Chapter-III

Media in Post-Emergency: Restoration and Resurgence
(1977-1980)
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3.1 INTRODUCTION

The 1977 was the historic year in the life of the Indian democracy: an attempt to legitimize authoritarian tendencies and personalization of state power through democratic elections was out rightly rejected by the voters; Indian National Congress’s monopoly to rule at the centre was ended; a non-Congress political formation for the first time came to power as Union government; fundamental rights and civil liberties of citizens and freedom of the print media suspended during the emergency were restored; endangered independence of higher judiciary was protected; and finally, democracy was saved and brought back to the proper political track. Additional to that, a demand for autonomy to the broadcast and telecast media got a boost.

This chapter attempts to critically examine the role that the mass media played in the immediate post-Emergency democratic process of India, and also to analyze the contributions of the short lived Janata Government’s corrective as well as preventive constitutional and political measures in restoring, securing, and consolidating the democratic institutions and processes. A surprising as well as pleasant development were the pro-active role that the print media played in digging out the truth and in exposing the government machinery, party in power, and individuals with extra-constitutional authority who were responsible for either of abusing or of misusing of state power in the name of security of the state, preservation of social order and peace, and promotion of economic prosperity among the rural and urban poor and weaker sections of society. Hence, a comparison of the two phases of the print media brought a series of contrasts on the fore. The first among the many was the submissive print media during the emergency and the rebellious print media of immediate post-
Emergency. Another contrast was the government determined to disowning democratic institutions and values during emergency, and the newly elected government determined to restoring democratic institutions and values in the post-Emergency period. Therefore, in general it was a well considered view that as if the nineteen months of emergency was for waiving off democracy, the two and half years of post-Emergency were all for restoring of democracy.

3.2 BREAKING THE ICE

If the declaration of emergency was one of the most surprising as well as shocking political incidents in independent India, the declaration of elections to the Lok Sabha in the month of January of 1977 was equally surprising though at the same time, one of the most pleasant political moments in independent India. Imposition of emergency in 1975 had surprised not only to the political opposition leaders who were arrested at that fateful midnight or before the dawn and unwillingly passing time in Jails under MISA or DIR but also to the media, political analysts, and that too to the leaders of the ruling Congress Party including, of course to a great surprise, many of the senior cabinet ministers of the union government. The reason was that the Cabinet was not called by the then Prime Minister Mrs. India Gandhi to discuss emergency as a constitutional remedy to the existing political turmoil. Therefore, neither the governmental forum nor any party forum ever met and discussed the provision of emergency as a possible constitutional remedy in response to the political challenges posed by JP and other opposition leaders. Justice Shah Commission also in its report accepted that there was no cabinet meeting held to discuss imposition of emergency (Shah, 1978:4). The prime minister of India along with her close associates having no constitutional authority took the most unfortunate political decision to impose national emergency at the mid night of 25th June 1975. Though contrary to previous one, the relaxation in emergency and declaration of elections of the 6th Lok Sabha were equally surprising because when everybody was thinking that emergency would stay for
long, and consequently election for the Lower House of the Parliament was a distant possibility, the surprise came.

One of the most interesting questions that everyone started asking was: what made Mrs. Gandhi and her kitchen cabinet to rethink their own position and to declare election?

3.3 DECLARATION OF GENERAL ELECTION

The Prime Minister Mrs. Indira Gandhi announced the election to a surprised Indian public on 18th January 1977, although Parliament’s extension of its term the previous November made elections legally unnecessary. She had met the President twice that day, the second time, according to press reports, after an emergency meeting of the cabinet had approved dissolution of the Lok Sabha which, President Fakhruddin Ali Ahmed ordered the next day (Austin, 1999:393).

Though periodic elections for political positions and institutions are the necessary conditions for liberal constitutional democratic political system to get itself legitimized, however, firstly delaying periodic elections and then denying elections for political positions by the ruling political partis were very common political practices in newly formed liberal democracies in Asian and African countries which ultimately lead to end of democracy and emergence of authoritarian system. In India declaration of emergency was also seen in the above mentioned direction. Later on through a constitutional amendment the emergency regime extended the tenure of the Lok Sabha from five years to six years. In the light of above mentioned political developments a general feeling was that the ruling party was intended to continue with the emergency and was firmly intending to delay the periodic elections of the popular house of the parliament. However, Mrs. Gandhi and her Government took a sudden U-turn and dissolved the House of the People. Emphasizing the importance of periodic legitimization of the government through people’s mandate, Mrs. Gandhi said, parliamentary government ‘must report to the people’ and seek sanction for its programmes and
policies (AR, 19-25 February, 1977: 13597). Welcoming the decision, one of the pro government national daily’s editorial said the announcement ‘vindicates, as nothing else could, her unswerving commitment to democratic principles’ (The Hindustan Times, 19th January 1977). Regarding the sudden declaration of general elections number of opinions were expressed. Austin has very interesting observation about the declaration. He said: “Mrs. Gandhi called the elections because she expected to win them. Yet it is doubtful that this was her only motivation and the whole truth continues hidden in the mystery that was the lady” (Austin, 1999:394). She acted from a compound of motives and reasons, according to individuals associated with her and observers Indian and foreign. As to expecting to win, the Intelligence Bureau (I. B.) assured Mrs. Gandhi that she would, and her courtiers, even had they had doubts, were unlikely to have been discouraging. Many may have believed in victory, because they were not fully aware of the degree of popular alienation. ‘Censorship defeated us, we did not know what was going on’, recalled Ambika Soni, a sentiment also shared by another Congress leader, A.R. Antulay (Austin, 1999:394). These small statements speak a lot about the role and importance of free media in a democracy.

