars’ and students’ ability to research and discuss Jammu and Kashmir, a sensitive topic in India. In June 2021, officials at the **Tata Institute of Social Sciences (TISS)** launched an inquiry when social media users expressed outrage over a screenshot of a master’s student’s dissertation which referred to “India Occupied Kashmir” in the title.<sup>32</sup> TISS issued a statement in response to the backlash saying that the institute “does not endorse the title” and that “Necessary action has been initiated for fact finding.”<sup>33</sup>

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SAR remains deeply concerned about actions taken and policies enforced by the Indian authorities that undermine academic freedom and institutional autonomy. Such actions and policies jeopardize the conditions India's higher education communities require for quality research, teaching, and discourse. Imprisoning and taking disciplinary actions against scholars and students for their ideas and restricting the academic activity of entire communities of scholars and students have a chilling effect on the sector's ability to understand and seek to resolve problems of the day. Ultimately, they deny everyone—in and outside India—the scientific, cultural, political, and economic benefits of a strong, healthy state of academic freedom.

SAR calls on Indian state authorities to safeguard and promote academic freedom, including by releasing and dropping prosecutions of scholars and students based on nonviolent academic or expressive activity and alleged associations; repealing the Unlawful Activities (Prevention) Act and similar legislation, or revising the same in order to ensure compliance with obligations under its constitution and international human rights law; removing existing restrictions and refraining from future restrictions on international academic conferences, meetings, and other forms of scholarly exchange; and ensuring the autonomy and functioning of higher education institutions in Jammu and Kashmir, including by maintaining access to high-speed internet. SAR further calls on the higher education communities in and outside India, as well as international governments, to press Indian state authorities to take the above steps.

