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Press Censorship in India in the 1950s

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Press Censorship in India in the 1950s*

Devika Sethi

Abstract

In discussions of press censorship in modern India, two periods stand out: first the colonial, with ‘sedition’ looming large, and second, that of the internal Emergency between 1975–77. In both periods censorship is seen as the natural accompaniment to authoritarian rule as well as its most visible—even symptomatic—feature. This paper looks at an era sandwiched between—and eclipsed by—these two. It investigates the catalysts behind the First Amendment to the Indian Constitution, outlines reactions to it in the public sphere, and explores the—arguably more crucial—impact of a parallel development: what may be termed the ‘informalization of censorship’.

The decade after Independence and after the adoption of the Indian Constitution in 1950 was one in which the legal framework of the democratic nation state was laid down and tested. The First Amendment (FA) to the Indian Constitution in 1951 included, among other things, changes in Article 19, which dealt with the freedom of expression and the limits that the state could impose on this freedom.¹ The FA debate revolved around the content and meaning of the big questions of the age: the content of freedom, the ramifications of democracy, and the rights of the individual versus state and society. For the generation in transition from colonial to self-rule, the issue of state imposed limits on the freedom of expression was a prickly one. It is therefore not surprising that the parliamentary debate spilled over

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to the pages of newspapers, and journalists and readers alike participated in what was then, as now, ‘...too important a matter to be left alone to the press to defend’.²

If the operation of colonial censorship is a window into the functioning of the colonial state, then post-colonial censorship policies provide no less an insight in to the post-colonial Indian nation state. Historians have long debated the nature of the Nehruvian state. Judith Brown has described the period after independence as one where Nehru’s generation had to either ‘work with or transform existing modes of governance’.³ David Washbrook exemplifies the ‘continuity argument’ by suggesting that conservative approaches to democracy and development ‘became embedded in institutional practices and professional ideologies taken over wholesale by the newly independent state’ and exercised ‘subtle, often unseen, restraints on the imagined freedoms which India’s politicians thought they had won’.⁴ On the other hand, Benjamin Zachariah urges that the continuity argument (with reference to the colonial to post-colonial transition) needs to be more nuanced than has hitherto been the case.⁵ Sugata Bose and Ayesha Jalal—referring not to the state but to attitudes of Indian nationalists in the colonial and post-colonial period—express the opinion that ‘Official nationalism as articulated and practiced by the post-colonial state became increasingly far removed from the ideals propagated in the anti-colonial period.’ In the realm of press censorship this certainly seems to have been the case.⁶

The Indian Constitution adopted in 1950 granted freedom of expression to Indian citizens, although this freedom was, like other fundamental rights, not absolute. The state could, therefore, make laws curbing the publication of material constituting ‘libel, slander, defamation, contempt of court, or any matter which offends against decency or morality, or which undermines the security of the state or tends to its overthrow’. These, thus, were the limitations imposed on the freedom. In 1951, the FA enlarged the scope of state censorship by adding three new grounds for the passage of restrictive laws in future: ‘public order’, ‘incitement to offence’, and ‘friendly relations with foreign states’.⁷ Nehru was initially not in favour of making the restrictions ‘reasonable’ (that is, justiciable, so that courts could

intervene and comment on the constitutionality on any act so made) but later gave in to pressure from within and outside Parliament.⁸

1. Blueprints for Free Speech: The Press Laws Enquiry Committee and the Constituent Assembly

In the year leading to Independence and Partition, the state's experience of trying—and failing—to control publication of communal and inflammatory news and views had important ramifications for the future of free speech in independent India.⁹ Prior to 1947, there were various provisions of the Indian Penal Code (IPC) as well as Postal, Customs and Police Acts that were used to censor matter the state deemed 'seditious', 'obscene', or capable of creating hatred between groups.

In October 1946, Vallabhbhai Patel, the Home Member in the Interim government, assured the All India Newspaper Editors' Conference (AINEC) that a Press Laws Enquiry Committee (PLEC) would be set up, and the Government of India (GOI) announced its formation on 15 March 1947.¹⁰ The PLEC was to examine laws relating to the press in various countries of the world, as well as recommend reform in the press laws of India.¹¹ The idea was to bring press laws in India 'into line with the Press laws of other progressive countries'.¹² It first met on 12 April and circulated a questionnaire, but the replies received till end July were sketchy, and the GOI deemed the public response far from satisfactory.¹³ Writing on the eve of India's Independence, Home Secretary R.N. Banerjee ventured that one reason for the lack of interest in responding to the Committee was that 'in view of the constitutional changes those interested in the matter feel that the disabilities and restrictions under which the press has had to work will perhaps disappear'.¹⁴ This optimism—so widespread just before and just after Independence—was to be belied by events.

The PLEC recommended the abolition of special laws for the press, favouring instead their incorporation in ordinary laws. However, it advocated retention of the Official Secrets Act, Sections 124A, 153A and 505 of the IPC (relating to disaffection, communal hatred and loyalty of the armed forces respectively), as well as the Sea Customs

and Post and Telegraph Acts. The Committee took the view that in a democracy, peaceful agitation should be allowed for social and economic change.¹⁵ The Committee also paid due attention to the law regarding ‘sedition’, which had been the bane of journalists’ lives during the colonial period. It recommended that sedition be more narrowly defined by amending Section 124A. The Indian government—populated as it was by many people who had spent large parts of their lives railing against colonial sedition laws—strangely, rejected this recommendation on the grounds that in a democratic polity with fundamental rights, dangers of misuse of the law against sedition were negligible.¹⁶ The national state, no less than a colonial one, wanted to be prepared for all exigencies.

During the Constituent Assembly debates (CAD), a few members demanded that freedom of the press be separately listed in the new Constitution. According to Damodar Swarup Seth, this was necessary as the ‘present is the age of the Press, and the Press is getting more and more powerful today’.¹⁷ Seth argued that since the state could make laws negating freedom of expression on various grounds (libel, slander, defamation, sedition and so on), freedoms that had been allowed were simultaneously ‘placed at the mercy or the high-handedness of the legislature’. India’s colonial past was too recent a memory for it to be ignored. As Seth put it, under the draft Constitution, ‘...we will not have any greater freedom of the press than we enjoyed under the cursed foreign regime and citizens will have no means of getting a sedition law invalidated...’¹⁸ Prof. K.T. Shah suggested that the term ‘freedom of speech and expression’ in the draft Constitution be changed to ‘freedom of speech and expression; of thought and worship; of press and publication’. In his opinion, the lack of specific mention of freedom of the press was a ‘very glaring omission’, and a ‘great blemish’.¹⁹ K.M. Munshi wanted the term sedition removed and replaced by the phrase ‘undermining the security of the state’ or ‘tending to its overthrow’. In his opinion, sedition was too wide a term, and did not leave any scope for distinguishing between criticism of the government (according to him, the ‘essence of democracy’), and incitement against it.²⁰ Munshi’s attempt to have the term deleted won the enthusiastic support of another member, who had himself been sentenced to two years’ rigorous imprisonment by the British under

Section 124A.²¹

While many members wanted the list of restrictions reduced, opinion on the issue of free speech was by no means unanimous. Mohd. Tahir wanted another restriction added: that that of ‘communal passion’. In his opinion, ‘...the agitation and excitement of communities against communities have done a great loss and disservice to our country as a whole’.²² Of the amendments suggested by various members, the ones regarding mentioning freedom of the press separately, mentioning ‘freedom of thought’ separately, and adding the term ‘communal passion’ were all rejected, while the amendment suggestion deletion of the term ‘sedition’ was adopted. Less than a year later, in October 1949, the Constituent Assembly agreed to add ‘contempt of court’ to the list of restrictions.²³ While some members wanted press freedom to be mentioned specifically, the Chairman of the Drafting Committee, B.R. Ambedkar, held that the rights of the press were no different from the rights of citizens, and thus there was no need for mentioning press freedom separately. Press freedom was therefore made a subset of the freedom all citizens had of expressing their views openly. This avoided the creation of new class of citizens (associated with the press) who would have had greater rights than others, thereby violating the basic principle of equality before the law.

