

A NOTE ON THE PRESS IN INDIA

Emulating 201

A brochure on the Indian Press, published by the Ministry of Information and Broadcasting in New Delhi, and brought out apparently for the edification of the delegates attending the recent Conference of Non-Aligned Countries in Delhi refers to press freedom in the following terms: "While the Government authority in India keeps itself scrupulously away from the functioning of the press, the initiative taken by it has considerably helped the growth of the press spatially and in depth. The press in India has been the beneficiary of several official measures and its freedom of operation has been singularly free from any type of interference."

It might be interesting in this context to consider the facts of the case, and to consider what relation they bear to the claims made above.

Freedom of expression is one of the Fundamental Rights of the citizen guaranteed by the Constitution of the Republic of India in 1950. It is fair to say that the Indian press exercised this freedom fully and yet, by and large, responsibly for the quarter century from the time the Republic came into existence till June 1975.

When the President of the Republic issued a Proclamation of Emergency on 26th June, 1975, censorship of the press was immediately imposed and, on the night of the Emergency, even before the Order of censorship could become operative, electric power was illegally and arbitrarily cut from newspapers presses in Delhi and not restored till Government censors were installed in their offices.

The Censorship Order was issued on 26th June, 1975, under Rule 48(1) under the Defence of India Rules of 1941 framed under the Defence of India Act of 1941. Under the Censorship Order, certain matters specified in it were required to be submitted to an official prior to their publication and the Order provided that no such publication should take place except in accordance with such conditions and restrictions as the Order might impose.

This was not the first State of Emergency declared in India. There were two such prior declarations, one in 1962 during the Chinese Communist attack in India and the other in 1965 during the war with Pakistan, but in neither case was precensorship of the press even dreamt of, leave alone imposed.

The Censorship Order promulgated under Rule 48 of the Rules made under the Defence of India Act 1941, provides as follows:

- (1) That no news, comments, rumours or other report, relating to:-
- (a) any contravention or alleged or purported contravention of any of the provisions of Part III, Rules 31 and 33 of Part IV, Rules 37, 38, 39, 43, 47, 48, 50, 51 and 52 of Part V, Part VIII and Part IX of the said Rules including orders made thereunder, or
 - (b) any action taken in relation to such contravention, or

- (c) any action taken under the provisions of the Maintenance of Internal Security Act, 1971 (26 of 1971), or
- (d) the Proclamation of Emergency made by the President on the 25th day of June, 1975 under Article 352 of the Constitution, or
- (e) the order made by the President on the 27th day of June 1975, under Article 359 of the Constitution, or
- (f) any action taken under the provisions of the Defence of India Act, 1971 (42 of 1971) or under the provisions of that Act as amended by the Defence of India (Amendment Act) 1975 (32 of 1975) or under the rules or orders made thereunder, or
- (g) any 'prejudicial report' as defined in clause 7 of Rule 36 of the Defence and Internal Security of India Rules, 1971,
- (h) the Proclamation in relation to the State of Tamil Nadu, issued on the 31st day of January, 1976, under Article 356 of the Constitution, by the President,
- (i) the Proclamation in relation to the State of Gujarat, issued on the 12th day of March 1976, under Article 356 of the Constitution by the President.

shall be published in any newspaper, periodical or other document unless such news, comments, rumour or other report has been submitted for scrutiny to an authorised officer and the publication thereof is authorised in writing by such officer.

- (2) That no such publication shall be made except in accordance with such conditions or restrictions as such officer may impose."