## ENDNOTES

1. See UNESCO, "Recommendation concerning the Status of Higher-Education Teaching Personnel," November 11, 1997, para. 17, [http://portal.unesco.org/en/ev.php-URL\\_ID=13144&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13144&URL_DO=DO_TOPIC&URL_SECTION=201.html).
2. See Constitution of India (2015), available at [https://www.constituteproject.org/constitution/India\\_2015.pdf?lang=en](https://www.constituteproject.org/constitution/India_2015.pdf?lang=en).
3. Additional incidents include: SAR AFMP, October 12, 2020, <https://www.scholarsatrisk.org/report/2020-10-12-delhi-university/>; and SAR AFMP, January 8, 2021, <https://www.scholarsatrisk.org/report/2021-01-08-university-of-hyderabad/>.
4. SAR Academic Freedom Monitoring Project (AFMP), September 5, 2020, <https://www.scholarsatrisk.org/report/2020-09-05-delhi-university/>.
5. SAR AFMP, December 15, 2020, <https://www.scholarsatrisk.org/report/2020-12-15-jamia-millia-islamia/>.
6. SAR AFMP, December 15, 2019, <https://www.scholarsatrisk.org/report/2019-12-15-jamia-millia-islamia/>.
7. SAR AFMP, February 23, 2021, <https://www.scholarsatrisk.org/report/2021-02-23-dhanamanjuri-university/>.
8. SAR AFMP, November 9, 2020, <https://www.scholarsatrisk.org/report/2020-11-09-v-m-salgaocar-college-of-law/>.
9. SAR AFMP, April 14, 2020, <https://www.scholarsatrisk.org/report/2020-04-14-go-a-institute-of-management/>.
10. SAR AFMP, May 17, 2020, <https://www.scholarsatrisk.org/report/2020-05-17-jamia-millia-islamia/>.
11. SAR AFMP, May 23, 2020, <https://www.scholarsatrisk.org/report/2020-05-23-jawaharlal-nehru-university/>.
12. SAR AFMP, May 9, 2014, <https://www.scholarsatrisk.org/report/2014-05-09-delhi-university/>.
13. SAR AFMP, July 28, 2020, <https://www.scholarsatrisk.org/report/2020-07-28-delhi-university/>.
14. SAR AFMP, April 1, 2020, <https://www.scholarsatrisk.org/report/2020-04-01-jamia-millia-islamia/>.
15. SAR AFMP, May 23, 2020, <https://www.scholarsatrisk.org/report/2020-05-23-jawaharlal-nehru-university/>.
16. SAR AFMP, June 6, 2018, <https://www.scholarsatrisk.org/report/2018-06-06-rashtrasant-tukadoji-maharaj-nagpur-university/>.
17. SAR AFMP, April 10, 2020, <https://www.scholarsatrisk.org/report/2020-04-10-jamia-millia-islamia/>.
18. SAR AFMP, January 28, 2020, <https://www.scholarsatrisk.org/report/2020-01-28-jawaharlal-nehru-university/>.
19. SAR AFMP, June 6, 2018, <https://www.scholarsatrisk.org/report/2018-06-06-rashtrasant-tukadoji-maharaj-nagpur-university/>.
20. See Frontline Defenders, "Varavara Rao," <https://frontlinedefenders.org/en/profile/varavara-rao/>.
21. SAR AFMP, January 7, 2021, <https://www.scholarsatrisk.org/report/2021-01-07-visva-bharati-university/>.
22. "Kolkata: 'VBU suspends prof after colleague's complaint,'" *Indian Express*, January 9, 2021, <https://indianexpress.com/article/cities/kolkata/kolkata-vbu-suspends-prof-after-colleagues-complaint-7139009/>.
23. SAR AFMP, May 17, 2020, <https://www.scholarsatrisk.org/report/2020-05-17-central-university-of-kerala/>.
24. Ritika Chopra, "Ashoka row: Over 150 academicians from Harvard, Yale and Oxford come out in support of Pratap Bhanu Mehta," *Indian Express*, March 20, 2021, <https://indianexpress.com/article/india/pratap-bhanu-mehta-ashoka-university-support-7236366/>.
25. Ibid; Alasdair Pal and Anand Katakam, "Students protest at elite Indian university as academics quit amid row over freedoms," *Reuters*, March 18, 2021, <https://www.reuters.com/article/india-university/students-protest-at-elite-indian-university-as-academics-quit-amid-row-over-freedoms-idUSKBN2BA1GB>.
26. Ritika Chopra, "Full text of resignation letter: Two days after PB Mehta's exit, economist Arvind Subramanian quits Ashoka University," *Indian Express*, March 18, 2021, <https://indianexpress.com/article/india/arvind-subramanian-ashoka-university-pb-mehta-7233744/>.
27. Shuriah Niazi, "New ministry rules set curbs on academic freedom online," *University World News*, February 3, 2021, <https://www.universityworldnews.com/post.php?story=20210203072713445>.
28. Ibid.
29. "Now, colleges do NOT need prior permission from MEA to hold webinars, after academia protest," *Edex Live*, February 25, 2021, <https://www.edexlive.com/news/2021/feb/25/now-colleges-do-not-need-prior-permission-from-mea-to-hold>

## FREE TO THINK 2021 | India

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30. See "India's Clampdown on Dissent," in SAR, *Free to Think 2020*, pp. 51-51, <https://scholarsatrisk.org/wp-content/uploads/2020/11/Scholars-at-Risk-Free-to-Think-2020.pdf/>.
31. Deeptiman Tiwary, Arun Sharma, and Naveed Iqbal, "18 months after split, downgrade, 4G mobile Internet back in J&K," *The Indian Express*, February 6, 2021, <https://indianexpress.com/article/india/jammu-kashmir-internet-services-restored-7176371/>.
32. The full title of the dissertation, according to the screenshot, is "Engendering Conflict: Understanding the Impact of Militarization, Conflict and Pandemic-induced Lockdown on Domestic Violence in India Occupied Kashmir." See "TISS Orders Inquiry Against Student for Using 'India Occupied Kashmir' in Dissertation Title," *The Wire*, June 21, 2021, <https://thewire.in/education/tiss-orders-inquiry-against-student-for-using-india-occupied-kashmir-in-dissertation-title>.
33. @TISSpeak, June 19, 2021, <https://twitter.com/TISSpeak/status/1406141706815217665>.