

# Excessive Politicization of Universities: Threats toward Academic Freedom

*Sakhawat Sajjat Sejan\**

## Abstract

*University is designated as the marketplace of ideas. The marketplace transpires transcendent values among the students to build upcoming generations and generate new knowledge. For that academic freedom of the teachers and students is inevitable. Usually, teachers in universities must enjoy three rights to ensure academic freedom. S/he must have freedom of research and publication, freedom of teaching and freedom of speaking on different issues as citizens. Freedom of teaching is perceived as core academic speech and freedom of speaking on different issues is confined within extra mural (political) and intra-mural (public issues) speeches. This means a person belonging to academia has the scope of opining on different issues of a country whether it be academic or non-academic. As far as s/he speaks from his/her subjective expertise with objectivity, his/her speech is a fundamental human right. The absence of free speech in academia will not bring new and radical ideas through questioning the current system. But the scenario is upside down in Bangladesh. Here, the faculty members or students don't enjoy academic freedom or secure academic environment due to the excessive politicization of universities. Though politicization could have accelerated academic freedom by entertaining dissenting opinions, but in Bangladesh it creates a chilling effect on the core academic, intra-mural and extra-mural speech of the faculty members. This will endanger the academia of Bangladesh by squeezing its role of social/state reformation and nation-building. Hence, this article focuses on the violation of academic freedom in Bangladesh through excessive politicization of Universities and endeavors to find political influence-free academia through the lens of freedom of speech.*

**Keywords:** *Freedom of Speech, Academic Freedom, Politicization, Institutional System*

## I. Introduction

Academic freedom is the species of freedom of expression.<sup>1</sup> It is either institutional or individual. This means educational institutions will tame knowledge for the betterment of the institution

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\* Sakhawat Sajjat Sejan is an Assistant Professor at Feni University, Department of Law. The author can be contacted at [sejan4645@gmail.com](mailto:sejan4645@gmail.com).

1 J. Peter Bryne, 'Academic Freedom: A Special Concern of the First Amendment', *The Yale Law Journal*, volume 99:2, pp. 251-291.

and individuals associated with it. Among the educational institutions, universities are established with the motive of creating knowledge and pursuing truth. Dr. James Herbert rightly designated universities as **'the market place of ideas.'**<sup>2</sup> This marketplace transpires transcendent values of generating knowledge among students and teachers. Teachers usually enjoy academic freedom during their class lectures, research, and expert opinion on a public issue. This is the common foundation of all the universities across the world. From Ivy walls to modern-day classrooms, academic freedom is also at the core of generating radical ideas.<sup>3</sup> Radical ideas help in the process of democratizing the policies of government and examining the current decision-making process. Often the states temptingly create chilling effects on academic freedom to control the pursuit of truths, questions and radical ideas to divulge democracy.<sup>4</sup> Authoritarian, nationalist and populist governments across the world have always constricted objective truths and dissenting opinions by controlling the academia.<sup>5</sup>

The instances of McCarthyism and Feinberg law in the USA, Hungary (Central European University), Turkey and India are perfect examples of the creation of such constrictions on academic freedom.<sup>6</sup> Bangladesh also remains at the bottom of the academic freedom index.<sup>7</sup> United Nations Educational, Scientific and Cultural Organization (UNESCO) has inculcated four standards to ensure academic freedom, i.e., freedom to teach and discuss, freedom of research, freedom of publishing research results, freedom of expressing opinions on different issues.<sup>8</sup> Allegedly, Bangladesh is creating risks for three of the four freedoms.<sup>9</sup> The student wings of Bangladesh's ruling parties have been actively working as a watchdog of dissenting voices (research outcomes) in the universities. The political influence during the appointment of faculty members, officials, and Vice-Chancellors have multiplied the restrictions on academic freedom. This influence is trying to create a discourse in the academy. And that discourse is anything but academic freedom. In addition to that, there is 'Digital Security Act (DSA) 2018' to control the free speech of Bangladeshi citizens.<sup>10</sup> Everyone talks about curtailing of media freedom through DSA, but the freedom of academia is also seriously compromised through the statute. As a whole, the core academic, intramural and extra-mural speeches of the teachers are censored through excessive political activism and DSA in the universities of Bangladesh.

<sup>2</sup> *Keyishian v. Bd. of Regents*, Supreme Court of the United States of America, 1967, 385 U.S. 589, p. 603.

<sup>3</sup> Larry D Spurgeon, 'A Transcendent Value: The Quest to Safeguard Academic Freedom', 2007, *The Journal of Higher Education*, p. 117.

<sup>4</sup> Thomas Misco & Nancy C. Patterson 'A Study of Pre-Service Teachers' Conceptualizations of Academic Freedom and Controversial Issues, *Theory & Research in Social Education*, 2007, volume 35:4, p. 524.

<sup>5</sup> Mochael Ignatieff, 'The Role of Universities in an Era of Authoritarianism', 13 April 2018, *University World News*, available at <https://www.universityworldnews.com/post.php?story=20180413093717351>, accessed on 20 June 2023.

<sup>6</sup> M. Jashim Ali Chowdhury and Sakhawat Sajjat Sejan, 'Constitutionalizing the Institutional Autonomy and Academic Freedom of the Universities', *Bangladesh Journal of Law*, 2021, volume 19:1, pp. 33-58.

<sup>7</sup> Academic Freedom Index, 2023, available at [https://academic-freedom-index.net/research/Academic\\_Freedom\\_Index\\_Update.pdf](https://academic-freedom-index.net/research/Academic_Freedom_Index_Update.pdf), accessed on 20 June 2023.

<sup>8</sup> 'Protecting Academic Freedom is as relevant as ever', *UNESCO*, available at <https://www.unesco.org/en/articles/protecting-academic-freedom-relevant-ever>, accessed on 7 July 2023.

<sup>9</sup> Mubashar Hasan, 'Academic freedom under pressure in Bangladesh', *East Asia Forum*, 2019, available at <https://www.eastasiaforum.org/2019/08/29/academic-freedom-under-pressure-in-bangladesh/>, accessed on 7 July 2023.

<sup>10</sup> Ali Riaz, 'How Bangladesh's Digital Security Act Is Creating a Culture of Fear', 2021, *Carnegie Endowment for International Peace*, available at <https://carnegieendowment.org/2021/12/09/how-bangladesh-s-digital-security-act-is-creating-culture-of-fear-pub-85951>, accessed on 7 July 2023.