Far reaching as this Order was, the way in which it was operated by those entrusted with authority was much worse. Mr. Soli J. Sorabjee, an eminent constitutional lawyer, writes in his book The Law of Press Censorship in India (M.R. Tripathi, Bombay, Rs. 35.00) published in April 1976: "The censor's scissors were applied indiscriminately" and in a few cases the decisions "bordered on the farcical" and were the result of "making a mountain out of a mole hill." One illegal demand after another was made on daily newspapers and their editors and it is to be sadly recorded that these orders were obeyed and not one leading newspaper in India defied or challenged the Order in any court of law. One prominent editor is quoted as saying quite bluntly: "I have to live with the censor. If I go on protesting, they will make my life one big hell." Perhaps it may be added that detention without trial and without any reason being advanced under the Maintenance of Internal Security Act (MISA) was perhaps a contributory factor to the owners and editors of the national dailies submitting to illegal and arbitrary demands on the part of the censors. In the result, Indian journalists and the people in general were unfortunately getting

conditioned to accepting the false notion that it was a crime to criticise or question those in power and that the penalty would be indefinite detention under MISA.

Mr. Sorabjee in his deals with the situation that was thus created:

"The question that was uppermost in the minds of all was whether dissent was permissible at all and, if so, what were its limits. An authoritative judicial decision in the matter was the need of the hour. Since Courts cannot decide any legal issue without any actual controversy arising before them in the regular course, somebody had to bell the cat. Who was going to perform the feat?

It was Minoo Masani (Member of the Executive Committee of the All India P.E.N. Centre and Patron of the Liberal International) who took up the gauntlet. At one time Masani was active in politics and public life. In 1934 he was one of the Joint Secretaries of the Congress Socialist Party. Masani was Mayor of Bombay, Indian Ambassador to Brazil and a Member of Parliament. For some time he was Chairman of the Swatantra Party. After his retirement from politics in 1971, he took over the editorship of a monthly journal of liberal ideas printed in English called Freedom First.

In view of the provisions of the Censorship Order, Masani submitted for the scrutiny of the Censor in Bombay certain material which was sought to be published in the issue of Freedom First for the month of August. This consisted of material the publication of which had been previously allowed as well as certain fresh material. The Censor prohibited publication of several items by affixing the stamp 'not for publication.' No reasons were given for banning these articles."

The 'Freedom First' Case

On 17th July, 1975, Mr. Masani filed a Petition in the High Court in Bombay challenging the action of the Censor and asking for a Writ of Mandamus or Certiorari to be issued. The petition filed by the editor of Freedom First came up for hearing in the last week of November, 1975. Judgement was delivered on 26th November, 1975. The Court held that there was nothing objectionable in any of the eleven articles that had been banned by the censor and struck down the decision of the censor on the ground that he had violated the power entrusted to him under the Censorship Order. An appeal was made by Government to a Bench of two judges of the Bombay High Court. The hearing of this appeal lasted for several days. Finally, judgement was delivered on 10th February, 1976. In a memorable judgement, the Court held:

"In spite of the Proclamation of Emergency and the Presidential Orders a citizen is free to say, write and act as he likes so long as he does not transgress the law and so long as what he does is not prohibited

or regulated by law ... What the respondent (Masani) was doing by his Petition was not to seek to enforce any of his common law rights or any rights under Part III of the Constitution but to challenge the legality of the action taken by the Appellant on the ground that it was without the authority of law."

The Court proceeded to lay down principles of far reaching importance about the role of the censor and the principles by which he should be guided. Mr. Scrabjee distills the essence of the judgement as follows:

"The Court rejected the contention that the decision of the Censor based on his subjective satisfaction was not justiciable unless it was malafide or perverse. It laid down that the Censor's decision could be set aside by the Court on several grounds formulated in the judgement.

The Court held that 'the guidelines issued under clause (3) of the Censorship Order do not have statutory authority' and that the 'guidelines issued under clause (3) of the Censorship Order must be read in conjunction with the purpose for which the said Order was made, and any provision thereof which may at first blush appear to be too wide must be interpreted in the light of the purpose and object of the Censorship Order.'