II. The First Amendment in Context

Debates over the future of free speech in India outlived the term of the Constituent Assembly and intersected with debates about other kinds of liberties. The FA was preceded by the passage of a controversial legislation in February 1950, the Preventive Detention Act²⁴, which Patel termed the ‘minimum evil’ necessary to safeguard democratic institutions. The act came about as the reaction of the executive to judicial decisions that questioned the validity of existing Public Safety Acts.²⁵ Patel justified it by suggesting something akin to the idea of the greatest liberty for the greatest number.²⁶

In his speeches in Parliament soon after Independence, Patel repeatedly identified ‘threats of disorder’ from organizations animated by two different ideologies: communal and Communist. In mid-

February 1949, for instance, Patel told Parliament that the number of people detained for Rashtriya Swayamsevak Sangh (RSS)-affiliated and Communist activities was 1,400 and 1,611 respectively.²⁷ Nehru considered communalists more dangerous than Communists.²⁸ As Prime Minister, his focus on curbing communal disorder is evident in his letter to B.N. Rau (at that time India's Permanent Representative to the United Nations) in which he stated that:

What we are really concerned with is not what is normally called sedition, but communal disorder or something in the nature of section 153A. This had been put an end to by legal decisions and we want to have that power as the communal situation continues to be bad.²⁹

Nehru suggested that if war came with Pakistan, that country would be largely responsible, but 'a considerable share of that responsibility will rest with the communalists in India'.³⁰

In 1948, Nehru wrote to states where Communists were being arrested, instructing them to go slow. 'Even in England,' he wrote to the Chief Minister (CM) of Bihar, 'we are now being called a police state where civil liberties have vanished.... We are now doing exactly what we have bitterly opposed in the past'.³¹ To the CM of Orissa he wrote, 'I do not want any more banning of organizations. We have got a bad name for this outside'.³² When the question arose of banning the Communist Party, the Cabinet decided in April 1949 to refrain from doing so. Nehru wrote to CMs explaining why this decision was taken: if banned, Communists would pose as 'ideological martyrs instead of saboteurs and terrorists'. The GOI wanted the public to be clear that it was Communist activities of sabotage that the government was against, rather than their ideology.³³ In other words, the battle was to be fought on grounds of law and order and not ideological reasons. Even Loy Henderson, the American Ambassador to India, writing in 1951, noticed that bookshops were full of Communist publications.³⁴

In the years following Independence, both Nehru and Patel felt the competing pressures of a liberal Constitution and judiciary, and the need for strong executive action in the face of communal-and

communist-inspired disturbances. As Patel put it in a letter to Nehru in March 1950:

I think figures will bear out that we have controlled the communal Press far more drastically than the Communist and our action has been circumscribed only by the provisions of the law as interpreted by our legal advisers and the High Courts. We put thousands in jail and adopted a policy of release only after we were continuously attacked on the score of maintaining civil liberties. ... We are now faced with a Constitution which guarantees fundamental rights—right of association, right of free movement, free expression and personal liberty—which further circumscribe the action that we can take. That means that for every executive action there must be legal sanction and judicial justification.³⁵

In May 1950, the Supreme Court reversed two decisions of state governments banning publications: it quashed the pre-censorship order on *Organiser* (an English weekly in Delhi that served as the mouthpiece of the RSS) and permitted *Crossroads* (an English weekly in Bombay, a self-declared Communist publication) to enter Madras present day Chennai.³⁶ In the shadow of these decisions, Nehru termed the ‘problem of dealing with the press’ a ‘very difficult and urgent one’.³⁷ His ire was not directed at political opposition via the press, but at rumours and false reports published in newspapers in Indian languages, particularly Hindi and Urdu.³⁸ Newspaper canards also had the effect of creating, or at least amplifying differences of opinion between the ruling elite. In a private letter written in 1948, Patel blamed a section of the press for publishing false stories about his parting of ways with Nehru,³⁹ and for creating misunderstanding between them.⁴⁰ Another instance of what was referred to as a ‘dangerous misuse of freedom’ occurred in April 1950, when an article in *Janashakti* (the mouthpiece of the Bombay Socialist Party) alleged that Patel had tried to sabotage the Nehru–Liaquat pact, had protested against it, and had wanted to arrest Khan and to sign another pact with Pakistan but ‘...because of weak policy of Nehru he could not act’.⁴¹ A similar story published in the weekly *Janata*, closely associated with the Socialists, drew the ire of Jayaprakash Narayan, Nehru and Patel himself, and the journal published a letter of apology.⁴²

What else was being published in the Indian press in the 1950s that caused such anxiety? The Report of the First Press Commission published in 1954 contained a clue: the Commission examined 'objectionable writings' (supplied to it by the government) in great detail and in many languages, and concluded that the majority could be classified in two categories: those promoting communal hatred, and those 'offending decency by publishing obscene matter defaming individuals, ministers, wealthy individuals and particularly against cinema personalities'.⁴³ Like many other trends in India, the Press Commission was to discover, objectionable writing too conformed to geographical-linguistic criteria. In other words, each regional language developed its own repertoire of objectionable writing! In the Tamil, Telugu and Malayalam press for instance, it was common to find obscene matter regarding ministers and cinema stars. In West Bengal and Punjab, the press carried communal matter inciting hatred among communities. Some sections of the Punjabi press incited violence for achieving a separate Sikh state; sections of the Marathi press idolized Gandhi's assassin, Nathuram Godse, while some publications in Marathi and Gujarati used 'unjournalistic language for making a case for linguistic states. The Urdu press was denounced by The Press Commission as being 'most culpable' in inciting violence against ministers, often reproducing inflammable writing from the Pakistani press. The Hindi press specialized in personal attacks on ministers 'in articles as well as imaginary conversations'. English newspapers were not beyond reproach either: some published from Bombay (present day Mumbai) and Calcutta (present day Kolkata) indulged in a triumvirate of sins: 'vilification of persons in authority', 'ferreting out official secrets' and 'publishing spicy scandals with a political tinge'. Another problem, not strictly related to the press, was reported from West Bengal, where the government noticed that the production, import and sale of obscene and pornographic literature in the form of periodicals, pamphlets and books had 'grown in alarming degree, and become a social menace'.⁴⁴ Independence had demonstrably released more than just political energies. Much like his colonial predecessors for whom censorship was a way of protecting the ignorant masses of India from misguided ideas, Nehru too believed that the 'morale and standard of the poor villager or townsman or anybody or our soldier' would go down after reading such publications.⁴⁵

The situation was such that even journalists were concerned about the growth of ‘yellow’ journalism. Swaminath Natarajan—a journalist who served as founder-editor of the *Indian Social Reformer* for more than 50 years, and a press historian—recalled that ‘The Press developed in those early years of freedom the sensational side of journalism which has now become a permanent factor in Indian journalism’; he recounted the comments of an editor-proprietor in Bengal who told him that playing down riots curbed newspaper sales since ‘Even the newsboys refuse to touch my paper if my rivals report a larger number of deaths than I do.’⁴⁶

III. Debating ‘Reasonable Restrictions’ Inside and Outside Parliament

Nehru’s support for the FA clauses dealing with restrictions on press freedom was considered by some of his opponents inside Parliament as hypocritical for an erstwhile champion of the freedom of the press. Some journalists, including Nehru’s long-term associate and personal friend M. Chalapathi Rau found the government’s motives ‘suspect’, as they tried to widen the scope of reasonable restrictions.⁴⁷ During the parliamentary debate on the bill, Hridaynath Kunzru called the measure ‘more undemocratic than anything else that has happened in the world’, said that the Constitution had finally been aligned with the Preventive Detention Act, and asked a rhetorical question regarding terms like ‘offence’: ‘Is there any limit to the meaning of these words?’⁴⁸ Deshbandhu Gupta, a Parliamentarian and president of the AINEC (which at this time had 200 members, representing 90% of circulation of newspapers in India)⁴⁹ asked Nehru as to why he had ‘lost his faith in the good sense of the people’. In a letter to Nehru, Gupta stated that the AINEC could not support the amendment as wide powers granted by it were ‘an open invitation to parliamentary majorities to abridge the freedom of the press’.⁵⁰ H.V. Kamath called the FA in totality a measure both revolutionary (the clauses related to property rights) and reactionary (the clauses regarding restrictions of the freedom of expression). He recalled that a mere 18 months ago, the Drafting Committee of the Constitution had deliberated on adding ‘public order’ as a clause, but had rejected the suggestion.⁵¹

A journalist from Bombay suggested that instead of passing resolutions the AINEC ask for the suspension of publication of all newspapers for a couple of days, followed by black-out of all news emanating from the GOI.⁵² The AINEC did protest by suspending the working of all its committees working in an advisory or associated capacity with the government at the centre and states.⁵³ Although it had fixed 12 July as the day of *hartal* by the press as a mark of protest, its president urged that it be postponed in view of the situation in Kashmir and the exodus of Hindu refugees of East Bengal, and referred to the necessity of the press and government closing ranks ‘in order to prevent the situation being exploited by India’s enemies’.⁵⁴ The post-colonial predicament of Indian journalists in the 1950s was this: opposing a colonial government was worn as a badge of pride; opposing the policies of a national government was a much more fraught exercise.