This paper discusses the excessive politicization of the universities of Bangladesh. It focuses on the chilling effect created by such politicization and how it jeopardizes academic freedom. The paper also tries to find a way ahead to create a balance of politics and freedom of academia through freedom of speech in the universities of Bangladesh. So, Part II of the paper will thwart the political influence on academic freedom. The discussion also stresses the chilling effect created by different states on academia. Part III sheds light on the chilling effect created by Bangladesh's excessive politicization of universities on its overall academic freedom. It determines the landscapes of chilling effects coming from state organs, universities themselves, the student wing of the ruling party, the university grants commission and the Digital Security Act 2018. Part IV discusses academic freedom as a transcendent value of democracy. This part further contemplates, a chilling effect due to over-politicization fades naturally in the rise of this transcendent value. Part V urges to encompass academic freedom as a special concern of fundamental rights under Article 39 of the Bangladesh constitution. It also tries to evaluate academic freedom as a qualified immunity with necessary preconditions. Part VI of the paper concludes the argument by strongly advocating for academic freedom under the constitutional commitment of Bangladesh, which is also an obligation levied by ICESCR as a ratifying state.

## II. Political Influence and Academic Freedom: Chilling Effects in the Making

Academic freedom is considered as a transcendent value of civic education, where university professors are the 'priest of our democracy'<sup>11</sup>. A university tames dissents, uncomfortable truths and politically unfavorable research findings. All of these are attributes of democracy. Hence, Justice Felix Frankfurter wisely chose the 'priest of our democracy' phrase to provide professorial academic freedom a haven irrespective of the state's managerial authority.<sup>12</sup> States intend to censor the speech of professors when it clashes with their interests. But, the general principle of academic freedom solicits, that this managerial realm must not harm the free speech of professors.<sup>13</sup> There must be a functional necessity approach during such interference or censorship.<sup>14</sup> In Bangladesh, there are no standards settled by the court or the constitution to decide functional necessity.

The discussion of academic freedom under the current constitutional regime of Bangladesh is foreign. It didn't receive any recognition under the constitution of Bangladesh alike other written constitutions.<sup>15</sup> But freedom of speech, thought and conscience creates a strong foundation for academic freedom as argued by different scholars.<sup>16</sup> USA considers academic freedom as the first amendment rights of the US Constitution.<sup>17</sup> For civic education and taming democracy, this is extremely necessary to keep academia pure from government intervention through legislation. There shall be no prejudice on the part of the government regarding the political ideology

<sup>11</sup> *Wiemann v. Updegraff*, Supreme Court of the United States of America, 1952, 344 U.S. 183.

<sup>12</sup> Rebecca Gose Lynch, 'Pawns of the State or Priests of Democracy - Analyzing Professors' Academic Freedom Rights within the State's Managerial Realm', *California Law Review*, 2003, p. 1090.

<sup>13</sup> *Ibid*, p.1066.

<sup>14</sup> *Ibid*, p.1061.

<sup>15</sup> Jashim and Sakhawat (n 6) p. 33.

<sup>16</sup> Robert Mark Simpson, 'The Relation Between Academic Freedom and Free Speech' *Ethics* 130/3, 2020, pp. 287-319,

<sup>17</sup> Dabid M Rabban, 'A Functional Analysis of "Individual" and "Institutional" Academic Freedom under the First Amendment', *Law and Contemporary Problems*, 1990, volume 53:3, pp. 227-229.

and organization of the faculty members. Also, Professors shall not be restricted from teaching political and sensitive discourses in the classrooms. Democratic indoctrination starts in the classrooms, when Professors are discussing a particular topic as scholars.<sup>18</sup> This process started in Athens and developed in Europe. Germany made a huge contribution to the development and shaped it in the form of *lernfreiheit* (freedom to students), *lehrfreiheit* (freedom to teachers).<sup>19</sup> Teachers and students of the Universities in Germany enjoyed absolute academic freedom regarding research and classroom activities. This created the university as a different entity from that of the state, where teachers and students will have a separate identity as think tanks. Julee and Bridget affirming with such designation defined academicians/Professors as teachers, researchers, citizens, administrators and advisors.<sup>20</sup>

As teachers, professors keep delivering the core academic speech in the field of their expertise following the curriculum. Here, s/he can venture into any subpoena to make the students understand the devices of inquiry, research and study. It helps to radicalize new dimensions of thoughts. In the form of a researcher, a teacher needs to explore new information to build a new horizon of knowledge. As an administrator or advisor, they always seem to be pursuing official duties. But as a citizen, a professor always remains shackle-less to talk about any issue of public concern either from the field of his expertise or from the domain of his knowledge. This helps the professors to concretize and conceptualize the appetite for thoughts and knowledge among the students. These different roles of Professors in the constructive building of a country are extremely necessary. The students of these professors will automatically inculcate these different roles. According to Jonathan R. Cole this is the leeway of liberal democracy.<sup>21</sup> The author feared that the democracies around us are turning into illiberal or quasi authoritarian democracies by discouraging any radical flow of knowledge and dialogue among the citizenry (professors and students) about any objective truths. This is true in a sense because non-democratizations around the world started with obstructing the quest for truths in the universities. This type of democracy even squeezes research that does not comply with the goals of the state.

They impulsively intend to portray the outlook of the state as the outlook of the university and its scholars. Scholars, scientists and philosophers cannot reach their expected results because of this chilling effect. Assumingly, states do not tend to institutionalize academic freedom or keep a chilling effect on academic freedom, because it searches ill in their pseudo-liberal democracy. John Shattuck says, that illiberal democracy rejects citizen participation in electing a representative government, governmental pluralism through separation of power, individual rights (civil, political, economic, social), individual civil society (think tank organizations and other fourth branches of democracy), etc.<sup>22</sup> He finds investment in research and institutional academic freedom is immediately necessary to tame a healthy political environment. This also helps to put an end to pseudo-liberal democracy. Democratic construction or deconstruction

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<sup>18</sup> Liora Lazaros, 'Constitutional Scholars as Constitutional Actors', *Federal Law Review*, 2020, volume 48:4, pp. 483,484 and 486.

<sup>19</sup> Larry (n 3).

<sup>20</sup> Bridget Nugent and Julee Flood, 'Rescuing Academic Freedom for Garcetti vs Ceballos: An Evaluation of Current Case Law and a Proposal for the Protection of Core Academic, Administrative, and Advisory Speech', *Journal of College and University Law*, 2014, volume 40, p. 115.

<sup>21</sup> Jonathan R. Cole, 'Academic Freedom as an Indicator of a Liberal Democracy', *Globalizations*, 2017, volume14:6, pp. 862-868.