The Court then considered the important question about the manner in which the Censor is to discharge his functions and observed: 'The Censorship Order does not require that the Censor should prohibit publication of all written material of the nature specified in clause (1) of that Order. It requires that these materials are to be submitted for the Censor's scrutiny and that the Censor must apply his mind thereto, and, in the light of the objects and purposes for which the Censorship Order was passed, decide whether any writing is of such a nature that its publication should be prohibited. If it is of such a nature, he may either prohibit its publication or allow it to be published subject to such conditions and restrictions as he thinks necessary. If it is not of such a nature, he must give authorisation in writing for its publication.'

The Court then proceeded to lay down certain important principles: 'There is another important factor which the Censor must also bear in mind. The Press is not only an instrument of disseminating information but it is also a powerful medium of moulding public opinion by propaganda. True democracy can only thrive in a free clearing house of competing ideologies and philosophies - political, economic and social - and in this the Press has an important role to play. The day this clearing house closes down would tell the death-knell of

democracy. It is not the function of the Censor acting under the Censorship Order to make all newspapers and periodicals trim their sails to one wind or to tow along in a single file or to speak in chorus with one voice. It is not for him to exercise his statutory powers to force public opinion in a single mould or to turn the Press into an instrument for brainwashing the public. Under the Censorship Order the Censor is appointed the nurse-maid of democracy and not its grave-digger. Dissent from the opinions and views held by the majority and criticism and disapproval of measures initiated by a Party in power make for a healthy political climate, and it is not for the Censor to inject into this the lifelessness of forced conformity. Merely because dissent, disapproval or criticism is expressed in strong language is no ground for banning its publication.'

Thereafter, the Court sounded an important note of caution and declared: 'But there are permissible limits to dissent and incitement to revolutionary or subversive activities for then, instead of serving democracy, it would subvert it. It is here that the Censor's real role begins He has to preserve a fine balance. On the one hand he should not stifle all free expression of opinion by imagining lurking dangers in every corner and discovering sharp curves and hairpin bends when all that exists is a straight road. On the other hand, he must be vigilant to detect all attempts at breeding violence and creating public disorder.'"

This judgement showed that, as at that time, India still enjoyed the blessings of a free press and an independent judiciary. An appeal against this judgement is now pending in the Supreme Court in Delhi.

Freedom First published in its March and April issues the allegedly objectionable material which had been found to be unobjectionable by the Court under the title: "At last you can read this."

The right to dissent asserted by Freedom First was also asserted by some other periodicals with a limited circulation. In the English language, there was Opinion edited by Mr. A.D. Gorwala, a former distinguished member of the Indian Civil Service; Himmat, organ of the M.R.A. edited by Raj Mohan Gandhi, grandson of Mahatma Gandhi and Mr. C. Rajagopalachari; Janata, the organ of the Socialist Party; and Seminar, edited by Mr. Ramesh Thapar, formerly editor of Crossroads,

the journal of the Communist Party of India.

Censorship by Telephone:

Unfortunately, most of the editors of the national dailies failed to take advantage of this blow struck for the freedom of the press and went on complying with the illegal demands made on them by the Censor on the telephone not to publish certain material. A few examples of such demands made of the national dailies on the telephone between May 12 and June 11, 1976, are given below:

May 12, 1976.

Following message from the Censor's Office:

Kindly don't use any news about the interception of a car on Tilak Marg.

May 24, 1976.

Message from the Delhi Censor Office:

Nothing is to be published about Begum Vilayat Mahal who was staying at the New Delhi railway station.

May 28, 1976.

Message from the Censor's Office on May 28, 1976:

News about an actress, Verghese, being arrested in London for shoplifting is not to be published.

June 2, 1976.

News of film actress, Nargis, shoplifting in London is not to be published. Please note the earlier Censor's message said Verghese. It is Nargis and not Verghese.

June 2, 1976.

Message from Delhi Censor's Office:

No editorial comment on or other further reference to the transfer of judges are allowed.

June 9, 1976.

Message from Delhi Censors on Wednesday:

Do not use any story on the transfer of judges in the Andhra Pradesh High Court.

June 11, 1976.

Message from Delhi Censor's Office on Thursday:

The PIB has issued a handout on measures to regulate

production of jute goods. You are requested not to comment on these measures."

