

CHAPTER FOUR

HISTORY OF FREEDOM OF THE PRESS IN INDIA AFTER INDEPENDENCE

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The history of freedom of the press before India's independence was characterized by a swing between imposition and relaxation of restrictions on the press. The attitude to the press depended on the personality and values of those in power at that time. The swing from freedom of the press to control of the press has persisted in the post independence period again depending on the personality and values of those in power. Before independence, the attitude to the press depended on the Governor Generals and Viceroys in power and after independence, the attitude to the press depended on the Prime Minister at that time.

In the post-independence era the press enjoyed a large measure of freedom because *Pandit Jawaharlal Nehru*, the first Prime Minister of India was a liberal who realized that for the successful functioning of democratic set-up, the freedom of the press was absolutely necessary. Nehru had acquired the liberal outlook as a part of his education in Britain, in the public school at Harrow and the University of Cambridge. He was democrat to the core and welcomed criticism, whether it was from political parties or from newspapers (Ravindran, 1997:26-27). During his regime, the press was tolerated as he was quite generous in overlooking and ignoring its criticism of his government's policies and programs (Sahni, 1974:215). To him, criticism was a way in which the working of the government could be improved and so not only to be tolerated, but also to be encouraged. No other public man of his standing tolerated criticism as much as he did (Padhy and Sahu, 2005:156). Knowing the dangers of arbitrary government in the absence of free press, Nehru once said: "To my mind the freedom of the press is not just a slogan from the larger point of view, but it is an essential attribute of the democratic process. I have no doubt that even if the Government dislikes the liberties taken by the press and considers them dangerous, it is wrong to interfere with the freedom of the press. I would rather have a completely free press with all the dangers involved in the wrong use of that freedom than a suppressed or a regulated press" (Padhy and Sahu, 2005:110).

Although Nehru was a liberal and believed in freedom of the press, but he was forced to enact laws curbing freedom of the press after independence in order to check increasing writings with communal overtones. He found that the press was contributing to the already difficult situation created by the partition of India on communal lines (Karkhanis, 1981:191-192). On October 23, 1951 he got new Act passed called "The Press Objectionable Matters Act". It was similar to the legislation passed during the British regime in 1908, 1910, 1930 and 1931. This Act was a reflection of Nehru's concern over the newspapers' role in rousing communal discontent in India. Objectionable matters included any words, signs, or visible representations which were likely to incite or encourage any person to resort to violence or sabotage for the purpose of overthrowing or undermine the Government, or to interfere with supply and distribution of food or other essential commodities or services (Ravindran, 1997:25). The passage of this act brought protest from editors and journalists throughout India. The All India Newspapers Editors' Conference, the Indian Federation of Working Journalists (IFWJ), and the Language Newspapers Association passed resolutions protesting against the Press (Objectionable Matters) Act. Delegations and protests were made to Nehru and other members of the Government. Thus, although Nehru helped the passage of the 1951 Act, he did not implement it vigorously (Ravindran, 1997:27). Finally, in order to quiet the journalists, Nehru, in October 1952, announced the formation of the Press Commission composed of distinguished personalities to look into the whole issue of the press in India. The Press (Objectionable Matters) Act was allowed to lapse in 1956. The Press Commission Report issued its recommendations in 1954 (Karkhanis, 1981:88).

The fact that Nehru was a liberal and did not favour the imposition of restrictions was shown during the Chinese aggression. Even during the 1961 Declaration of Emergency which he called to deal with the Chinese incursions on India's borders, the imposition of restrictions was minimal applying only to news relating to India's defences. There was no concentrated attempt made by Nehru Government to systematically censor the press (Karkhanis, 1981:192).

There was a swing away from freedom of the press to control and the imposition of restrictions on the press by the government during the period when Nehru's daughter Mrs. Indira Gandhi became prime minister. While Nehru was a liberal and believed in freedom of the press, Mrs. Indira Gandhi was authoritarian and believed in curbing of

the press. Unlike Nehru who tolerated criticism, she felt that the press was too critical of her policies and sought to chain the press. During her regime, she expected that the press should blindly support her government without questioning her ability to deliver the goods. It should be “committed” to her party and her government and act as its spokesman. Various threats were held out by Government and steps proposed to curb that section of the press, which was thought to be the most independent. A propaganda barrage was mounted against the press, which appeared to be not easily amenable to the wishes of the Government (Padhy and Sahu, 2005:156)

In 1971, the government led by Mrs. Gandhi made its first attempt to control the press when her own ministry of Information and Broadcasting prepared a draft scheme to “diffuse” the so called monopoly press, i.e., ownership of newspapers with a circulation of more than 15,000. In fact, in the Parliament she had gone to the extent of declaring that freedom of the press did not mean going against the national policy of the country (Padhy and Sahu, 2005:157).