A free media in general reflect the opinion of the people about the government that includes both of demands and supports, as well as angers and praises of the people which in the process helps the government to act accordingly, and if needed, to take timely corrective measures to pacify or satisfy the people. Censorship during emergency deprived the government of knowing the real opinion of the people. Reading the pulse and knowing the mind of the people in democracy are the regular exercises committed by the government to remain in power, and these exercises are also committed by the rival political forces either to capture power or to recapture power. The mass media, therefore, work as one of the essential means of information and communication between the democratic government and the governed. Anthony Mughan and Richard Gunther call the
mass communication media as the ‘connective tissue’ of democracy. They observe: “They are the principal means through which citizens and their elected representative communicate in the reciprocal efforts to inform and influence” (Gunther & Mughan, 2000:1). Hence, in absence of a functional free media, a bridge between the people and political players is broken. As a result, government’s dependency on intelligence agencies for acquiring information about the public opinion increases. This actually happened during the emergency, and Mrs. Indira Gandhi and her government had no option but to rely upon the information supplied by the intelligence agencies which were not based on the existing ground political realities, and interestingly government had no free mechanism to cross check it. Hence the sudden announcement of elections made by the government of Mrs. Gandhi, as it is understood, was the result of it.

3.4 HISTORIC RESULT: A POLITICAL EARTHQUAKE

The imposition of the Emergency in 1975 and the general elections to the Lok Sabha in March, 1977, brought about a revolutionary change in the political complexion of the country. The election results were announced on 22 March 1977. They recorded massive Janta victory. Indira Gandhi revoked the emergency the following day. Emma Tarlo observed that her march into the future had been abruptly halted. She described the victory as ‘democracy’s finest hour’. She further observed: “At the time this event was projected as a historic victory, a genuine ‘people’s struggle’ on a par with the attainment of independence” (Tarlo, 2003:22).

The Janata Party, a conglomerate of Congress (O), Bhartiya Lok Dal, Jan Sangh and Socialists, secured absolute majority in the Lok Sabha and Mr Morarji Desai, a very senior and prominent leader of the merged Congress (O), was sworn in by the acting President Mr B.D. Jatti as the Prime Minister on March 24, 1977.
The 1977 elections, which held between March 16 to March 18 in 1977, drew a turnout of 60% from an electorate of more than 320 million. On March 22, it was announced that the Janata party had won a sweeping victory, securing 43.2% of the popular vote and 271 seats in the house of 543. With the support of the Akali Dal, a regional political party from Punjab, and the newly formed political party by the deflection group of Congress party named the Congress for Democracy, it had amassed a two-thirds majority of 345 seats. Although the Congress for Democracy won 28 seats, Mr Jagjiwan Ram's standing as a national Dalit leader and moving a significant share of the Dalit votes to the Janata party and its allies won him considerable influence.

In contrast to the rest of the country, the Janata party, could not repeat the same magical performance as it did in the main Hindi land and somehow won only six
seats from India's southern states – none from the state of Kerala where the Emergency had not caused political unrest. The Congress Party of then Prime Minister Mrs Indira Gandhi won a total of 153 seats, mainly from India's south. However, Janata candidates resoundingly defeated Congress candidates in the northern "Hindi belt", especially in Uttar Pradesh, Bihar, Madhya Pradesh, Rajasthan, Haryana, Delhi, and other states. One of the most shocking outcomes of the election was the defeat of Indira Gandhi in her bid to seek re-election from her constituency of Rae Bareilly, which she lost to her 1971 opponent Raj Narain by a margin of 55,200 votes. The emergency boy and younger son of Mrs Gandhi, Sanjay Gandhi who was contesting election for the first time also lost in Amethi constituency in UP with huge margin. The Congress Party did not win any seats in Uttar Pradesh from where all the PMs of India were so far being elected, and was wiped out in 10 states and union territories by Janata candidates. Therefore, the result was historic and no less than a political earthquake in the political history of democratic India. Referring to this result, one British Journalist even went so far as to state, “22 March 1977 may be recorded by future historians as one of the most significant dates in the second half of the twentieth century” (Henderson, 1977: Preface).

3.5 POLITICAL CHALLENGES BEFORE THE NEW REGIME

The Janata Party since came to power because of the 19 months of misrule, blatant misuses and abuses of state power and constitutional authority, betrayal of people’s faith, destruction of press freedom, misuse of electronic media as personal propaganda instrument, consistent attacks on judiciary’s independence and disturbing the fine balance of powers between the organs of government, therefore, it was the immediate obligation of the new regime to address all these challenges as early as possible and fulfill the promises made before the masses during the election campaign. Hence it set its political agenda and started searching the appropriate means and legal mechanism. The first one was to let the people of this country to
know everything, therefore, it decided to bring all the wrong doings of the emergency regime to the notice of people through inquiry commissions; second, as it voted to power because democratic institutions were thoroughly and systematically weaken and constitutional provisions were misused, therefore, it decided to remove all the institutional weaknesses and constitutional flaws which were responsible for introduction of illiberal democracy. For that matter, number of constitutional amendments were proposed, and third was the restoration of media’s freedom and ensuring the autonomy to the government controlled broadcast and telecast media because all these state controlled media were highly misused during the emergency by the party in power.

3.6 RESTORATION OF DEMOCRACY

Historic victory of Janata Party in the 6th Lok Sabha election was described as the victory of democracy in India against the authoritarian emergency regime of Mrs. Indira Gandhi. One political analyst called it as the return of democracy (Singh, 1977). The disastrous defeat of emergency regime was the product of combination of political factors: polarization of non-Congress votes; media’s mission in exposing the abuses and misuses of power during emergency; defection from ruling Congress Party led by senior cabinet minister, Babu Jagjiwan Ram on the eve of elections, and finally, people’s anger against emergency. Emma Tarlo has observed, “There are three principal overlapping genres of this post-Emergency discourse: the political expose aimed at making visible what was previously hidden; the prison memoire providing the intimate account of personal experience; and the public judgement aimed at interrogation of guilty”. (Tarlo, 2003: 33-34). However, the result of the Lok Sabha showed that voters in southern states did not oppose Congress but contrary to that, Northern states and Central Indian states out rightly rejected Congress party. The results of this contrast nature were due to varying degree of negative impacts of emergency in these different regions. Mr. Morarji Desai was the new Prime Minister of a first
non-Congress political formation at the union level. As the new head of the
government, Mr. Desai announced that the principal purpose of his government
was to restore the health of the democracy and other strands of the seamless web
(Austin, 1999:402). The similar kind of political assertions were reflected in two
of the speeches delivered by the acting president Mr. B. D. Jatti and the Prime
Minister Mr. Desai. Inaugurating the first session of post-Emergency parliament,
acting president Mr. B. D. Jatti said that the election had demonstrated that the
democracy had struck deep roots in India, and the people had given a verdict “in
favour of individual freedom, democracy and the rule of law and against ….
personality cult and extra-constitutional centres of power” (Austin, 1999:403;
Acharya, 1987:45). Setting the tone for future legal and political measures, acting
president further said that his government would review thoroughly the repressive
laws of the emergency and enact a comprehensive measure to amend the
constitution to restore the balance between the people and parliament, parliament
and judiciary, the judiciary and the executive, the states and the centre, and the
citizen and the government… (Austin, 1999:403; Acharya, 1987: 46). Barely two
weeks after the Janata victory, the Home Minister, Charan Singh had asserted that
justice must be done ‘by bringing to book all those guilty of excesses, 
malpractices and misdeeds during the emergency from the highest down to the
lowest functionary (Tarlo, 2003:34).

