

# **An Infamous Diktat**

**Salil Biswas**

Ordinances, in times of peace, are inherently bad for democratic norms. That the roots of tyranny lie hidden in ordinances is known to every student of constitution, especially where no emergency as such exists. Of course, the universities and higher education in general are in doldrums, but doldrums becalm the ocean, preventing momentum, it hardly sinks the ship. The excuse used by the present government in West Bengal, throughout the past six months is that all work is delayed till date because 'undemocratic' party rule had crippled everything since 1977. If that is so, a little more delay in setting things right in the academes would not have hurt all that much. What was the catastrophe that occurred, prompting a senior Hon'ble Minister to submit such an ordinance so hurriedly! Makes one wonder. Clause 52 (p 58) of the Calcutta University Act provides for ordinances, but they are for specific and regulation changes, not for changing the basic principles. Clause 53 (p 60) gives detailed instructions concerning the methods of issuing such ordinances. Such instructions were not followed.

Even more hurried than the ordinance was the passing of the Bill, which retained the ordinance almost word for word except for a few cosmetic changes. Brute majority in the house was used to silence all dissent, even the amendments brought in from parts of the treasury benches were ignored.

What anyone says is irrelevant to the people who have come out with this draconian ordinance, namely, the West Bengal University Laws (Amendment) Ordinance, 2011 (West Bengal University Laws (Amendment) Bill, 2011). They are bent on changing not only the law itself, but the spirit of university education itself.

A number of amendments were proposed, reportedly by the members of the higher education advisory committee, which would pave the way for admission of non-teaching employees of the universities. Different universities proposed amendments in detailed documents. Almost all of them came up with suggestions of incorporation of elections in the process of formation of various bodies. They also have proposed that the clauses regarding norms that prevent all but 'non-political' persons from holding the second highest post in a university.

Many educationists, literary figures, and people concerned with education, as well as some of the senior members of the higher education advisory committee had clearly stated that not only they do not support the ordinance but also advises its withdrawal. Even the Chairman of the West Bengal Joint Entrance Board has opposed it (at the time of going to press).

I firmly believe and many others concur that the Bill is an utterly dispensable step in every way. It will only serve to harm the universities, and the government should withdraw it forthwith and try to solve the problem of party rule by amending the university acts following democratic and constitutional norms. As one convention organised by various student organisations and some retired and in-service teachers

suggested in its Resolution, there should be a public hearing on the Bill and the opinions of various sections of society should be sought before making a pitch to turn the Bill into law. Significantly, this Convention was attended by no less a person than Prof. Sunanda Sanyal. It is no use saying that the Left Front government never did any such thing so why should we. Of course the Left Front did not do that. Look where they are now. And it is time from the Trinamool to stop referring to the bugbear. The government should not install party-controlled bureaucracy in place of party politicking. Unfortunately, it appears that they are bent on doing exactly that.

After a spate of protests from many people and strata of society, the government have thrown out a few sopas by promising a token presence of non-teaching staff and students in lower ranking bodies. However, the government is totally silent about the fact that all such representatives will be handpicked by the government. Who will be picked is a question that hardly needs to be answered. All one has to do is to look at what is happening in the institutions all around.

After the ‘demon’ called Kishenji was killed with great thoroughness and ferocity, chop-licking media letting out whoops of joy with our respected Chief Minister relentlessly spewing out sermons on peace and prosperity, all was forgotten about the University Bill. However, the spirit of the Ordinance already being put into practice by attempting termination of service of one of the Vice Chancellors who dared to pay no heed to a diktat of the ministry, and, Trinamool activists turning themselves loose on the colleges and schools, people are again feeling uncomfortable. Even the systematic devaluation of these institutions has not been able to make people give up their belief in the sanctity of academic establishments. When a couple of goons attack a Headmaster in the heart of Kolkata – whatever the merits or demerits of that particular case – people feel queasy. Whether the Chief Minister acted with remarkable alacrity does not cut much ice, not even when the media cries itself hoarse in her praise. Uncomfortable questions keep getting asked – who was the man arrested? Where is he now? What action, if any, has been taken against him? Precious little – the detractors of peace and democracy are saying.

Protests are still vociferous. I am not talking about the protests from the erstwhile power-junkies or the corrupted section of people who have blackened left-politics and now are indulging in dire prophesying while crocodile tears inundate their vestments. I talk of those who have struggled long and hard to fight for democracy in the educational front, and suffered indignity, discrimination, and often outright intimidation. Some of them are now counted among the present government’s trusted people. The government should pay heed to concerns such people share. Students have been protesting in different ways. At the West Bengal College and University Teachers Association’s Annual General Meeting unequivocally expressed its opposition to the Ordinance, the Left Front backed Siksha Ganatantrikaran Sangstha taking the lead. However, the Democratic Teachers for Autonomy and Academic Freedom backed by Trinamool and other shades of Congress was pretty vocal in claiming the Ordinance to be the epitome of democracy.