<sup>22</sup> John Shattuck, 'Resisting Trumpism in Europe and the United States', *The American Prospect*, 2016, available at <http://prospect.org/article/resisting-trumpism-europe-and-united-states>, accessed on 7 July 2023.

starts with research and academic freedom.<sup>23</sup> Students of the universities get to learn whether the democracy of a country is liberal or illiberal through such researches. Authoritarian regimes chose to fake democracy through the lens of universities and its academic freedom. Somehow, universities also rely on states due to its public nature. The universities dependent on states find it rhetorically impossible to avoid the pawns of the state to find fine-tuned academic freedom. For example, in a country like Bangladesh, the public and government universities are dependent on the funds of the state.<sup>24</sup>

This financial dependency automatically creates an intangible control/limit over the universities. Universities also tend to follow the limit, as it might cause unexpected consequences for the universities.<sup>25</sup> Apart from the financial matter, academic freedom may also be threatened by different crises, restrictions, and limitations on the academic environment of the universities.<sup>26</sup> Such restrictions come from political/ideological backgrounds. Loss of job, delayed promotion, punishment and persecution are very common in politically built universities. Hence the academicians become very aware of what they say in a classroom. They start the discussions in the classroom by saying, 'the discussion is a purely academic discussion.'<sup>27</sup> They fear that they are watched or followed.<sup>28</sup> Even the departmental meetings discourage politically and religiously sensitive discussions in the classrooms.<sup>29</sup> All of these vices are playing a pivotal role in establishing state's managerial pawns above academia. It also influences curriculum development, teaching, research and administration of the universities.

This political influence on the universities (whether it be of Bangladesh or other countries) started from the middle age.<sup>30</sup> The Churches used to discourage radical research due to superstitious beliefs.<sup>31</sup> Even during the Second World War American government fired a lot of professors due to communist ties.<sup>32</sup> Communist professors' academic freedom was invaded by the American government during the McCarthy era and through the Feinberg law.<sup>33</sup> Even some of the US's states are planning to pass laws that will restrict religious and political discussion in the classrooms. The laws are asking for such discussions only if they are relevant and such

<sup>23</sup> Mary Beth S. Marklein and Tinh Mai, 'The Construction, Deconstruction, and Reconstruction of Academic Freedom in Vietnamese Universities' Higher Education in Market-Oriented Socialist Vietnam: New Players, Discourses, And Practices, *Springer*, 2020.

<sup>24</sup> Sheikh Mohammad Raful Huq & Sheikh Huque, 'Public and Private Higher Education Concerns and Challenges: A Case of Bangladesh' In N. Baporikar (ed.), *IGI Global*, 2014, p.420.

<sup>25</sup> Philip G. Altbach, 'Academic Freedom: International Realities and Challenges', *Higher Education*, 2001, volume 41 p. 205.

<sup>26</sup> Kajalie Shehreen Islam, 'Rewarding Conformity, Silencing Dissent: The Case of Academic Freedom', Arild Engelsen Ruud, Mubashar Hasan (eds.), *Masks of Authoritarianism- Hegemony, Power and Public Life in Bangladesh*, 2022, p. 134.

<sup>27</sup> Ibid, p.132.

<sup>28</sup> Ibid, p.131.

<sup>29</sup> Kajaloe (n 26).

<sup>30</sup> Tony Gallagher, 'Promoting the Civic and Democratic Role of Higher Education: The Next Challenge for the EHEA?' in Curaj Adrian, Deca Ligia., and Pricopie Remus(eds), 'European Higher Education Area: The Impact of Past and Future Policies', *Springer*, 2018, p. 335.

<sup>31</sup> Ibid.

<sup>32</sup> Avi Wolfman-Arent, 'Red tape: The untold stories of Philadelphia's 1950s teacher purge', *Why News*, 2022, available at <https://why.org/episodes/schooled-red-tape-the-untold-stories-of-philadelphias-1950s-teacher-purge/>, accessed on 7 July 2023.

<sup>33</sup> Joy Ann Williamson-Lott, 'The Battle over Power, Control, and Academic Freedom at Southern Institutions of Higher Education 1955–1965', *The Journal of Southern History*, 2013, volume 79:4, p.879.



discussion must be given from a neutral viewpoint. This has continued in other parts of the world especially in Bangladesh, where the state in the name of religion or politics interfered with academic freedom shamelessly. It later went onto adopting statute that will regulate academic freedom in the country. Moreover, fixing issues of professors' discussion in the classrooms and the appropriate ways of their discussion is surely unhealthy for higher education. This is termed as 'chilling effect', which results from political influence upon academic freedom and institutional autonomy.

### III. Chilling Effect and Academic Freedom in Bangladesh

The chilling effect in academia was used to be imposed by churches directly in the religion-centric early era. In the middle ages, the significant development of academic freedom happened through freedom of speech, thought, and conscience doctrine. But the World Wars threatened academic freedom abruptly in Western and European Countries.<sup>34</sup> Since then, academic freedom has developed significantly without any state's interruption. But conspiracies were always there by fascist, nationalist, populist, and extremist governments to control unconventional ideas by underpinning academic freedom. *Garcetti vs. Ceballos* case is such an example from the US's jurisprudence of academic freedom.<sup>35</sup> It diminishes protection to the speech given by an official in pursuant to his official duties. The principle of this case was applied to the free speech of professors too. The chilling effect on professors' speech started from this principle and developed by other attributes.

#### A. Chilling Effect within the Universities and by the State Organs

Bangladesh remains a keen follower of 'in pursuant to official duties' principle, which came into discussion after the KUET incident. The university authority being an autonomous institution asked the teachers to follow '**Social Media Usage Guidelines in Government Offices, 2019**' while delivering opinion.<sup>36</sup> The statute was adopted to regulate and monitor the speeches given by government officials in pursuant to their official duties. The Act congenially denies the free speech of government officials enshrined in the Bangladeshi Constitution. This must not apply in the cases of university professors, whose purpose is to seek objective truths through his intellectuality. The critiques of the *Garcetti case* also advocated for the same. While academic freedom takes two different paths of individual and institutional academic freedom, KUET authority through its institutional freedom introspectively road-blocked individual freedom of its faculty members. The conflict of individual and institutional academic freedom is evident in this case. Before discussing the conflict we need to know the parameters of both academic freedoms. Individual academic freedom adheres to the fundamental rights of Article 39 of Bangladesh's Constitution as individuals.<sup>37</sup> This confers the same right as an individual under the constitutional firmament with a special concern on the transcendent value of academic freedom.

<sup>34</sup> John K. Wilson, 'Remembering Academic Freedom During World War I', *Academic Blog*, 2018, available at <https://academeblog.org/2018/11/11/remembering-academic-freedom-during-world-war-i/>, accessed on 7 July 2023.