However, the experience of the Emergency also provided enough evidence to
show how weak-kneed a very large part of the Indian Press was when it felt really
threatened. One would not have believed that during the independence movement,
a much larger proportion of newspapers had faced difficulties and shown courage
(Chandra, 1987). The poor morale of many editors and others concerned was
aptly characterized by the Janata Government's Minster for Information and
Broadcasting, Mr Lal Krishna Adwani who told the Press that, when they were
only asked to bend, they crawled (Nayar, 29thJune, 2002). Nevertheless, there
were brave exceptions; and it is important to note who they were. Two of the so-
called monopoly papers resisted encroachment on their freedom and faced considerable risks. These were English national daily newspapers: the Statesman and the Indian Express, (Singh, 1980:36) Of course, even a more valiant attitude was shown by independent, small journals like Sadhana (Marathi), Bhoomiputra (Gujrati), Seminar (a monthly journal) and Opinion (a weekly sheet); but these were run by individuals or groups who had a commitment to certain values and where the overall financial stake, the number of employees etc., was not very large. A very large proportion of the regular press offered little resistance and gradually accepted a kind of self-censorship. That the ruling group was thinking of controls over the press as a permanent measure was indicated by the putting on the statute book of the Prevention of Publication of Objectionable Matters Act in 1976. It was also known that the spokesmen of Government were threatening newspapers about "consequences", after the censorship was lifted and general elections were announced. These threats indicated what might have been in store for the press if the Congress party had won the elections in March 1977.

3.7 REMOVING RESTRAINTS AND RESTORING FREEDOM OF MEDIA

The new Janata regime came to power because of the anti-democratic policies and decisions of the government of Mrs Indira Gandhi. During the campaign JP and other leaders of the anti-emergency regime made pledges to the electorate that they would restore fundamental rights, civil liberties, and freedom of the press as soon as they achieved the leadership of the nation. Therefore, the principal task of the newly formed Janta Government were to repeal legislation damaging to the Fundamental Rights and to restore a democratic constitution through a comprehensive amendment (Austin, 1999:409). And indeed, the general political climate of India changed when Morarji Desai’s government acquired power. Desai and the others appear to have fulfilled their pledges of restoring press freedom and counteracting the damage that was done to the mass media’s by Indira Gandhi’s government (Singh, 1980: 38). Therefore, the promised exercises
began soon after assumption of office by the Janata government and all the fetters imposed on the press during the emergency were removed. Declaration of emergency in 1975 by Mrs Gandhi’s government could be criticized on the ground that it was the violation of the spirit of the democratic constitution, however, the existing provisions related to declaration of internal emergency were not as such attracted so much criticism, but for the first time it was felt that the very language ‘internal disturbance’ as the part of Article 352 was problematic and lacks clarity and makes room for its misuse, hence, it should be amended with more clarity and preventive spirit. Under this historic responsibility the Janata regime took the job seriously and proposed number of constitutional amendments during its rule either to correct these amendments which were brought by the emergency regime to weaken the democratic institutions for the sake of rulers or to consolidate the democratic ideals for the future. Forty third and forty fourth amendments were the burning examples to prove the seriousness as well as sincerity of the Janata government. Before these corrective amendments, it was clearly evident that a declaration of emergency under article 352 had far reaching effects on fundamental rights under articles 358 and 359 (Basu, 1995:337). These provisions were substantially amended by the forty fourth amendments and the constitutional changes intended to restrict the scope and effect of the declaration of emergency (Basu, 1995: 339). Under article 352 as originally enacted, emergency could be declared on the grounds of war or external aggression or internal disturbance. Therefore, the Janata regime substituted the words ‘internal disturbance’ with the words ‘armed rebellion’ (Bakshi, 2009:292). Under article 358 as originally enacted, there was automatic suspension of the fundamental rights guaranteed to the citizens by article 19 when an emergency was declared under article 352 of the republican constitution.

On April 9, 1977 the Prevention of Publication of Objectionable Matters Act was repealed. The Parliamentary Proceedings (Protection Of Publication) Act was not only re-enacted restoring the privilege but was buttressed and expanded, giving it
Constitutional protection, by inserting Article 361 A in the constitution by the constitution (44th Amendment) Act, 1978. (Bakshi, 2009:298) Along with this the Press Council Act was passed and the Press Council was revived, therefore, a one–man committee was set up under the Chairmanship of K. K. Das to enquire into the abuse of mass media and to present a white paper to parliament. The White Paper was placed before parliament on August 1, 1977. The Committee on the “Misuse of Mass Media” was preceded by the another committee set up to examine the structure of the news agency “Samachar” which came into being during the internal Emergency through the merger of four news agencies then existing. The Committee was headed by Kuldeep Nayar. Eventually, the four agencies were restored to their pre-emergency position and they started their separated operations in April 1978. However, the name VARTA was used by the UNI to christen its Hindi news service while PTI’S Hindi News Service was named “BHASA”.

