
WHITHER ACADEMIC FREEDOM IN UNIVERSITIES?

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No amount of local or World Bank funding poured into universities to improve what is described as the 'Relevance and Quality of University Education' will create a vibrant intellectually lively university community with high standards of excellence in teaching, research and learning, if there is cynical disregard of the core values on freedom of thought, expression and personal integrity in academic life. Universities may generate knowledge, but hardly the wisdom to understand the lessons of history on the link between democratic accountable governance and human wellbeing.

The passage of the 18th Amendment Bill in Parliament has drawn our attention once again to the politicization of key institutions that we have witnessed over the years. The public has become increasingly cynical about the capacity of the police and the administration responsible for conducting elections to legislative bodies to act in the public interest. Professor Sasanka Perera's article published in the Island of 8th September 2010 in the midst of the constitutional debate draws our attention to another reality—the politicization of administrators holding important posts in the university system that we have also witnessed, especially in the last two years. Eight academics from three of our State universities have in the 'Opinion Page' of the same newspaper called upon the government to reconsider its decision on the 18th Amendment, and give the public time to debate its implications. A lecturer from the Faculty of Law in the University of Colombo appeared as a petitioner and argued against the Bill in the Supreme Court. A few signed the statement on the unconstitutionality of the Bill, published by the Civil Rights Movement and the Friday Forum, that appeared in the Island on the 8th September. This may create the impression that the values on intellectual freedom of thought and expression upon which great universities throughout history have been founded, are values that are internalized and respected in our own university system. Professor Perera's piece on the island stimulates a discussion on whether or not these important values are being undermined in our State universities, and their relevance in the new context where there is highly publicized and strident rhetoric on the need for 'strong and stable governance' for development.

University academics unlike public servants governed by the Establishments Code have been free to appear on public platforms and speak for or against the government's position on issues of public concern, even though their salaries are paid by the State. However, when an academic becomes an administrator—as a Vice-Chancellor, a Dean of a Faculty - they are considered administrative 'Officers of the University' under the Universities Act 1978. The Chairman of the University Grants Commission (UGC) appointed under this Act is also considered an administrator, as the head of the agency responsible for resource allocation and monitoring academic standards and administrative efficiency in the university system. These 'Officers' are expected to respect the norm of university autonomy and independence from political interference, which the Act of 1978 tried to incorporate.

The Universities Act 1978 was passed by Parliament, and tried to give back the State-university system, structures of governance that could help to create a teaching research and learning environment free of political interference. It reverted to structures of autonomous university governance familiar in many countries, such as a University Senate (the highest academic body) and the Council (the governing body responsible for university administration). The Vice Chancellor became the ex-officio chairman of the Senate and the Council. All Deans of Faculties became ex officio members of the Council, to ensure voice of the Senate and the academic community of the University in the governing body, the Council. This is the model followed by many universities including the university system in India.

The University Grants Commission (UGC) as its name suggests, was the agency conferred with the important responsibility of resource allocation and ensuring that universities conform to government policy on Higher Education (e.g. medium of instruction and admissions). Despite these safeguards, academics have constantly complained of the erosion of university autonomy and the need for greater independence, particularly in regard to the appointment of Vice-Chancellors. Since a sitting Vice-Chancellor could manipulate the process of nomination by the Council, the Act was amended in 1994 to restrict the

term, creating a value system on two terms in office that has been followed by many Faculties in the election of Deans. The National Education Commission (NEC), advising on educational policy chaired by Professor R.P. Gunewardene, with the participation of senior university academics and administrators, studied the University Act 1978, and made proposals for giving further autonomy to the universities. These proposals recommended the repeal of controversial provisions in the Act that were considered to conflict with

the values on university autonomy, introducing more safeguards against political interference. The UGC under the Chairmanship of late Professor S. Tillekeratna also had many discussions on amendments to the Act. A draft Act incorporating some of these proposals was submitted by the NEC to President Kumaranatunga in 2005. ■

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A BLOW AGAINST ACADEMIC FREEDOM IN INDIA

On September 14 2010, the Bharatiya Vidyarthi Sena, the student wing of the right-wing Shiv Sena, burnt copies of Rohinton Mistry's novel *Such a Long Journey* in front of the University of Mumbai gates. It offered an ultimatum of 24 hours to the university to withdraw it from the syllabus of the second year Bachelor of Arts (English). The group objected to its "anti-Shiv Sena passages" and "derogatory references" to Mumbai's 'dabbawalas' who carry tiffins for office-goers, Marathi-speaking people, and Pandit Jawaharlal Nehru, and to the "extremely obscene and vulgar language in its text".

Anyone who has read the novel would know how frivolous these claims are. In fact, it was the fourth year that the novel was being used as a text, and no one had objected until Aditya Thackeray, grandson of Shiv Sena chief Bal Thackeray (whose foul and filthy language was legendary), decided to make it his political launching pad. Such behaviour is not new for the Shiv Sena, and would hardly have made a stir if it had been ignored by the university. What made it news was the fact that the Vice Chancellor, Rajan Welukar, acceded within the deadline without even a murmur.

There were numerous protests, and St Xaviers' College, which is an autonomous body, refused to take the book off the syllabus. On the 18th, three human and democratic rights groups organised a book reading and discussion around the issue of its withdrawal from the syllabus. As Rohinton Mistry said in a statement that was read out, the only bright spot in the whole sordid affair was the outcry from civil society and the widespread demand that the book be reinstated. However, that did not happen. A pattern had been set whereby thugs of an extreme right-wing party could dictate what could or could not be part of a university syllabus.