During the FA debate, members of Parliament, journalists and readers of newspapers all compared India’s press laws not only across time (the colonial and post-colonial periods) but also across place (India and the United States or United Kingdom). S.P. Mookerjee—the the most strident opponent to the FA⁵⁵—argued that although changes were made to the American Constitution within three years of its enactment, these changes had the effect of expanding rights, not curtailing them. Deshbandhu Gupta, in the unenviable position of being both a newspaperman and a parliamentarian and thus open to criticism from both camps, advocated ‘self control’ on behalf of the press. Emphasizing that one of the duties of the AINEC was to keep an eye on the yellow press, he ventured a comparison between the Indian and the American responsible/yellow press respectively: while responsible newspapers in India maintained ‘even greater restraint, fair mindedness and objectivity than the responsible sections of the US press’, the sections of the yellow press in that country had ‘hardly a parallel even among the news sheets to which the Prime Minister has referred’.⁵⁶ In Gupta’s opinion, the problem of scurrilous news sheets could be solved by ‘moral persuasion’ and ‘positive codes of conduct’ developed by the AINEC. Hridaynath Kunzru also invoked the example of Britain, if only to contrast the law relating to sedition between Britain and India:



While in England sedition is treated as a minor offence, in India it is regarded as a major offence for which severe punishment can be imposed. Now that India is free it should find no place in a statute book in its existing form.⁵⁷

By and large, however, even those who objected to Nehru's stand on this issue acknowledged his personal integrity and conceded that he himself was not opposed to freedom of expression.⁵⁸ However, the disappointment at free speech being curtailed in independent India was palpable, and intense. As Deshbandhu Gupta put it:

During the last hundred and fifty years the press has been fighting for the repeal of various laws which sought to restrain or repress it. It was a relentless war and the contribution of the Prime Minister has not been by any means small. We were looking forward rightly to a free press after the fight was over...⁵⁹

Outside Parliament, reactions were framed in much less parliamentary language. The Bombay State Lawyers' Conference held a meeting in April 1951, when the news of the amendment was in the air. Its president, M.R. Jayakar compared the Constitution to a living organism and said that like a seed sown, it would require time to take root. 'Only monkeys dig up the seed to see if it had sprouted.'⁶⁰ Thus, his objection was, like many, to the way in which the FA was being 'rushed through' before the general elections scheduled less than a year later.⁶¹ A month later, at a public meeting at Delhi's Constitution Club, a Congress politician expressed support for the measure, the journalists present opposed it, and a bureaucrat put forward an interesting justification: Shankar Prasad found it anomalous that while he could not stop a man from expressing his views on any subject, he could lock him up under the recently passed Preventive Detention Act. This meant that under the Constitution while complete curtailment of liberty was possible, partial was not. Thus, he supported the amendment in the interest of law and order.⁶²

Newspaper editors, via editorials published in their papers, listed various reasons for their opposition to the FA clauses pertaining to

press freedom. The *Hindu* felt there were too many restrictive qualifications on free speech.⁶³ The *Times of India (TOI)* opposed it in strong terms, and listed potential scenarios: a Communist government in the future could use the amendment to make the Indian press subservient to the Kremlin; a future dictatorial administration could use it to forbid comment on workers' right to strike; it could also issue a blanket ban in the interests of public order.⁶⁴ 'Public order' could, by an 'unscrupulous regime', be collapsed with 'their own safety', and used to stifle all protest.⁶⁵

Newspaper readers too pitched in their opinions, both for and against the FA, in readers' letters columns. Readers of *The Statesman*, particularly, revealed a familiarity with the American Constitution and with thinkers like Orwell and Harold Laski that would have put many a legislator to shame. One reader pointed out that since the Indian Constitution did not recognize the doctrine of 'implied powers' of the government (that is, powers that the government had to safeguard its other more explicit powers) unlike the American one, the Parliament had no option but to intervene and list these powers clearly.⁶⁶ Another described the press as the 'people's Parliament, always in session', and asked it to shed its inferiority complex as it did not realize 'the tremendous power the fourth estate wielded in a democracy'.⁶⁷ A professor of Political Science in Calcutta argued, 'Even so radical a thinker as Harold Laski' had stated that 'Our rights are not independent of society.'⁶⁸ One strident critic of Nehru and admirer of S.P. Mookerjee (for his 'lone and heroic opposition to the amendment') invoked George Orwell's phrase to say that 'Like all enemies of intellectual liberty, Mr. Nehru, too, has tried to present his case as a plea for discipline versus individualism.' The writer concluded, 'Many must regret that they have lived to witness an Indian Prime Minister taking away a right which English Viceroy had conceded.'⁶⁹

IV. The Issue of 'Proprietorial Chains'

Another matter that was widely discussed was Nehru's frequent allusion to the fact that the press in India was not really free as it functioned under the monopoly of wealthy proprietors.⁷⁰ As early as February 1946, while inaugurating the fifth session of the AINEC at



Allahabad, Nehru warned of the dangers of big combines controlling the press in India.⁷¹ During the FA debate, Nehru stated:

So much freedom of the press we have got today. But the freedom only means suppression or lack of suppression by governmental authority. When huge press chains spring up perverting the individual freedom of the press, when practically the Press in India is controlled by three or four groups of individuals, what is that Press?⁷²

The Prime Minister was exaggerating, but nevertheless pointing in the right direction. In its report published in 1954, the Press Commission concluded that of the 330 dailies produced in India at that time, five owners controlled 29 newspapers and 31.2% of the circulation, while 15 others controlled 54 newspapers and 50% of the circulation.⁷³ In other words, 20 capitalist entrepreneurs together controlled more than 80% of all newspapers read in India.

Addressing a press conference in June 1951, Nehru referred to a weekly that had changed its policy and tone in 10 days, being constant only, he said, in its dislike of him personally and his government.⁷⁴ The perception that newspaper proprietors' manipulated the content and 'tone' of their newspapers was shared widely. The legendary cartoonist, R.K. Laxman, recounts in his autobiography that his one-time employer in Bombay, the *Free Press Journal*, once 'shamelessly' wrote a complimentary article about a political party only a few days after the editor had attacked the same party in the same paper.⁷⁵ K.G. Joglekar, who became a journalist in 1945, recalled that it was only after Independence that a new breed of proprietors made editors mere cogs in the wheel.⁷⁶ The reason for this was that the newspaper business was not a lucrative one before Independence, whereas both circulation and revenue from advertisements grew beyond expectations after it.⁷⁷

J.N. Sahni, who became editor of the *Hindustan Times (HT)* at the age of 26—and described himself as having 'a Congress background and a political outlook'⁷⁸—nevertheless had this scathing critique to make the post-colonial context within which the press functioned:



Although after independence the press in India began to enjoy legal freedom, editors and journalists soon discovered that politicians and proprietors between themselves could make the exercise of that freedom almost illusory. Rich proprietors used silver chains to keep editors or those whom they designated as editors on the leash. The politicians in power employed various pressure tactics and secret devices to thwart the freedom of editors, or to prevent hostile criticism or inconvenient disclosures by them. The position in this respect became worse and worse with the passing of time.⁷⁹

In another book Sahni made the point that after Independence limitations on the press were not so much legislated as organizational. Under the British, while the fear of ‘iron chains’ threatened press freedom, it also acted as a challenge to journalists. After Independence, he writes, ‘...silver chains made more “cowards” of many a star writer than penal restrictions’. ‘Most editors,’ writes Sahni, ‘therefore struggled between the prudence of self interest and the abandon of self expression. The result was higher salaries and controlled opinions.’⁸⁰ His assessment of the context within which the Indian press operated is compatible with Nehru’s belief (oft stated in Parliament and elsewhere) that press freedom was threatened less by laws and more by proprietorial control. Sahni believed that since most newspaper proprietors also had other business interests, this made them particularly susceptible to government pressures.⁸¹

Prem Bhatia, another veteran editor whose career spanned the colonial to post-colonial divide, blamed editors themselves—and not proprietors—for not keeping a professional distance from politicians, and for being susceptible to proprietorial control. Bhatia recalled that while *The Statesman* was owned by a British company (during the 12 years of his tenure with that paper), neither of the two British editors—Ian Stephens and G.A. Johnson—were required to ‘kowtow to the owners’. Staff of the papers only dealt with the editor. Lord Cato, who owned the company, lived in Britain and did not bother with events on the ground, while the managing company, Andrew Yule, was a commercial concern, ‘too amorphous’ to be noticed as the proprietor’s functional instrument.⁸²



