GOVERNMENT OF INDIA

WHITE PAPER
ON
MISUSE OF MASS MEDIA

HIRING THE INTERNAL EMERGENCY

(AUGUST, 1977)
Soon after the declaration of emergency, Shri V. C Shukla was appointed as the Minister of Information and Broadcasting in place of Shri I. K. Gujral. The new Minister established strict personal control over the functioning of various media units of the Ministry. He inducted two or three officers of his own choice into the Ministry.

2. The then Prime Minister, Smt. Indira Gandhi, herself laid down the broad policy in respect of media at a meeting held on July 26, 1975. At this meeting, it was proposed that the Press Council be abolished, news agencies be fused into one, advertisement policy be reviewed, housing facilities given to journalists be withdrawn and foreign correspondents not willing to fall in line be deported. (Points discussed at this and other meetings are in Appendix 1).

3. Shri Shukla immediately went into action to execute these policy guidelines. In the process the country witnessed misuse of mass media totally inconceivable in a democracy. The distinction between party and government disappeared. Akashvani and Doordarshan became propaganda instruments of the ruling party and peddlers of a personality cult. Even media such as press and films otherwise outside the control of government were made to dance to the tune called by the rulers by a ruthless exercise of censorship powers, enactment of a set of draconian laws which reduced press freedom to nought and an unabashed abase of authority in the matter of disbursing advertisements, allocation of newsprint and release of raw stock for films.

4. Shortly after assumption of office by the new government, it was decided to enquire into all this abuse of mass media and to present a White Paper to Parliament in this regard. On May 21, 1977 a one-man Committee was set up under the Chairmanship of Shri K. K. Dass, a former Secretary of the Ministry of Information and Broadcasting. This Committee was asked "to enquire into and collect facts for the preparation of the
White Paper regarding misuse of mass media during the emergency relating to:

(a) misuse of censorship provisions;
(b) harassment of journalists;
(c) allegations in regard to certification of films;
(d) manipulation of mass media including News Agencies; and
(e) other matters incidental thereto.

The Dass Committee's report, based predominantly on Government records, was submitted to Government on June 22, 1977. This White Paper has been prepared on the basis of this report as well as other material available to Government.

I. PUBLIC COMPLAINTS

The setting up of a one-member Enquiry Committee in the Ministry of Information and Broadcasting under the Chairmanship of Shri K. K. Dass was widely publicised in the Press and by Radio and Doordarshan. Members of public and associations of Journalists and Film Industry were requested to come forward with their complaints regarding instances of misuse of mass media and other related matters by June 5, 1977. The Committee, however, entertained all complaints received up to June 10, 1977. Several eminent journalists, members of the film Industry and prominent persons met the Committee personally.

The Enquiry Committee received 1037 complaints. Of these 820 complaints were found to be outside the scope of the terms of reference of the Enquiry Committee. Most of these 820 complaints pertained to excesses during the Emergency and were not connected with misuse of Mass Media. These will be passed on to the Home Ministry for further processing and, if need be, for reference to the Commissions set up by Government for looking into alleged acts of excesses irregularities etc. during the Emergency. The 217 complaints falling within the ambit of this enquiry may be classified as follows:

(a) Misuse of Censorship provisions 45
(b) Harassment of journalists 103
(c) Allegations in regard to certification of films 8
(d) Manipulation of Mass Media including news agencies 23
(e) Other matters incidental thereto 38

A statement showing the state-wise break-up is at Appendix 3.

3. The largest number of complaints is from Delhi followed by Uttar Pradesh, Maharashtra and Madhya Pradesh. The complaints were largely from journalists, editors, publishers and printers of newspapers/periodicals, members of the Film Industry and Government employees who had been adversely affected or who had knowledge of instances of misuse of mass media. Complaints were also received from several persons not directly affected but who were otherwise aware.
of cases of misuse of mass media. Some of the complaints were from eminent journalists like Sarvashri Chanchal Sarkar, B. G. Verghese, Kuldip Nayar, C. Raghavan and Nikhil Chakravartty as well as from associations of journalists like IFWJ and NUJ. By far the largest number of complaints related to harassment of journalists. The second highest category related to misuse of censorship provisions. A number of cases of harassment of journalists occurred due to the action by the State Governments and its field agencies such as Police and District officials. Similarly, on the question of imposition of censorship, the implementation of the policy and guidelines laid down by the Central Government, was found to have been misused by the Censorship officials of some State Governments.

4. Following the setting up of the Enquiry Committee, the Ministry of Information and Broadcasting requested all Chief Secretaries/Administrators to forward detailed material in respect of the following matters:

(i) Arrest and detention of Journalists;
(ii) Seizure of presses and reasons therefor;
(iii) Cancellation of Certificate of Registration of newspapers/periodicals and forfeiture of security by District Magistrates; and
(iv) Any other relevant matter pertaining to Committee's terms of reference.

The Committee has noted that the response from most was poor.

5. The category-wise analysis of the relevant public complaints received by the Committee is given in the succeeding paragraphs.

(a) Misuse of Censorship Provisions

The Enquiry Committee received 45 complaints relating to the misuse of censorship provisions by the Central Government or the State Governments. The Committee addressed the State Governments for their comments on the complaints in which there were allegations regarding misuse of powers of censorship by the State Government officials. Although some of the complaints contained prima facie cases of excesses against journalists, editors, publishers and printers of newspapers and periodicals, it was not possible for the Committee to verify these complaints for want of comments from the State Governments. The notable cases of complaints of this category were from Shri M. R. Masani, Editor of Freedom First (Bombay), Shri B. G. Verghese, formerly Chief Editor of The Hindustan Times, Shri R. R. Sharma, G.M., Tribune, Shri Ashokji, Editor, Swatantra Bharat, Shri Chimanbhai Somabhai Patel, Editor, Sandesh, Shri V. K. Narasimhan of the Indian Express, Shri Nikhil Chakravartty, Editor, Mainstream. It has been observed that there was lack of uniformity in the imposition of censorship inasmuch as news items cleared by censor at one place were found objectionable in other regions and penalised. High Court rulings permitted publishing of items unlawfully censored. Pre-censorship was imposed on publishing proceedings of Courts, and representations against such illegal use of censorship provisions were not entertained. Pre-censorship was frequently used to harass editors who did not toe the official line, with the purpose of compelling them to fall in line. News which was critical of Maruti and Sanjay Gandhi came in for particularly unfavourable notice. Similarly, news relating to reporting of crime and news which depicted failure on the economic front was also censored and the publishers were often subjected to punitive action such as detention under MISA, seizure of presses, cancellation of declaration, withdrawal of accreditation facilities, stoppage of Government advertisements, and demand of large security deposits.

In the case of the daily Gana Shakti of Calcutta, the Calcutta High Court had to intervene against the unlawful censorship orders passed by the concerned officer of the State Government. Other High Courts, notably Bombay and Gujarat, also intervened. Excerpts from their judgements have been given at Appendix 4.

(b) Harassment of Journalists

The Committee received about 103 complaints from journalists including editors, wherein complainants have alleged that they were subjected to various kinds of harassment as enumerated below by the executive agencies of the Central as well as the State Governments including their subordinate field agencies:

(i) harassment of members of the Press and their families by Police;
(ii) arrest under DISIR and MISA;
(iii) withdrawal of accreditation facilities;
(iv) withdrawal of normal facilities as available to accredited Correspondents;
(v) cancellation of newspaper declarations;
(vi) stoppage of advertisements; and
(vii) termination of services by management under political pressure.
A large number of these complaints alleged harassment by the State Government's machinery at the District level often through the Police. The Committee referred these complaints to the State Governments concerned for their comments.

Though comments of all the State Governments have not been received, some of the complaints indicate prima facie cases of excesses by the District authorities, the State Police and other field agencies of the State Governments towards journalists and editors who were suspected of following a political ideology different from that of the party in power. Some of the reported cases of excesses/harassments are mentioned below:

(i) The Editor, 3 trustees and 5 employees of Sadhana a weekly published from Ahmedabad were arrested. The Press was seized.

(ii) DAVP advertisements were discontinued to Sandesh.

(iii) Milap a monthly published from Bhavnagar reproduced in its issue of August 1976 a news item published in Bhumiputra regarding confiscation of another paper Maitri for carrying a story about Acharya Vinoba Bhave's first statement of his indefinite fast against cow slaughter. On a request from the Editor, the Government censor officer did not inform him of the writing in the issue of Milap which was found objectionable. While a formal wanting was issued to the paper, the State Police sealed the Press and raided the houses of local subscribers and seized the June issue. The Editor was arrested along with the Press owner. This action against the Press created fear and Milap was forced to stop its publication.

(iv) Lokmat a Gujarati Weekly coming out from Nadiad was also a victim. The DAVP advertisements to this paper were suspended with effect from November 29, 1975.

(v) The Editor of Lalkar a weekly published from Chittorgarh (Rajasthan) was arrested; State Government advertisements were stopped and accreditation was cancelled.

(vi) The Editor of Dainik Sambad, Agartala (Tripura) was arrested under MIS A. The Press was closed down by the Government of Tripura and advertisements to this paper were stopped by the State Government as well as by the Central Government. The State Police is also alleged to have committed excesses.

(vii) Assam Tribune—In the case of Assam Tribune the DAVP drastically reduced the quantum of advertisements to this paper in August 1975 and also discontinued the use of this paper for UPSC advertisements from the end of February, 1976. The paper is alleged to have been victimised because of political differences between the management and the Congress President, Shri D. K. Barooah. The management was also pressurised to remove Shri Satish Chander Kakati from the Editorship of this paper.

In many cases family members of journalists are also alleged to have been harassed by the Police. Several complaints have also given instances of alleged victimisation of journalists and editors at the instance of the former MIB (Shri V. C. Shukla), e.g. S/Shri Kuldip Nayar and Nikhil Chakravartty. Some of the newspaper managements are said to have harassed their employees who were found inconvenient. Samachar has also come under criticism in this regard. Attention has been drawn to the cases of Shri C. Raghavan and Shri V. P. Rama-achandran.

According to the records available with the PIB, 253 journalists (including 110 under MISA and 60 under DISIR) were arrested during the Emergency, some of the prominent amongst them being Sarvashri Kuldip Nayar, K. R. Malkani and K. R. Sundara Rajan. The largest number of arrests (59) was in Madhya Pradesh. A statewise list is given at Appendix 5.

(c) Allegations in regard to Certification of Films

The Committee received 8 complaints alleging irregularities in the matter of censor certificate of films. The complaints by and large referred to the delays in the matter of censorship or application of rigid and non-uniform standards in the matter of imposing cuts before certifying the film as fit for public exhibition. Two complaints have referred to the banning of the sex-education films. There were two complaints (not from the affected parties) which called upon the Committee to look into the political motives behind the censorship of certain films like Kissa Kursi Ka, Andhi, Andolan etc. The policy pursued by the then Government in the matter of certification of films, and the extent of misuse of this power has been discussed later.

(d) Manipulation of Mass Media including News Agencies

The Committee received 23 complaints, many of them particularly relating to the manner of formation of Samachar and the manipulation of Government media like All India Radio, iDoordarshan and Films
II. APPROACH TO MEDIA

Addressing a Conference of AIR Station Directors on September 9, 1975, Shrimati Indira Gandhi ridiculed all questions being raised about the credibility of AIR, and said: "Quite honestly, I don't understand what it (credibility) means. Who has credibility? The newspapers, who had day in and day out printed falsehood?" (vide Appendix 6).