Mrs. Gandhi got the opportunity to curb the press when war declared with Pakistan in 1971. On December 4th the Defence and Internal Security of India Act was signed into law. This Act imposed upon the press restrictions similar to those of the Newspapers Incitement to Offences Act of 1908, the Indian Press Act of 1910, the Indian Press Ordinance of 1930 and the Indian Press (Emergency Press) Act of 1931: it prohibited the printing or publishing of any newspaper, book or other document detrimental to the defence and security of India; it provided for the demand of security from any newspaper or publisher or the forfeiture of security already given; it empowered the Government to confiscate copies of any printed matter which might be inflammatory and to close down the presses; and it empowered the state and local Governments to impose censorship (Karkhanis, 1981:130).

Mrs. Gandhi's antipathy to the press continued and got further intensified after the declaration of internal emergency on June 26, 1975. The emergency lasted for 19 months and this period is considered to be the darkest period in the post-independence history of the freedom of the press (Ravindran, 1997:31). The same day, under her direction, the Government issued the “Central Censorship Order” and “Guidelines for the Press in the present Emergency” (Karkhanis, 1981:135). It was for the first time in post-independence India, stringent pre-censorship, which was

something unknown and alien to the people of free India, was imposed on the press (Padhy and Sahu, 2005:158). The Central Censorship Order, addressed to all printers, publishers and editors, prohibited the publication of news, comments, rumours, or other reports relating to actions taken by the Government in any newspaper, periodical or other documents without their first being submitted for scrutiny to an authorized officer of the Government. The Chief Censor of the Government was given total responsibility of supervising and directing the entire censorship operation throughout the country (Ravindran, 1997:31).

On February 11, 1976, with the approval of the legislature, Mrs. Gandhi's Government presented journalists with the Prevention of Publication of Objectionable Matters Act of 1976. Included in it were all the provisions of suppression contained in the 1908, 1910, 1930, 1931, 1932 and 1951 Acts. The provisions of this act extending to the entire territory of India were made effective retroactive to December 8, 1975. The Act empowered the central Government or the competent authority (officers above a certain rank in the central and state Governments and union territories) to prohibit publications detrimental to the sovereignty and integrity of India, friendly relations with foreign countries, public order, decency, morality or publications inciting the breaking of law. It also empowered competent authority to serve warning, to demand security or declare security forfeit, or to demand further security from publishers and printers suspected of printing Objectionable Matters. It empowered the central Government or competent authority to shut down or confiscate printing presses for failure to furnish the required deposits, to confiscate objectionable literature and to impose jail terms and fines for violations. Customs officers were given authority to confiscate objectionable materials and state police officers to seize unauthorized newspapers and news-sheets. Metropolitan magistrates, chief judicial magistrates and first class magistrates were authorized to issue warrants to enter establishments for the confiscation of printing presses and to seize objectionable newspapers and news-sheets (Karkhanis, 1981:142-143).

In a report presented before Parliament, it was revealed that during the emergency Mrs. Gandhi ruthlessly distorted and manipulated the country press, radio and television media (Ravindran, 1997:47). There were two Commissions set up by the Government after Emergency to enquire into excesses related to the press. According to the Das Commission Report, 253 journalists were arrested during the state of

Emergency. Fifty-one journalists and cameramen were deprived of accreditation, seven foreign correspondents were expelled from the country and twenty-nine foreign correspondents were banned from entering India. The commission further charged that Mrs. Gandhi used the press to distort the news (Karkhanis, 1981:137). The press as a whole did not stand up against the emergency. It crawled during this period whereas it was expected to bend only (Ravindran, 1997:32).

The Shah Commission's findings charged Mrs. Gandhi's Government with the following:-

- The Government resorted to cutting off the electricity of newspaper offices on June 26, the day after the emergency was proclaimed in order to buy time to set up the apparatus of the censorship. Three days later when the censorship machinery was set up, the power supply was resumed.
- The Indian Ministry of Information and Broadcasting designated newspapers as either hostile, friendly or neutral and issued instructions to withhold or reduce advertisements from hostile and neutral newspapers and to increase advertisements in friendly newspapers.
- The Ministry of Information and Broadcasting ordered a study of the newspapers over the six month period preceding the emergency in order to determine each newspaper's attitude to Government and to penalize it accordingly (Ravindran, 1997:32-33).

With the exception of the few journalists and newspapers, most of the Indian press yielded to the Government's wishes. The Indian press during the Emergency, described by David Loshak as "India's Sterile Press" Filled with the insipid handouts of the Ministry of Information. Every spark of intellectual independence had been snuffed out and what was reported appeared to be nothing more than Government propaganda (Karkhanis, 1981:149).

