

Surveillance State and Freedom in Educational Institutions: A Study of Recent Cases in Colleges and Universities in India

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Introduction

The values and principles enshrined in the Constitutions of the Indian republic correspond to the finest ideals for the practice of democracy. In his final speech at the Constituent Assembly dated 25 November 1949, Dr. B. R. Ambedkar, the chairperson of the drafting committee as well as the first law minister of the republic had a word of caution. He stated,

"We must make our political democracy a social democracy as well. Political democracy cannot last unless there lies at the base of it, social democracy. What does social democracy mean? It means a way of life which recognizes liberty, equality and fraternity as the principles of life" (Rajadhyaksha, 2016).

Public institutions that are rooted in and focused on furthering social democracy are crucial for any functioning democratic republic. Among such institutions, universities and other institutions of learning and education are of the utmost importance due to their being centres of learning and nurseries where the ideals of democracy are cultivated. Of late there has been an array of debates in India about the manner in which public institutions, notably universities and colleges have introduced dictums and practices which challenge the very basis on which the ideals of democracy can flourish.

This paper deals with such development, namely the policy initiatives set in motion by the universities and colleges at the behest of the apex body, the University Grants Commission (hereafter referred as 'UGC'), with the stated intention of improving the safety and security of the campuses. In many instances these initiatives have sought to transform the campuses, hostels and other sites of academic life with reservations raised by large sections of the academic community on the increasing levels of surveillance and control that are exercised by the agents of the State and the authorities of the academic bodies. According to those leading the movement and campaign against such change, new policies and initiatives have extended the Orwellian tendencies of the State to the sites of academic life and deliberation.

The Surveillance State and academic institutions

The UGC's Saksham report (on the measures for ensuring the safety of women and programmes for gender sensitization on campuses) recommends installing CCTVs, raising the height of boundary walls of the universities in India (Saksham Report, 2013). In response, steps were taken by the university administration across India that include initiation of biometric attendance, the installation of CCTV cameras on campus, positioning of armed guards at the main entrances as well as the establishment of police stations within campuses ostensibly for the safety and security of the students. Though the stated intention of the UGC through these guidelines were to transform academic institutions into safe and secure places, they were seen by students as an arbitrary rule of the UGC to control the student's movements, to curtail both their freedom of speech and the right to hold peaceful protests. Student associations in different universities across the country considered these so-called safety measures as amounting to moral policing and or aimed at controlling the movement of students within the campus and in the hostels.

The aforementioned guidelines also recommended that regular meetings be held by authorities with parents of students. The students cast doubt on the motives behind such a proposal. They questioned the need for institutions of higher education to hold parents-teacher meetings as is mandated for schools. To the students it demonstrated the intent of the institutions to intimidate students. It suggested that, in the opinion of the UGC, the adult students of institutions of higher education are not mature enough to take care of their academic affairs themselves. Apprehensions were raised that this provision was a tool by which student involvement in protests or other dissenting activities within the campuses could be suppressed. It may also happen that some parents may stop their children from continuing their studies if they are found to be involved in 'non-academic' work. Students' also protested against the rule being enforced in some universities that students need to be accompanied by security personnel even when moving within the campus.

For many students, this was a very clear indication that the authorities were in no mood to allow the dissenting and deliberative voices within the campuses across the country. In many instances these measures were employed to moderate and tame the opinions and debates and to suppress dissent. This, in turn, gave rise to student movements across the country with many student bodies and groups contesting the new developments and others vehemently opposing the protesters igniting hitherto unseen polarization in campus politics across Indian universities.

A few of these instances are described below:

At Jadavpur University in Kolkata students staged a protest against the installation of CCTV cameras, at the office of the Vice Chancellor, and simultaneously at the university entrance and exit. Students considered the installation of CCTV cameras as an infringement of their right to privacy and curtailment of their democratic rights. But the administration considered it necessary for the safety and security of the students and to prevent unforeseen incidents at the campus (Indian Express, September 10, 2010).