3.8 RESTRUCTURING THE MASS MEDIA

Soon after the government of Prime Minister Morarji Desai (popularly known as "Janata Party" government) took over the political power in India, it announced three distinct steps toward restoring freedom of the Indian mass media. These were: (1) to establish a committee to study misuse of mass media during the internal emergency; (2) to establish a working group to study the question of converting All India Radio and Doordarshan (television) into autonomous institutions; and (3) to establish a committee to study the feasibility of restructuring the existing news agency (Samachar). (Singh, 1980:43)

On May 21, 1977, a one-man committee was established; the committee was headed by Mr. K. K. Das, a former secretary of the Ministry of Information and Broadcasting, Government of India. The committee was asked to look into the following matters: misuse of censorship provisions; harassment of journalists; allegations in regard to certification of films; manipulation of mass media
including news agencies; and other relevant matters. The Das committee's report, based primarily on official records, was submitted to the government on June 22, 1977. The evidence presented in this report suggested strongly that Indira Gandhi's government made a widespread misuse of the mass media. As mentioned earlier, radio and television in India are government owned and operated. Because of this, the broadcast media succumbed to Indira Gandhi's control much before the print media. A White Paper on Misuse of Mass Media indicated clearly that Indira Gandhi had abused All India Radio and Doordarshan (television) for blatant partisan and personal ends mainly in order to crush dissent and promote personality cults. In pursuance of its election promise to free broadcast media from official tutelage, the Janta Party government appointed a 12-member working group headed by B. G. Verghese, a famous journalist, in August of 1977. The working group submitted its report to the government in June of 1978. It was recommended in this report that both radio and television broadcasting in India should be placed under a single autonomous corporation called National Broadcasting Trust (NBT) with a highly decentralized structure. The working group noted that the establishment of the trust should take place by an Act of Parliament, pending a constitutional amendment, to ensure the organization's autonomy and independence. The working group also proposed that a 12-member board of trustees should be placed at the apex of the National Broadcasting Trust. The trustees were to be appointed by the president on the recommendation to the prime minister from a list of names forwarded to him by a nominating panel consisting of the Chief Justice of India, the Lok Pal and the chairman of the Union Public Service Commission. In addition, a licensing board had also been proposed for issuing licenses to franchise stations, such as universities. The licenses would be issued for three years and would be renewable at the end of every three years. In order to insure financial security and autonomy of the organization, the committee recommended that initially, the government should make up the revenue deficit for five years. Thereafter, the NBT should be self-sufficient or
should raise additional resources by charging for broadcast time made available to various users, including the central and state government. It is interesting to note that the question of providing a complete autonomy to the broadcast media in India was debated even before the last national emergency. About 13 years ago, when Mrs. Gandhi was the Information and Broadcasting Minister, a similar commission (known as Chanda Commission) was established to examine the problems of radio broadcasting in India and to make recommendations to the government. At that time also, Chanda Commission had recommended an autonomous corporation for All India Radio. However, no concrete action was taken on this recommendation. The critics of the Indian mass media have mentioned consistently that the broadcast media must be kept free from governmental influence. However, such need was not realized fully by the public at large until Indira Gandhi's actions shattered the credibility of the broadcast media. It should be mentioned, however, that an autonomous corporation alone will not be a panacea; the broadcast media must be insured of a true independence. It must be kept aloof from governmental intrusion and exploitation. A third and an important step taken by the Desai government in a wave to restore mass media freedom had been related to the restructuring of the only news agency called Samachar. Through some shrewd political and economic maneuverability, Indira Gandhi's government merged the four privately-owned Indian news agencies. The main purpose of this merger for Indira Gandhi was to control the leading daily newspapers in India. These Indian newspapers, like the newspapers of other countries, were dependent upon the services provided by the four news agencies. The merger actually eliminated professional competition among news agencies and created an absolute monopoly by Samachar. In view of the monopolistic nature of Samachar, Desai's government appointed a 12-member committee on news agencies which was headed by Kuldeep Nayar, a noted Indian journalist. The committee which submitted its report which proposed two separate news agencies-Shandesh in English adverting Hindi. These two news agencies
would be carved out of Samachar. Varta was also proposed to provide news services to India's several regional language newspapers. This proposal suffered from some harsh criticism. The critics believe that the creation of two separate news agencies for two different language newspapers wouldn't encourage sufficient competition among the news agencies. In their views, there should be at least two news agencies within each language newspaper. It seems essential that the restructuring of Samachar must generate sufficient amount of healthy competition among the news agencies. Therefore, Nayar's committee report did not fulfill the requirement for creating competitive news agencies. Taking into account the effects of the Desai government for re-modeling the Indian mass media, it seemed crystal clear that the government had embarked on some of the essential initial steps.

However, these steps were still in their infancies. Thus, the task of creating a free and independent mass media system in India was yet to be accomplished (Singh, 1980:36).

3.9 SECOND PRESS COMMISSION

Yet another laudable step taken by the Janata Government was the constitution of the second Press Commission. Announcing the decision the then Minister for Information and Broadcasting, L. K. Advani stated in the Rajya Sabha on May 18, 1978 "a series of steps have already been taken during the last one year to strengthen freedom and Independence of the Press by way of setting right several aberrations of the Emergency. Although these steps paved the way for the revival of a free and independent Press. It Is considered that the time has come for an in-depth examination of the entire state of the Press in the country with a view to determine further steps that need to be taken to restore it to full vigor and health. As its role in educating public opinion has been firmly established, it is essential to safeguard the freedom and independence of the Press against pressures of all kinds. All this points to the need for re-examining the place, status and
functioning ill in a democratic set-up more so, in view of the recent experience when the Press was subjected to a series of legal and administrative assaults. The commission was headed by Justice P. K. Goswami, a retired Judge of the Supreme Court. But the Commission's work was interrupted by the fall of Janata Government under the weight of its inner contradictions. Soon after the split in the Janata Party, the leaders who were champions of Press freedom during the emergency started threatening the Press after coming to powers. The trait of intolerance was as marked in them as it was in the Congress rulers during the emergency days. The attention of the Press Council of India was drawn by allegations that the Press in the Country was under increasing pressure from political leaders and that a climate of intolerance was being fostered in the country. In particular some remarks by certain political leaders including Raj Narain, Devi Lal and Karpoori Thakur were brought to the notice of the Council whereby they were alleged to have threatened to boycott and burn such newspapers which did not toe their line. The council on September 3, 1979 passed the following resolution:

"Of late, reports have appeared in the Press that certain responsible public men have made statements like burning certain newspapers etc. Allegedly using such language as might constitute threat to the freedom of the Press. Some others are reported to have allegedly justified the use of Government advertisements in newspapers as a weapon to pressurize them. While the Press Council is most anxious that the Press should be completely objective and responsible in its reporting, such statements coming from prominent leaders are bound to have demoralizing effect on the newsmen in particular and the Press in general and are likely to inhibit the Journalists in reporting various events and news freely and objectively apart from expressing legitimate and bonafied comments.

