



Democratic Crisis in Indian Higher Technical Education Institutions

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Being the largest democracy in the world, India has always been dedicated to promoting democracy. In cities, villages, and towns every administrative unit is organized in democratic ways. Engaging people within the organization through councils and committees is a step towards the democratization of the organization. Realizing the need to democratize higher education, the Hon'ble Supreme Court of India had issued directions based on recommendations of the Lyngdoh committee constituted by MHRD. In its order dated September 22, 2006, in the case 304, the court had directed States and Union Territories through the Additional Solicitor General to establish student's bodies across the country for improved democracy and to ensure freedom of speech for the students. This paper reviews the progress in the country concerning the universities and institutes of national importance such as the Indian Institute of Technology (IITs) and the National Institute of Technology (NITs). The paper discusses the conflict between the social structures of faculty, students and law, and finds that the academic institutions do acknowledge that these bodies may help in maintaining peace and becomes handy in crisis. At the same time, administrative bodies are in fear of radical student politics. With details of two recent cases in an IIT and a NIT, the paper addresses the reasons for conflict between these social actors and law, emphasizing the need of establishing and strengthening the faculty guided elected bodies of students.

Keywords: participation, conflict, students, law, higher education

Introduction

Since Independence, India has adopted a democratic approach to weave developmental interventions in every sphere of life (The Bar Council of India, 2016). It was the assumption and belief of country leaders that democracy will lead to development. Whereas the traditional India has many kingdoms and British rulers too had monarchical structure. The United Kingdom (UK) continues its monarchy but India with its wise leaders made a constitution with a belief that the greater the democracy the happier the society. The policymakers decided to instill democracy through a widespread system loaded with public administrators and guided by public representatives through an important election mechanism. To hold and execute this system, the constitution empowers the states to make and enact laws.

Law has been a matter of discussion in every society. It is one big area that is dynamic over time yet remains an important force to operate within and over society. It is considered that law is mandatory to keep society in order. Thus, it affects all walks of life. Education is no exception to this. India has witnessed so many changes in its education system and the recent Act of Right to Education, 2010 (RTE) is a milestone in this regard. RTE deals with the basic child education rights as a citizen of the country. Though it does not directly deal with democracy, yet it is a prerequisite to any strong democracy that their citizens are educated. Let us discuss more mature citizens into politics and practicing democracy beyond schools.

This paper discusses the higher education system in light of the constitutional provisions and court order to support democracy in Universities/colleges across the country. This article focuses the democracy in the National Institute of India (NITs). It further highlights with the help of cases where social power structures within these NITs are in conflict with the law. This is a classic example sociological theory of conflict between law and society. The conflict perspective has been a favorite debatable topic for sociologists a long time (Maru, 2006; Guangshe, Fangjun, Guangbin, Baonan & Rui, 2011). There is one such type of conflict discussed in this paper with an example from academics.

Multiple bodies of higher education exist in India to govern the institutions of higher education across the country. Accordingly, various acts are made by the Indian parliament. The University Grants Commission (UGC), All India Council for Technical Education (AICTE), Indian Institute of Technology (IITs) and NITs are the major central institutions to look after various higher academic activities in the country. Being the largest believer in democracy, the country has election-based student representation in many of the institutions. At least, old Universities and IITs have been enjoying such a democratic system for a long. But in this political process of student election, the academia witnessed unrest, violence, external party politics which somewhat disturbed the academic environment. On the other hand, in colleges where such a system of election does not exist, people are deprived of the forum to put their voices. These colleges are caught up in the traditional bureaucratic organizational structure. Students in such setups do not enjoy the freedom of speech to the fullest. In lack of basic legal literacy, the citizens of a country as a whole suffer in the bureaucratic police set-up (Chaudhuri, 2020) and it is natural for the students to feel harassed and suppressed in such bureaucratic setups in higher education environment too. Particularly, girls suffered due to the absence of a dedicated sexual harassment mechanism before 2013 while reporting sexual harassment cases (Bajpai, 2016). Even today, the situation has not much improved for the higher education system (Karmarkar, 2020). To provide so-

lutions to the continued incidents of violent conflicts between administration and students in various colleges and universities across the country, MHRD constituted a committee under the chairmanship of Lyngdoh who submitted its recommendations to the MHRD in December 2005. Incorporating these recommendations, the Supreme Court of India issued an order dated September 22, 2006, in the case 304.