The women students at the hostel of the University of Pune protested against the installation of 'CCTV cameras' at the entrances to the hostels, professedly to check unauthorized visits from friends and relatives. They brought down the cameras and claimed that the action of the administration amounted to an infringement of their right to privacy. The hostel authorities, as in other places, insisted that the CCTVs did not infringe on their privacy, and were only installed at the entrance to check unauthorized visitors. The authorities claimed that this step was taken in accordance with the hostel's policy of not allowing unauthorized visitors (NDTV, 2010).

Students at JNU removed the camera installed at the hostel entrance terming it as 'surveillance mechanism'; their main argument was that the cameras at the hostels were installed without the approval of the hostel association. While university may argue that they were necessary for the security and safety of the students at campus. Students saw this as an infringement on their fundamental right to privacy (Gohain 2017).

The story of protest against the installation of CCTVs in Presidency University was not very different. Students there also protested against the installation of CCTVs inside the campus seeing it as an infringement on their right to privacy, while university officials claimed that public universities outside West Bengal had already installed CCTVs in their campuses (The Statesman, 2015). Universities and colleges have also argued that this mechanism of surveillance is for the betterment of the environment inside campus more specifically to root out ragging from campuses. The menace of ragging still exists in campuses, which need to be rooted out. Installation of CCTVs in campuses is according to the guidelines laid down by a four member committee appointed by Supreme Court and also under the guidelines of UGC.

Despite provision to safeguard the freedom of speech and expression under article 19 (1), several incidents happen in educational institutes. Whether it was the protest in Jawaharlal Nehru

University (JNU) against the speech by the students, refusal of clearance of film division for screening of documentary film 'Caste on the Menu Card: Politics Overtakes Art' (Modak and Bhatkhande, 2015) or cancellation of scheduled speech of Umar Khalid and Shehla Rashid, at Ramjas College, (Bhanj, 2017). All these events were restricted either directly by administration, or groups of students owing allegiance to opposing ideologies. Many of these threats to democratic values, for students, documentary films, and speeches, have come from majoritarianism.

Gender Equality in academic institutes

The highly selective and piecemeal approach of the authorities at the implementation of the guidelines is also a point of discussion. For instance, the State and the authorities are more than willing to follow orders from UGC when it is related to installation of CCTVs and barbed wires on walls or establishing police stations in the campuses. However, similar levels of enthusiasm are lacking in the implementation of other provisions in the guidelines. For example, the mandate of the UGC for universities and colleges to establish Internal Complaints Committee (ICC) to deal with issues of sexual harassment has not been implemented fully in several colleges and universities (Vasanth B.A. 2018). It has been reported that despite the recommendations and suggestions by the University Grant Commission (UGC), many universities, have not setup a mechanism to deal with those complaints. Even *Saksham* Report by UGC recommends better implementation of such committees.

However, universities have been hyper-active when it comes to the guidelines on safety and security. They have acted swiftly in setting up police stations and positioning armed guards in campuses all over India under the guise of strengthening the security environment for the students. In most cases, these steps have resulted in increased surveillance and monitoring of students activities rather than enhancing safety. Of course, the presence of police on campus serves the administration's agendas of curbing protests or thwarting of demands by the students. The continuous presence of security forces on a campus can create an environment of fear among students thus reducing the likelihood of even peaceful demonstrations.