2. It is this kind of utter unconcern for credibility that characterised the basic attitude of Government towards the media during the Emergency. No wonder, by the time the emergency ended, public faith in the reliability of the media had been completely shattered.

3. The emergency was announced on June 26 morning. But even before the formal declaration, high ranking leaders like Shri Jaya Prakash Narayan, Shri Morarji Desai, Shri Charan Singh, Shri Chandra Shekhar, Shri B. V. Jayaprakash and Shri Madhu Limaye, besides thousands of other opposition activists, had been rounded up. It was a happening of historic dimensions. But the media were forced to black it out.

4. Censorship was ordered under Defence and Internal Security of India Rules. But conscious that its implementation may take time, and in the meanwhile Delhi papers at least may come out with screaming headlines about the cataclysmic events, Government resorted to a blatant illegality. Power supply to newspapers was cut off. According to Delhi Electric Supply Undertaking official instructions were received by them from the Lieutenant Governor of Delhi that this be done. Most Delhi newspapers were, therefore, unable to bring out their editions on June 26, 1975.

5. Beginning with a meeting of Secretaries on June 27, 1975 Prime Minister, Mrs. Gandhi held a number of meetings at which the role of media was discussed, (vide Appendix 6). At these the need for complete conformism by officials was also repeatedly stressed.

6. Thus, in her address to AIR Station Directors and other senior officials of the Ministry on September 9, 1975, Smt. Gandhi said:

7. In Secretaries to senior any different instructions also be treated or written, 

8. On Sec o-Tice order is

9. Shri V. C. Shukla started taking Coordination Committee meetings with senior officers and media heads, every day, to begin with. The first one was on June 29, 1975. Extracts from the minutes of these meetings are given below (date of meeting given in brackets). These show the type and nature of decisions taken under the directions of the Minister.

PIO was asked to prepare a comprehensive list of all dailies and periodicals with a significant circulation, divided, into three categories—friendly, neutral and hostile. (29.6.75).

Whenever any newsman like an editor/journalist/corespondent on the staff of any newspaper is to be arrested, the arrest should be made with the prior consent of MIB. (29.6.75).
Europe, Britain and USA to arrange for monitoring of the reporting on India in the Radio and TV network (14.7.75).

Shri I. P. Tewari was also asked to inform the Editor of the Indian Express that no edition of that newspaper should carry any writing by Shri Kuldip Nayar, under any name or style, unless it was cleared by censor. (17.7.75).

DNS raised the question whether the Current Affairs Programme which used to be a forum of debate on topical questions between persons representing different points of view should be suspended. MIB said that it need not be, however, the speakers should be carefully selected from among those who are committed to the Government's policies. (17.7.75).

The correspondent of a foreign paper stationed in India would be deemed to be responsible for any objectionable report on India published by his paper and should be deported. (19.7.75).

On PIO enquiring whether foreign correspondents could be allowed into the Press Gallery of Parliament next week, MIB said that the facility should be given only to correspondents about whose friendly attitude there was absolutely no doubt. (19.7.75).

MIB referred to the Hindustan Times report on yesterday's proceedings in Rajya Sabha which included several references that should not have been published; text of an amendment moved by an opposition member; a list of opposition members who were absent; and observations of the Presiding Officer on the points of order. MIB asked Chief Censor to find out whether this report was passed by a Censor Officer, and if so, to take exemplary action against the Officer. (28.7.75).

It has been clarified on behalf of the Chief Censor that the report about crime in Delhi coming to zero was based on a statement by Lt. Governor of Delhi. (5.8.75).

In the second film on the Emergency, the opening flash showing a Policeman should be avoided and also promises of giving land to every landless underplayed as it was perhaps not possible to fulfill the commitment in respect of every landless farmer. (8.8.75).

The period of ban on 'Aandhi' should be extended and no publicity need be given to this order. AIR should be informed so that songs of banned films are not relayed. (8.8.75).

MIB, directed that Shri Haksar, JS(XP) should ask Mr. Lifschultz to ensure that his despatches on Shri Kuldip Nayar's case do not get published. If the despatches are published then action for his deportation would have to be considered as it was a serious matter. (20.9.75).

PIO's suggestion was accepted that any demand for explanation of censorship decisions from the International Press Institute or other foreign agencies should be ignored. (21.10.75).

It was decided that Censorship arrangements be strengthened as there is a likelihood to defeat the objectives in a subtle way. Even cartoons can do the mischief. (5.2.76).

Counter propaganda against the DMK should concentrate on subjects like institutionalisation of corruption under DMK rule, partisan interference in and mismanagement of trade unions, cooperatives, educational institutions and temples. (20.2.76).

Action should be initiated for forfeiture of the press which was printing Shri A. D. Gorwala's journal, 'Indian Opinion'. OSD has since discussed it with the Chief Censor and drawn his personal attention to the failure of the State Censor to deal with this journal despite its persistent violation of censorship. (27.4.76).
III. PRESS

Censorship

Rule 48 of the Defence and Internal Security of India Rules authorised the pre-censorship of all matter or any specified class of matter, by the Central Government as well as by State Governments. These original censorship powers were circumscribed by the following considerations:

(i) Defence of India,
(ii) Civil defence,
(iii) Public safety,
(iv) Maintenance of public order, and
(v) Efficient conduct of military operations.

2. Rule 48 authorised the pre-censorship of all matter or, alternatively, any matter relating to a particular subject or class of subjects. However, in both cases, the jurisdiction was related to the above requirements.

3. On 26th June, 1975, the first day when the Proclamation of Emergency became effective, the Cabinet approved a proposal to impose pre-censorship and an order under Rule 48 of the then Defence of India Rules, 1971, was issued which listed the subjects falling within the scope of pre-censorship. This order was subsequently expanded to include additional subjects.

4. The order issued on 26th June, 1975 provided that no news, comments, rumour or other report relating to specified matters shall be published unless it had been submitted for scrutiny to an authorised officer and he permitted in writing its publication. The term "authorised officer" was explained to mean the Principal Information Officer and certain other specified officers of the Government of India as well as Director of Information and other similar officers of State Governments and Union Territories. On 5th July, 1975, with the intention to centralise the powers of censorship in the hands of the Central Government, another statutory order was issued, providing that powers under Rule 48, DISIR which were exercisable by States also, shall not be exercised by the State Governments from a specified date, except with the previous approval of the Central Government. For further centralisation, other amendments were made in the statutory order issued on 26th June, 1975, to provide that the Chief Censor shall be the principal authority and all other authorities on whom powers of pre-censorship were conferred on 26th June, 1975, shall, in the discharge of their functions, follow such principles or guidelines as the Chief Censor or an officer of the Central Government authorised in this behalf by the Chief Censor may, from time to time, require to be followed in this behalf. The Chief Censor took the place of the Principal Information Officer for purposes of pre-censorship. Powers to detain or paraphrase telegrams under Rule 21 and to intercept and censor postal articles under Rule 24 were given to the Chief Censor. The Chief Censor was also empowered, through a statutory order, to forfeit documents or printing presses for violation of censorship order. Under Rule 47 powers to proscribe and forfeit certain documents were vested both in the Central and State Governments. However, through a statutory order dated 3rd December, 1975, State Governments were precluded from exercise of these powers without the prior approval of the Central Government. This order remained operative till 31st August, 1976. The circumstances under which State Governments were precluded, on 3rd December, 1975 from exercising powers under Rule 47 DISIR and the restriction was removed on 31st August 1976 are indicative of the considerations which weighed in the implementation of the provisions of DISIR. The withdrawal of powers, under Rule 47 of DISIR, by State Government, was done primarily because of allegations of misuse by the then Government of Tamil Nadu in November 1975. President's rule was imposed on Tamil Nadu on 31st January 1976. The concentration of powers of forfeiture with the Central Government resulted in a situation where State Governments were issuing orders which they were not competent under law to do. In one case, the Government of Maharashtra issued an order for prescription of a Kannada fortnightly entitled, Vishwatwagari, under Rule 47 DISIR without prior concurrence of the Central Government. When the Government of Maharashtra were informed that they were not competent to do so, they explained that the Union Minister for Information and Broadcasting had been consulted in the matter on 13th May, 1976 and he had clarified that "it was not necessary for the State Government to await the concurrence of the Government of India when quick action such as forfeiture of issues of newspaper or periodical under Rule 47 of DISIR is contemplated. In such cases, the concurrence of the Government of India could be obtained ex-post-facto."
Stories about Government Departments were to be allowed only if the criticism was "constructive and helpful".

18. On September 19, 1975 it was decided not to require the press to send matter for pre-censorship and to allow the Editors to censor it themselves in accordance with S.O. 275 (E) and the guidelines, retaining, of course, the powers to reimpose pre-censorship on any paper if considered accessory. However, this decision was not to apply on the following matters which had to be submitted for pre-censorship:

(i) Bangladesh.


(iii) Supreme Court proceedings on the petition of Smt. Indira Gandhi.

19. As regards proceedings in Parliament, guidelines issued on July 20, 1975 followed the instructions contained in the Chief Censor's general guidelines of July 13, 1975. According to these guidelines "the speeches of Members of Legislatures/Parliament participating in a debate will not be published in any manner or form but their names and party affiliation may be mentioned." In other words, the total coverage of proceedings in the Parliament was subject to pre-censorship, notwithstanding anything contained in Rule 48 or S.O. 275. Further, reference to every incident of walk-out or other forms of protest in the Parliament were to be decided by the Chief Censor "on the merits of each case". By an order of July 21, 1975 it was laid down that in case of obituary references to the demise of the Members, only the resolution and brief reports of the Speaker's or Prime Minister's observations should be allowed. During the Winter Session of 1975-76, however, the coverage of proceedings in the Parliament was made subject to the requirements of S.O. 275 (E) only. The reports were to be submitted for pre-censorship wherever they fell within S.O. 275 (E). During the Budget Session of 1976, pre-censorship on coverage of Parliamentary proceedings was withdrawn, if the reporters observed the guidelines issued by the Chief Censor on March 7, 1976. These guidelines basically included the requirements of S.O. 275 (E) and the provisions in the Prevention of Publication of Objectionable Matter Act, 1976.

20. In other words, conditions laid down for reporting of proceedings in Parliament were not less but more severe than the general pre-censorship on the press for other matters. During the Monsoon Session of 1975, the entire proceedings were to be submitted for pre-censorship, while S.O. 275 (E) had specified only certain matters to be covered by pre-censorship. In September, 1975 pre-censorship by and large was withdrawn for the press as a whole, and editors were allowed to practise "self-censorship" according to the guidelines, but pre-censorship according to S.O. 275 (E) continued on the proceedings of the Parliament during its Winter Session of 1975-76. It was only during the Budget Session of 1976 that reporting of Parliamentary proceedings was allowed under the same conditions as the rest of the writings in the press of the country.

21. All these guidelines were framed with the approval of the Minister (I&B). He wrote to Shri Raghuramiah on January 1, 1976 to obtain the clearance of the Speaker of the Lok Sabha and the Chairman of the Rajya Sabha to pre-censorship. There is nothing available to show what happened thereafter. Shortly afterwards, a room in Parliament House was set aside for this purpose.