V. ‘The Meanest Levers’: Extra Legal and Informal Modes of Censorship after Independence

The FA was finally passed in Parliament by 228 votes to 20 amidst what one newspaper described as ‘an intemperate and impassionate slanging match’ between Nehru and S.P. Mookerjee. The former accused the latter of making false statements and telling lies with regard to the purpose of the bill, and Nehru was in turn accused of speaking ‘the language of a dictator’. Nehru stated that India must have ‘ordered liberty, because disordered liberty is not democracy’, and lauded the bill for widening the scope for lawmaking, particularly with respect to ‘communal discord’.⁸³

Writing to CMs of states after the FA was passed, Nehru warned them that the passage of the amendment was not a licence to use old acts on the press. However, in his mind, there was a hierarchy of offences, of which sedition ranked low, and defamation of government servants as well as spreading communal hatred ranked very high. Accordingly, Nehru instructed CMs that:

The law of sedition, as such and as applied in the old days, should have no place in our statute book. But what must continue to have a place and be acted upon is the law dealing with the spread of racial and communal hatred. About this, we have to be careful and not prevent the atmosphere to be vitiated more than it already is.⁸⁴

Further, CMs were told that any action they took as a result of being given more leeway by the Constitutional amendment was to be referred to the centre, and that:

...any interference with the freedom of the press has to be avoided, except in cases of extreme vulgarity and defamation. In such cases, it is desirable to have recourse to the criminal law. It is not proper to allow false charges to remain unanswered.... [pre-censorship] should not be indulged in under any circumstances.⁸⁵

The passage of the FA—which provided for greater state control over publications—and the simultaneous directive to state governments

not to use legislative measures against the press did not eliminate the exercise of state censorship; it merely drove it underground. If state censorship over the press can be understood to include all measures taken by the government to control what did and did not appear in newspapers, then in the post-colonial period one discerns the increasing use of measures not in the rule book. Examples of some of these are discussed in this section.

Personal Influence

The use of personal influence with editors to prevent publication of specific matter (or to present news in a certain way) may be termed informal censorship. It leaves little traces in the historical record, although there are glimmers here and there in historical sources. During the ‘police action’ in Hyderabad in September 1948, for instance, Nehru was keen that the impression be stemmed in the mind of the public that the action was in any respect anti-Muslim. He urged CMs to brief selected editors and journalists, and emphasized that ‘Off-the-record conferences will be better than normal public press conferences.’ The purpose of these was that:

...exaggerated news or the giving of publicity to vague rumours, or indeed to anything that might excite public opinion, is to do a grave disservice to India.... It is desirable that such news should be checked before it is published, not only in order to avoid the spread of rumours and unconfirmed news, but also to avoid the publication of anything which accentuates communal ill-will.⁸⁶

With regard to migration of refugees from East Bengal too, Nehru urged CMs to ‘privately’ explain to journalists not to publish items that encouraged the exodus.⁸⁷ In early 1950, Nehru asked CMs to keep in touch with editors in their states on an informal basis for ‘off-the-record’ talks, supply them with news, and make it clear to them in ‘friendly but firm language’ that ‘we cannot tolerate the spread of rumour and vague allegations or the deliberate fostering of communal hatred’. He also suggested that action be immediately taken against the newspapers if any of this occurred.⁸⁸



Withdrawal of Privileges

When *Blitz* (an English weekly published from Bombay) published an inaccurate report about a revolt in Tibet in August 1949, Nehru not only decried the report as ‘fantastic nonsense’ at a press conference, but ensured that the Delhi correspondent was deprived of permission to work as the accredited correspondent in Delhi. Reporting—and justifying—this action to CMs, he reminded them that although the government had been tolerant of everything from ‘false and malicious criticism’ to ‘the stream of abuse’, a limit had necessarily to be imposed when false news began affecting foreign relations adversely.⁸⁹ A month later, Nehru acknowledged that although he had been criticized by the Indian press for this action, it was long overdue as the correspondent had been given repeated warnings, and the story about Tibet had been picked up by the Chinese Communist press, which had begun criticizing India’s interest in Tibet.⁹⁰

Newspapers that annoyed the GOI, by leaking information for instance, had to pay a heavy price. The journalist M.V. Kamath recalled that at the time of the Junagadh affair⁹¹ the *Free Press Bulletin* (the evening paper of the *Free Press Journal*) published exclusive news about movement of ships and troops to Junagadh by the Indian government, gained via sources in the navy.⁹² The report was not cleared by the Defence Ministry, and Patel called the proprietor of the paper, Sadanand, ‘chewed him up for his paper’s indiscretion’, and asked him to sack the editor, S. Natarajan. In Kamath’s words, Sadanand had ‘...withstood fiercer onslaughts on his freedom during British days—and he was not about to succumb to the Sardar’s blandishments. Nothing happened’.⁹³ Except that something did happen. The *Free Press Bulletin* was on the verge of launching a news service with bureaus in Washington, London and New York, but the GOI refused permission and facilities for the news service to function.⁹⁴

Withdrawal of Government Advertisements

One of the ‘meanest levers’ to control the press was the ‘use of public funds to subsidize favourable press media’.⁹⁵ This was done by

awarding printing jobs (such as electoral rolls, examination results, and government advertisements) to newspapers that were uncritical of government policies. The policy of using advertisements as a means to control the press was by no means a new one. It had been a great subject of debate among colonial officials, some of whom were even of the opinion that obvious government subsidizing of a newspaper would simply be rejected by readers as it would be perceived to be pro-government.⁹⁶ S. Natarajan points out that the 'The declared official policy of not using its advertisements for political purposes which the British government had affirmed in 1940 was reversed (after Independence).'⁹⁷

In March 1953, the Bombay Government decided to withhold government advertisements from the *TOI*, CM Morarji Desai on his part defended the action on the ground that a government could not possibly support a newspaper that termed that same government foolish, and sought that very government's overthrow.⁹⁸ *TOI* editor Frank Moraes recalled that it was his criticism of Morarji Desai's prohibition policy that was so rewarded. It was only because the *TOI* was sufficiently affluent that it survived, and in time the advertisements were restored.⁹⁹ The AINEC termed the action 'a blow to the freedom of the press', and held political sensitivity to stringent criticism as the cause of the ban. Its President, A.D. Mani, held that since government advertisements were paid for by the public, only the criterion of maximum return for money spent should determine where they were placed; if such a criteria were to be applied, the *TOI* could not be excluded on account of its large circulation.¹⁰⁰ Mani termed the action against the *TOI* worse than that under the (then new) Press Act, as in the latter there was at least the possibility of judicial appeal. He urged the government to consider the negative publicity the action would get abroad.¹⁰¹

In the early years after Independence, the British press kept a watchful eye on India, and news that Desai had withheld government advertisements from the *TOI* on account of the paper criticizing his policy of Prohibition was carried in at least four British newspapers that year.¹⁰² In April 1953, the AINEC adopted a resolution stating that government advertisements 'should not be placed as patronage

or withheld from a newspaper as a punitive measure by the Government on the ground of publication of news and comments unpalatable to it'.¹⁰³ Desai's action attracted the attention of smaller provincial newspapers as well. The Meerut Hindi journalists' Association termed the decision 'Fascist in its trend'. A local weekly in Meerut, *Sandesh*, pointed out that papers getting advertisements from the Bombay government would be regarded as government bulletins. *Visalandhra*, a Telegu daily published by the Andhra Communist Party commented that while the Congress espoused democratic principles, it was intolerant of criticism.¹⁰⁴

Similarly, in 1954, when the *National Herald* criticized the functioning of the information ministry in Uttar Pradesh, government advertisements were withheld from the paper, even though it was widely perceived to be a Congress newspaper.¹⁰⁵ Although the *TOI* case outraged the press, the dependence of the Indian press on government advertisements in fact grew over the decades. In 1951, newspapers derived 45% of their revenue from advertisements; of this, revenue from government advertisements (the withdrawal of which could be considered a measure of censorship) was less than 7% of the total.¹⁰⁶ However, by the mid-1960s the situation had changed to such an extent that an American scholar of the Indian press, Ronald E. Wolseley, commented in 1966 that that unlike in Western nations, in India 'one of the largest advertisers, if not the largest, is the central government'.¹⁰⁷

In their annual session in 1957, the AINEC again passed a resolution stating that the government's advertising policy was discriminatory. After his attention was drawn to this, B.V. Keskar, the Minister for Information and Broadcasting, replied that he did not agree with the resolution, as a definite policy had been laid down by the government regarding a fair distribution. The accepted policy, he said, was to give advertisements 'on the basis of circulation and standing of the paper. No discrimination is made on account of political opinions'. However, Keskar acknowledged that:

No discrimination is made on account of political opinions. Government is, however, definitely of the opinion that newspapers which follow a policy of consistent and



continuous communal incitement should not be encouraged, and, therefore, does not give advertisements to such papers. Government also feels that what is generally known as the 'yellow' Press, should not be encouraged by giving advertisements.¹⁰⁸

In other words, the GOI did reserve to itself the power to use—and of course define—criteria other than purely commercial ones while awarding advertisements to the press.