<sup>35</sup> *Garcetti v. Ceballos*, United States, 2006, 126 S. Ct. 1951.

<sup>36</sup> C R Abrar, Jyotirmoy Barua and Rezaur Rahman Lenin, 'We must stand firm against incursions into academic freedom', *The Daily Star*, 2021, available at <https://www.thedailystar.net/views/opinion/news/we-must-stand-firm-against-threats-academic-freedom-2197796>, accessed on 7 July 2023.

<sup>37</sup> Jashim and Sakhawat (n 6) p. 55.

Whereas, institutional academic freedom is perceived from the freedom of a) the teacher, b) the lessons c) the way of giving lessons d) the students to be admitted.<sup>38</sup> There must be an equilibrium or balance between the both kinds of freedoms. Institution's blatant interference with professor's fundamental right is surely another species of chilling effect. There must not be any interference from the institution into the professorial ventures (teaching, learning, research or opining as a citizen on a public issue.)<sup>39</sup> In the KUET case, there was no balance between both the freedoms, because KUET authority intended to remain in the good-book of the government. The similar types of cases occur in other universities too, where the heads of the departments strictly prohibit its faculty members to discuss any politically or religiously sensitive issue.<sup>40</sup> And few of the institutions even discourage research on politics, security, democracy and terrorism to avoid any kind of un-favor from the government. During any democratic backsliding there is a common case of controlling opinions or researches on the issues of social science. Hence, the professors of social science discipline face more lashes than other disciplines.

For example, Professor Masud Mahmood used to teach English literature at University of Science and Technology Chattogram. Some students physically assaulted and poured kerosene on him claiming that, he was giving some sexually explicit lectures, which is very common in English literature.<sup>41</sup> As the speech was a core academic speech, there was no such approach of teaching sexual contents. The content itself was a part of the lecture and literature. But later it was found that, some of his colleagues were unhappy about Masud Mahmood's nature of questioning the unethical activities committed by them. Irrespective of the background, here chilling effect came from the students with political or inciting motives of other faculty members and administrators. Professors of science background are also in the queue of such chilling effect by other state organs, when it questioned corporate or government interest. In a project, Professor ABM Faroque and his team have researched and found radioactive materials or antibiotics in the five milk brands of Bangladesh.<sup>42</sup> When the report was published in the daily newspapers, many got enraged. The Ministry of Fisheries and Livestock took legal actions against him, claiming it as a conspiracy to debacle the milk industry of Bangladesh.<sup>43</sup> Sometimes, the teachers' association, senate, regent boards and syndicate in different universities contribute to the chilling effect by vilifying respective professors for their research.

In a current incident, Dhaka University Professor Imtiaz Ahmed was relieved from all academic responsibilities for publishing a book titled 'Historicizing 1971 Genocide: State versus Person' with University Press Limited.<sup>44</sup> It was alleged, he distorted the history and insulted founding father of

<sup>38</sup> *Sweezy vs New Hampshire*, 1957, 354 U.S. 234, 250.

<sup>39</sup> *Urofsky vs Gilmore*, 216 F.3d 401, 4th Cir. 2000.

<sup>40</sup> Kajalie Shehreen Islam, 'Rewarding Conformity, Silencing Dissent: The Case of Academic Freedom,' Arild Engelsen Ruud, Mubashar Hasan (eds.), *Masks of Authoritarianism- Hegemony, Power and Public Life in Bangladesh*, 2022.

<sup>41</sup> Mohammad Shafiqul Islam, 'Literature, kerosene and Professor Mahmood', *The Daily Star*, 11th July 2019, available at <https://www.thedailystar.net/opinion/society/news/literature-kerosene-and-professor-mahmood-1769446>, accessed on 7 July 2023.

<sup>42</sup> Faisal Mahmud, 'Row erupts over antibiotics discovery in Bangladesh packaged milk', *Aljazeera*, available at <https://www.aljazeera.com/news/2019/7/15/row-erupts-over-antibiotics-discovery-in-bangladesh-packaged-milk>, accessed on 7 July 2023.

<sup>43</sup> 'Detergent in Milk: Submit report or face legal action', *The Daily Star*, available at <https://www.thedailystar.net/country/detergent-in-milk-submit-report-or-face-legal-action-1768906>, accessed on 7 July 2023.

<sup>44</sup> Shamsuddoza Sajen, 'Vilification of a well-known scholar is a threat to us all' 20<sup>th</sup> April 2023, *The Daily Star*, available at <https://www.thedailystar.net/opinion/views/news/vilification-well-known-scholar-threat-us-all-3301851>, accessed on 7 July 2023.

the nation. Professor Imtiaz claimed, he rather gave a positive notion about the founding father; which was later misinterpreted by some other teachers. He emphasized on the workplace politics for the incident. The case bears a strong evidence of ‘serpent under the flower’ proverb. In this case too, the teachers are endangering academic freedom with their own bucket of poison. This ultimately led to a Supreme Court justice’s and Muktiyoddha Mancha’s reproach on the removal of Professor Imtiaz.<sup>45</sup> The scenario is a triangle of chilling effect coming on academic freedom from university colleagues, civil society and the Supreme Court. Apart from that, universities practice censorship through imposters working as politically appointed Vice-Chancellors, faculty members, deans, chairmen, senate and syndicate members etc. The appointment of Vice-Chancellor through political considerations is a significant blow on academic freedom. Because, somehow the Vice-Chancellor controls the academic environment of the university.

Appointment on other offices considering political views and formation of teachers association on the basis of political ideology are insults to the injuries. In the appointment of any post, scholarship was supposed to be the prime indicator, whether it be VC, Dean, Senate, Syndicate or Academic Council member. Similarly, teachers association would have been formed on the principle of ‘teachers’ welfare’ rather than the political ideology of the teachers. This would have saved academic freedom and prohibit chilling effect from the fellow colleagues. Also, if the VCs or Deans were not politically appointed, there would be an unhindered autonomy of the universities and academic freedom of its professors. This would also help in loosening the grip of student of the ruling party upon the universities.