There is a clear contrast between Nehru and Indira Gandhi's attitude to the press, which was the result of the difference between the personality and values of these two prime ministers. While Nehru welcomed criticism of his government by the press, Indira Gandhi hated criticism of her government. Nehru's period was characterized by cooperation and understanding between the government and the press, but Indira

Gandhi's period was characterized by hostility and confrontation between government and the press. Nehru believed that the press should express the wishes and grievances of the people but Mrs. Gandhi believed that the press should be the spokesman of the government. Durga Das, head of India News and Features Alliance, has rightly observed her attitude towards the press: "Mrs. Gandhi does not accept the basic philosophy of a newspaper that it has to convey the people's problems, not the government view, that a columnist must carry the voice of dissent in the corridors of power. It is the best safety valve a government has. Her father understood that" (Padhy and Sahu, 2005:157).

The emergency was lifted in March 1977 and in the subsequent elections Mrs. Gandhi lost power and the JANATA Party under the Prime Ministership of Morarji Desai came into the power. This marked the swing from control of the press back to freedom of the press and removal of all restrictions upon it. While Mrs. Gandhi was authoritarian, Morarji Desai was liberal in personality and values. The Press began to act with great vigour almost as a rebound after the Emergency was lifted. In an interview following assumption of the Prime Minister's office, Desai said: "Fundamental rights should never be touched, whether there is an emergency or not. They must be maintained under the constitution." On April 18, within one month of taking the reins of the government, Desai obtained the approval of both Houses of Parliament and the signature of the President for repeal of the Prevention of Publication of the objectionable Matter Act of 1976, and approving the Parliamentary Proceedings (Protection of Publication) Act of 1977. Freedom of the press thus returned to India, and the status of the press was restored to that of the pre-emergency era. In speeches and in actions, Desai demonstrated his unwavering support for maintaining a free press and this put him in favour with journalists and readers alike. He appointed L.K. Advani as his Minister for Information and Broadcasting. Like many other ministers in Desai's new Government, Advani had served a term in jail during the emergency; but more importantly, he was a journalist, having served as a Joint Editor of Organizer from 1960 to 1967. During the first week of his appointment, Advani declared his intention to repeal the legislation curbing the press (Ravindran, 1997:37-38).

The JANATA Party lost power in the elections held in December 1979. Since January 1980, with the change of Government, the attitude of the Government of

India toward the press reverted back to one of antipathy and confrontation. There was a swing towards restricting freedom of the press again when Mrs. Gandhi returned to power. Many of the new State Governments which came to power in the middle of 1980 showed active hostility to the press. Instances of threats to the free functioning of the press were not uncommon. Indira Gandhi herself indicated more than once her dislike of the manner in which what was called the National Press operated (PUCL Bulletin, July, 1982. Available at: www.pucl.org. Accessed on: 11/8/2013). On January 15, the day after taking office, Mrs. Gandhi cautioned the press to be more objective and to exercise self restraint. She said that there would not be a censorship as long as the press behaved responsibly. In a Press Conference held in September 13, 1979, she said: "Censorship was a special remedy for a very severe, acute disease. We don't think that particular disease will hit the country again. Nor do we want to give the same medicine (Karkhanis, 1981:186-187).

Indira Gandhi's son, Rajiv Gandhi, became Prime Minister after the assassination of his mother in 1984. He came to power on the crest of a wave of sympathy after his mother's death and so he had a smooth relationship with the public and the press for the first few years. The press started becoming critical of his government afterwards and so he got the Defamation Bill, 1988, passed in Lok Sabha, thereby making an attempt to suppress the press. This was an indication of a swing from freedom of the press in the first three years to restriction of this freedom in the last two years of his rule. The mounting pressure of the public and the press forced the government to withdraw the Bill without referring it to the Rajya Sabha. However, it showed that like his mother, Rajiv Gandhi could not tolerate criticism of his government and was willing to curtail the freedom of the press (Padhy and Sahu, 2005:161).

Conclusion

It is evident from the history of freedom of the press during the past two centuries from its inception in the 1780s to 1980s that the Government of India took measures both during the pre and post-independence period to curtail the freedom of the press. There were more Governor Generals and Viceroys who passed laws imposing restrictions on the press than those who relaxed such restrictions. After independence also, laws continued to be passed imposing restrictions on the press. There was always confrontation between the government and the press with the press waging a

battle to preserve its freedom against the powers of the government. It is a tribute to the resilience of the press in the face of such heavy odds that it continued to grow in numbers as well as influence throughout this period. This is because the press from the beginning had the sanction of public opinion and the gradually developing democratic tradition in India.