22. As mentioned above, the obligation to submit matter for pre-censorship had been by and large removed by a decision taken on September 19, 1975 but even after this at least 60 newspapers and magazines in different parts of the country were brought under pre-censorship from time to time. They include certain well-known papers and journals such as Statesman, Eastern Economist, Vir Arjun, Pratap, Sarita, Mukta, Sandesh, Janmabhumi, Bhumi Pratapas, Sadhana, Deshabhiman, Opinion, Blitz, Himmat, Mother India, Tarun Bharat, Murasoli, Tughlak.

23. Nine newspapers were placed under total pre-censorship under Rule 48. These were The Indian Express, Seminar, Mainstream, Basumati, Murasoli, Tamizhmani, Vidivel, Anal and Desabakihan. The orders for total pre-censorship of The Indian Express, Seminar, Murasoli, Tamizhmani and Vidivel were issued by the Ministry of Home Affairs on the request of the Chief Censor and orders in respect of the remaining newspapers were issued by the Ministry of Information and Broadcasting.

24. A large number of instructions were also issued verbally by Censor Officers to different newspapers for 'killing' certain items. This was done in spite of Chief Censor's instructions that censorship was not to be exercised orally or over the telephone. In most of these cases, the verbal instructions given were beyond the scope of either S.O. 275 or Rule 48. Many of these were even beyond the guidelines. Some such cases are mentioned below:

(i) August 25, 1975.—Only reports of the news agencies (which were cleared by Censors) were to be published.
regarding Supreme Court's orders on the former Prime Minister's election case; reports from newspapers' own correspondents were to be submitted for pre-censorship.

(ii) September 2, 1975.—News regarding Delhi Administration taking over the International Youth Centre, New Delhi was not to be published.

(iii) September 15, 1975.—No reports were to be published regarding political developments in Gujarat without reference to the Censors.

(iv) November 1, 1975.—News of the walk-out by Opposition leaders at the Commonwealth Parliamentary Conference, New Delhi was not to be published.

(v) November 7, 1975.—Advice was given as to the headlines and lead for publication of reports on the Supreme Court's orders on the former Prime Minister's election case.

(vi) November 15, 1975 and December 2, 1975.—Directions were given on manner in which news regarding Shri Jaya Prakash Narayan's health, his movement from one Hospital to another and statements on his health by different leaders were to be published.

(vii) November 29, 1975.—All stories on Shri H. N. Bahuguna filed from Lucknow to be pre-censored. Only factual information to be allowed.

(This order was issued within hours of Shri Bahuguna's resignation from Chief Ministership, that is, even while he was continuing as care-taker Chief Minister of U.P. Shri Bahuguna later wrote a protest letter to Shri Shukla and urged him to withdraw the order. The order was not withdrawn).

(viii) December 3, 1975.—Only such news and photographs of DDA operations around Jama Masjid were to be published as were permitted by the DDA. Editorials on the subject were to be pre-censored.

(ix) February 11, 1976.—Statements withdrawing support to the Jan'ata Front were to be allowed but statements pledging support to the Janata Front were not to be allowed.

(x) February 15, 1976.—Statements by the Janata Front leaders alleging that the Centre was out to topple the Ministry in Gujarat were not to be allowed.

(xi) March 23, 1976.—Publication of certain statements made by Acharya J. B. Kripalani and Shri N. G. Goray was not to be allowed.

(xii) April 19, 1976.—News regarding the incident near Turkman Gate in New Delhi was killed. Two days later, Government issued an official statement but instructions were given to newspapers not to use any headlines other than what had been given in the official handout and not to play up the story. On April 22, the State Censors were directed to see that even the official version was not published outside Delhi.

(xiii) April 28, 1976.—News items on the fire in the TV Station in New Delhi was not to be allowed.

News and pictures of Shri Sanjay Gandhi's walkout of the function held in his honour were not to be allowed.

(xiv) May 26, 1976.—Any news item concerning Shri Jaya Prakash Narayan or the formation of a new party was to be submitted for pre-censorship.

(xv) May 28, 1976.—No news item regarding prosecution of an Indian film actress in London for alleged shop-lifting was to be allowed.

(xvi) June 1, 2 and 8, 1976.—News about transfer of Judges was not to be allowed.

(xvii) June 16, 1976.—Shri Jaya Prakash Narayan's letter to the former Prime Minister regarding her offer of contribution for purchase of dialysis machine was not to be published. However, it was subsequently decided to allow the Sama-char version to be published.

(xviii) August 9, 1976.—All news items and comments concerning Acharya Vinoba Bhave were to be submitted for pre-censorship.

(xix) October 4, 1976.—The orders of the Gujarat High Court on the transfer of Judges were not to be published.

(xx) November 30, 1976.—The budget provision made by the Madhya Pradesh Government for subscription to "National Herald" was not to be published.
(xxi) January 10-11, 1977.—News item regarding Court judgement against Shri R. K. Dalmia and Shri S. P. Jain, was not to be published.

A list prepared by the PIB of items disallowed by the Censor, indicating whether they were within the guidelines or not is given at Appendix 13.

25. Orally, some newspapers and journals were told that all quotations from Mahatma Gandhi, Jawaharlal Nehru and Rabindra Nath would not be automatically allowed.

26. Blank spaces and some advertisements also came in for adverse notice from the Censors.

27. On January 20, 1977, former MIB stated that the censorship order would not be enforced but he appealed to the press to observe the Code of Journalistic Ethics.

28. However, Shri V. C. Shukla told the Chief Censor, who had been re-designated as Chief Press Adviser from January 21, 1977 to keep a record of violations of the Code and bring them to the notice of the Secretary-General of the AINEC in accordance with the informal agreement with the President of the AINEC regarding self-regulation. The CPA was orally instructed to draw the attention of the editors concerned to any serious violation of the Code in an informal manner, which was done.

29. The inevitable crossing of wires that occurred during censorship was shown by an instance which occurred on July 18, 1976. On that date the Times of India submitted an item which began:

"The official wholesale prices index rose by 1.1 in the week ending July 3 though it was still 17 per cent lower than a year ago. The major items contributing to the price rise were oilseeds, edible oils, gur, gram, tea, bananas, cotton and cotton yarn."

30. This was, however, disallowed by the Censor. Later it was discovered that this item was based on an official press note issued by PIB on July 17, 1976. Several Editors complained about this incident.

31. Mainstream is a weekly of Delhi. It quoted a poem by Tagore on freedom on June 28, 1975. The Editor has stated that he was orally told by Shri V. C. Shukla that no such quotation from Tagore, or even Mahatma Gandhi or Jawaharlal Nehru would be allowed.

32. The paper was critical in several articles thereafter, for which the Editor was formally wanted by the Chief Censor. In one he referred to "a high-breed political spring chicken", meaning Shri Sanjay Gandhi. The Editor stated that he was told this had annoyed Shri V. C. Shukla. On February 7, 1976 he wrote an article called "Goodbye Feroze". He has stated that he was told this had hurt the Prime Minister. On May 29, 1976 he wrote an article entitled "Do we need Nehru today?". This according to the editor, was obliquely attacked by the Prime Minister in the AICC session in Chandigarh.

33. For this and another article he was warned by the then MIB, who, according to the Editor, said he was "under great pressure."

34. Finally pre-censorship was ordered on December 18, 1976. The press where the paper was printed and the owner of the office premises were threatened, so the paper ceased publication.

35. Pressure on the Statesman: Continuous efforts were made by Government to put different kinds of pressure on the Statesman and even Government nominees on their Board of Directors. At a meeting held under the Chairmanship of the former Prime Minister on August 12, 1975 different ways of dealing with the Statesman were discussed. Under the instructions of that Minister (I & B), the Company Law Board was moved on December 10, 1975 to appoint Government nominees on the Board of Directors of the Statesman under section 408 of Companies Act, 1956 on the ground that the Statesman had indulged in malpractices relating to newsprint. After consideration, the Company Law Board decided to issue a show-cause notice to the Statesman accordingly. The Statesman went in a writ petition before the Calcutta High Court in course of which they were ordered to submit for pre-censorship all matter, even including advertisements, and on August 12, 1975 the Editor was directed to submit for pre-censorship final page-proofs.

36. Simultaneously, the Statesman was continually drawn within the net of pre-censorship. Although the powers to impose total pre-censorship rested only with Government under Rule 48(1) of the DISIR and had not been delegated to Chief Censor or any other authority, on August 6, 1975 the Chief Censor informed the Editor of the Statesman in New Delhi that he had to submit for pre-censorship all matter, even including advertisements, and on August 12, 1975 the Editor was directed to submit for pre-censorship final page-proofs.
does not include such of the publications in which references were made to the banned organisations.

7. Slogans were put everywhere and those who did not display them were subjected to pressure, for instance, transport operators. An indication of this is given in paragraph 6.1 of the tour notes of the Secretary on his visit to Calcutta on August 23-24, 1976, where it states that, "It has been arranged at the time of the issue of licence to the carrier owners, the licensing officer ensures that the vehicle carries banners, hoardings, etc. This is a very good system and should be commended for other States."

8. Certain presses were removed from DAVP's panel. These were M7s. Statesman Press, M/s. Caxton Press (as it was said to be connected with a banned organisation), M/s. Delhi Press and M/s. Bharat Mudranalaya.

9. After July, 1975, newspapers and periodicals were screened and classified as hostile or friendly and advertising became a matter of political patronage. This patronage was exercised by the Ministry as shown by a note recorded by the then DAVP, late Shri N. Sethi on December 2, 1975. The relevant portions read as follows:

"Government's policy hitherto, which had been reiterated time and again in Parliament by successive Ministers, was that 'political affiliation' is not taken into account in placing Government advertisements."

"DAVP has so far been excluding newspapers from the media lists on instructions from MIB or the Ministry. These instructions are mostly received orally. DAVP has not taken any action on its own to exclude newspapers from the media list."

10. A decision was taken to order the DAVP not to release any advertisement to The Statesman (Calcutta/Delhi), The Tribune (Chandigarh) or The Indian Express Group of papers. This was ordered by Shri V. C. Shukla on August 29, 1976. Appendix 18 gives the list of newspapers from which advertisements were withheld from time to time during the Emergency. Appendix 19 gives a list of newspapers whose requests to Government for advertisements were rejected during the Emergency and Appendix 20 gives a list of newspapers which remained on the banned list during the Emergency.

11. There was a good deal of activity to place the Delhi Press on the banned list. It originated with a reference by the then P.M. in a meeting on 26-7-75 to the effect that Sarita should be watched. The threads were picked up and this matter was discussed by the then MIB in his Coordination Committee meeting. Later the Ministry asked the DAVP whether there were ways and means of cancelling pending print orders on this Press either in full or in part. Simultaneously, the DAVP was instructed that no further printing work should be given to this Press in future. The DAVP informed the Ministry on November 5, 1975, that the Delhi Press was placed on the banned list the day the MIB made a reference to it at the Coordination Committee meeting and that even the pending jobs with them were withdrawn under "one pretext or the other".

12. There were certain papers which were unduly favoured. On June 1, 1976 the DAVP recorded that "MLB has desired that rate increase demanded by the National Herald should be agreed to as it was 'reasonable'. He also desired that advertisement release should be stepped up to Navjivan, Lucknow and Quami' Awaz, Lucknow.