Availability of Newsprint

Another way in which the post-colonial state could literally stop newspapers from publication was the withdrawal—or threat of withdrawal—of newsprint itself. Supply constraints were used as a means of exerting control over the press. According to the newsprint control order of 1947, the total number of pages in issues of a daily newspaper over the course of a week could not exceed 70 (or 60, if the paper was published six days a week). The maximum price for a daily newspaper was fixed between three and two annas per copy. The order was cancelled in June 1949, after remaining in force for over two years.¹⁰⁹ But by 1951, newsprint was in the news again, because it was scarce. The *TOI* yearbook reported that the general manager of the company that owned the paper had 'to go on a tour to Canada and U.S. in search of newsprint'.¹¹⁰

The GOI passed an order (to come into effect on 1 January 1951) limiting the maximum number of pages which a daily newspaper could publish (60 over seven days; or 48 over six days). Even before this order came into force, the Indian and Eastern Newspaper Society members had agreed to a voluntary cut in the number of pages since November 1950. The same society recommended to the GOI in February 1951 that a price-page schedule be adopted, and this was done in April 1951.¹¹¹ Even 10 years after Independence, there was only one newsprint factory in India (the Nepa newsprint factory at Madhya Pradesh, which started production in 1947). While annual demand for newsprint in India was about 90,000 tonnes, in 1956 this factory had produced only 10,792 tonnes, and the rest was imported.¹¹²



Newsprint was a commodity the supply of which grew only after the mid-1950s.¹¹³

The Statesman was a victim of discretionary newsprint denial. Its editor, Ian Stephens, adopted a very critical attitude to the Indian administration and according to his colleague in another paper, showed a bias towards Pakistan, and started a Pakistani edition of the newspaper as well. The Indian government did not have any grounds for legal action, but an opportunity presented itself when the Delhi edition mistakenly carried advertisements calling for tenders for military supplies for the Pakistani government. Ironically, the Indian government was supplying newsprint on which the Pakistani edition was published, and threatened to withdraw this supply. The editor was dismissed; the Indian government had scored a victory without firing a single legal shot.¹¹⁴

Physical Violence

Though the use of advertisements and newsprint as tools for controlling newspapers was held in contempt by editors, there were some other tactics that were more reprehensible. These were employed not by the centre but by state governments. One victim of this, was J. Natarajan, then editor of the Ambala-based *Tribune*, author of a landmark history of the Indian press, son of veteran journalist S. Natarajan, and considered by a colleague to be 'one of the most responsible journalists that India had produced'. In the pages of his newspaper, Natarajan praised the Chief Minister of Punjab, Pratap Singh Kairon (who served in this position between 1956–65) for certain progressive measures, but criticized him too. There was nothing in this to which legal exception could be taken, the trustees of the newspaper supported their editor, and what followed has been described by J.N. Sahni as a 'nerve-wrecking process of goondaism and blackmail', during which Natarajan and his wife were constantly shadowed, 'even to the club', by two large, gun-toting men, who whispered 'coarse abuses and homicidal threats', and threatened them on the phone at all hours. When complaints to the administration had no results, Natarajan evaded his stalkers and reached Delhi, never again going back to the *Tribune*.¹¹⁵ Sadly, Natarajan was not the only victim of this peculiar form of intimidation-censorship. S.C. Sarkar, editor of

the *Searchlight* at Patna recounted in ‘Woes of a Small Town Editor’ the harassment which ‘a conscientious newspaperman in provincial towns is subjected’. He recalled being summoned by a chief minister who did not like his piece about famine in the state, and warned him in schoolyard bully fashion that if state protection were withdrawn from him, then Sarkar’s office and house were both liable to be attacked. Sarkar also recounted that he was denounced as a Communist, and the state intelligence department supported the charge. Clearly, India had its indigenous, albeit less developed form of McCarthyism.¹¹⁶

Another journalist, Kedar Ghosh, recalled that during the first general election, when he served as chief reporter with *The Statesman* in Calcutta, state Congress leaders termed him and his paper anti-national for its comments on the organizational weaknesses of the party. Public meetings were held in *maidans* against the paper, and its copies burnt. Similarly, when dailies in Bengal tried to enhance circulation by reporting exaggerated accounts of events in East Pakistan, and *The Statesman* did not, the paper was accused of being pro-Muslim, pro-Pakistani, and therefore anti-national.¹¹⁷ While Congressmen felt that *The Statesman*, and Ghosh in particular, were against the Congress, Communists believed him to be anti-Communists, and expressed their resentment over his criticism of their policies by writing angry letters to the editor (a couple signed in blood) and by surrounding him on his way to work with ‘venomous curses’.¹¹⁸

Conclusion

This paper does *not* make a case for the erosion of Indian democracy in the 1950s with the passage of the FA; rather, the argument is that once the executive successfully claimed—in addition to the judiciary—the right to set limits for demarcating acceptable from objectionable writings, there could be no going back. Journalists’ accounts have testified that both Nehru and Patel did not mind criticism of their policies, and only drew the line at personal attacks.¹¹⁹ The same, however, cannot be said of their successors, or indeed of many of their contemporaries holding political positions, as has been indicated in this paper.

There is no doubt that the FA laid the blueprint of the state–press relationship in independent India. However, the historiographical focus on FA exclusively obscures another important process in the 1950s: the informalization of censorship. In some ways, the post-colonial state was a victim of its self-image. Acutely conscious of comparisons with its predecessor, in the sphere of press controls and any other variety of repression, senior policy-makers adopted an ambivalent attitude to press control. Partition violence had revealed the many uses to which free speech could be put, but any clamps on free speech were considered politically incorrect too. According to C. Rajagopalachari, press laws were required in independent India precisely because old tradition, or the use of force, could not be used in a democracy to ensure order.¹²⁰

In the year before and the few immediately following Independence, Nehru and Patel attempted to harness the press to their vision of national progress, urging—without mentioning the term—self-censorship. The informalization of censorship, which began with the Second World War and was a consequence of the state recognizing the potential of the press as an ally in achieving its aims, continued in the post-colonial period as well.¹²¹ The post-colonial Indian state relied on informal networks, but was reluctant to forego the safety net of laws to deal with the press. This explains the FA, and the Press Act of 1951, made possible by it. By pushing the passage of press control laws on the one hand, and asking CMs to be cautious when applying these laws, Nehru’s ambivalence on the issue of press control in the years following Independence was communicated to other state personnel as well. Informalization of censorship had an acceptable face (chats with editors) but also an ugly one (threats to and intimidation of journalists).

The paradox of censorship in this decade immediately after Independence is this: the GOI amended the Constitution but asked state governments not to use the new provisions. The latter were conscious that legal action would beg comparisons with the colonial period, and thus refrained from using legal provisions to counter unwanted publications, preferring instead threats of bodily harm to editors and journalists. Independence had complicated the life of

journalists in ways they could never have imagined. It appears that colonial censorship—with its plethora of acts, war-time codes, and lists of things not to be published—left relatively less scope for discretion. Post-colonial censorship may not have been so rule-bound, and this exercise of discretion at various levels accounts for its invisibility.

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Abbreviations

AINEC: All India Newspaper Editors' Conference

CAD: Constituent Assembly Debates

CWSP: *Collected Works of Sardar Vallabhbhai Patel*

FA: First Amendment

GOI: Government of India

HT: *Hindustan Times*

I & B: Information and Broadcasting

LCM: Letters to Chief Ministers

LS: Lok Sabha

NAI: National Archives of India

PLEC: Press Laws Enquiry Committee

SLMU: Sardar's Letters—Mostly Unknown

SWJN1/2: *Selected Works of Jawaharlal Nehru, Series 1/ 2*

TOI: *Times of India*

Endnotes

¹ The other two major articles that were amended dealt with the state's right to acquire land (Article 31) and the state's right to make special provisions for backward classes (Article 15). For a discussion of these three articles together, see Nivedita Menon, 'Citizenship and Passive Revolution: Interpreting the First Amendment', *Economic and Political Weekly*, 1 May 2004, pp. 1812–1819.

² The phrase was used by the British political scientist, W.H. Morris Jones, in his introduction to Soli Sorabjee's book on a later period, *The Emergency, Censorship and the Press in India: 1975–77*, Central News Agency, New Delhi, 1977, p. 9.