While the Council would like the newspapers to express their views fearlessly on sensitive internal and national issues, it has been noticed that a section of the Press has failed to maintain the dignity and decorum expected of it particularly in covering the recent political crisis. The Council feels greatly concerned with these unfortunate
developments and unanimously resolved at its meeting held on September 3, 1979. To appeal to all concerned to refrain from making statements which tend to undermine the freedom of the Press and interfere with the role expected of it in a democratic policy. At the same time, the Press is also expected to maintain high standards of public task and professional responsibility (PCI, 1979:9-10).

3.10 PROBLEMS OF THE INDIAN MASS MEDIA SYSTEM

It would be erroneous to blame Indira Gandhi entirely for the recent upheaval in the Indian mass media system. The mass media problems in India are of perennial nature; Indira Gandhi, therefore, simply exploited the intrinsic weaknesses of a system that is built on a vulnerable foundation. More specifically, the Indian mass media system has suffered from the following four major flaws:

1. A lack of well defined national mass communication philosophy and policies;
2. A lack of public awareness of the importance of free mass media in a democratic process of nation building;
3. Diffidence of commitment on the part of publishers and editors to oppose truculent attacks by government; and

3.11 DEMOCRITIZATION OF BROADCAST MEDIA

The stalemate – access to AIR by political parties at the time of general elections continued for over a decade until the Janata Party came to power in March 1977 and conceded the principle of equal time to each recognized party. In election broadcasts, only the first six clauses of the AIR Code are applicable and, in clause 6, the reference to governors has been deleted. The reason is that a governor may have been responsible for running the administration of a state prior to an election if it were under President’s rule and his administration should not be above
criticism. The clauses of the Code referred to above were accepted at a meeting of representatives of political parties convened by L.K. Advani, Minister for Information and Broadcasting, in May 1977, this was a momentous step forward in bringing democracy to radio and television.

Party’s political broadcasts were arranged, both on radio and television, during elections to a larger number of state legislatures during the summer of 1977, the order in which the parties broadcast was determined by drawing lots at a meeting convened by the station director at the state capital. This procedure remains common for radio and television (Parthasarthy, 1994:18). When the Janata government (1977-79) was in office it allowed annual broadcasts by the Prime Minister, Chief Ministers and the various leaders of the Opposition. In fact, in the very first week after assumption of office, the Prime Minister Morarji Desai’s radio and television broadcasts to the nation were followed by the broadcast of Y. B. Chavan’s address in the Lok Sabha as leader in the opposition. It is regrettable that this healthy practice is not being continued (Parthasarthy, 1994:13).

3.12 AUTONOMY TO STATE CONTROLLED BROADCAST MEDIA

The Janata Party gave autonomy to AIR and Doordarshan. Having experienced dictatorship and a manipulated media, this had been a strong demand of the voters. The Janata government was long on promise of reform but short on execution. But instead of giving autonomy beforehand and letting the media people discuss new structures, first a committee was set up under government control to elaborate further steps – the Verghese Committee. The result of their deliberations – the Prasar Bharti Bill, as it was called – recommended a balance between commercial and public service broadcasting, with a latter organized as an autonomous corporation along the lines of the BBC, with an independent board of directors with strong decision-making powers. Before anything could be implemented, Indira Gandhi returned to power.
Despite of the limited reach and exposure to mass media, especially in rural areas in the sixties, the media played an important role in election. The spectacular effect of these political developments got emphasised in the mass media thereby helping in their wide dissemination, including the rural and remote areas. The result was that the majority of the people all over the country was aware of these issues, and as a consequence, Indira Gandhi, acquired the image of being a decisive and courageous leader and a messiah of the poor. But in 1977, the mass media failed to communicate and sell the image of Mrs. Gandhi. During the 19 months of preceding emergency, the radio and TV had become the exclusive mouthpieces of the government and the ruling party. The mass media including the radio lost credibility and the masses were alienated, which had a great impact on the 1977 Lok Sabha election results inasmuch as the ruling congress (I) was completely wiped out. The Janata Government which came into power in 1977 initiated the scheme of political broadcasts on some equitable basis before and after election. After a year in office, the Prime Minister at the Center and the Chief Minister in the state were given time to broadcast their achievement and discuss important issues. The leader of the opposition also got a chance to state their views. Each statement was recorded separately and secretly so that neither party would have a chance to know what the others was saying, and thus would be able to rebut it. Again in the 1980 election, the mass media played crucial role in disseminating information and educating the voters about squabbles and factional fights within the Janata Party ever since it came power in 1977, which ultimately led to its disintegration and congress could sell the image of stability and the ‘Government that works’ to the electorate at the hustings in January 1980 (Grover & Arora, 1995:217).

In another sweeping move, the government decided to revoke the accreditation of more than 50 of the 250 journalists stationed in New Delhi. Without press credentials, no journalist was allowed to operate in the capital. The government said it wanted more journalists to work in rural areas, where 80% of the
population lives. Two During Censorship this type of attitude of Mrs. Gandhi’s government paid heavily for it by suffering first defeat in Lok Sabha election in 1977. Wherever there was compulsory sterilization, the Congress lost heavily. It was the darkest period of Indian democracy a blot. It was shameless use of power. The good thing that came out of the Emergency was the fact that Indian voters may be illiterate, but they know the value of putting the ballot paper into the ballot box. Today, we think no government can tamper with our democracy. Even the poorest man, even the most illiterate, the unlettered knows that he has the most valuable right with him to teach a lesson to the politicians, at least after five years.