13. As a result of this stepping up, The National Herald which was getting Rs. 2.51 lakhs worth of advertisements in 1974-75, got Rs. 5 lakhs worth of advertisement in 1975-76 and Rs. 8.71 lakhs in 1976-77. Another big gainer was Navjivan of Lucknow whose figures for these years were Rs. 0.46 lakhs, Rs. 0.97 lakhs and Rs. 2 lakhs. Quami' Awaz's figures rose from Rs. 0.4 lakhs to Rs. 0.51 lakhs and finally to Rs. 0.86 lakhs.

14. Subsequent to 1-6-76, Shri K. K. Pillai, General Manager, National Herald saw the DAVP to discuss a further increase in the advertisement tariff for the Associated Journal Group of papers. The DAVP pointed out that the combined rate of National Herald of Rs. 15.18 for a circulation of 43,000 copies was already much higher than the rates of newspapers with more than twice the circulation of The National Herald. For instance The Times, of India, New Delhi with a circulation of 90,470 had a rate of Rs. 13.66. The Indian Express, Delhi, with the same circulation had a rate of Rs. 11.70. The combined rate of The Indian Express, Bombay and Ahmedabad with a circulation of over one lakh was Rs. 13. Later, Shri Pillai himself withdrew the request as he felt that a further increase in The National Herald rate would drive private advertisers away from the paper.
15. From February 1, 1977 a wholesale upward revision of rates took place. Some noteworthy cases are mentioned below:

<table>
<thead>
<tr>
<th>Name of the Paper</th>
<th>Original rate (in Rs.)</th>
<th>Enhanced rate (in Rs.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hitavada, Bhopal</td>
<td>3.00</td>
<td>4.00</td>
</tr>
<tr>
<td>National Herald, Delhi</td>
<td>3.75</td>
<td>8.75</td>
</tr>
<tr>
<td>Mail, Madras</td>
<td>3.75</td>
<td>9.75</td>
</tr>
<tr>
<td>Pioneer, Lucknow</td>
<td>5.25</td>
<td>8.25</td>
</tr>
<tr>
<td>National Herald, Lucknow</td>
<td>6.75</td>
<td>11.75</td>
</tr>
<tr>
<td>Hindu, Madras</td>
<td>29.21</td>
<td>38.00</td>
</tr>
<tr>
<td>Economic Times, Bombay</td>
<td>3.18</td>
<td>16.20</td>
</tr>
<tr>
<td>Northern India Patrika, Allahabad</td>
<td>5.08</td>
<td>10.10</td>
</tr>
<tr>
<td>Economic Times, Delhi</td>
<td>1.90</td>
<td>6.90</td>
</tr>
<tr>
<td>Amrita Bazar Patrika, Calcutta</td>
<td>14.00</td>
<td>19.00</td>
</tr>
<tr>
<td>Hindustan Times, New Delhi</td>
<td>23.49</td>
<td>31.50</td>
</tr>
<tr>
<td>Socialist India, Delhi</td>
<td>2.50</td>
<td>10.50</td>
</tr>
<tr>
<td>Economic &amp; Political Weekly, Bombay</td>
<td>3.75</td>
<td>8.75</td>
</tr>
<tr>
<td>Clarity, Bombay</td>
<td>4.50</td>
<td>10.50</td>
</tr>
<tr>
<td>Current, Bombay</td>
<td>5.25</td>
<td>15.00</td>
</tr>
<tr>
<td>Blitz, Bombay</td>
<td>1701</td>
<td>22.00</td>
</tr>
<tr>
<td>India Today, New Delhi</td>
<td>2.50</td>
<td>12.50</td>
</tr>
<tr>
<td>Youth Times, Bombay</td>
<td>3.1g</td>
<td>12.18</td>
</tr>
<tr>
<td>Bharat's Journal, Bombay</td>
<td>595</td>
<td>13.25</td>
</tr>
<tr>
<td>Feminis, Bombay</td>
<td>2000</td>
<td>25.00</td>
</tr>
<tr>
<td>India Tidings, New Delhi</td>
<td>9.50</td>
<td>8.50</td>
</tr>
<tr>
<td>Vayyan, New Delhi</td>
<td>3.15</td>
<td>10.15</td>
</tr>
<tr>
<td>Art of Living, Amritsar</td>
<td>3.15</td>
<td>8.15</td>
</tr>
<tr>
<td>Vikrant, New Delhi</td>
<td>4.45</td>
<td>8.45</td>
</tr>
<tr>
<td>Imprint, Bombay</td>
<td>5.55</td>
<td>15.55</td>
</tr>
<tr>
<td>Surya India, Delhi</td>
<td>7.35</td>
<td>41.75</td>
</tr>
<tr>
<td>Indra, New Delhi</td>
<td>3.45</td>
<td>13.45</td>
</tr>
<tr>
<td>Young March, New Delhi</td>
<td>3.90</td>
<td>13.90</td>
</tr>
<tr>
<td>Hindustan, New Delhi</td>
<td>19.50</td>
<td>24.50</td>
</tr>
<tr>
<td>Jai Hind, Ahmedabad</td>
<td>3.00</td>
<td>13.00</td>
</tr>
<tr>
<td>Jai Hind, Rajkot</td>
<td>6.00</td>
<td>16.00</td>
</tr>
<tr>
<td>Vik Sham, Cochin</td>
<td>2.00</td>
<td>11.00</td>
</tr>
<tr>
<td>Jagannath, Calcutta</td>
<td>14.12</td>
<td>30.10</td>
</tr>
<tr>
<td>Ananda Bazar Patrika, Calcutta</td>
<td>3.810</td>
<td>46.10</td>
</tr>
<tr>
<td>Socialist Bharat, Delhi</td>
<td>3.00</td>
<td>11.00</td>
</tr>
<tr>
<td>Yuvra Pragati, New Delhi</td>
<td>12.20</td>
<td>12.20</td>
</tr>
<tr>
<td>Navnit, Bombay</td>
<td>12.00</td>
<td>12.00</td>
</tr>
<tr>
<td>Sanchetna, Delhi</td>
<td>3.11</td>
<td>9.15</td>
</tr>
</tbody>
</table>

The DAVP took these recommendations to Shri V.C. Shukla at Raipur on February 21, 1977 and they were approved. It has recently been calculated by the Directorate of AVP that this upward revision would cost Rs. 36 lakhs per annum in respect of dailies alone.

16. The upward revision was based on the recommendations of the Advertisement Rates Structure Group constituted by the Ministry consisting of DAVP, the Chief Cost Accounts Officer, Ministry of Finance and Joint Secretary (Finance), Ministry of I&B. The group was required to make its recommendations under certain policy directives laid down by the Minister. The original minutes of the meeting of the group have been corrected by the Minister in his own hand. This itself was a grave deviation from the normal practice. He has particularly added that among the papers which are to be promoted and encouraged were those which "support and promote national policies of socialism, secularism and democracy and which obey the accepted professional Code of Journalistic Ethics". It was decided that special weightage up to Rs. 10 per single column centimetre should be given at the discretion of the Ministry to those papers which supported national policies. This gave the Minister wide powers to give patronage to those papers which supported the Government.

17. It is also noteworthy that the Joint Secretary, Finance twice recommended that these papers should be shown to the Secretary (Expenditure) but under the existing orders of MIB this could only be done after his approval. The MIB did not send the file to the Finance Ministry.
VII. ALL INDIA RADIO

Generally speaking, AIR functioned within the same constraints as all other media units. Mention has been made earlier of the then Prime Minister's speech at the AIR Station Directors' Conference as also of the speeches of S/Shri V. C. Shukla and Dharam Bir Sinha.

2. After the declaration of the Emergency and till December 1975, no less than 197 instructions were issued by the Directorate General, All India Radio, to Station Directors, in compliance with directives given at Coordination Committee meetings, and other instructions issued by the Ministry, with regard to content, periodicity and presentation of programmes dealing with the 20-Point Programme and positive publicity. There were complaints from some Station Directors that if all the instructions were to be followed there will be no time left for programmes of their own.

3. A sustained effort was made to project the Prime Minister. Most of her speeches were repeatedly broadcast. 301 quotations from her speeches were repeated in broadcasts from all stations during gaps between programmes.

4. There were numerous special feature programmes covering the so-called "Decade of Achievements". Altogether the AIR broadcast 48,609 items on A Decade of Achievements.

5. It was decided in a Coordination Meeting on April 20, 1976 by the MIB that "a debate on the proposed constitutional amendment should be initiated through AIR and Doordarshan by organising discussions". The talks on the subject were given only by persons who were in favour of the amendments. Information Adviser to the then P. M. suggested that the talks of Sardar Swaran Singh and Shri Siddhartha Shankar Ray should be published and 5000 copies supplied to our Missions abroad.

6. The AIR Code which was finalised with the Cabinet's approval in 1967 and amended in March 1970 again with the Cabinet's approval was summarily scrapped in a meeting presided over by the then MIB. In this it was stated that strict adherence to the existing code by AIR was not feasible in view of the changed circumstances. It was further decided by the Minister that if the Prime Minister approved the action, it would not be necessary to go to the Cabinet. The Prime Minister noted on May 4, 1976 as follows:

"The guidelines given to broadcasters are now obsolete. Hence the Code should lapse. But I do not think it is necessary to formally inform Parliament."

It is noteworthy that earlier copies of the code had been placed before Parliament. Thus the matter did not go to the Cabinet or Parliament as it should have.

7. Certain guidelines were drafted by the Ministry on the coverage of election of AIR and Doordarshan. Paragraph 5 of the draft reads as follows:

"5. Prime Minister's recorded voice and film coverages (also stills, photographs, etc.) may be used on Akashvani and Doordarshan while covering her speeches, announcements, decisions, etc. made in meetings and on subjects unrelated to Elections. The election speeches of the Prime Minister may also be covered by Akashvani and Doordarshan, but portions in the nature of party propaganda or electioneering, may be kept out. While covering election speeches of the Prime Minister, the recorded voice or film coverages (also still photographs, etc.) should not be broadcast/telecast".

This was deleted by the then MIB himself. The amended draft was shown to the Information Adviser to Prime Minister and after approval, was shown again to the then MIB, and it was issued.

8. As in the DAVP, AIR was also asked to provide translators for rendering the Congress Party manifesto into different Indian Languages. Eleven members of the staff were deputed for this purpose.

9. In a large number of cases, there was unnecessary interference in appointments, transfers, promotions etc. of AIR staff and even sports commentators during the Emergency, mainly at the initiative of the then MIB.

10. A glaring instance of this kind is the case of a lady announcer in the AIR, who, despite the fact that she had been placed by the Selection Committee at No. 9 in a panel of ten (only three vacancies were to be filled) was ordered to be appointed by the Minister, at the written request of a Congress M.P. The Minister even ordered that if there was no vacancy available, a post should be created.
they fell from favour. MIB orally instructed NSD that news unfavourable to them were to be played up and statements made by them were to be played down in all broadcasts. Also, following Samachar reports, there was a slant in the news against the CPI when it fell out of favour with the Congress.

8. In September 1976 when Acharya Vinoba Bhave was about to fast in protest against cow slaughter, All India Radio suppressed the news. However, when he gave up the idea of fast, All India Radio played up this news.

9. The violent incidents in the Turkman Gate area of Delhi were not noticed in the news bulletins, but later a doctored version based on the Samachar story was carried.