³ Judith M. Brown, *Nehru: A Political Life*, Yale University Press, New Haven, 2003, p. 3.

⁴ David Washbrook, 'The Rhetoric of Democracy and Development in Late Colonial India', in Sugata Bose and Ayesha Jalal, eds, *Nationalism, Democracy and Development: State and Politics in India*, Oxford University Press, New Delhi, 1997, p. 37.

⁵ 'The similarities, however, between late imperial and early national state in India, however evocative, may well be overdrawn. The structural similarities are obvious; and yet these structures are put to various different projects.' Benjamin Zachariah, 'The Creativity of Destruction: Wartime Imaginings of Development and Social Policy, c. 1942–46', in Heike Liebau et al. eds, *The World in World Wars: Experience, Perceptions and Perspectives from Africa and Asia*, Brill, Leiden, 2010, p. 578.

⁶ Sugata Bose and Ayesha Jalal, 'Nationalism, Democracy and Development', in Bose and Jalal, eds, *Nationalism, Democracy and Development*, p. 2.

⁷ For a survey of these restrictions, see Lawrence Liang, 'Reasonable Restrictions and Unreasonable Speech', *SARAI Reader 04: Crisis/Media*, Sarai, Delhi, 2004.

⁸ '...I feel that putting in the word "reasonable" would be an invitation for every such case to go to the courts with ensuing uncertainty.' Letter dated 22 May 1951 from Nehru to T.T. Krishnamachari, Member of Parliament (MP) and member of the Drafting Committee of the Constitution. *Selected Works of Jawaharlal Nehru, Series 2 (SWJN2)*, Jawaharlal Nehru Memorial Fund, New Delhi, vol. 16, part 1, p. 189.

⁹ The impact of the Partition experience on the state–press relationship in the 1950s is discussed in detail in my PhD thesis titled *Proscribing Ideas: Censorship in India, c. 1930–60*, submitted to Jawaharlal Nehru University, New Delhi, in 2012.

¹⁰ It consisted of eight members in addition to the Chairman, an ex Chief Justice. Of these five were to be from the legislature (two members of the Council of State, three of the Central Legislative Assembly) and three representatives of the press. List of members in GOI Home Political, f.no. 33/33, 1946, National Archives of India (NAI), New Delhi.

¹¹ Both erstwhile colonizer and colonized were amending their press laws close in time to each other. In Britain, the Royal Commission on the Press was appointed in 1947 and submitted its report in 1949.

¹² GOI resolution announcing the measures in the Gazette of India. *Bombay Chronicle*, 16 March 1947, in *Collected Works of Sardar Vallabhbhai Patel (CWSP)*, vol. 12, P.N. Chopra, ed., Konark, Delhi, 1997, pp. 16–17.

¹³ Note by G.V. Bedekar, Secretary to the PLEC, 12 August 1947. GOI Home Political, f.no. 33/33, 1946. NAI.

¹⁴ Note by R.N. Banerjee dated 14 August 1947. *Ibid.*

¹⁵ For an account of the report of this Committee, see S. Natarajan, *A History of the Press in India*, Asia Publishing House, Bombay, 1962, p. 289.

¹⁶ *The Statesman*, 24 May 1951.

¹⁷ Constituent Assembly Debates (CAD), book no. 2, vol. no. VII (2:7), 1 December 1948, p. 712.

¹⁸ Statement by Damodar Swarup Seth (UP), CAD, 2:7, 1 December 1948, p. 712. For views along similar lines, see CAD, 2:7, 2 December 1948, pp. 732–734 and CAD, 2:7, 1 December 1948, pp. 749–50.

¹⁹ CAD, 2:7, 1 December 1948, pp. 715–717.

²⁰ *Ibid.*, p. 731. The original clause that Munshi sought to amend by deletion of the term sedition read ‘...libel, slander, defamation, sedition or any matter which offends against decency or morality or undermines the authority or foundation of the state’.

²¹ This member, Seth Govind Das, recalled that he was sentenced for making a speech in 1930 where he denounced his great-grandfather for

being a loyalist and for having accepted a title and a gold waist-band by the British in 1857. CAD, 2:7, 2 December 1948, pp. 750–751. Yet another member who made a case for fewer restrictions on free speech quoted an Oriya proverb to the effect that ‘...it is no use making a house with so small an entrance that one’s entry into the house is rendered difficult without striking his head against the door-frame’. Lakshmi Narayan Sahu, CAD, 2:7, 2 December 1948, pp. 774–75.

²² CAD, 2:7, 1 December 1948, p. 742.

²³ CAD, book no. 5, vol. no. X (17 October 1949; hereafter 5:10), p. 402. For opposition to the contempt of court clause, see statement by R.K. Sidhwa (CP & Berar), CAD, 5:10, 17 October 1949, p. 398.

²⁴ The Preventive Detention Act of 1950 provided central and state governments the authority to detain people on grounds very similar to those listed in the FA clauses pertaining to the press. That is, prejudicing the defence and security of India, friendly relations with foreign states, the maintenance of public order and the maintenance of supplies and services were all actions that could result in preventive detention.

²⁵ The act enabled the detention of saboteurs, and was valid for one year. It was an emergency measure, passed at a time when around 2,000 detenus, mostly Communists, were detained for violent and subversive activities, and were due to be released on account of High Court judgments in their favour. Patel justified the measure by stating that ‘We want to protect and defend civil liberties, but I hate criminal liberties.’ *Hindustan Times (HT)*, 26 February 1950, in *CWSP*, vol. 15, p. 64. After it lapsed, it was replaced by another act by the same name in February 1951, with two important changes: all detention cases had to be referred to an advisory board, the recommendations of which were binding on the government. Secondly, a system of parole was introduced.

²⁶ As he put in Parliament, ‘When we think of civil liberties of an extremely small number of people considered, let the House think of the liberties of millions of people threatened by the activities of the individuals whose civil liberties we have sought to curtail.’ He also stated that he himself was most sensitive to the state of a mind of a detainee, liable to be arrested in the middle of the night, and released temporarily to attend the funeral of a family member, as he had undergone the same experience before Independence. *HT*, 26 February 1950, in *CWSP*, vol. 15, pp. 58–62.



²⁷ *HT*, 18 March 1949, in *CWSP*, vol. 14, p. 111.

²⁸ In July 1951 Nehru wrote to C. Rajagopalachari that 'I have no doubt that the Communist Party have been guilty of atrocious crimes and that we have to deal with it as such. Nevertheless, I feel that certain communal elements in India are far more dangerous to our unity and to any progress that we might hope to make, than the Communists. The Communists could never have brought about a situation which existed in Punjab or in Delhi in August–September–October 1947.' Letter dated 25 July 1951 from Nehru to Rajagopalachari, J.N. Collection, *SWJN2*, vol. 16, part II, p. 466.

²⁹ Letter dated 29 May 1951 from Nehru to B.N. Rau. *SWJN2*, vol. 16, part 1.

³⁰ *Ibid.*

³¹ Letter dated 8 June 1948 from Nehru to Sri Krishna Sinha. *SWJN2*, vol. 6, p. 392.

³² Letter dated 8 June 1948 from Nehru to Hare Krishna Mahtab. *SWJN2*, vol. 6, p. 391.

³³ Letter dated 16 April 1949. Nehru, *Letters to Chief Ministers 1947–1964 (LCM)*, G. Parthasarathi, ed., Oxford University Press, New Delhi, vol. 1, p. 339.

³⁴ Henderson mentioned *Crossroads* and *Blitz* as papers that attacked America 'all the time'. The Ambassador expressed worry over the availability of Communist propaganda, and the absence of American publicity material. Note by Nehru dated 15 September 1951 regarding his meeting with the American Ambassador. *SWJN2*, vol. 16, part II, p. 629.

³⁵ Letter dated 28 March 1950 from Patel to Nehru. Patel was responding to Nehru's opinion that the GOI's attitude to communal hatred had been too lenient. Neerja Singh, ed., *Nehru-Patel: Agreement Within Differences, Select Documents and Correspondences, 1933–50*, National Book Trust, New Delhi, 2010, p. 307.

³⁶ The two 1949 cases are fairly well known and are competently summarized in Lawrence Liang, 'Reasonable Restrictions and Unreasonable Speech'. Reports in *Times of India (TOI)*, 20 September 1949 and 22 April 1950. See also K.S. Padhy and R.N. Sahu, *The Press in India: Perspectives in Development and Relevance*, Kanishka, New Delhi, 1997, p. 123; Granville Austin, *Working a Democratic*

Constitution, Oxford University Press, New Delhi, 1999; Rajeev Dhavan, *Only the Good News: On the Law of the Press in India*, Manohar, New Delhi, 1987.