From a perusal of these orders, it will be seen to what ridiculous lengths the power given to the censor has been stretched and misused. Since June 11, there have been a series of further illegal demands issued to the press among which have a ban on any appreciation of the Israeli raid on Entebbe airport, any report by or comment on the transfer of High Court judges from one State to another as a punishment for passing honest judgements, any report on the rise in prices (which had in fact taken place), any report mentioning that Acharya Vinoba Bhave has threatened to go on a hunger strike from his birthday on 11th September on the issue of the banning of the slaughter of cattle.

Of the two most recent examples of orders of this nature, one was that which prohibited newspapers from even mentioning the fact that Mr. Jayaprakash Narayan has moved from Bombay to Patna and had met Acharya Vinoba Bhave at Wardha on the way.

The other instance is that, when the Maharashtra State Government in the memorandum which they submitted to the Swaran Singh Committee on Constitutional Amendments objected to the proposal to transfer Agriculture and Education from the State List to the Concurrent List thus truncating States rights and the autonomy of the States in these subjects, the Press were forbidden from mentioning the position taken by the State Government.

News about the detention of individuals and release from detention have been for the past year among the topics that cannot be published with the result that none, except those immediately around a person know anything as to whether a person is free or behind bars at any given time. A particularly distasteful extension of this ban is the fact that when, on July 25, 1976, Mr. Lakhanpal, President of the Punjab and Haryana High Court Bar Association, died while in detention in Delhi, even the news of his death was not allowed to be published in the Indian newspapers. His friends and admirers outside Delhi only came to know about this tragic development when they got the Times (London) of 26th July and read the item: "Indian Lawyer Dies in Detention."

Controlling Newspapers:

Alongside of the exercise of these draconian powers of the censor and precensorship, a simultaneous drive has been made to capture leading newspapers and gain control of them. A variety of methods has been resorted to for this purpose. One of these is to put pressure on the owners of these papers, many of whom happen to be leading industrialists living in a controlled economy. The Times of India, in Bombay had already

been under Government control for several years. Newspapers that have now been taken over in this manner include the Hindustan Times in Delhi and the Indian Express group of papers. It is significant that the Chairman of Hindustan Times, who is one of the leading industrialists in India, has been Government's nominee as Chairman of the Indian Express group as well. Hence we have the spectacle of a prominent industrialist under Government pressure conducting the editorial policies of two competing newspapers !

There remain only two leading English dailies, the Hindu and the Statesman, neither of which has yet been taken over, the Hindu because it is too supine and emasculated to need action, and the Statesman because its Management have fought with great courage and maintained its independence and the traditions of a leading British daily before it came into Indian hands. Attempts have been made to take it over by seeking to corner the shares of this newspaper, by seeking to intimidate the Directors of the paper, some of whom are leading businessmen, and by seeking to take it over under the Company Law on the ground of alleged misconduct.

The story of the Indian Express group is a sad one. After a lot of harassment and threats of arrest under Emergency regulations (from which, under a recent Supreme Court judgement, the citizen appears to have no redress), the owners agreed "voluntarily" to accept six out of eleven directors nominated by Government, including the new Chairman. With the change in boardroom control, the Editor-in-Chief, Mr. S. Mulgaonkar, a journalist of great reputation, was suddenly discovered to be over sixty years of age and received a letter in April 1976 terminating his services within two days. The second in command, Editor Ajit Bhattacharjee, is under severe pressure to move to Gangtok in Sikkim as a mere correspondent. Managers have been told that they are regarded as 'Government Men' and if they do not behave accordingly they will be replaced. On August 16, 1976, the Indian Express ²¹⁸² were informed that the "privilege" of self-censorship had been withdrawn from it and that all matter for publication would from then on have to be submitted for pre-censorship.