10. During the Lok Sabha election campaign pressures on the NSD increased. Sometime in February, the then MIB’s orders were communicated to the DNS that the ratio of news should be 2 to 1 in favour of the Congress. This was further raised to 3 to 1 within a few days. The ratio ultimately rose to 8 to 1 in favour of the Congress. From March 11, it became obligatory on the part of DNS to clear morning and evening bulletins with the Secretary, and afternoon and early evening bulletins with the Additional Secretary on telephone. The Secretary has stated that he acted under the orders of the then MIB.

11. When Shri JagjivanRam resigned from the Congress, the first news bulletin used the word "resignation" but under pressure from above, this was changed to "defection". For the next two days, the then MIB put pressure on AIR to broadcast as many statements as possible in support of the Prime Minister and in condemnation of Shri Jagjivan Ram.

12. The News Services Division of AIR was utilised to uncover and play up real or imaginary incidents as the culmination of the Opposition violence. On March 13, 1977, a Police Sub-Inspector died of heart attack after a clash between the Congress and Janata Party supporters in Farashkhana, Delhi. Even though the Police had clearly given the heart attack as cause of the death, this fact was not mentioned at all. Similarly, Giani Zail Singh, the then Chief Minister of Punjab, asserted the death by boiling in oil of a young man in Punjab and the hacking to death of another, both by the Akalis. This was put on the AIR on March 12, 1977, even after the AIR Chandigarh Correspondent stated that the police denied any such incidents.

13. On the other hand, when there was an attack on Shri Purushottam Kaushik, the Janata Party candidate in Raipur (the constituency of MIB) and the CPI MLA supporting him, allegedly by Congressmen, MIB instructed AIR through DG and the Additional Secretary to the Ministry during the early hours of March 19 that there should be no mention of the incident in their bulletins either in Delhi or in Bhopal. MIB also wanted AIR to check up whether there was any bulletin scheduled to be broadcast that morning from any adjoining area like Nagpur which could be heard in Raipur.

14. AIR was used for projecting the alleged attempt on Shri Sanjay Gandhi’s life in a manner that was supposed to arouse sympathy for him. MIB telephoned DG, AIR, between 1 and 2 A.M. on the morning of March 15 to give the details of the alleged attack and these instructions were passed on to the News Room. The News Room was asked to elicit reactions from top Congress leaders in Delhi as well as the State capitals. This was done with great speed and these details were carried in the morning bulletins of March 15. Doubts expressed by opposition leaders about the veracity of the episode were not mentioned.

15. Statements were circulated in the name of M.P.s, intellectuals and artists. Instructions were issued to DNS that these statements must be utilised. Many of those who were quoted as having signed the statements rang up to protest that they had not in fact signed. This fact was brought to the notice of the Ministry. The statements were couched in intemperate language against Sarvashri Morarji Desai, Jagjivan Ram, Charan Singh and others.

16. Another distortion was that while attacks on opposition leaders and their parties were broadcast, their replies were seldom mentioned. For example, the Imam of Jama Masjid was repeatedly criticised by a number of Muslim leaders but no speech of the Imam himself was reported in the bulletins. Also only speeches by the "so-called" top opposition leaders could be reported and persons like Sarvashri H.N. Bahuguna or Ashok Mehta were not covered on the ground that they were second rankers. Very few of Smt. Vijaya Lakshmi Pandit’s speeches were reported. Statements by Muslim Congress leaders that the Janata Party was pro-Israel were required to be reported. This was also the case with the statements made by people calling themselves leaders of the minorities like the Muslims, Christians or Sikhs in favour of the Congress party, which were reported to give the impression that that party alone was protector of minorities.

17. The coverage of the election results is still fresh in every one’s mind and does not require detailed mention. Briefly it may be said that AIR did not broadcast the counting trends, hence the news’that
26. **Part-time Correspondents of AIR**: In early 1976, it was decided to appoint 142 additional Part-time AIR Correspondents in different parts of the country. Formerly, Part-time Correspondents were appointed by the Director, News Services Division, in consultation with the local Station Director and/or PIB or other Central Government agencies. In 1976, it was decided that DNS would send recommendations to the Ministry for its approval. The procedure laid down was that the Division concerned in the Ministry would obtain the concurrence of the Minister informally, before conveying approval to DNS.

27. Later, it was mentioned that a large number of Members of Parliament had recommended various names for appointment of Part-time Correspondents in their districts. The Minister had, therefore, desired that a statement should be prepared, indicating the names of the Members of Parliament and the candidates recommended by them for appointment as Part-time Correspondents. This statement should be further updated if and when further requests were made by the Members of Parliament. The initial statement was to cover requests received from Members of Parliament up to 15th June, 1976.

28. It was not the practice to appoint office bearers of political parties as Part-time Correspondents. However, the following were appointed as Part-time Correspondents:

1. Shri Mohd. Zulfikar Khan, M.L.C., U.P., appointed as PTC at Rae Bareli;
2. Shri Rajinder Prasad Verma, Chief Secretary, City Congress Committee, Gaya (appointed as PTC at Gaya);
3. Shri Rameshwar Tiwari, Secretary, Distt. Youth Congress, appointed as PTC at East Champaran Distt.

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IX. TELEVISION

TV as a medium was subjected to same pressures as AIR, perhaps it succumbed more readily. There were numerous attempts to build up the personality of Smt. Indira Gandhi and Shri Sanjay Gandhi and to play down the opposition. The news followed the AIR bulletin.

2. The film *Bobby* was telecast from the Delhi TV Centre on February 6, 1977 at 5.00 P.M. instead of the Scheduled film *Waqt* at 6.00 P.M. It was believed that this was done to prevent people going to Shri Jayaprakash Narayan’s meeting at the Ramlila Grounds because *Bobby* was a very popular film.

3. The circumstances in which the substitution took place lend weight to this allegation.

4. On 5th February, 1977, at 7.30 P.M., the then SA to MIB conveyed to an officer of the Ministry that the film *Bobby* should be somehow procured and shown on the 6th evening. The SA to MIB also rang up and conveyed the same message to the Additional DG and a Deputy Director General, Doordarshan the same evening. The then Controller of Programmes, Doordarshan, was subsequently asked to make all out efforts to obtain a print of *Bobby*. On the orders conveyed by SA to MIB the Assistant Station Director got an announcement made at 10.00 P.M., at the time of the TV news, to the effect that *Bobby* would be telecast at 5.00 P.M. the next day, in the place of *Waqt*. Strenuous efforts were made by various officers of the Television and the Central Board of Film Censors in Bombay to get a print of the firm *Wobby*. At 11.00 P.M. the Director, TV Centre, Bombay rang up to say that he had got in touch with the Manager of R.K. Films the producers of the Film, who informed him that there was no print available in Bombay, but they had no objection if their Delhi distributors gave a print. They also gave two telephone numbers in Delhi in this connection but they turned out to be wrong. Efforts to get a print continued night-long on Saturday the 5th February and they became more frantic on Sunday morning as time was running out. Eventually, on the afternoon of 6th February, 1977 a print of *Bobby* was traced in a godown at Chandni Chowk. The private distributor who had the custody of the print was found reluctant to supply the same. However, during the course of the afternoon he was somehow persuaded to supply the
same although it was in a bad shape and torn at many places. The technical staff of Doordarshan managed with great difficulty in splicing up the film and made it possible for telecasting just before the telecasting hour. In this process the print was not fully checked and it did not go through the Screening Committee as per rules.

5. Officers of the Doordarshan Kendra have alleged in writing that they were asked to damage the print of the film Waqt and to record a wrong note, in order to make it appear that Bobby was shown because Waqt print was damaged. This, however, they did not do. The Bombay Doordarshan Kendra was asked to substitute the film Waqt by some other suitable film. The film Waqt was to be telecast by Amritsar Doordarshan Kendra the following Sunday for which the print was sent to Amritsar from Delhi. However, under the Directorate’s instructions, the Amritsar programme was changed and the Waqt print was sent back to Delhi. "Waqt" prints are, however, intact without damage.

6. Indus Valley to Indira Gandhi.—The film called Indus Valley to Indira Gandhi was made by a producer. The main object of the film appears to be to project that while India had been great in the past, it reached its culmination under the leadership of Shrimati Indira Gandhi. As the producer put it:

"India is a nation which carried with it, the wisdom born out of millenia of experience of both pleasure and pain. Coupled with its ancient wisdom, is its new vitality as a young nation trying to re-discover its identity. The wisdom of centuries is contrasted with the dead-weights of the obsolete. Us vitality is contrasted with its frustrations as a young nation. The wisdom of ages and the vitality of youth should combine together and destroy the forces of obscurantism and irresponsible frustration. This is what India is trying to accomplish under the leadership of Smt. Indira Gandhi . . . The idea is to communicate the national history and the aspirations of our heroic present path, its roots, in the most dramatic manner possible.... As a finale to the film, it will include a short interview with the Prime Minister, which is to be shot in February at Delhi."

7. The proposal of the producer was examined in the Ministry and a number of objections were raised. On July 4, 1976, with the Minister’s concurrence it was stated that it was a documentary of outstanding merit. It was also suggested that the producer should be given some reasonable margin of profit. This was done on the basis of the recommendation of the Committee including the DG, Doordarshan. However, the Minister took a keen interest in the purchase of the film and addressed the Finance Minister on 8th December, 1976 to agree to a payment of Rs. 11.90 lakhs. The Finance Minister, Shri C. Subramaniam agreed stating that there was no precedent for a purchase of this sort, "but we will have to create new precedents". The film rights were purchased for telecasting purpose only.

8. Another film was New Students for which Shri [K.A. Abbas was paid Rs. 79,200.

9. Doordarshan paid Rs. 30,000 for the T.V. rights of Giton Bhari Sham, at the instance of the then MfB, (though the normal amount is Rs. 5,000. This was a function organised by the Youth Congress. The Song and Drama Division also spent Rs. 63,281 as mentioned later.

10. Extensive TV coverage was provided to public speeches of Shri Sanjay Gandhi. Film and sound recording teams, who made the coverages in all cases, went on official tour, to the venue of these events and the expenditure on the journey and daily allowance was borne by the Government. A statement giving the TV coverages of the public speeches of Shri Sanjay Gandhi and his visits to various places inside and outside the country during the period 1st July, 1975 to 15th March 1977, is appended as Appendix 22.
X. REGISTRAR OF NEWSPAPERS FOR INDIA

In accordance with the established practice, titles for new newspapers are cleared by RNI on the recommendation of the District Magistrate concerned. In June 1976, RNI was informed that MIB desired that the file concerning new titles cleared for newspapers/weeklies in Madhya Pradesh should be put up to him before issue of formal orders. This was accordingly done. This process resulted in delays ranging from a fortnight to 3 months.

2. Certain deviations took place in the allocation of newsprint. In the case of the Indian Express Group, SA to MIB told RNI that the newsprint quota of this group should be deferred from time to time. In the case of The Indian Express, Madurai, the quota was deferred for 3 to 4 months.