## B. Chilling Effect by Student Wing of Current Government

Student politics is very prevalent in the university campuses of Bangladesh. Student wings of ruling parties control the political environment of the universities alike ruling party’s control over the whole country.<sup>46</sup> Academic freedom also falls prey to such control. Generally they control the students, but at times they expand it to the faculty members too. There are a lot of cases of physical assault to the professors in Bangladesh. During the quota movement CU teachers, Maidul Haque and Ar Raji posted in support of it.<sup>47</sup> Later, the student wing provided a memorandum to the Vice-Chancellor.<sup>48</sup> Being a citizen, they had the freedom to give private opinions on public matters as extra mural speeches. Similar incident happen in a case, where SUST teachers were protesting for the resignation of the VC.<sup>49</sup> Some of the BCL leaders went to the peaceful protest and assaulted the teachers. Now the question is whether it falls under the definition of academic freedom or not? 1997 UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel defines academic freedom as follows<sup>50</sup>:

<sup>45</sup> ‘DU Correspondent: Professor Imtiaz shocked at DU action’, *The New Age Bangladesh*, 3rd May 2023, available at [https://www.newagebd.\[net/article/200735/professor-imtiaz-shocked-at-du-action](https://www.newagebd.[net/article/200735/professor-imtiaz-shocked-at-du-action), accessed on 7 July 2023.

<sup>46</sup> Fahmida Zaman, ‘Student Politics in Bangladesh’, *The Daily Star*, 27<sup>th</sup> November 2014, available at <https://www.thedailystar.net/student-politics-in-bangladesh-52187>, accessed on 7 July 2023.

<sup>47</sup> ‘Quota demo: CU students fail to protest over BCL threat’, *The Daily Star*, 22<sup>nd</sup> July 2018, available at <https://www.thedailystar.net/city/quota-demonstration-cu-chittagong-university-students-could-not-protest-over-bcl-chhatra-league-threat-bangladesh-1609285>, accessed on 7 July 2023.

<sup>48</sup> Ibid.

<sup>49</sup> ‘Assault on Sust teachers a surreal experience: Zafar Iqbal’, *The Daily Star*, 11<sup>th</sup> September 2015, available at <https://www.thedailystar.net/country/assault-sust-teachers-surreal-experience-zafar-iqbal-141505>, accessed on 7 July 2023.

<sup>50</sup> Recommendation Concerning the Status of Higher-Education Teaching Personnel, *UNESCO*, 1997, available at <https://en.unesco.org/about-us/legal-affairs/recommendation-concerning-status-higher-education-teaching-personnel#:~:text=Higher%2Deducation%20teaching%20personnel%20are,freedom%20to%20express%20freely%20>



*“Academic freedom is a right without restrictions or any settled doctrine, which inculcates freedom of teaching, learning, freedom of research, right to opine about the institution, freedom from censorship and right to participate in representative bodies.”*

The teachers’ protest rightly falls under the definition. And in no way the student leaders can stop the teachers’ participation in the movement and assault eventually. In another incident, Jahangirnagar University teachers along with students were protesting against the then Vice-Chancellor Professor Farzana Islam.<sup>51</sup> There were several allegations of corruption against her. Again, the student of the current ruling party went to the peaceful processions of teachers and students. They ended up harassing the faculty members for holding such protest. The question, whether it is an issue of academic freedom also rises in this case. From the definition, we find academic freedom as core academic speech (what to teach), intramural speech (opinions on the issues of professorial expertise) and extra mural speech (opinions as mere citizens). But complying with the definition and from the perspective of extramural speech, JU teachers had the right to protest. Though there is contention whether to include or exclude extramural speech within academic freedom. Often the academic freedom activists tend to include extramural speech as a part of their academic freedom.<sup>52</sup> Hence, the interference from the BCL is certainly creating a chilling effect. For now they are creating it against the protest, which might later be created against the core academic speech, intramural speech and research outcome too.

### C. Chilling Effect by University Grants Commission

The University Grants Commission is the guardian organization for Bangladesh's universities. Under the University Grants Commission Order 1973, it decides on policies and programmes for Bangladeshi universities. Section 4 establishes a commission of ten members, with the chairperson selected directly by the government.<sup>53</sup> Aside from vice chancellors and deans, the government appoints members from the education and finance ministries. The irony is that if the chairman of the Guardian Agency is directly nominated by the government, he will surely be subject to direct government control. The secretaries will also have an impact on UGC operations. The government, both executive and secretaries, will have direct control over the functioning of this institution. Section 5 of the Order delegated various clerical and developmental responsibilities to the commission.<sup>54</sup> There is no indication of the organization succeeding in research via its programs and initiatives. Even budget allocations for UGC operations would be made by the government under Section 8.<sup>55</sup> Without a question, this gives the government a semblance of authority over the commission.

During the current pandemic, this control became more evident. The University Grants Commission was uncontrollably reliant on the Ministry of Education for their future plans

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their, accessed on 7 July 2023.

<sup>51</sup> ‘Anti-VC teachers ‘assaulted’ on JU campus’, *The Daily Star*, 17<sup>th</sup> April 2018, available at <https://www.thedailystar.net/country/anti-vc-teachers-assaulted-jahangirnagar-university-campus-1563706>, accessed on 7 July 2023

<sup>52</sup> Keith E. Whittington, 'Academic Freedom and the Scope of Protections for Extramural Speech', 2019, *AAUP*, available at <https://www.aaup.org/article/academic-freedom-and-scope-protections-extramural-speech#.YMkwH-KhKjIU>>, accessed on 7 July 2023.

<sup>53</sup> University Grants Commission Order, 1973, available at <http://bdlaws.minlaw.gov.bd/act-446/section-7207.html>, accessed on 7 July 2023, sec. 4.

<sup>54</sup> *University Grants Commission Order*, 1973, sec. 5.

<sup>55</sup> *University Grants Commission Order*, 1973, sec. 8.

for conducting education in Bangladeshi institutions.<sup>56</sup> The commission appears to be the university's protector, but it becomes merely an administrative liaison or a clerical link between the institutions and the government. The Order makes no mention of the UGC's role in fostering research at universities or enabling a free environment for instructors and students to conduct full-fledged research. Rather, it is preserved as a subsidiary under the Ministry of Education for the time being. In addition, the commission's attitude on public and private universities is vastly different. When it comes to taking action for any irregularity, public universities adopt a more forgiving stance. However, in the case of private universities, it plays a completely different function by gaining complete control over the institutions. The dominance is not a problem, but it must be common to all institutions. The UGC's liberal position has produced a compromising environment for universities with the government. Academic freedom is unrealistic under the compromising function of the UGC.