A formal notice was issued to the Statesman in December 1975 declaring the intention to appoint an unspecified number of Government directors. This was strongly resisted, and the Calcutta High Court has directed Government to show cause why their notice should not be set aside. Within four days of the High Court's Order, the next move was made to indict the Managing Director before a Magistrate's Court on a charge of having acquired a small publishing company for the Statesman Limited in 1970 without seeking Central Government approval. Competent legal advice is that approval was not necessary. In any event, the same question was raised with the Statesman twice earlier, in 1973 and 1974, when full explanations were given in writing which were presumably accepted. Then, after a year's silence, proceedings were initiated in the Magistrate's court. The High Court has quashed the Magistrate's order condoning the delay beyond the statutory period of six months holding that the Magistrate had applied his mind to "irrelevant and extraneous considerations". The High

Court further held that when the Magistrate was asked for an explanation he introduced an additional "extraneous and irrelevant consideration." The Magistrate has now been directed to apply his mind to the question of condonation of delay in accordance with law. Developments are awaited.

The third move was made in January 1976, when the passport of the Managing Director, Mr. C.R. Irani, was impounded without giving any reasons. In reply to the High Court's order asking Government to show cause why the passport should not be returned, an affidavit has been filed by a junior official in the External Affairs Ministry which persists in not disclosing reasons. This case too has not yet been heard. As a result of this impounding of his passport, Mr. C. R. Irani was unable to attend the recent Conference of the International Press Institute which he was to address on Press Censorship in India.

The latest chapter in this relentless effort to get control of the Statesman or to destroy it was an Order served by the Chief Censor on the Statesman, not for any crime of its own, but as printers of the journal Seminar stating that three articles in the July 1976 issue of that journal had offended against the Defence of India Rules, 1971, which prohibited the publication of news and comment unless first submitted for censorship. The notice called on the Statesman to show cause why their printing press should not be forfeited outright. On Thursday, 29th July 1976, the Delhi High Court granted a stay of the operation of this Order till 20th August, when the matter will be gone into further by the Court.

The overall objective is clear. In the Information Minister's words, which he first uttered in September 1975 and repeated in Parliament on 26th April, 1976, the objective is to ensure that "in future there will be no confrontation between the legally and democratically elected Government and a section of the Press."

Removal of Editors:

One of the methods by which the press has been sought to be captured is to put pressure for the removal of editors and their replacement by acceptable substitutes. Thus, Mr. B.C. Verghese, the Editor of Hindustan Times, was dismissed after many months of litigation, while Mr. S. Moolgaonkar, the Editor in Chief of the Express group of newspapers, was similarly made to leave under the dictates of those in authority.

Three Ordinances:

On 8th December, 1975, the Government promulgated three new press Ordinances. The first safeguards against "publications which are likely to excite disaffection against the constitutionally established government." This includes anything defamatory written about the President, the Prime Minister, and other key officials. Disobedience of the Order can lead to forfeiture of the publication, closure of the printing press, and imprisonment for a term up to one year or a fine of Rs.1000 or both. The second Ordinance was to repeal the Parliamentary Proceedings

Act of 1956 (introduced in Parliament by then Mrs. Gandhi's late husband, Feroze Gandhi). This Ordinance revoked the immunity conferred on the press. The third Ordinance called for the dissolution of the Press Council on January 1, 1976. This group had been established to evolve a code of conduct for the press.

Prevention of Publication of Objectionable Matter Act:

Just in case the Proclamation of the Emergency were to be revoked some time in the future along with the censorship order, a permanent measure to truncate the freedom of the press has been passed through the rump of the Indian Parliament. This ensures that, even after the Emergency has ended, the free functioning of the press will not become possible. In order to place the validity of the legislation beyond the pale of judicial scrutiny, this Act has been placed in the Ninth Schedule to the Constitution which was intended to protect land reform legislation.

Detention of Journalists:

This note is confined to censorship of the Press and no reference has been made to collateral measures such as the detention of the large number of political prisoners who are today behind the bars without trial or cause shown.