In a meeting (attended also by the present correspondent) of the Teachers and Scientists Against Maldevelopment (TASAM) had stated that the Ordinance is “unacceptable by the academic community” as it has “replaced politicisation by bureaucratization” and considers the Ordinance to have been “drafted by people not at all associated with

university teaching.” TASAM was right in suspecting the credentials of the people who wrote the ordinance/Bill. They could be more than right in their suspicions as forces other than educational are clearly at play here. The Bill is rightly considered an infringement on individual rights as granted by the Indian Constitution.

Practically all his working life this writer has been associated with education and college administration and happens to know rather well how political control and interference of the previous government worked, how meritocracy and elitism – bad enough by themselves – was replaced by the rule of the dullards and power-seekers and mini-*satraps* – the essence of the so-called *Anilisation*. The same situation is about to unfold once more. This time, education – higher and lower – will be geared to supply grist to the mill of big business and multinationals. If anyone labours under the fond belief that the actual bosses who rule the ruling party would allow anything less, they are sadly mistaken.

We have always seen the evils of control and intrusion. Previously the intrusion was crude, methods of policy determination a heinous combination of populism, muscle-flexing and outright application of force. Naturally when the new government came to power, many expected a change, but the current happenings are actualising our worst fears.

Even with recent amendments, the Bill reeks of autocracy and the attempt to ride roughshod over all opposition. The entire document needs careful analysis. We look at the more immediately ominous points here.

- Instead of selection, nomination will, as prescribed in Ordinance, be the main method in the process of setting up the administrative committees (Senate, Syndicate, Court, different Councils etc). The current government supposedly intends to discard the presence of elected people’s representatives from the committees in order to “de-politicise” education, even though a high number of nominated members will find overriding presence in all the committees. Funnily, the ordinance is silent about whether there would be a problem if these nominated members belong to one or the other political party. It is pompously declared that the main objective of the ordinance is to create a higher education system free of political control.

The current government, having come to power shouting against lack of democracy, is now chary of elections, a time-tested democratic process. Democracy is supposedly their *mantra*. Then why is there such opposition to elections? Politicking did take control and distorted the election process in order to keep a tight hold on power. This does not mean that the baby should also be chucked out with the bath water. What kind of a mindset is working behind such a step?

I hope that the present government still remembers that elections can be free and fair, at least so far as the constitution is concerned. If the opposite is claimed, an altogether different can of worms opens up. If it is said that the elections to university administrative bodies cannot be fair and free of politicking, it would definitely cast an aspersion on the *bona fides* of this government itself, especially when they themselves would be controlling the process of polling. No method which rejects democratic norms can be free of suspicion. The selection of committees that will be running universities as well as under-graduate colleges cannot be left to the likes and dislikes of a few hand-picked

people, however ‘neutral’, ‘meritorious’, and full of good intentions they might be. Brings to mind the proverb: The road to hell is paved with good intentions. Besides, the persons who now head the advisory committees are not without political pasts, whether they are aligned with some party or the other is begging the question. It is not yet known on which persons the power to select is going to be bestowed. As of now, the Chancellor – a person who cannot take an executive decision without consulting the state government – is deemed responsible for the task. The Chapter 3 of Calcutta University Act provides that the top governing bodies of the university controls every aspect of under-graduate and post-graduates studies in the university and in the colleges affiliated to it.

- From now the Vice-Chancellors will be appointed through nomination. He would be appointed by a government Search Committee which will comprise of a nominee of the Chancellor, i.e., a representative of the Governor, a representative of the U.G.C and one representative of the Senate. None of these people must be associated with the respective universities. The Pro Vice Chancellor will be appointed by Vice Chancellor in consultation with the current Education Minister.

A nominated Search Committee will nominate a Vice Chancellor. How very non-political a step! Most of the people in the Senate not related to the university would be those nominated by the government. It is not mentioned who is going to be eligible to represent the Governor. And since when are apolitical and non-political figures being appointed as Education Ministers? Let us assume that one Education Minister would be solely concerned only with improving education, but nobody remains in the position of Education Minister forever. And judging by Education Ministers of yore, the possibility of such a Minister advising the Vice Chancellor to appoint a truly non-partisan person is slim to the point of being invisible.

- Vice Chancellors must be apolitical persons through and through. He should be somebody who never had any connection with any kind of political parties whatsoever. If it is ever found that he had been connected to some political party, he would be removed from his position forthwith, after allowing him to defend (*sic!*) himself.

What does the term “apolitical person” mean? Such persons, however qualified they may be, however big the number of letters added after their names may be, if they are without political awareness, they can hardly be thought of as suitable candidates for a for such a position, because, they inevitably turn into puppets. This writer strongly believes that a job like the administration of a university cannot be left to them. The question of hidden motives behind a decision of this kind is very pertinent.

If somebody is instructed to stay away from politics or any parties, is he not being deprived of his constitutional rights? What condition can be more insulting than the one where he would be eliminated from his position if his previous political associations come public!