Another significant issue has been about how academic institutions respond to the issues faced by female students' vis-à-vis their male counterparts in relation to hostel rules. Indian universities have witnessed various campaigns demanding equal rights for women/girls, especially in relation to the "night curfew" timing rules for the girls which are found to be discriminatory. The gender bias evident in the differential hostel rules for men and women was highlighted by the students on various campuses. A collective of women students and alumni of college from across Delhi called '*Pinjara Tod*' (or Break the Cage) has been fighting such discrimination for a long time. At issue here is the disconnect between political democracy with its anchor in ideals of fraternity, equality, and liberty on the one hand, and the

norms and practices mandated by tradition with its roots in culturally determined values on the other. Patriarchal norms permit only men to wander aimlessly in common and in the public spaces and demand that women need to be constantly monitored and watched to avoid anything ‘untoward’ from happening to them. They are considered the vessels of familial prestige and *izzat* (honour) even when they are within the campuses. There is a constant gaze on them even when they are in class, library, or moving around the campus or hanging out with friends or in the canteen. The problems associated with these attitudes are highlighted by some of the campaigns of students, particularly women students in different campuses in India.

Indian express reported on the moral policing and night curfew in places such as Maulana Azad National Institute of Technology (MANIT), Bhopal, and other university colleges where female students must return to their hostel within a specific time frame while the same institute has no deadline or relaxed deadlines for male students (Indian express, August 5, 2016). Only female students are asked not to wear shorts while they are on campus. It is clearly discriminatory and a violation of their right to choose what to wear and how to live. People should be able to wear whatever suits them or makes them feel comfortable. Institutes have gone to the extent of asking professors to mark those students who do not adhere to the dress code as absent. Few institutes have arbitrary fines also for students who don't adhere to rules. It is also reported that officials check to see if girls have worn leggings, t-shirts and so on (Chitradeepa and Venugopal, 2012). This is humiliation in the garb of moral policing in the academic space. Even today people have a regressive mindset towards choices that students make as to what to wear. The entrenched misogynist culture takes issue with women students with dark lipstick which is seen as a distraction for male students. Most often remarks on girl students include comments on their leggings, and their carrying of lipstick and other makeup material along with the academic stuff in their bags.

Another important case is from a premier institute, the National Law School of India University (NLSIU), Bangalore, where a student was slut shamed for wearing shorts. In protest students boycotted the lecture by the particular professor in entirety (firstpost.com, April 9, 2016). In many colleges, students are given strict warnings regarding their clothes. It has been reported that college management enforce stricter regulations in regard of dress code. Most of the time students are harassed to abide by the rules set by the authorities or they face consequences in form of being denied attendance and sometime are penalised in internal exams. This shows that the authorities use excessive power to force students to fall in line. Most often the burden of dress code falls only on women.

Another example is from the state of Kerala, where a couple was expelled because they were in a live-in relationship (Koshy 2016). There was an outcry over the decision of the college and later

decision of the High Court which upheld the decision of the lower court. The students in question were neither living in the college hostel nor were they flouting any of the college rules. This is a very clear example of overreach by the institutes and smacks of patriarchal values where cohabitation sanctioned by marriage is the only culturally approved form. Here the courts too supported the judgement of the college of expelling students saying that they were suspended correctly. College has to maintain the discipline. The couple argued that they needed to be expelled because they had violated the rules of the college. The college removed them to set an example for the rest of the students. The courts saw this as form of indiscipline on the part of the students and supported the actions of the academic institution.

Conclusion

The State projects surveillance as a measure to guarantee the security and safety of the students and teachers on campuses, but what it doesn't satisfactorily address is its patriarchal attitude when it comes to the security and safety of the students. Safety is geared towards gender specific while the argument against the surveillance is to why there is discrimination when it comes provide security and safety to the students. An unrestricted access even to the campuses has also become an issue for the administration. Even for small gathering institutes insist for prior approval. This constant restriction kills the spirit or freedom of expression and movement in campuses. Institutes need to understand the true mission of education where it is expected to free the mind and let them take decisions and make choices about their academic matter as well as others. Also the nature of surveillance raises many questions. Keeping security forces outside campus can improve the academic environment. Digital surveillance itself is threat to the privacy of individuals. There is no strict provision of storing and sharing of the surveillance data. Unauthorised access to data creates a huge problem for privacy of everyone who comes under the surveillance. This can improve by minimising the use of surveillance and allowing students to have their democratic dialogues in campuses.

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