It may be mentioned that, according to Amnesty International, in a document circulated at a UNESCO Conference in Costa Rica in July 1976, out of sixty journalists who were imprisoned or had disappeared in a total of twenty countries upto July 15, there were seven journalists detained in India.

Periodicals Snuffed Out:

Till the middle of 1976, the position was that, while the national press had been, by and large, emasculated, several periodicals in both English and the vernacular languages still maintained their freedom of expression. This, alas, is no longer the position. From the month of May onwards, a drive has started to pulverise even those periodicals with a limited circulation.

As of 1st August, 1976, the journals that have been snuffed out by one device or another under the censorship regulations are Opinion and Janta in Bombay, Seminar in Delhi, Bhoomi Patra (Gujarati) in Gujarat and Sadhana (Marathi) in Poona. In the case of Opinion, the editor's crime was that he had republished the text of an article in the London Economist of 29th May, 1976, entitled "The Son Also Rises."

Announcing the demise and suspension of the publication of Opinion, the Editor wrote a letter on 13th July, 1976, entitled

"Dear Reader":

"This is to explain why there will be no more issues of Opinion. The Government of Maharashtra, apprehending from its further appearance danger to public safety, maintenance of public order and internal security (believe it if you can) with the prior approval of the Government of India, prohibits me from making and publishing Opinion and from using any press for these purposes.

Neither the Government of India nor the Government of Maharashtra can be so stupid as to harbour the apprehensions they profess to do. They know Opinion's reasoned columns offer no comfort to the rabble-rouser or the conspirator. They know the public Opinion serves. Such people do not riot in the streets. They read, they think, they argue, they consider, they come to their own conclusions. And it is these conclusions the regime is so afraid of, the conclusions reached by the minute fraction of educated Indians constituting Opinion's readership ! What a tribute, in their own peculiar way, these mighty, powerful Governments pay to Opinion readership and Opinion when they decide that they cannot allow this tiny organ of public information and public reasoning to live !

The real basis of the prohibition would seem to be different. The current Indira regime, founded on June 25, 1976, was born through lies, nurtured by lies and flourishes by lies. The essential ingredient of its being is the lie. Consequently to have a truthloving, straight-thinking, plain-speaking journal examine it week after week, and point out its falsehood becomes intolerable to it. The feeling grows, this is too much, this just can't be endured, why, it might even affect the dictatorship Indiraji has so recently established, after such great pains, over this hitherto free land.

For true lovers of the country and of freedom, the present is a tragic time, and the future likely to be even more saddening. In such periods it is important to realise that the seat of freedom in man is the mind. Preserve its integrity and all is not lost. The pressures upon a man may be enormous, yet if he sees clearly and judges accordingly, there is still room for hope. People accustomed to freedom sometimes ask despairingly: "This terrible time, when will it end ?" I know not when, but this is sure, that if they and we lose courage, it may never. Whatever the duration, upon us all it is incumbent so to bear ourselves in it as if its end were certain, the dawn inevitable after this long-stretched-out dark night.

And so, farewell."

At the end of July 1976, there were three English language periodicals which still maintained the right to dissent. These were Freedom First, Quest and Himmat. Himmat, however, had already been asked to deposit with Government Rs.25,000/- as a punishment for heretical writing along with a threat of confiscation in case of repetition. The Bombay High Court gave an interim Stay Order against the implementation of this Order. The matter is now sub judice.

An order dated 31st July 1976 was served on the printing press where Quest magazine (a bimonthly sponsored by the Indian Committee for Cultural Freedom) is printed asking the keeper of the press to show cause why the entire printing press should not be forfeited to Government by reason of their having published an editorial article on Censorship which, according to the State Government, constituted a "prejudicial report". So far as can be ascertained, no order was served on the Editor or the Publisher. But such is the climate of fear prevalent that the printing press have apologised to Government and promised not to print Quest any more.