It can be argued that if someone is ready to accept such conditions wholeheartedly, why should one object? Quite true, one could say. There are many such people, but they are hardly “apolitical”. Their politics is more dangerous.

It is also given to the Chancellor himself to determine the definition of a ‘political party’. As far as I know, the Constitution of India clearly defines the term “political party”. Then why is this extra-constitutional right being conferred to the Governor? And when did the Governor ever take any decision, without the permission of government? He is not allowed to do that.

- Since being a political being disqualifies a person from gracing the post of a Vice Chancellor, a law that will provide for the removal of a Vice Chancellor needs to be framed. That has been done in the Ordinance, with great flourish and quite unnecessary detail.

Apparently this is probably the only point in the ordinance that could be not too much of a problem. ‘Right to recall’ should be allowed in a democracy. However, if the recall happens due to political reasons, it becomes unacceptable.

And who is to judge if the vice chancellor is working properly? What is even the meaning of “working properly”?

- The representation of students in the administrative bodies is now allowed in the Bill, though only in lower bodies which will not have anything to do with policy formulation. And all who will be there will be nominated.

It would be interesting to see how such nomination is done and who will do the nominating. Practically all student organisation are agitating against this point. Even the Trinamool variety was grumbling. But the student organisations of the Trinamool have made peace with the Bill – presumably after being assured of not being left out of the power nexus. Now they are welcoming the ordinance on posters and banners. And by beating up any student who dares to oppose.

Anyone connected even remotely to the administration of educational institutions will know that many problems exist both within and outside the unions, which include “politicking”, personal clashes, party conflict. Student union members on governing bodies often interfere to the detriment of proper working of the institution. Even then, I suggest that such actions come not from student representatives, but from party functionaries who has taken over the unions posing as students. There are ways in which this can be rectified and cutting off all representation of students is hardly the answer.

- The representation of teachers – both University and college teachers – has been severely curtailed in the administrative bodies the Bill. They also would not be allowed to mess with policy formulation. They will also be – you got it – nominated.

In fact, from now on the education system will be controlled only by the nominated (read pliant) educationists who would be highly qualified, averse to politics, and neutral (read ‘yes-men’), completely subservient to the big business who will soon take over the universities. Such ‘educationists’ would be picked by government personalities or government committees who are so very well recognized for their impartiality.

This is nothing but an effort to create a new bureaucratic party rule.

Before I finish I would like to mention some particular goings-on from recent times.

A few months back a certain speaker at a seminar at the Burdwan University, referred to Marx and Engels in his paper. A number of Trinamool supporters took umbrage at the “crimson” names and did not allow him to deliver the lecture. Later, according to newspaper reports, many leaders of Trinamool protested (Sic!) against this stupidity. But as far as I know, those goons were not even chided for their misdemeanor.

Within a few days of this, a local Councillor threatened the teachers of Rabindra Bharati University in the presence of the Vice Chancellor himself, and said that he would not let some of the teachers, students and office staff to enter the university premises. For all I know, he is still showing off his clout. Now he will also have the power to prove that the Vice Chancellor have misused “the powers vested in him” and have acted in some way “detrimental to the interest of the University”. Blah! Blah! Blah!

Forgive my temerity, but it is a known fact that in most cases the *ex-officio* public representatives present in the college Governing Bodies in accordance with the current statutes, know nothing about teaching and learning processes or the nuts and bolts of running an educational institution. His one and only job is to flex his political muscle and impose the fiats of his party, looking at the colleges as their personal fiefdoms. This was the norm in the Left Front days as it is now. Many such people are even now holding top positions in such bodies. They might be great experts in the political world, but forgive my boldness again, the skills needed for running of a college or a school are different things altogether. Nobody would believe that the “public representative” would not cross his limits. At least, I won’t.

I have been told that rigging has become commonplace in the elections to many of committees of schools and colleges in very recent times. And in different colleges student union elections are at hand. Almost everywhere goons belonging to the Trinamool Chhatra Parishad are trying to take over, by force and fraud. At least in one college, they stopped counting of ballots when they found they were losing.

Practically everywhere students who fail in examinations are agitating against their colleges to ‘pass’ them, alleging ‘injustice’ in evaluation. Come examination time we might see an epidemic of such ‘andolons’. And, fears are rife that invigilating in examination hall in coming months will entail cringing before hoodlums. As it is, people had to look the other way when Union ‘dada’s were helping themselves to answers in the examination hall for quite a while now. It may now become the norm rather than exceptions.

It seems that the government is in a hurry concerning everything. Their back-end people and their sponsors are pressing them hard to keep the yet undivulged promises made to them. The Jindals are impatient to begin the rape of West Medinipur. And the current government in its quest for ‘development’ and the ‘well-being’ of the indigenous people will not let a few killings here and there as well as state-sponsored murder to prevent them from moving in the ‘right’ direction. The sponsors are also eager to claim education for themselves. And our respected Chief Minister and her cohorts are doing exactly what is needed to cater to the sponsors. With the whole electronic media and most of the print media in their pockets, they can safely do what they want. And devil take the hindmost.