On a separate note, it was expected to represent universities before the government, representing their interests in terms of institutional, individual and research freedom. Unfortunately, the clerical responsibilities that come with the Order will only be used to promote government demands above those of the universities. Government will institute censorship and set standards for research; UGC will force institutions to adhere to this censorship under the terms of academic freedom. The primary responsibility of UGC now is in directing test administration procedures and making judgments about the opening or closing of universities in accordance with educational choices. Its support for any form of academic independence is nothing more than a fantasy. Because, when UGC itself is under the direct control of the government, chilling effect comes as a regular outcome. The clerical or nexus building role of UGC not only harms academic freedom of universities rather compromises the desired academic environment in the universities of Bangladesh. The problem lies with this archaic UGC order, which needs to be amended to free UGC from the pawns of the state and ensure boundless academic freedom in the academia. Lastly, UGC Order 1973 is not the only non-cooperating law with academic freedom. There are other draconian laws that congest academic freedom in Bangladesh.

#### D. Chilling Effect by DSA

Digital Security Act 2018 is a draconian law that creates unlimited chilling effect on the overall free speech regime of Bangladesh.<sup>57</sup> There are continuous criticisms regarding the statute. Journalists are mostly suffering due to DSA. Hence, most of the time the free speech violation of the journalist is discussed. But we often fail to recognize the chilling effect it has created on the core academic, extramural and intramural speeches of Professors. Professors have to provide disclaimers before starting any political discussion in the classrooms. They self-censor their speeches in the fear of Digital Security Act. DSA has a predecessor named ICT Act 2006.<sup>58</sup> Before DSA people used to be sued under section 57 of the ICT Act.<sup>59</sup> Assistant Professor

<sup>56</sup> Jashim and Sakhawat (n 6) p. 47.

<sup>57</sup> Ananya Azad, 'Digital Security Act in Bangladesh: The Death of Dissent and of Freedom Expression: A Master's Thesis Submitted to Central European University,' 27 May 2021, available at [https://www.etd.ceu.edu/2021/azad\\_ananya.pdf](https://www.etd.ceu.edu/2021/azad_ananya.pdf), accessed on 7 July 2023.

<sup>58</sup> Tashmia Sabera, 'All that is wrong with the Digital Security Act', *The Daily Star*, 10th January 2022, available at <https://www.thedailystar.net/law-our-rights/news/all-wrong-the-digital-security-act-2057321>, accessed on 7 July 2023.

<sup>59</sup> Sohel Mamun, 'How Section 57 morphed into Digital Security Act provisions', *The Dhaka Tribune*, 10<sup>th</sup> August 2018, available at <https://archive.dhakatribune.com/bangladesh/law-rights/2018/08/10/how-section-57-morphed-into-digital-security-act-provisions>, accessed on 7 July 2023.

Maidul Haque of Sociology department of University of Chittagong was jailed and remanded.<sup>60</sup> The ghost of section 57 is following up and as an outcome Professor Zia of Criminology department, University of Dhaka was sued under the DSA for hurting religious sentiments.<sup>61</sup> Though not a University teacher, a teacher of a high school in Munshiganj was sued and jailed for hurting religious sentiments while teaching science.<sup>62</sup>

These cases among a lot of other cases are enough to create chilling on the rest of the academia. On the other side of the spectrum, whole DSA is not creating this censorship except certain provisions. For example, anyone spreading any propaganda against liberation war, father of the nation, national anthem or flag might get punished with one to three crore taka and imprisonment for ten years to life varying on the repetition of offence under section 21. But what amounts to such propaganda or what are the attributes, is left blur in the section. This vast gap can criminalize anyone unquestionably. Section 28 of the Act discusses about the protection of religious sentiment. The provision enshrines if anyone broadcasts or publishes anything in electric format hurting the religious sentiment will be punished with imprisonment of five years to ten years and fined with ten lac to twenty lac taka. Also, section 31 of the Act further adds, deterioration of law and order situation, violation of communal harmony or creation of enmity through any speech in the internet will incriminate an individual. S/he must be punished with seven to ten years imprisonment and five to ten lac taka fine. The provisions of both sections are completely vague for not fixing any specific standard amounting to these offences. University professors' or teachers' core academic speeches and research outcomes are not excluded from the jurisdiction of the provisions. When the constitution does not recognize academic freedom, chilling effect through DSA is an inevitable outcome.

These chilling effects coming from different sources are controlling the academia. Academia must be free from these restrictions imposed as chilling effect. As an important benefactor of democracy, we need to institutionalize chilling effect-less academic freedom within our constitutional regime. It will democratize our higher education sector and civic qualities.

#### IV. Academic Freedom as a Transcendent Value for Democracy and a Grave for Chilling Effect

Democracy seeks for citizens who can deliver verdict regarding controversial issues.<sup>63</sup> These verdicts often inculcate issues of public concern or politics. To live in a society, politics is essential to initiate discussion on controversies or claim one's rights. Democratized civic education teaches a student to ask for such rights. Also, the teachers along with students become the agents of

<sup>60</sup> 'Defamatory Remarks against PM: CU teacher Maidul put on three-day remand', *The Daily Star*, 9 October 2018, available at <https://www.thedailystar.net/city/chittagonguniversity-teacher-maidul-islam-remanded-defamatory-remarks-against-pm-1644253>, accessed on 7 July 2023.

<sup>61</sup> 'DU Professor Zia sued over controversial remarks on 'salam', *TBS Report*, 25<sup>th</sup> October 2022, available at <https://www.tbsnews.net/bangladesh/du-professor-zia-sued-over-controversial-remarks-salam-149503>, accessed on 7 July 2023.

<sup>62</sup> Md Shahnawaz Khan Chandan, 'Why Are Teachers Being Targeted?', *The Daily Star*, 2<sup>nd</sup> July 2022, available at <https://www.thedailystar.net/weekend-read/news/why-are-teachers-being-targeted-3061701>, accessed on 7 July 2023.

<sup>63</sup> Shirley H. Engle, & Anna S. Ochoa, 'Education for democratic citizenship: Decision making in the social studies', *New York: Teachers College Press*, 1998.

change by taming a culture of critical thinking and intriguing inquiries. This culture emanates from discussing controversies in the classrooms. Thomas and Nancy defined critical thinking and controversy crunching culture as the imperatives of democracy.<sup>64</sup> Both of these are impossible to attain without cultivating academic freedom in academic institutions. Dewey wrote, denying academic freedom is a 'crime against democracy.'<sup>65</sup> Teachers and students must be allowed to explore different working forces upon society as their intelligent actions. Teachers' freedom of teaching is a prerequisite of nurturing academic freedom among students. This freedom doesn't make teachers special class of citizens or provide privileges. Rather it is a milieu of civic education to concretize democracy.