³⁷ Letter dated 30 May 1950. *LCM*, vol. 2, p. 113.

³⁸ Statement by Nehru in Parliament. *SWJN2*, volume 16, part 1, p. 219.

³⁹ Letter dated 25 September 1948 from Patel to Gosibehn Captain (Dadabhai Naoroji's daughter) blamed the *Blitz* for falsely claiming that he and Nehru had differences. *Sardar's Letters—Mostly Unknown (SLMU)*, G.M. Nandurkar, ed., Sardar Vallabhbhai Patel Smarak Bhawan, Ahmedabad, 1977, vol. 5, p. 301.

⁴⁰ In October 1950, in a long letter to Nehru, Patel expressed distress over reports in newspapers alleging massive expenditure by him during his trip to Hyderabad. He assured Nehru that the expenditure was not more than Rs 12,000, and that the news that had appeared in two or three papers was 'of no importance'. Further, newspapers that had published the news were foisting responsibility for it on the news services. Exaggerated figures published in newspapers were reported to Nehru by Padmaja Naidu, and Patel wanted to set the record straight. The expense incurred included that on police protection, travelling allowance to officers and so on. Letter dated 13 October 1950 from Patel to Nehru. *SLMU*, vol. 3, p. 51.

⁴¹ The article, published on 18 April 1950, contained the statement 'Pandit Nehru might meet the end as had happened with Mahatma.' Patel termed the article 'wicked' and 'dirty propaganda', and suggested that the 'Right wing is not to help such periodicals. Persuade those who help them to keep away from them.' Letter dated 23 April 1950 from Patel to Kanjibhai Kapadia, the editor of the Ahmedabad based *Swadesh*. *CWSP*, vol. 15, p. 121.

⁴² Narayan wrote an angry letter to editor, urging that the journal's popularity was not to be bought by indulging in 'sensationalism, vulgarism, cheapness and falsehood'. He termed the allegation of Patel wanting to arrest Liaquat Ali a 'false and vulgar story', and 'a piece of national disservice'. Letter dated 24 April 1950 from Jayaprakash Narayan to Rohit Dave, *CWSP*, vol. 15, p. 122. See also letter dated 26 April 1950 from Nehru to the editor of *Janata*, *SLMU*, vol. 3, p. 204; letter dated 27 April 1950 from Patel to Achyut Patwardhan, *CWSP*, vol. 15, p. 124. In its next issue (and even before receiving Patel's letter), the journal had published an apology for report containing 'several inconsistencies and absurdities, which cannot be true'. Patwardhan wrote, 'It is not the

policy of Janata to foster factional disruption or distrust. Socialism does not grow on a diet of ill-will or contempt.’ Letter dated 1 May 1950 from Patwardhan to Patel. This letter contained the text of the apology that was to be published. *SLMU*, vol. 3, pp. 206–207.

⁴³ *Report of the Press Commission*, part 1, 1954, p. 386. The Commission was presided over by Justice Rajadhyaksha, who had started his career as an Indian Civil Service officer in 1920. It was constituted in 1952, and submitted its report in 1954.

⁴⁴ *Ibid.*, pp. 386–387.

⁴⁵ *SWJN2*, volume 16, part 1, p. 219.

⁴⁶ S. Natarajan, *A History of the Indian Press*, pp. 283–284.

⁴⁷ Rau, *Journalism and Politics*, Vikas, New Delhi, 1984, p. 171. Rau also served as a member of the First Press Commission.

⁴⁸ *HT*, 19 May 1951.

⁴⁹ *The India and Pakistan Year Book and Who's Who*, Vol. XXXVII, Frank Moraes, ed., *TOI*, 1951, p. 71.

⁵⁰ Letter from Gupta to Nehru quoted in *TOI*, 24 May 1951.

⁵¹ *HT*, 18 May 1951.

⁵² Letter to the editor by S.A. Sabavala, *TOI*, 7 June 1951.

⁵³ *TOI*, 26 June 1951.

⁵⁴ AINEC President's statement reported in *TOI*, 10 July 1951.

⁵⁵ Nivedita Menon refers to the irony that a champion of the Hindu Right should have assumed the classic liberal position during the debate on the freedom of expression and state imposed limits on it. Menon, 'Citizenship and the Passive Revolution', p. 1817.

⁵⁶ *HT*, 17 May 1951.

⁵⁷ *HT*, 26 May 1951.

⁵⁸ G.D. Khosla recalled that Nehru was a careful and critical reader, who had read Vladimir Nabokov's *Lolita* '...carefully because there was a proposal that the book should be banned. He said there is nothing to be banned. He was a quick reader and a very intelligent reader'. G.D. Khosla Oral History Transcript, interview recorded on 9 February 1967, interviewer not mentioned, Nehru Memorial Museum and Library

(NMML), New Delhi, p. 11.

⁵⁹ *HT*, 17 May 1951.

⁶⁰ *The Statesman*, 22 April 1951. See also statement issued by Pran Nath Mehta, General Secretary of the Constitution of India Society, *TOI*, 23 May 1951.

⁶¹ The argument was also made by some that the present Parliament had no authority to amend the Constitution as it was not an elected body, but rather the unelected Constituent Assembly by another name. Both the *HT* and *The Statesman* took the view that the Constituent Assembly turned Parliament had every right to amend the Constitution it had created.

⁶² *HT*, 21 May 1951.

⁶³ Editorial titled 'Changing the Constitution', *Hindu*, 14 April 1951.

⁶⁴ *TOI* editorial titled 'Freedom of the Press', 21 May 1951.

⁶⁵ *TOI* editorial titled 'Not Enough', 28 May 1951.

⁶⁶ V.P. Karunakaran Nambiar, New Delhi. *The Statesman*, 26 May 1951.

⁶⁷ R.J. Venkateswaran, Calcutta. *The Statesman*, 31 May 1951.

⁶⁸ D.N. Banerjee, Calcutta. *The Statesman*, 24 April 1951.

⁶⁹ S.K. Ghosh, Calcutta. *The Statesman*, 9 June 1951. The reference is to Orwell's Essay titled 'The Prevention of Literature', first published in 1946 in *Polemic* and subsequently reprinted in *Shooting an Elephant and Other Essays* (1950) and elsewhere. The quotation is: 'The enemies of intellectual liberty always try to present their case as a plea for discipline versus individualism. The issue truth-versus-untruth is as far as possible kept in the background.'

⁷⁰ This comment drew 'loud cheers' in Parliament. *TOI*, 19 May 1951.

⁷¹ Nehru also asked newspapers to censor advertisements, warning them that the popular government in India would take note of the tone of advertisements in the press. *TOI*, 18 February 1946.

⁷² Extracts from Nehru's statement to Parliament on 18 May 1951. *SWJN2*, volume 16, part 1, p. 183.

⁷³ *Report of the Press Commission of India*, 1954. For a detailed analysis, see Appendix VIII: Note on circulation figures and ownership pattern of newspapers in India during the 1950s.

⁷⁴ *The Statesman*, 12 June 1951.

⁷⁵ R.K. Laxman, *The Tunnel of Time: An Autobiography*, Viking, New Delhi, 1998, p. 90.

⁷⁶ K.G. Joglekar, *Press Freedom: The Indian Story*, Publications Division, Ministry of Information and Broadcasting, GOI, New Delhi, 2005, pp. i–ii.

⁷⁷ *Ibid.*, p. 5.

⁷⁸ J.N. Sahni, *Truth About the Indian Press*, Allied, New Delhi, 1974, p. 226.

⁷⁹ *Ibid.*, p. 216. The average monthly salary of journalists working for Indian language and English language newspapers was Rs. 150 and Rs. 350 respectively, in the mid-1950s. *India: A Reference Annual—1956*, Ministry of Information and Broadcasting (I & B), GOI, p. 284.

⁸⁰ J.N. Sahni, *The Lid Off: Fifty Years of Indian Politics, 1921–71*, Allied, New Delhi, 1971, p. 319.

⁸¹ According to veteran editor B.G. Verghese, proprietors of newspapers felt that their newspapers should not undo their other business interests. The Government would appeal to proprietors, and what mattered was editors' sense of independence. Personal interview, B.G. Verghese, New Delhi, 15 November 2011.

⁸² Prem Bhatia, 'A Delicate Question of Status', *The Tribune*, 29 March 1986. Prem Bhatia Private Papers, f.no. 2. NMML.

⁸³ *TOI*, 3 June 1951.