3.13 FETTERS REMOVED

The 19-month Emergency period was long and intensive, enough to leave permanent scars. The Janata Party was then the ruling party in India. The Janata government’s response to the natural calamities (seasonal floods and their associated devastation) and old Indian problems proved no more effective than other methods had been in the past. Thus social and political discontents were very much present in the post-emergency India. It became harder for the government with the increase in smuggling, strikes and social protests. Moreover, no satisfactory solution was produced that insured the Indian people and the democratic institutions that they will not be threatened by Emergency again. In response to this, the Shah commission was appointed by the new government on May 28th 1977. Commission chaired by J. C. Shah, Retired Chief Justice of the Supreme Court of India. (Shah, 1978:3) During the Janata interregnum the Shah Commission was unable to gain the cooperation of key Emergency figures, and widespread institutional restructuring of institutions that had served the Emergency or been abused by it was undermined by the rapid collapse of the Janata coalition (Dayal and Bose 1977: 47). Similarly, the White Paper on Misuse of the Mass Media was not technically banned, but was “withdrawn”, amounting to much the same thing (Advani, 2008). The commission inquired into
the allegations of abuse of authority and the malpractices during the emergency period. 57. The commission found that Indira Gandhi had been motivated by considerations of exigency, as there was no concrete evidence that could warrant the declaration of emergency. She never consulted the cabinet almost her decisions and the citizens were denied their basic freedom.

The Shah Commission Report does document irregularities in the administration of the electronic media during the Emergency, most notably the requirement by Minister of Information and Broadcasting V.C. Shukla that AIR personnel translate the Congress Party Manifesto into the various Indian languages for the 1977 elections. (Shah 1978:1-9) Doordarshan does not appear to have been directly involved but also could not prevent such use of government resources for party ends. According to the Shah Commission Report, Doordarshan Director General P. C. Chatterji (who later wrote the first significant analysis of Doordarshan, (Chatterji 1987: 45) “himself did not relish what was being done but felt that they were helpless and that they had no choice” (Volume 2: 3). The Janata Government also undertook planning for reform of the electronic media, and reiterated the Chanda Commission’s recommendation for granting autonomy to television in the second major government-sponsored report on broadcasting, (Akash Bharati: The Report of the Working Group on Autonomy for Akashvani [All-India Radio] & Doordarshan. The Working Group, chaired by B. G. Verghese, wrote “We are of the opinion that all the national broadcasting services should be vested exclusively in an independent, impartial, and autonomous organisation established by law by Parliament to act as a trustee for the national interest. ‘It added, ‘the autonomy of the corporation and its independence from government control should be entrenched in the Constitution itself” (Verghese, 1978:10). The Janata government was unable to carry out these recommendations before its fall, however, and so television remained a tool easily available for misappropriation by the ruling party. The Janata Government and the short-lived Lok Dal Government felt the thrust of this vigorous assertion of independence by
the Press. This was also the time when the Press specially developed new traditions of investigative journalism, which has now become a major feature of an increasing number of important newspapers. After post emergency new government and mass media realised the grievances of censorship because of these facts they put off the many charges and Endorsement on the working of Mrs. Gandhi government during the emergency.

3.14 SHAH COMMISSION

The post-emergency government of India under the prime ministership of Mr Morarji Desai decided to constitute an inquiry commission to reveal the facts and figures regarding the misuses and abuses of the authority of state during the internal emergency. The role of the Inquiry Commission was crucial so the government has decided to appoint a former Chief Justice of the Apex Court of India as the head of the Inquiry Commission. Therefore, Shah Commission was a commission of inquiry appointed by the newly formed Janata Party Government in 1977 to inquire into the excesses committed by the Government of Mrs Gandhi during the Internal Emergency (1975-77). It was headed by Justice J. C Shah, A former chief Justice of India (Sen, 2002:139).

The National Emergency was declared at mid-night on 25 June, 1975 by the President of India, Mr Fakhruddin Ali Ahmed, upon the advice of the prime minister of India, Mrs Indira Gandhi under the article 352 of the constitution of India, effectively bestowing on her the power to rule by decree suspending elections and civil liberties. N D Palmer has described it as one of the most controversial times in the history of independent India (N D Palmer, 1976, “India in 1975: Democracy in Eclipse” (Asian Survey, 16 (5), 95). Therefore, The Morarji Government constituted the Inquiry Commission on 28th May 1977 under section 3 of the Commissions of Inquiry Act, 1952 (Kritz & Mandela, 1995:235). The commission was to report by 31 December 1977, but was later given an extension to 30 June 1978 (Kritz & Mandela, 1995: 236). Justice Shah was
insistent that the commission should complete its work quickly rather than dragging on endlessly like other commissions (Sen, 2002:139). He set a deadline of 3 July 1977 as the last date on which complaints could be filed. Complaints were categorized, with some being investigated by commission staff and the more important ones being handled through open hearings (Sen, 2002:140).

Starting on 29 September 1977 the commission began hearing oral evidence of witnesses (Kritz & Mandela, 1995:237). In these hearings, where everyone testifying was allowed legal representation, the commission tried to follow much the same approach as a courtroom (Hansen, 2001:133). Many people gave evidence. Some people who were asked to give evidence declined, or after initial appearances refused to give further evidence. (Kritz & Mandela, 1995:237) Indira Gandhi disputed the legality of the Commission and refused to file any statement (Hansen, 2001:142) Katherine Frank said in her biography of Indira Gandhi that the former prime minister was unwilling to cooperate during the deposition. J. C. Shah lost patience after three days of patient questioning and reprimanded her (Frank, 2002:426) Indira Gandhi used the Shah commission as a forum to present herself as a victim of persecution, and this was reinforced when the government first arrested and then released her (Hewitt, 2008:158).

The Shah commission was later criticized for confusing investigation with inquiry. It had issued notices requesting testimony on oath without telling the requested party what case they were being asked to meet. It was on this grounds that Indira Gandhi and Pranab Mukherjee refused to depose on oath, and this was the reason why a complaint for contempt by the commission was rejected by a magistrate (Sarkar, 1990:18).