Civic education is significant to encourage polemical and meaningful discussions on political issues. To break euphoric emotions and persistent prejudices, examining the beliefs and connecting the present with the past is extremely necessary. This educational approach might be termed as problem-centric education, which is required for a student. Because a student will encounter with a lot of issues, once s/he steps into practical life. S/he will propound different problems and resolve accordingly. The value of his opinions and resolutions regarding taboo issues, silenced histories, socio-political crises and controversies will matter. Also, these are the precursors to lead a free, active and harmonious social life. Article 26(2) of Universal Declaration of Human Rights 1948 enshrines, the responsibility of education is to build human personalities through civic education.<sup>66</sup> Hence, freedom of inquiry, research, questioning and teaching are parts of the right to education and personality building. Apart from the ethical deliberation, academic freedom has legal implications in the right to education too. Repressing right to education (civic education) and an individual's healthy development is a result of Orwellian democracy. It is a kind of democracy that fakes freedom of speech, expression, will, freedom of the press and right to criticize. Academic freedom shall break these Orwellian shackles of illiberal democracy to encourage civic education. Because, liberal democracy lies at the heart of it.

This is not only inevitable for liberal democracy but also for stopping chilling effects in the pursuit of truths. Academic freedom being a two way process, firstly finds its origin in Professor's research, speech and professorial expertise. In *Wieman v. Updegraff* case, Professors are defined as the priests of democracy.<sup>67</sup> The court proclaimed, emergence of free society and liberal democracy depends on 'unfettered universities.'<sup>68</sup> This case has two spectrums, i.e. professorial freedom and institutional autonomy unlike *Urofsky vs. Gilmore*.<sup>69</sup> Where the court defined academic freedom as the freedom of the public universities rather than its professors. It is unarguably significant to ensure required individual freedom besides institutional autonomy to ensure civic education and liberal democracy. Secondly, the students must be taught and allowed to inculcate open-mindedness during their education. That means, students shall practice unfettered freedom from the pawns of the states too. As an acolyte of academic freedom, they should be unhesitant

<sup>64</sup> Thomas Misco & Nancy C. Patterson, 'A Study of Pre-Service Teachers' Conceptualizations of Academic Freedom and Controversial Issues', *Theory & Research in Social Education*, 2007, volume 35:4, p. 520.

<sup>65</sup> John Dewey, 'The Social Significance of Academic Freedom', 1936; *Carbondale: Southern Illinois University Press*, .volume 2, In *The later works of John Dewey, 1925-1953*.

<sup>66</sup> *Universal Declaration of Human Rights*, 10 December 1948, UNGA 217 A (III).

<sup>67</sup> *Wieman v. Updegraff*, 1952, 344 U.S. 183, p.196.

<sup>68</sup> Rebecca Gose Lynch, 'Pawns of the State or Priests of Democracy - Analyzing Professors' Academic Freedom Rights within the State's Managerial Realm', *California Law Review*, 2003, volume 91, p.1061.

<sup>69</sup> *Urofsky v. Gilmore*, 216 F.3d 401,412 (4th Cir. 2000).

to follow their priests and form new beliefs/theories/ideologies best suiting for liberal democracy.

This unfettered freedom would not be given beyond the boundaries of scholarship. It would not allow arbitrariness of universities, where academic freedom (institutional autonomy) is used as a shield to pursue unethical means. In a recent case, the retiring Vice-Chancellor Professor Abdus Sobhan of Rajshahi University appointed 137 teachers and staffs on the last day of his office against 39 posts approved by UGC.<sup>70</sup> In this case, he claimed for institutional autonomy and refused to follow UGC's non-obligatory guidelines. A lot of universities by the name of academic freedom have sought disciplinary power exemptions. Such unethical moves activate the pawns of the state over academic freedom, which leads to chilling effect on civic education and eventually to illiberal democracy. In contrast, academic freedom truly succeeds when enough academic freedom is bestowed to universities. Hence, there must be a fine line of scholarship. That means academic freedom shall be limited to the species of scholarship, free thinking, critical inquiries and radical ideas. Free thinking and radical ideas might go beyond scholarships for the greater good circling within liberal democracy.

For example, Bangladesh has been vocal about its position from the very inception of it as a state. From 1952 to 1971 the students of different universities and academic institutions protested against Pakistan to achieve what Bangladesh deserved.<sup>71</sup> In several other occasions students were very much active in political causes to serve the country, i.e. democracy restoration movement, quota reform movement, road safety movement etc. President's order too aimed at ensuring academic freedom in the universities of Bangladesh after the liberation war. Bangabandhu Sheikh Mujibur Rahman did not do anything to keep his control on the universities. Those four universities (DU, RU, JU, CU) established at the inception of Bangladesh were the institutions with full institutional freedom unlike current government-controlled universities.<sup>72</sup> To sum up, academic freedom may forward diversified roles by unregulated scholarship, democratic education and healthy political participation. This would not work as an immunity rather a right under the domain of right to education and freedom of speech.

## V. Academic Freedom as a Right: A Bangladeshi Freedom of Speech Landscape

Academic freedom is a fundamental human right within the domain of free speech under Article 19 of the International Covenant on Civil and Political Rights 1966.<sup>73</sup> Theoretical inference of free speech entangles academic freedom. But academic freedom is a direct concern of Article 15(3) of the International Covenant on Economic, Social and Cultural Rights 1976.<sup>74</sup> The provision says, state parties shall ensure an individual's indispensable freedom for scientific

<sup>70</sup> Mohiuddin Alamgir, 'Ex-VC Sobhan violated rules', *The Daily Star*, 24<sup>th</sup> May 2021, available at <https://www.thedailystar.net/frontpage/news/ex-vc-sobhan-violated-rules-2097581>, accessed on 7 July 2023.

<sup>71</sup> Afsan Chowdhury, 'Haunted by unification: A Bangladeshi view of partition', *Aljazeera*, available at <https://www.aljazeera.com/features/2017/8/15/haunted-by-unification-a-bangladeshi-view-of-partition>, accessed on 7 July 2023.

<sup>72</sup> Dr. Syed Anwar Husain, 'Bangabandhu in Building Bangladesh', available at, accessed on <https://www.daily-sun.com/arcprint/details/541741/Bangabandhu-in-Building-Bangladesh/2021-03-17>, accessed on 7 July 2023.

<sup>73</sup> Jogchum Vrieling, Paul Lemmens, 'Academic Freedom As a Fundamental Right' *LERU*, Advice Paper No.6, 2010, available at <https://www.leru.org/files/Academic-Freedom-as-a-Fundamental-Right-Full-paper.pdf>, accessed on 7 July 2023.