3. Certain newspapers were given favourable treatment. Examples are Yuvak which was published by the Assam Pradesh Youth Congress. They applied for 5 tonnes of glazed newsprint for publishing their brochure on the occasion of the Gauhati session of AICC. Although newsprint is not given for brochures but only to newspapers, the Ministry passed orders for release of this newsprint. The Hitavada of Raipur was also favoured on the verbal orders of MIB conveyed by his SA to RNI. It is alleged that this newspaper was owned by MIB but in an interview in the June 1—15 issue of India Today he had denied this and stated that it is owned by a society called Progressive Writers and Publishers. He further stated that in the beginning he was associated with the Society but as soon as he became a Minister he resigned. In these circumstances, Hitavada should not have been given special favourable treatment particularly since the circulation of this paper was low. The total entitlement of newsprint for the year 1975-76 was 33 tonnes, but 30 tonnes were released for 1976. Without the newspaper making a formal application on the prescribed form. The Current, an English weekly from Bombay, has been getting newsprint over and above their entitlement. In 1976-77 this was 118 tonnes and the publisher was already carrying an excess of 56 tonnes from the previous year. Thus the newspaper should have been given 62 tonnes. However, 156 tonnes were issued.

4. Delhi Press Samachar Patra Private Limited publishes certain well-known magazines such as Caravan, Sarita, Mukta, Women's, Era, Champak and Bhu Bharti. They applied for the licence of 4 units of pacer Web Offset Rotary from U.K. at a cost of about Rs 14 lakhs on April 3, 1973. Essentiality was certified for two units costing about Rs. 8 lakhs. This was to be discussed in a meeting on September 25, 1975 but just before that RNI received instructions from the Ministry that the case should be withdrawn as the firm had been black-listed and advertisements had been stopped by DAVP. Later on March 4, 1977 the Ministry ordered that ancillary machinery costing about Rs. 1 lakh should be sanctioned but the orders black-listing the firm were not withdrawn.

5. The Indian Express, Bombay had applied for the import of two rotaries from U.S.A. at a cost of Rs. 1.32 crores. This was rejected in July 1975 on various grounds not strictly connected with essentiality. The case of Lok Satta, a Gujarati daily from Baroda, was similar.

6. Jansatta, a Gujarati daily from Rajkot, applied for the import of two rotary machines for about Rs. 12 lakhs from G.D.R. and were refused for reasons not connected with essentiality.

7. The Hindustan Times made an application for the import of Platnag Rotary for Rs. 37.65 lakhs but this was delayed for a considerable length of time. Ultimately, on March 10, 1977 they were recommended for a licence for Rs. 5.30 lakhs for the import of a Stereo Casting machine. The Statesman had applied for various types of equipment. On verbal instructions for SA to MIB, these cases were kept pending. However, on 7th March, 1977 some small items of machinery were released with the approval of the Additional Secretary. Bombay Samachar, a Gujarati daily, applied for certain machinery and the file was sent to the SA to MIB on June 29, 1976. This was returned only on December 13, 1976. The detention of this file for six months by MIB is inexplicable.

8. A newspaper called Dainik Bhaskar of Gwalior applied for a line composing and slug casting machine and this was released to them on August 26, 1975 but they did not take delivery because of financial difficulties. This machine was thereupon allotted to the National Herald which had 10 composing machines, on the ground that 4 of them were 23 years old, but meanwhile Dainik Bhaskar had received funds and re-applied. The machinery was allotted to the National Herald on the ground that both newspapers would get the machine. This, however, was not proper because the need of Dainik Bhaskar, which was entirely hand-set was obviously greater and it should have had first priority. The reasons for giving preference to the National Herald whose application was received with compliments
6. As in the case of DAVP mentioned earlier, four printing presses \textit{viz.}, Grafik India, Caxton, Bharati Printing Works, and Statesman were black-listed for printing work of the Publications Division.

7. In the "Yojana" of August 15, 1975 figures of 27 eminent women were published—one of them was the Rajmata of Gwalior, Smt. Vijaya Raje Scindia. The report of the DPD was called for by the Ministry and DPD, in turn, called for the explanation of the Chief Editor. The Chief Editor (Shri S. Srinivasachar) stated that this picture was based on an exhibition panel prepared by DAVP. He added that the DPD was not aware of the names of the detenues as these had never been announced publicly.

8. Some books by private authors, published by the Publications Division, have come to the notice which are not objective in parts.

XII. FILM CENSORSHIP ETC.

An allegation has been made in \textit{Star and Style} dated June 3—16, 1977 that the purpose of referring certain "big" films to Delhi was primarily in order that substantial pecuniary considerations should find their way to the right quarters. It is further alleged that in the case of at least one movie Rs. 4 lakhs were paid to get the Censor certificate expedited.

2. During his visits to Bombay, Shri V. C. Shukla made speeches saying that Film producers were guilty of many malpractices. He was holding "an umbrella over them". This was perceived by the producers as a threat. It has been brought to the notice of the Enquiry Committee that each day a film was held up in censorship, it cost between Rs. 10,000 to Rs. 20,000 as interest. In the light of the above, the delays in the passing of some films and the quick action in respect of others do arouse doubts.

3. Several guidelines regarding use of violence and vulgarity were issued in 1975 and some more comprehensive guidelines were issued towards the end of 1976, but were not published. This led to considerable confusion in the minds of the producers, who had to go frequently to the officials in Bombay and the Ministry in Delhi for guidance or clearance.

4. The creation of uncertainty in their minds created room for pressure being applied on producers and other persons in the film industry.

5. Application for the certification of the original version of the film \textit{Sholay} was received on June 17, 1975. It was seen by the Examining Committee and recommended for grant of an 'A' certificate, by a majority of three to two. The film was put before the Revising Committee by the Chairman. The Revising Committee on June 27, 1975 unanimously decided to grant an 'A' certificate subject to cuts. In an application dated July 30, 1975 the producer stated that fee would submit a revised version and asked for the pending application to be cancelled.

6. The Board's file regarding the proceedings about the revised version is not available. However, some facts have been put together after enquiry and some from other files by the Committee.
President of a country called Jan Gan Desh. Two ambitious youngsters Meera and Gopat picked up a road-side quack’s assistant Gangu as a third candidate, who as Prof. Gangaram is elected President without any contest by manipulation. Deshpal, the President’s Secretary, exercised an evil and sinister influence on the President. A vote of no confidence is introduced in the Council against the President through the efforts of Gopal who is stabbed to death by Deshpal. Ganga Ram is declared the President of Jan Gan Desh for life. There was also an indirect reference in the film to “small car”.

16. On April 19, 1975, an application for the certification of the film was made. The film was seen by the Examining Committee on 26-4-1975. While three members of the Committee recommended grant of a ‘U’ Certificate subject to drastic cuts, two members, including the R.O., recommended the refusal of the Certificate on the ground that the film was derogatory to the democratic system of Government and was likely to provoke a law and order situation. The R.O. felt that drastic cuts would completely mutilate the theme and it would be better if it was refused. The R.O. then referred the film to a Revision Committee presided over by Shrimati M. Nasrullah. The Committee, which saw the film on 1-5-1975, by a majority of six to one, decided that the film should be granted a ‘U’ Certificate subject to extensive cuts.

17. The then Acting Chairman of the Central Board of Film Censors did not agree with the majority view and referred the case to Government under Rule 25(11) of the Cinematograph Censorship Rules, 1958, for necessary action.

18. In the meantime, as the concerned authorities were not giving censor certificate, Producer Shri Amrit Nahata filed a writ petition on 12-5-1975 in the Supreme Court, praying for a Writ of Mandamus directing the Central Government to issue ‘U’ Certificate to his film. Despite the Writ of Mandamus, Shri V. C. Shukla ordered on July 5, 1975 in the Coordination Committee meeting that “all the prints of the film should immediately be taken possession of and kept in careful custody, irrespective of other course of the Court’s proceedings”. The grant of censorship certificate to the film was refused on 11-7-1975. Orders were also issued on 14-7-1975, declaring the film forfeited to the Central Government under Rule 51(1) read with Rule 36 of DISIR. Subsequently, on 17-7-1975, Shri Amrit Nahata filed two more petitions in the Supreme Court, one being a supplementary petition and the Other petition seeking stay of the order of the forfeiture of the film. In the supplementary petition, he prayed for obtaining the records from the Central Government in the interests of justice. In the stay petition, he raised the point that the Government had no arrangement to keep the prints of the film as well as the negatives. In the stay order petition, Shri Amrit Nahata also apprehended from the attitude of the Government that it might even seek to destroy the film including the negatives so that the film never saw the light of the day. The petition came up for hearing on 18-7-1975. Although the stay order petition of Shri Amrit Nahata was rejected by the Supreme Court, the Court issued directive that the Government should preserve the film, negative and prints in proper condition until the disposal of the writ petition.

19. There were two adjournments and in the last week of October 1975 Shri Nahata pleaded before the Court that the film was the crux of the matter, the Court should see it. The Court agreed and its directions were received on 1-11-1975 in the Ministry. The Court fixed 17-11-1975 for seeing the film and this was confirmed by the Ministry. The Ministry, however, informed the Supreme Court on 11-11-1975 that the film was not traceable and that it was not possible to screen the film on 17-11-1975.

20. The film was never produced before the Supreme Court, although, it gave several more opportunities to the Ministry for doing so. The Ministry reiterated the stand that the film was not available. In March 1976, an affidavit was filed before the Supreme Court in March 1976, an affidavit was filed before the Supreme Court in which it was mentioned that in spite of best efforts the film materials were not traced and they seemed to have been mixed up with some other films. The Court adjourned the case to 1-11-1976 and in the intervening period, Shri Amrit Nahata withdrew the case on 13-7-1976.

21. After the new Government came into being in March 1977, CBI was asked to conduct a thorough investigation. On the basis of their investigations a charge sheet has recently been filed in a Delhi Court as per which S/Shri V. C. Shukla and Sanjay Gandhi stand accused under Sections 120 B (Criminal conspiracy) read with 409 IPC (Criminal breach of trust) 435 IPC (mischief by fire)/201 IPC (causing disappearance of the evidence of offence etc.) and substantive offences under Sections 409, 435 and 201 IPC.

FILM INDUSTRY

22. A series of meetings were held with representatives of film industry starting in January 1976 to try and enlist their participation in programmes of AIR and TV. It was felt that these two media, by mentioning the names of singers, films, music directors, etc. while broadcasting songs and films were projecting the image of cinema
artistes, but were getting nothing in return. Some arrangements were considered necessary with them on the basis of reciprocity. While it would not be possible to say that this view was entirely wrong, the agreements that were entered into with various artistes as a result of this were one sided and biased in favour of Government, and were entered into as a result of negotiation in which some pressure was sometimes used.

23. The Minister for Information and Broadcasting emphasised that the participation of Film Artists in Radio and TV programmes being a very important and delicate matter, it would need very tactful and firm handling. Accordingly, three senior officers of the Ministry were sent to Bombay to persuade the Artists to cooperate. On their return to the headquarters, they particularly complained about the unhelpful attitude of Shri Kishore Kumar, who, they stated, was not willing to cooperate. On their reporting this to the Ministry, a decision was taken that, with immediate effect, all songs of Shri Kishore Kumar on Radio and TV should be banned for three months. It was also decided that gramophone companies such as Columbia and HMV should be asked to freeze all records of Shri Kishore Kumar, and no record of his songs should be sold. It was to be found out how BBC was playing Shri Kishore Kumar's songs and under what contract and what should be done to stop this. A list of films under production in which Shri Kishore Kumar was a play-back singer, was also required to be obtained from the Chairman, CBFC, and steps taken not to release any raw stock of films etc. It was required to be examined whether such films could be refused censor certificates. In actual effect, the action taken was to ban Shri Kishore Kumar's songs on AIR and TV. This order was issued on 4th of May and withdrawn on June 18, 1976, when Shri Kishore Kumar decided to extend his full cooperation.