Current Situation in NITs

There are 30 NITs in the country. Nearly half of these were engineering colleges established in the 1960s. They got the status of an institution of national importance according to the act of NIT 2007. The Ministry of Human Resource Development governs the NITs with a board of governance (BoG) and a director of all the NITs. These directors are similar to the position of vice-chancellors of a university. Out of these NITs, only one-third NITs have election-based student councils as per the Supreme Court's order (Table 1).

Table 1

Total Number of NITs with Student Councils	10
Total Number of NITs	30
% of NITs with Student Councils	33%

Why there is no council in other NITs? To the best of my knowledge, there is no concrete research available to answer this question. It is surprising indeed, despite court orders why these institutions do not have such bodies. It is also noteworthy that IITs have election-based bodies and are responsible for the quality improvement in the NITs of their circle. In these circumstances, the question of how the order of an apex body was not implemented which was issued approximately 10 years back, needs to be investigated. There could be two probable reasons, among others:

1. These institutions were not aware of the order and did not receive any direction from their authority i.e. MHRD for the same.
2. They simply ignored the law.

Theoretical Explanation

The existence of the councils in some NITs indicates that there were directions for implementing the SC order to establish such councils. Ten NITs with councils are a mix of the old and newly established NITs. This leaves us with the second reason to explore: the ignorance of the law. Why would authorities ignore the law?

The sociological approach to this puzzle explains it up to some extent. Conflict theories related to social order and law hold that conflict in society is the cause of crime (Bystrova & Gottschalk, 2015). Hofmann, Hartl, Gangl, Hartner-Tiefenthaler & Kirchlner (2017) mention that some scholars argue that there can be a particular order in society by exercising coercive and legitimate power. Some also suggest that there are multiple views and beliefs in the complex society and can be combined as 'Law and social order perspectives' which are further categorized in three subtypes: consensus, pluralist, and conflict (Schmalleger, 1995).

The consensus model states that most members build consensus and agree on being right and wrong—including various religious and educational institutions. The members agree on a law for common good and those who are outside this social group having consensus, are considered to be criminals.

A pluralistic perspective identifies that conflict is evident due to the existence of multiple values and beliefs prevailing in a complex society. But with the help of the law and legal system, peace can be maintained. Hence, the law was seen as a peacekeeping tool.

A third perspective, the conflict perspective holds that though the conflict is a fundamental aspect of society, it can never be fully resolved. Vold (1958) mentions social conflict as a form of interaction that is universal. He further argued that groups are *suo-motto* in conflict owing to the fact that their interests "overlap, encroach on one another and (tend to) be competitive" (205).

If we examine the third perspective in detail, we would find the explanation of the underlying conflict between NIT administration at the institute level

and the interest of the student community. The traditional NIT administration at the local level would want and maintain the power structure in their way while the students would want to decentralize and liquidate the same in their interest. The SC order clearly attempts to resolve the conflict by balancing the power in the interest of the student community.

There are social networking sites showing the wider interest of students to hold the elections in the NITs where student councils are not present (See for example NIT Jaipur, NIT Kurukshetra and NIT Allahabad). This explanation becomes more valid in the light of the following case of an NIT.