⁸⁴ Letter dated 2 June 1951. *LCM*, vol. 2, pp. 403–405. Nehru reiterated the same point (about not using the old laws against the press) in his next letter to CMs. See letter dated 15 June 1951, *LCM*, vol. 2, pp. 418–419.

⁸⁵ Letter dated 2 June 1951. *LCM*, vol. 2, p. 407. In another letter he reiterated, '...where defamatory statements are made against Ministers or officers of Government, legal action should be taken. It is not proper to ignore such allegations.' Letter dated 25 June 1951. *LCM*, vol. 2, p. 429.

⁸⁶ Nehru referred specifically to a report about the massacre of 150 people by Razakars in a village in Andhra Pradesh on 26 August 1948, of which no confirmation was available apart from the report which

Nehru thought 'ghastly' and exaggerated. Letter dated 9 September 1948. *LCM*, vol.1, pp. 203–204.

⁸⁷ Letter dated 16 November 1948. *LCM*, vol. 1, p. 223.

⁸⁸ Letter dated 27 February 1950. *LCM*, vol. 2, pp. 34–35.

⁸⁹ Letter dated 15 August 1949. *LCM*, vol. 1, p. 440.

⁹⁰ Letter dated 16 September 1949. *LCM*, vol. 1, p. 468.

⁹¹ Junagadh was a Hindu majority state in present day Gujarat, the Nawab of which opted to join Pakistan, leading India to send in its troops to the state.

⁹² M.V. Kamath, *Behind the By-Line: A Journalist's Memoir*, Vision, New Delhi, 1985, p. 19. The news was obtained as a scoop by B.C. Dutt, the wireless operator involved in the naval mutiny of 1946; after the mutiny was over and the ratings demobbed, the *Free Press Journal* employed around six of the leaders by way of a reward, of which Dutt was one. He had many sources in the navy even after Independence and was able to get a carbon copy of the movement order of ships and troops to Junagadh.

⁹³ Ibid. Ironically, the *Free Press Bulletin* had faced legal penalties during colonial times. This is how K. Rama Rao remembered Sadanand's position in colonial India: 'Security after security was forfeited for defiance of law, blow after blow fell, but he did not bat an eyelid; he did not budge an inch from the firing line.' K. Rama Rao, *The Pen as my Sword*, pp. 86–87.

⁹⁴ In Kamath's words, 'The Sardar was mad at what he considered the FPJ's irresponsible journalism and cut Sadanand dead. That was the reason for his refusing Sadanand the press facilities.' M.V. Kamath, *Behind the By-Line*, pp. 20–21.

⁹⁵ J.N. Sahni, *Truth About the Indian Press*, p. 241.

⁹⁶ I have discussed this in greater detail in my unpublished M.Phil dissertation submitted to Jawaharlal Nehru University, New Delhi, in 2007. See *To Suppress Seditious, To Obliterate Obscenity: Censorship and Information Control in Colonial India 1900–1930*.

⁹⁷ S. Natarajan, *A History of the Press in India*, p. 258.

⁹⁸ Desai's speech of 21 March reported in *TOI*, 24 March 1953.

⁹⁹ Frank Moraes, *Witness to an Era: India 1920 to the Present Day*,

Wiedenfeld and Nicolson, London, 1973, pp. 311–312. J.N. Sahni adds that the government in this case successfully ‘twisted the tail of the proprietor’, and advertisements were only restored when Moraes was removed from editorship. J.N.Sahni, *Truth About the Indian Press*, p. 217. This was confirmed by S. Natarajan, *A History of the Press in India*, p. 258.

¹⁰⁰ *TOI*, 21 March 1953.

¹⁰¹ Mani’s rejoinder to Desai’s speech defending his government’s policy published in the *TOI*, 24 March 1953.

¹⁰² *The Times*, *The Spectator*, *The Evening Standard* and the *News Chronicle* all covered the news, and this was reported back to India by erstwhile editor of the paper, Sir Francis Low, and carried on the first page of *TOI*. *TOI*, 1 April 1953.

¹⁰³ *TOI*, 27 April 1953.

¹⁰⁴ *TOI*, 28 March 1953.

¹⁰⁵ Rau, *Journalism*, p. 130.

¹⁰⁷ *India: A Reference Annual—1956*, Ministry of I & B, GOI, p. 284. The GOI claimed in 1956 that it was ‘increasingly patronizing Indian language newspapers and Indian agencies and about 60% of all Govt advertisements are now placed with them’. In 1956–57, the GOI bought 4,53,500 column inches for advertising in newspapers in India at a cost of Rs. 29,95,020, while the cost of buying advertisements in foreign countries was Rs. 3,42,790, used towards 268 insertions. The information was given by the GOI in response to a parliamentary question asked by A.B. Vajpayee, later to serve as Prime Minister of India, in the Lok Sabha (LS). LS Debates, series 2, vol. VIII, 21 November 1957, col. 1873–74.

¹⁰⁷ In 1966, Wolseley found it noteworthy that even as the press depended heavily on the government for advertising revenue, ‘large elements of it succeed in being harshly critical of that same government’. Ronald E. Wolseley, ‘The Press of India: an Overview’, *International Communication Gazette*, 12:243, 1966, p. 249 and p. 251. To a foreign observer in 1966, it appeared that the Indian press as a whole had not allowed advertising to be used as a tool of complete control. For editors who had to face the brunt of censorship by other means, it was not all-India percentages that mattered, but their individual experience.

¹⁰⁸ B.V. Keskar’s reply to a question in Parliament by A.B. Vajpayee

and M.K. Kumaran, LS Debates, Series 2, Vol. X, 10 December 1957, col. 4398–4399.

¹⁰⁹ Newsprint Control (no. 2) Order 1947, Department of Industries and Supplies Notification No. N-3(1)C/47 dated 3 April 1947. *Manual of Control Orders: A Handbook Containing the Central Control Orders in Force on March 1 1949*, Ministry of Industry and Supply, GOI, Delhi, 1949.

¹¹⁰ *The India and Pakistan Year Book and Who's Who*, Vol. XXXVII, edited by Frank Moraes, 1951, p. 72.

¹¹¹ Ibid.

¹¹² Reply to question in LS by Satish Chandra, Deputy Minister for Commerce and Industry. The capacity of the factory was 30,000 tonnes. LS Debates, Series 2, Vol. V, 21 August 1957, col. 9027–9031.

¹¹³ Wolsely noted that between 1957 and 1964 the supply of newsprint (both indigenously produced and imported) increased by more than 60%. In 1957–58 the total available newsprint from all sources was 77,872 m. tons, and this increased to 125,598 m. tons by 1963–64. While indigenous production grew by 47.7%, imports grew by 66.6%. Overall the supply increased by 62%. Ronald E. Wolseley, 'The Press of India: An Overview', Table II on p. 252.

¹¹⁴ J.N. Sahni, *Truth About the Indian Press*, pp. 218–219.

¹¹⁵ Ibid., pp. 219–220. The incident involving Natarajan also finds mention in Robin Jeffrey, *India's Newspaper Revolution: Capitalism, Politics and the Indian Language Press, 1977–99*, C. Hurst & Co., London, 2000, p. 194, but it occurred in 1958 and not in the 1960s (as Jeffrey suggests), since Prem Bhatia replaced Natarajan in 1958, and Amolak Ram served as the acting editor in the meantime.

¹¹⁶ S.C. Sarkar, 'Woes of a Small Town Editor', in D.R. Mankekar, ed., *What Ails the Indian Press: Diagnosis and Remedies*, Somaiya, New Delhi, 1970.

¹¹⁷ Kedar Ghosh, *No Apology*, Orient Longman, New Delhi, 1971, pp. 91–92.

¹¹⁸ Ibid., pp. 98–100.

¹¹⁹ Rau, *The Press in India*, p. 77; Joglekar, *Press Freedom*, p. 9; Inder Malhotra, 'A Superior Person, Thorough Professional', in Asha Rani Mathur, ed., *The Indian Media: Illusion, Delusion and Reality*, p. 9;



Harish Khare, 'Political Reporting', in *Ibid.*, p. 41; J.N. Sahni, *Truth About the Indian Press*, p. 216.

¹²⁰ Speech delivered on 15 September 1951. *Towards a Responsible Press: Shri C. Rajagopalachari's Speeches on the Press Bill in Parliament*, Publications Division, GOI, New Delhi, 1952, p. 15.

¹²¹ The Second World War experience is discussed in detail in Devika Sethi, *Proscribing Ideas*, unpublished PhD thesis, Chapter III. See also N.G. Barrier, *Banned: Controversial Literature and Political Control in British India 1907–1947*, University of Missouri Press, Columbia, 1974.