3.15 FINDINGS

The commission published its report on the illegal events during the emergency and the persons responsible in three volumes totaling 525 pages. (Kumar & Agarwal, 1993:179). The first interim report was submitted on 11 March 1978,
dealing with the lead-up to the declaration of the Emergency and the way in which the press was prevented from speaking out. The second interim report discussed police actions and the role of Sanjay Gandhi at the Turkman Gate incident in which police fired on a crowd of people protesting against demolition of their houses. The final report was issued on 6 August 1978 and covered prison conditions, torture and family planning atrocities. (Anant, 2010:205)

Concerning the circumstances in which the emergency was proclaimed, the commission found that there was no economic crisis and no crisis of law and order (Sen, 2002:140-141). The commission decided that the decision to impose Emergency was made by Prime Minister Indira Gandhi alone, without consulting her cabinet colleagues, and was not justified. The report was particularly scathing of Indira Gandhi, her son Sanjay Gandhi, Pranab Mukherjee, Bansi Lal, Kamal Nath and officers belonging to civil services who helped Sanjay Gandhi (Kumar & Agarwal, 1993:193). The commission concluded that during the Emergency the provisions of the Maintenance of Internal Security Act and the Defence of India Rules were not followed but were abused in order to damage political opponents. (Sen, 2002:141) In Chapter XV of the 26 April 1978 Interim Report the Commission said: The decision to arrest and release certain persons were entirely on political considerations which were intended to be favourable to the ruling party. Employing the police to the advantage of one party is a sure source of subverting the rule of law (Srivastava, 1999:75).

The report found that most Indian Administrative Service officers accepted orders even though they thought these orders were improper and had political motives. It said "Even the cream of the talent in the country in the administrative field often collapses at the slightest pressure". It described cases of IAS officers practicing "forging of records, fabrication of grounds of detention, ante-dating detention orders, and callous disregard of the rights of detainees as regards revocation, parole, etc. " The overall picture is that the civil servants felt that they had to show
loyalty to the party in power in order to advance their careers (Mooji, 2005:175). The commission found that vagabonds and beggars were forced into sterilization clinics during the emergency by Youth Congress workers and the police. Auto-rickshaw drivers had to show a sterilization certificate to get their license renewed (Anant, 2010:172-173).

In May 1978, after the second interim report of the commission had been issued, some leaders of the Janata party began demanding that special courts be set up to ensure speedy trial of cases related to the emergency. Parliament eventually passed an act establishing two special courts on 8 May 1979. However, it was too late. The government fell on 16 July 1979. After Indira Gandhi returned to power in January 1980 the Supreme Court found that the special courts were not legally constituted, so no trials were conducted (Anant, 2010:206). Several of the officials indicted by the Shah commission went on to successful careers, although on 23 June 1980 Sanjay Gandhi died in the plane crash (Anant, 2010: 250).

3.16 CHARGES AGAINST THE GOVERNMENT DURING THE EMERGENCY ERA

1. Wanton detention of innocent people by police without charge or notification of families.
2. Abuse and torture of detainees and political prisoners.
3. Use of public and private media institutions, like the national television network Doordarshan, for propaganda.
4. Forced vasectomy of thousands of men under the infamous family planning initiative. Indira's son, Sanjay Gandhi, was blamed for this abusive and forcible treatment of people (Mehta, 1979:222).
5. Arbitrary destruction of the slum and low-income housing in the Turkman Gate and Jama Masjid area of old Delhi.

Taking these findings into consideration, the Janata government’s Home Minister, Choudhary Charan Sigh ordered the arrest of Indira and Sanjay Gandhi. The arrest
meant that Indira was automatically expelled from Parliament. However, this strategy backfired disastrously. Her arrest and long-running trial, gained her great sympathy from many people who had feared her as a tyrant just two years earlier. Mrs. Gandhi succeeded in defying both the courts and the government over the alleged improprieties committed even before the emergency. She began giving speeches again, tacitly apologizing for "mistakes" made during the Emergency, thus proceeding with her political comeback in the backdrop of the crumbling rule of the Janata party. This set up the stage for the 1980 elections, which brought Indira Gandhi back to office (Desai, 1977:25).

The Emergency was endorsed by Vinoba Bhave (who called it Anushasan parva or Time for discipline) and Mother Teresa. Pioneer industrialist J. R. D Tata, and writer Khushwant Singh were among the other prominent supporters. Some have argued that India badly needed economic recovery after the Indo-Pak war had strained the exchequer. Indira's 20-point economic program increased agricultural production, manufacturing activity, exports and foreign reserves. The national economy achieved high levels of growth and investment, and as strikes were non-existent, productivity increased rapidly. Communal Hindu-Muslim riots, which had re-surfaced.

### 3.17 DECLARATION ON PRESS FREEDOM IN INDIA AND DEMOCRACY

- A seven-point Declaration on ‘Press Freedom in India and Democracy’ has been evolved by a group of Indian newspapermen. The declaration followed the discussions held under the auspices of the international press institute and the Friedrich Naumann Stigtung (26 November 1977) (Mehta, 1979:224).
- Freedom of the press is at the heart of all liberty. Where there is no free exchange of information and thought, no other liberty is secure. Freedom of the press is one of the pillars of a free society and a means of extending the frontiers of liberty.
• In a democracy, a free press has an inalienable right to an adversary role. It should be free to criticize authority at all levels in the general public interest, and to function as watch-dog over the government’s handling of the problems of the people and the country. The press should always be responsive to society as a whole, and act as a channel of communication to survey facts and give fair and considered information on all issues. A free press should always be conscious of its responsibility to present to the public news without fear or favour or distortion, suppression of censorship.

• Citizens should be able to publish and read newspapers and journals of their choice. The relationship between the management and the editor should be one of cooperation. Within a newspaper’s broad policy framework, the editor should be left free to function without interference.

• It is essential to have more than one news agency. News agencies should be competitive and free of government control.

• A free press can be strangled through economic pressures. For instance, the government has no right to fix advertisement rates for individual newspapers or to use government advertising as a form of patronage or to canalize newsprint supplies through a state monopoly.

The flow of information entails not only a free press but also free and competitive radio and television services, which should be regulated by genuinely autonomous agencies (Mehta, 1979: 225).

It is true that in India the Press was at once a product and a stimulant of processes of national regeneration which led to its freedom from colonial rule and the journalists functioned more as missionaries and social reformers than mere professionals. However, with the passage of time in free India the Press has slowly but increasingly became an industry and journalism as profession. The press instead of remaining stimulant of social awakening has increasingly become largely a
source of news about political events and politician. The acquiescence politics to the extent of being obsessed is the dominant feature of Indian press today.