XIII. FILMS DIVISION AND F.T.T.T.

FILMS DIVISION

The Films Division is the principal producer of documentary films in the country, but there are a large number of private documentary film producers also. The Government has assumed the responsibility to provide a market for their products so that the quality of documentaries may improve. Encouragement to private producers provides healthy competition to the Films Division. The Films Division purchases and receives donations of private documentary films. After acquisition, prints are made and exhibited on the commercial circuit.

2. In 1971, complaints were received by the Ministry from private documentary film makers that films were being bought for reasons other than quality. These complaints were made by persons of high standing. The then existing system in the Films Division was that an Internal Committee composed entirely of the senior officials of the Division decided which documentary films should be purchased. As a result of the complaints, the Committee was re-constituted by inducting non-officials from the film industry, in addition to officers from the Ministry. This newly constituted Committee was called the "Documentary Film Purchase Committee". The Committee was also to have a standing Sub-Committee to determine the purchase price for every documentary film. The arrangement was formalised by issue of a Government Resolution published in the Gazette of India. Before issue of the Resolution, the matter was approved by the then Minister of State for Information and Broadcasting. While putting up the proposal to the Minister, the Joint Secretary had stated that in exceptional areas, the Ministry would, of course, have the right to purchase with the approval of the Minister, any film though the Committee's decision may be not to purchase it. This was obviously meant to be made use of only in rare and exceptional circumstances. Had the intention been otherwise, the Ministry would have included it in the formal Resolution published in the Gazette of India, which it did not.

3. Apart from the documentary films purchased or accepted as donation by the Films Division being of an acceptable quality and standard, these films had to be certified by the Central Board of Film Censors, for public exhibition and also approved by the Film Advisory
Board. The functions of the Film Advisory Board are to make recommendations to the Central Government regarding the suitability of films for approval as scientific films, films intended for educational purposes, films dealing with news and current events or documentary films in accordance with the directions issued by the Central Government under Sub-Section (4) of Section 12 of the Cinematograph Act, 1952 and by the State Government under the corresponding State laws. Thus even the documentary films and Indian newsreels produced by the Films Division itself had to be certified not only by the Central Board of Film Censors, but also by the Film Advisory Board, which holds a weekly meeting for this purpose. Thus, in the ordinary course no documentary film should be purchased or accepted as a donation by the Films Division until it had been approved by the Film Advisory Board, and the Documentary Film Purchase Committee.

4. In February 1959 the Ministry issued a Resolution notifying rules in regard to the working of the Film Advisory Board and the approval of the films by the Board. The draft of this Resolution was approved by the Ministry of Law.

5. The Cinematograph Act, 1952 was amended by Cinematograph (Amendment) Act, 1974 to make some radical changes in the constitution of the Central Board of Film Censors, the main one being that whole-time members of the Board were to be appointed. The implementation of the Cinematograph (Amendment) Act, 1974 has, however, been held up by Government because the Cinematograph (Censorship) Rules which were also to be amended by another set of rules to implement the Amendment Act have not yet been notified. However, in 1975, on the plea that with the amendment of the Cinematograph Act, changes were also necessary in the constitution of the Film Advisory Board, the Ministry decided to issue another Resolution in supersession of the Resolution of February 1959, promulgating rules in regard to the working of the Film Advisory Boards at Bombay, Calcutta and Madras for the purpose of approval of scientific films, etc. The Resolution which was not put up for approval at a level higher than that of the Joint Secretary dealing with Films in the Ministry, contained Rule 14(b) which is given below:

"Notwithstanding anything contained in the above rules, the Central Government may without consulting the Film Advisory Board approve any film as suitable for inclusion in any category specified in Rule 1."

This Rule empowered the Central Government to approve any film, without consulting the Film Advisory Board, as suitable for inclusion in any category specified in the Rules, viz., scientific films, films intended for educational purposes, films dealing with news and current events, documentary films, etc. This Rule was also expressly meant to allow the passing of a film on the then P. M. which was in the making and which was thought likely to exceed 2,000 feet, which is the normal limit as given in Rule 10. Rule 14(b) was invoked, frequently by the Government during the Emergency whereby the Film Purchase Advisory Committee was bypassed.

6. Instances where films were purchased or accepted as donation by the Films Division without their being previewed and approved by the Film Purchase Advisory Committee set up by a Resolution of the Government and/or without the approval of the Film Advisory Board are mentioned below:

7. Nai Awaz.—This film was produced, by the Indian Youth Congress depicting the evils of dowry. Smt. Ambika Soni, President of the Indian Youth Congress proposed its donation to the Government. The then Minister ordered that the offer may be accepted and the film shown on the compulsory circuit all over the country after dubbing in various languages and that it might also be widely used on Doordarshan. The Film Purchase Advisory Committee was bypassed.

8. Agya Do Hukam Karo.—A proposal was put up and approved by the then Minister that this film produced by a private producer, based on a poem by Shri Balkavi Bairagi in which he himself had participated, may be purchased by the Films Division. The Film was stated to successfully arouse the public conscience in favour of the nation's identity, security and progress. The Film Advisory Board and the Documentary Film Purchase Committee were bypassed. Acting on the orders of the Minister the Films Division purchased this eight minutes' film for Rs. 43,500.

9. Kinnaur My Beloved.—The theme of this documentary is the land and the people of Kinnaur, a district in Himachal Pradesh. The film was offered for purchase by the producer. Initially, the film was previewed in September 1975 by the Documentary Film Purchase Committee and it suggested, that the Government of Himachal Pradesh and the Department of Tourism/Tourists Development Corporation may be suggested to purchase the film. These Departments were not interested and, therefore, the matter was again placed before this Committee pursuant to the producer's representation. The Committee, however, in February 1976 on reconsideration reiterated that the film need not be purchased. The Ministry on being approached by the producer, although aware of the reasons on the basis of which the Documentary...
Film Purchase Committee had twice rejected the film, decided that the Films Division should purchase it with the approval of the Minister for Rs. 70,000.

10. A Painter Of Our Times.—This film based on the paintings of M.F. Husain was produced by a private producer and was seen by the then Secretary and the then Minister for Information and Broadcasting. It was recommended to the Ministry of External Affairs that they may purchase the film for external publicity. The comments of the Films Division were sought with regard to the purchase of the documentary film. The Division replied that the film was a three-reeler and, therefore, it could not be released in cinema houses, nor could it be approved by the Film Advisory Board. A film which cannot be released is of hardly any use to the Division. In October 1975, the Ministry, however, bypassing the Film Advisory Board and the Documentary Purchase Committee decided to purchase this film. The Ministry of External Affairs also purchased 20 prints of that film at the rate of Rs. 2,288 per print. The Films Division purchased the film at an all inclusive price of Rs. 1.30 lakhs, subject to adjustment of the royalty earned on the sale of 20 prints to the Ministry of External Affairs.

11. Zimmedar Waris.—The producer of this film offered it to the Minister. This film was based on a poem by Shri Balkavi Bairagi. The Films Division was advised to obtain a print of the film and refer it to an ad hoc Committee set up with Shri Sukhdev as its convener. In the meantime, the film had been seen by the officers of the Ministry who found it suitable for use. The Minister desired that Films Division should purchase it. The Film Purchase Committee was, therefore, bypassed. This 10 minute film was purchased for Rs. 50,000.

12. A New Era Begins.—This film was produced by Shri Rajbans Khanna for the Central Campaign Committee of the All India Congress Committee. The film shows among other things Hitler's troops marching, and the pictures of opposition leaders, particularly J.P. The commentary calls them "political adventurists", and "strange bed-fellows" and speaks of the nefarious plan of the opponents of democracy in India". J.P. is stated to be attempting to subvert democracy. The original showed visuals of Mussolini and Hitler. This and some other shots were cut. An extract from a letter written by Shri Yash Pal Kapoor, Member of the Rajya Sabha to the Minister is reproduced below:

"This is with reference to the documentary on the Emergency which we have asked Shri Rajbans Khanna to prepare. You will recall that I had requested that all facilities may kindly be given to Shri Khanna so that the work of this urgent documentary may be facilitated. In particular I would request for the following:

(a) that Shri Mushir Ahmed, Additional Controller-cum-Chief Producer of the Films Division may be asked to provide the usual facilities which Films Division has always extended in the past to Shri Khanna for the film he has been making for us.

(b) that the Station Director, T.V. Centre, Bombay may be asked to give Shri Khanna all the 16 MM prints that he may require for the purpose of this documentary, just as Shri Chawla of the Delhi T.V. Centre has already given.

(c) that the Film Finance Corporation may be asked to issue the required quota of raw material for this documentary to Shri Khanna without delay. Shri Khanna will apply to FFC directly for this purpose."

13. In November 1975, the Ministry suo moto issued a teleprinter message to the Films Division enquiring whether a film on the Emergency produced by Shri Khanna was being handed over to the Films Division. The person in charge of the Central Campaign Committee of All India Congress Committee wrote to the Joint Chief Producer, Films Division, located at Delhi saying that as desired by the Special Assistant to the Minister, he was sending master prints of a documentary film titled NEW ERA BEGINS. On January 22, 1976, Chief Producer, Films Division, Camp New Delhi, was informed that the question of requisition of this film had been discussed with the Minister on January 21, 1976 and it had been decided that the Films Division should take the film, approval to which would be conveyed by the Ministry immediately. The film was ordered to be released from January 30, 1976; after deletion of scenes which were repetitive shots of opposition leaders.

14. After seeing the film, the Films Division felt that several sequences in the film should be deleted before its release. Shri Khanna, the producer, did not agree to carry out any changes. He argued that the film had been approved by the Prime Minister and no changes in it could be carried out. Later Shri Khanna spoke to Secretary (I&B) and informed him that although Shri Yash Pal Kapoor was not in favour of any changes or reduction in the length of the film, Shri Khanna, in deference to the Secretary's wishes was prepared to cut out a few
shots of opposition leaders. Subsequently, Shri Khanna met the Minister (I&B) when the Addl. Chief Producer was present. The Additional Chief Producer suggested to Shri Khanna that he could stay on during his talk with the Minister but Shri Khanna said it was not necessary, and after the meeting with the Minister he would let the Addl. Chief Producer know what was decided. After the meeting Shri Khanna told the Addl. Chief Producer that the Minister had not said anything specific about the changes. However, he cut five shots of the then opposition leaders as desired by Secretary. According to the instructions of the Ministry, the film was released on January 30, 1976 with a cut of only 10 metres, but a number of shots considered inappropriate were retained. When this position was intimated to the Minister he recorded a note enquiring why the position was allowed to develop, and that the opposition of the producer was irrelevant. When a reference was made to the Chief Producer, Films Division in April 1976 he reiterated that the film had already been released and invited attention to his letter of February 1976 where he had explained the entire position. Further, if they had to delete undesirable shots the expenditure would be Rs. 10,000.

15. This was another film, donation of which for 35 mm was accepted, bypassing the Documentary Film Purchase Committee and the Film Advisory Board. The 16 mm rights of the film were purchased in October 1976 under instructions from the Ministry at a cost of Rs. 55,000.