<sup>74</sup> *Ibid.*



research and creative activity. States must also work to ensure the development of science and culture. From the legal point of view, these two conventions are core standards of human rights protection and have the value of customary international law.<sup>75</sup> Bangladesh being signatories to these conventions are bound to incorporate academic freedom under its constitutional domain.<sup>76</sup> Though the constitution is very much unaware of academic freedom, Article 17 provides right to education as fundamental principles of state policy (FPSP) and Article 39 ensures the protection of freedom of speech.<sup>77</sup> These provisions function as the leeway of academic freedom in Bangladesh.

Unfortunately, right to education is judicially unenforceable in Bangladesh. Dialogue of academic freedom from right to education perspective would be beating around the bush. Whereas, Article 39 provides a rightful claim of academic freedom as a fundamental right resonating with American jurisprudence of first amendment rights. Apart from a right, academic freedom is a qualified immunity given especially to the universities, professors and students.<sup>78</sup> This immunity is not a sword rather a shield against the unwanted interference by the state. The immunity consists of four inevitable questions emanated from *Sweezy vs New Hampshire* case, i.e. a) who may teach, b) what may be taught, c) how it shall be taught, d) who may be admitted to study.<sup>79</sup> Interestingly, these immunities and rights are equally violable under the current constitutional commitment to academic freedom in Bangladesh. Whether it be Professor Masud, Professor Faruque, Professor Imtiaz, Ar Raji Maidul Haque, science teacher Hridoy Mondol, there is shameless violation of academic freedom. This violability of academic freedom make the rise of a leviathan easier. As an outcome, anti-intellectualism/anti-science mindset keep mounting and criticism becomes a crime. Academic freedom as a right or immunity loses its required protection. This lack of protection revamped due to constitutional indifference and DSA's upsurge. America's academic freedom was threatened in the wake of Garcetti standard, whereas Bangladesh's non-existent academic freedom has succumbed in the wake of over-politicization and DSA. This Act as a trouble upon trouble is often used for political purposes against professors and students of universities belonging to different political ideology.

Politics is undoubtedly necessary for practicing democracy from the root. Teachers' and students' active participation in the politics would have fulfilled different rightful claims. Also, it is also a constitutional right of an individual to enjoy freedom of assembly<sup>80</sup> and freedom of association<sup>81</sup>. But this participation must not harm the academic discourse (freedom of teaching, learning and research) of the universities. Committee on Economic, Social and Cultural Rights in its general comment says, institutional autonomy is a precondition to ensure the practice of teachers' and students' individual rights.<sup>82</sup> This can be ensured through self-governance and effective decision making regarding different institutional activities. This self-governance practice shall start with

<sup>75</sup> Beth Simmons, 'Civil rights in international law: Compliance with aspects of the: International Bill of Rights', *Indiana Journal of Global Legal Studies*, 2009, volume 16:2, pp. 437,439.

<sup>76</sup> Kawser Ahmed, 'Doubtful commitment to human rights', *The Daily Star*, 13<sup>th</sup> December 2016, available at <https://www.thedailystar.net/law-our-rights/doubtful-commitment-human-rights-1329391>, accessed on 7 July 2023.

<sup>77</sup> *The Constitution of the People's Republic of Bangladesh* 1972, arts. 17, 39.

<sup>78</sup> Larry (n 3) p. 113.

<sup>79</sup> *Sweezy v. New Hampshire*, 354 U.S. 234, 263 (1957).

<sup>80</sup> *The Constitution of the People's Republic of Bangladesh*, 1972, art. 36.

<sup>81</sup> *The Constitution of the People's Republic of Bangladesh*, 1972, art. 37.

<sup>82</sup> General Comment No. 13: The Right to Education (Art. 13 of the Covenant), *UN Committee on Economic, Social and Cultural Rights (CESCR)*, 8 December 1999, E/C.12/1999/10, para. 38.

four public universities and be followed up by current government universities. Institutional dignity shall be the core concern irrespective of political ideology and influence. There must be a fine line of scholarship among individual's political ideology, institutional autonomy and individual academic freedom. Teachers, office holders and students must keep scholarship at the apex to enjoy academic freedom. Emphasizing on this Jonathan R. Cole writes:

*“Investments in research universities and a dedication to the idea that breakthroughs in science and engineering that have a significant positive impact on society can only be made in an environment of high institutional autonomy and unrestricted intellectual inquiry among scientists, engineers, and scholars.”<sup>83</sup>*

Moreover, unrestricted intellectual inquiry is impossible to achieve without unrestricted freedom of speech. Before investing in research Bangladesh shall reconsider its constitutional commitment towards academic freedom and incorporate special concerns for professors, students and universities. Also, Bangladesh did not give reservations to the provision of academic freedom in ICESCR. The exceptions of Article 39 shall work liberally in the case of academic freedom. Because, without unfettered freedom of speech of universities, innovation through research will remain a castle in the air. The sustainable economic and democratic progress might fade away as a result. Lastly, DSA shall not be allowed to curtail the freedom of academia, as its core function is to ask dangerous questions, intriguing inquiries and crunch controversies.

## VI. Analysis and Conclusion

Ensuring academic freedom is an obligation for Bangladesh government. From the perspective current constitutional practice, it falls within domain of judicially enforceable fundamental rights. Theoretical inferences and globe's incorporation of academic freedom as a part of freedom of speech make it inevitable and inviolable. Here the logic of absence of direct mention becomes bleak. Where academic freedom can bring sustainable development for the country through innovation and research, 'mentioned or not mentioned' in the constitution is an unhealthy discussion. Bangladesh shall look forward to incorporating academic freedom at universities through individual academic freedom. Additionally, it shall prioritize academic freedom from primary to tertiary level. Political participation shall be encouraged with an equilibrium of scholarship. Because, politics in universities brought revolutionary changes in the formation of Bangladesh. Hence it should not be used as a weapon to harass professors and students holding different opinion or ideology. Politics stands for civic participation and academic freedom for civic education. In Bangladesh, it could be working as a companion to each other, if there was no DSA. Bangladesh shall also curtail the vices of DSA for the betterment of academic environment. Professor as the priests of our democracy shall be provided qualified immunity to discuss radical issues, pursue truths and criticize any state actions. This will not harm the image of the state rather will create an accountable image and participatory democracy. Moreover, Bangladesh needs to put an end to the chilling effect, censorship or enforced self-censorship to diminish threats toward academic freedom. The university professors must also cooperate among themselves by avoiding unnecessary politics through teachers' associations. This will help to ensure ethical appointment of faculty members and different office holders in the Universities. Overall insurance of academic freedom will accelerate higher education sector of Bangladesh.

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<sup>83</sup> Jonathan (n 21), p. 867.