News Agencies:

The process of establishing a Government-controlled monopoly in the news agency field is nearing completion. India's two leading agencies - The Press Trust of India and United News of India - have been merged, taken over by Government and "reorganised." Reorganisation has included dismissal of the two general managers although, for the record, they resigned "voluntarily". A major newspaper group that could not pay its dues to the news agency, Samachar, abruptly had its news service cut off. One cannot really complain of this action, but the interesting point is that for several weeks the paper managed without any agency service and, to the surprise of some people, did extremely well! Having cut off their nose to spite their face, Government spokesman then made a grievance of anyone having the ~~ability~~ to 'bypass' the national news agency.

Restoration of the service was forced on the group and an arrangement was made as regards payment of the arrears which the paper was prepared to make in the first place. This speaks volumes for the resilience of Indian newspapers and the dedication of their staff. It is also an indication of the quality of service to be expected from Samachar under its new Management.

A campaign has now developed under official aegis to malign and libel the Western press with a view to creating barriers between it and the Indian press and reader. This took concrete shape at a Conference of so-called non-aligned countries that met in Delhi in June 1976, and decided to adopt measures of collaboration between the news agencies of the participating countries so as to immunise the reader from the Western press.

The nature of the reporting that one could expect from the newspapers and journals published in many of the countries represented

at the Conference can be judged from the fact that, when two delegates walked out of the Conference as a protest against some action or the other, the news of the walk out was banned in the newspapers in participating countries.

Foreign Correspondents:

In order to close the window between India and the West, various correspondents of newspapers and broadcasting agencies like the BBC were expelled from Delhi within a few days or weeks of the imposition of the Censorship under one pretext or another. One or two newspapers have been allowed to maintain correspondents in India but they do so under conditions where their effectiveness in telling the truth about developments at this end has been harshly limited.

The latest incident on this front has been the expulsion from India of the correspondent of the Guardian and the Economist, Mr. Christopher Sweeney, under particularly crude political conditions. He has told his story on the front page of the Guardian of 24th July entitled 'A Rough Passage from India'. The Guardian commented in an editorial of the same date entitled 'Indira Gandhi Locks Out the World'. The Economist has commented on this in its issue of July 24, 1976.

It is interesting to note that no correspondents from West Germany have been sent away from India. It is believed that this is due to the fact that, unlike other Western Governments, the West German Government let it be known that, if German correspondents were not allowed to operate freely in India, economic aid from West Germany would be discontinued.

P.E.N. RESOLUTION:

The P.E.N. All India Centre, consistently with the aims and objectives of the International P.E.N., took note of this development immediately the censorship order came into force. The Executive Committee of the Indian P.E.N. met on 22nd July 1975, and passed the following Resolution:

"Be it Resolved:

that this meeting of the Executive Committee of the P.E.N. All India Centre reaffirm with conviction the fourth clause of the P.E.N. Charter signed by every Member upon joining and hence by the late Dr. Radhakrishnan and the late Pandit Nehru among numerous distinguished men of letters, and reading as follows:

'The P.E.N. stand for the principle of unhampered transmission of thought within each nation and between all nations, and members pledge themselves to oppose any form of suppression of freedom of expression in the country and community to which they belong. The P.E.N. declares for a free press and opposes arbitrary censorship in time of peace. It believes that the necessary advance of the world towards a more highly organised political and economic order renders a free criticism of administration and institutions imperative. And since freedom implies voluntary restraint, members pledge themselves to oppose such evils of a free press as mendacious publication, deliberate falsehood and distortion of facts for political and personal ends.'

Hence, that it feels bound in conscience to deplore the conditions imposed upon publishing in this country under the President's Ordinance declaring an Emergency, and in special the imposition of pre-censorship on all material to be published; and that it appeals to the President of India to revoke these constraints upon free expression

Be it further resolved that a copy of this Resolution be forwarded to the President of India and to the Prime Minister."

The text of this Resolution was published in the Indian P.E.N. of August 1975 and, interestingly enough, the censor permitted its publication, thus illustrating that somewhat erratic and yet not total nature of Censorship.

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