No freedom, however sacred it may be, can be absolute. This is also true to the press freedom, not only the freedom of the press is subject to the laws of the land, such as law of contempt and libel, but also to the privileges of parliament and state Legislatures. The stress should be not so much on the freedom of the press but on the ‘free and responsible press’. The press should be, no doubt, free but should also be responsible in the discharge of its functions. The press has an obligation voluntary and self-imposed- that in presentation of truthful news and fair comment it adheres to certain norms of decency and decorum, and that it does not indulge in vulgarity, obscenity, character assassination, violation of citizen’privacy and incitement to violence, disorder and disintegration of the country (Mehta, 1979: 223).

Freedom of speech is the bulwark of a democratic government. In a democracy, freedom of speech and expression opens up channels of free discussion of issues. It implies that there should be a close link between the government and the people. Freedom of speech plays a crucial role in the formation of public opinion on social, political and economic matters. Similarly, the persons in power should be able to keep the people informed about their policies and projects, therefore, it can be said that freedom of speech is the mother of all other liberties (Second Press Commission, 1978: 34-35). The Indian press once again came into its own enjoying full freedom after passing through 19 months of arbitrary press control. After the new government came to power at the center in March 1977, the prevention of publication of objectionable matters Act was repealed, and the parliamentary proceedings (protection of publication) Act was re-enacted. The censorship on newspapers was abolished.

The constitution (45th Amendment) Act, 1978 passed by the parliament provides constitutional authority to Feroze Gandhi Act. It also extends the protection to
journalists in respect of publication in newspapers of proceedings of state legislatures as well. The new Article 36-A, to be inserted in the constitution, provides that no person shall be liable to any proceedings, civil or criminal, in any court in respect of publication in newspapers of a substantially true report of any proceedings of either house of parliament, or either house of state legislature, unless the publication is proved to have been made with malice. This provision cannot be suspended even during an Emergency. The immunity, however, does not extend to the secret sitting of legislative bodies. A few legislatures have conferred this immunity on the press by separate Acts (Mehta, 1979:228). The announced on 14 November 1977 its decision to dismantle the Samachar and restore the status quo ante in respect of four news agencies. The Press Council was revived and the government also set up a new Press Commission.

3.18 THE SIGNIFICANCE OF THE JANATA PARTY

Two and half years of Janata party’s rule had many credits in its name. The Janta government since came to power because of emergency misdeeds, therefore, it, first, wanted to bring all the wrong doings of the emergency regime to the notice of people. The second, the Janata government was voted to power because democratic institutions were thoroughly and systematically weaken and constitutional provisions were misused, therefore, removing all the institutional weaknesses and constitutional flaws were the duty of the newly formed government. For that constitutional amendments were proposed, and third was the restoration of media’s freedom and ensuring the autonomy to the government controlled broadcast and telecast media because all these state controlled media were highly misused during the emergency by the party in power.

The success of the Janata party established a Non-Congress government at the Centre for the first time, and, given that support for the Congress (I) had held up in the south and west, it seemed to some commentators that India had at last established a competitive two party system. The leaders of the new government were a geronotratric
triumvirate: Morarji Desai, Charan Singh and Jagjivan Ram. The Janata Party was indeed an unlikely combination of political forces, brought together in a single party only in their hostility to Indira Gandhi and the Janata wave was clearly more a defeat for Indira Gandhi than a victory for a new leadership and a new ideology.

Janata party government tried to woo the many minority and peripheral groups into their all-embracing folds. In terms of the Lipset-Rokkan model discussed above, therefore, the party system in India works in the opposite direction from that predicted by the model. The conflict is not between centralizing, nation-building parties, on the one hand, and others catering to centrifugal, peripheral groups on the other.

By 1979, the Janata government was clearly adrift and rudderless, lacking a programme, weltanschauung or grand design informing its actions. Bereft of a frame, the government failed to shape events and instead lurched from near disasters to eventual collapse. In some respects the Janata government died a victim of its prime minister. Morarji Desai proved too rigid and self-righteous to lead a heterogeneous team.

Rather remarkably, perhaps, the Janata government was able to agree on policy direction described as the path of Gandhian socialism based on political and economic decentralization and it has been argued that its policy performance was quite satisfactory, even though it was not in power long enough to go far with implementation. Charan Singh’s maneuvers against Morarji Desai were instrumental in the break up of the party in 1979 (Corbridge and Harriss, 2001: 341). Charan Singh with his middle peasants, Jagjivan Ram with his old-fashioned Congress secularism and interest aggregation represented competition for the same scarce rewards of office. Defections from the Dasai government began in earnest after 7 July 1979, and on 17 July Charan Singh resigned as deputy prime minister.
3.19 CONCLUSION

The study has examined the role of the short lived Janata Government in restoring the democratic institutions, fundamental rights to the citizens, freedom to the press and independence to the Judiciary. It found that after the relaxation in emergency, the mass media, especially the print media played a very crucial role in exposing the abuses and misuses of state power by the government machinery, party leaders, and even individuals loyal to prime minister, Mrs. Indira Gandhi and her politically ambitious younger son, Mr. Sanjay Gandhi. The pro-active role of the mass media had a critical value which informed the people about the truth of emergency regime and allowed them to critically evaluate the relevance of emergency and formed their opinion about it. With the declaration of emergency, the myth that was created by the regime was that it had improved the functioning of the government machinery, brought punctuality in offices, public institutions, railways services, and government hospitals. The slogans seen everywhere like Work more, talk less, Discipline makes a nation great, We are heading towards a golden tomorrow…. so on and so forth were the inspiring and motivational forces in moral justification of the emergency. However, even Congressmen in private accepted that after a brief effectiveness of all these governments’ direction, these remained nothing more than lip services. Therefore, myths that were surrounded around the emergency got exploded very soon in practical life of the people and it was the press which got the credit for this eye opener.

How far the role of the Janata Government was concerned, it succeeded to a great extent in restoring the democratic institutions and brought back the democracy on proper track. The constitutional amendments passed during the period have long term implications for the working of the Indian democracy. It brought number of constitutional safeguards for preventing in future the repetition of the past. Though the government could not sustain and collapsed because of internal conflict in two and half years otherwise some of promises that were left unfulfilled would have been translated into reality.
REFERENCES

AR, 19-25 February 1977:13597


Advani, L.K. Personal Interview, 8 March 2008.


The Hindustan Times, 19th January 1977


Advani, L. K. Personal Interview, 8 March 2008.