Demand of Student Council: The case of NITA

Pseudonym NITA is being used to maintain the confidentiality of the institution. In March 2016, the students in the college wanted to have a recognized body or forum through which they could put forth their problems to the administration. In recent years, there were many occasions when they felt so. The spread of swine flu, death of a student by dengue, the clash between students during cultural events, etc. These were landmark events in the college that occurred over 3-4 years when students became mere crowd to put forth their demands in the absence of any recognized body. A senior professor handling the crisis, every time asked students to tell 3-4 representatives who can talk to the administration. This reflected that there was an urgency to have a recognized elected body for smooth communication. Realizing this fact, students from various disciplines moved a request to MHRD with a copy to Director NITA along with the Supreme Court order. After waiting for over a month, students again got an opportunity to interact with the Chief Vigilance Officer (CVO) on the valedictory ceremony of vigilance week 2016. However, nothing was done. After two and half years a student threatened to commit suicide again in 2019 due to punitive action by the institute authorities (Srivastava, 2019) and a student had committed suicide as well in the same year (HT, 2019). These events triggered again the senior Undergraduate students' demand of a students

body. The administration kept postponing in the guise of documentary formalities while asking for the draft, structure in three rounds of meeting. The senior students passed out and the matter was cooled again. This incident tells how the powerful through the virtue of their association (teacher and non-academic association exists in NITs whereas student bodies do not) and power, try to maintain their advantageous position.

This case presents strong evidence in the support of the conflict perspective of law and social order theory. The court mentions in its order that,

“It is to be noted that the nomination system suffers from several flaws..... Subjected to the recommendations in respect of the possible model of elections, all institutions must over 5 years, convert from the nomination model to a structured election model” (4-5)

This is noteworthy that there still exists a nomination system of student representation in various academic bodies at the Departmental and Institute level which can be verified by the ordinances of various programs of NITs. But this system also, by the court ruling, must be periodically reviewed and be converted to an election-based system to represent students in the academic bodies.

Death of a Student in an IIT and aftermath

The death of a PhD student sparked outrage among the students of the Indian Institute of Technology Kanpur in August 2016. This case is written after a phone interaction with a couple of protesting students and consulting the media reports published in The Hindu (2016) and other newspapers.

In the second semester of the year 2016, there was a death of a senior student in an IIT causing agitation across the UG, PG and PhD students alike. The students claimed that the death occurred due to a wrong injection by a doctor at the health center of the college. There was a mass protest by students with drum-beats and slogans. The administration initially tried to hush the matter with assurance in fear of the reputation of the institute. After 48 hours of continuous

protest with in-campus road jam, an urgent meeting of faculty advisors was held with a resolution to award the late student's family with a sum amount as compensation while suspending the doctor and recommending more relief for him from MHRD.

However, the success of the students' mass protest was short-lived and soon they faced an enquiry committee charging the protesters with in-disciplinary actions. As reported by one of the fellow protesters, by December 2016, the institute had expelled an UG student and a further inquiry was going on.

Now, the good about the situation is that students united and stood for the justice of the fellow student. The bad about the entire incident was the protest was so aggressive that it invited troubles causing in-disciplinary action. The learning for policymakers and administration is that the student council was not well trained in holding the meetings, discussing a sensitive issue with the higher people in the administration.

Conclusion

This paper discussed and explained how the implementers of law tend to maintain the status quo in their favour by bypassing the law. In the conflict between administrative powers and students as different social groups discussed here, things can be seen from two perspectives-legal and sociological. From the legal perspective, ignoring the court orders of the highest level of the country is an offense whereas the sociological perspective gives reasons behind such deviant behavior as to keep the interest of the dominant social group and keep exercising coercive force to maintain social order. Remedy to the situation can also be found in both approaches. In the legal approach, one would file a case of contempt with documentary evidence or one might file litigation in the public interest (PIL) to implement the court orders in all the colleges across the nation. These two measures can be taken together also. In the sociological approach, one may keep building social pressure to convince both the social groups ie administration and students to arrive at a commonly agreed situation. However, with the constitutional provisions, one has to abide by the court orders and any resolution made must be aligned to

the legal framework of the court's direction. These councils help not only to maintain smooth communication between administration and students but also within students.

They act as a good coordinating institution for various clubs and groups made within the system. They need to be established and empowered with better administrative and leadership abilities. The nature of councils led by the Director of these institutions may protect these from outside political influence. The adverse actions are not a long time remedy. It may aggravate the social tension between the two social groups.

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