16. Godmen of Ganges.—This film was purchased without the approval of the Film Advisory Board and the Documentary Film Purchase Committee under direct orders of the Ministry. In April 1975 Ministry wrote to the Films Division that Shri Sarbjit Singh had produced a documentary film in colour on the Ganges, the film had been seen by the Director (Films) and it was proposed to consider purchasing it by the Films Division. Therefore, the price of the film may be assessed by the Documentary Film Purchase Committee. The Committee which met in May 1975 felt that another film on the subject (Mata Ganga) offered for purchase was much better and more comprehensive. The views of the Committee were conveyed to the Ministry. In spite of this, the Ministry directed the Films Division to purchase the film without the approval of the Film Advisory Board, and overruled the Film Purchase Advisory Committee. All the rights of the film cost Rs. 80,000.

17. Preservation of Coverage of Shri Sanjay Gandhi.—The then Secretary to the Lt. Governor, Delhi, during a visit to the Films Division office in Delhi, suggested that all coverages of the Prime Minister and Shri Sanjay Gandhi should be kept intact in the Library and indexed properly. This was being done for the Prime Minister, but from then onwards it was done for Shri Sanjay Gandhi also, under orders of the Ministry.

18. PRODUCTION OF FILMS BY THE FILMS DIVISION

In para 2.29 of their 182nd Report on Films Division, the Public Accounts Committee had made the following recommendations, which were accepted by Government:

"Since the prime objective of the Films Division is to educate public opinion in regard to the activities of Government and the concerned Ministries and Departments would therefore be the better judges of the areas in which film support is to be mobilised, the Committee feel that it would be a better arrangement if the annual production programme of the Films Division is prepared after extensive mutual consultations rather than merely relying on the sole judgment of the Ministry of Information and Broadcasting. Consultations would assist the process of earmarking the areas of priority and presenting a more comprehensive picture of national requirements. The Committee have been informed that consultations with the Ministries have now been revived and are of the opinion that this is a healthy practice which should be put on a firm and regular basis."

19. In para 2.28 of the same report, the Public Accounts Committee had also made the following recommendations, which were accepted by Government:

"The Committee note that the selection of subjects for production of documentary films was made up to 1966 on the basis of suggestions received from different Ministries, Departments, State Governments, etc., and during 1967-68 to 1969-70 on the basis of an over-all two-to-three year plan made by the Films Division. The practice of consultations with the concerned Ministries, Departments, etc., is stated to have been discontinued in the years 1970-71 and 1971-72 as the number of films carried over from the previous years was sufficient to keep the production units of the Films Division busy. The Committee, however, observe that the subjects carried over numbering 139 as on 31st March, 1970 were supplemented by the Ministry of Information and
Broadcasting by *ad hoc* additions made from time to time of 112 subjects in 1970-71, 141 subjects in 1971-72, 214 subjects in 1972-73, and 128 subjects in 1973-74. While the Committee concede that it may be necessary to make an *ad hoc* selection of subjects to meet unexpected and special situations, they are of the view that *ad hoc* selections, being by their nature, exceptional, should not be as numerous as they have been.*

20. All films to be produced by the Films Division have to be sponsored in writing by the Ministries, State Governments or public undertakings, who have to supply usually the line of approach, synopsis and background material at the time of proposing production or sponsoring a certain film. However, several films were produced by the Delhi Unit of the Films Division at the instance of the Ministry on instructions from the then Secretary to the Lt. Governor of Delhi. He used to contact the Joint Chief Producer and instruct them to undertake production of films for publicity. Later, he used to inform the Ministry of Information and Broadcasting about his proposal. The films produced at his bidding were:

0) Trees in Delhi,
(ii) The Roots,
(iii) Zoo Rail (Not released),
(iv) Narela Road.
(v) Time for Peace, Time for Learning,
(vi) Safety of Women in Delhi,
(vii) Badarpur Bhatti Mines.
(viii) Resettlement Colonies in Delhi.

Five of these films were completed and released briefly. The films like "The Roots" and "Narela Road" were, in effect, instruments of propaganda for Shri Sanjay Gandhi.

21. Campaign plan for Gujarat.—An *ad hoc* decision was taken to produce a documentary film of Gujarat to spotlight the gains of the Emergency, the 20-Point Economic Programmes; Positive Publicity Programme and the decade of achievement.

22. 30 years of free India.—On an *ad hoc* basis, on the suggestion of Shri Natwar Singh, the then Indian Deputy High Commissioner in London, the Ministry decided to produce a film on the progress made in India since freedom and the gains since the proclamation of the Emer-
XV. PHOTO DIVISION

In August 1976, Photo Division under the Ministry as per instructions of the then Minister, supplied free of cost, four 40" x 60" size enlargements of Shri Sanjay Gandhi and one each of 20" x 24" size photographs of Smt. Indira Gandhi and Sanjay Gandhi to the Maharashtra Pradesh Youth Congress Committee. These photographs were sent to the Minister's office for onward transmission to the Maharashtra Pradesh Youth Congress Committee. The Minister then gave them to the Photo Division for delivery. 15,000 copies in 8" x 10" size of a portrait of Smt. Indira Gandhi and 5,000 copies of a "picture of Mahatama Gandhi with Smt. Indira Gandhi when she was a child", for supply abroad. These were delivered to the Mauritius High Commission on October 23, 1975.

XVI. SONG AND DRAMA DIVISION

During 1976-77 about 23,000 performances were put up by the Song & Drama Division, which has troupes located in various parts of the Country and also makes use of professional troupes on payment. Out of these, during the period from January 1 to March 31, 1977, 8,700 performances were given.

2. The normal performance given is meant to reinforce some Government programmes such as family planning, national integration and so on. There are also programmes for the entertainment of troops posted in the forward areas.

3. The usual venue for such programmes is spontaneous gathering of public at melas and festivals. Troops are entertained at their locations.

4. During the emergency a large number of requests were received from the Congress Party and the Youth Congress for performances before the meetings or gatherings which were organised under their auspices. They were generally acceded to although the normal practice was not to appear at gatherings of political parties. A large number of these requests were acceded to on the orders of the then MIB (Shri V. C. Shukla). A statement of programmes arranged at the request of the representatives of Youth Congress, Indian National Congress etc. is given at Appendix 23.

5. Apart from these deviations, certain programmes were organised in the pre-election period in the key constituencies of Sultanpur (where Shri Sanjay Gandhi was standing); Rai Bareilly (Constituency of Smt. Indira Gandhi); Raipur (Constituency of Shri V. C. Shukla, former MIB) and Vidisha (where Shri Ghulam Azam who is apparently an influential office holder of Youth Congress was standing).

6. There were 76 programmes in Amethi; out of which eight were in response to requests from political individuals or parties belonging to the Congress. For these programmes two private troupes were sent from Simla and eight from Delhi. In Rai Bareilly, there were 75 programmes. Twelve were performed by border troupes from Simla. In Raipur there were 17 programmes: 10 were performed by a party from Delhi. When a news item appeared that during the elections...
APPENDIX 3

STATEWIDE BREAK-UP OF RELEVANT COMPLAINTS RECEIVED BY DASS COMMITTEE

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>State/Union Territory</th>
<th>No. of complaints</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>Andhra Pradesh</td>
<td>6</td>
</tr>
<tr>
<td>2</td>
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<td><strong>TOTAL</strong></td>
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APPENDIX 4

EXTRACTS FROM SOME COURT DECISIONS

Shri Minoo Masani, editor ‘Freedom First’ submitted for scrutiny of the Censor at Bombay 11 items to be published in his journal for August, 1975. The Censor prohibited publication of all the items without giving any reasons.

Shri Masani filed a writ petition in the High Court of Bombay. Mr. Justice R. P. Bhatt delivered judgment on the 26th November, 1975, and held that there was nothing objectionable in any one of the eleven articles and struck down the decision of the Censor on the ground that he had acted without authority of law and exceeded the powers under the Censorship Order.

The importance of this judgment lies in the fact that it recognised the principle that if a publication in praise of any action was allowed in regard Governmental action, publication of constructive criticism of Governmental action must also be permitted.

An appeal was preferred. The Appeal Court (Division Bench consisting of D. P. Madon and M. H. Konia JJ) held that "the guidelines issued under Clause (3) of the Censorship Order do not have statutory authority". The Court also laid down certain important principles 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 and in this the Press has an important role to play. It was 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 tile or to speak in chorus with one voice.

JUDGMENT IN THE CASE OF SHRI C. VAIDYA EDITOR ‘BHUMIPUTRA’ BARODA VS. SHRI D’PENHA, CHIEF CENSOR

In November 1975 Shri C. Vaidya, editor and publisher of Bhumiputra, Baroda, a periodical devoted to Sarvodaya ideology was called upon to show cause within ten days why all copies of the Bhumiputra dated October 26, 1975 and the press where it was printed should not be forfeited because of printing and publishing two reports of the Civil Liberties Conference held on October 12, 1975.

Justice J. B. Mehta and S. H. Sheth of the Gujarat High Court struck down the Censorship and forfeiture orders issued upon the editor and publisher. The following are extracts from their judgment.
"Whereas the Government owes a duty to the nation to curb the violent and marauding activities of its opponents, the opposition must be vigilant to see that in the name of curbing such activities, the ruling party does not destroy the foundations of democracy and assume dictatorial and authoritarian form."

"People, therefore, have an indefeasible right in a democracy to judge the governmental policies and must, therefore, have a right to point out to the Government errors in its policies so that the Government may correct them and set itself on the correct course of action if it has strayed away from it... Infallibility and democracy go ill together. Infallibility and dictatorship or authoritarianism go hand in hand."

Commenting on the Chief Censor's guidelines the judgment states that "public criticism which is the lifeline of democracy is sought to be cut by these guidelines... to permit such guidelines to operate even for a moment more will be destructive of our cherished democratic social order.... the Chief Censor has been more loyal to the king than the king himself and has outwitted the people in their attempt to maintain even the basic form of democracy in this country."

### APPENDIX 5

[Ch. I—Para 5(b)]

**JOURNALISTS DETAINED DURING EMERGENCY**

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<thead>
<tr>
<th>State</th>
<th>Number of Journalists arrested under</th>
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<td>MISA</td>
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<tr>
<td>Andhra Pradesh</td>
<td>5</td>
</tr>
<tr>
<td>Assam</td>
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<td>Bihar</td>
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<td>Haryana</td>
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<td>Himachal Pradesh</td>
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<td>Jammu and Kashmir</td>
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<td>Karnataka</td>
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<td>Meghalaya</td>
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<td>Tripura</td>
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<td>Uttar Pradesh</td>
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<td>Union Territories</td>
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<td><strong>TOTAL</strong></td>
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PART II

Cinema Theatres

<table>
<thead>
<tr>
<th>Jan.—Feb.</th>
<th>Feb.—March</th>
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</thead>
<tbody>
<tr>
<td>From out of the films already available, some selection should be made for immediate release starting this Monday.</td>
<td>Between Feb. 15 to March 15 we need 4 films.</td>
</tr>
</tbody>
</table>

A sequence of their release should be finalised now.

This package for the next 3-4 weeks requires 3 or 4 core films. These could be:
- Decade of Achievement (C)
- A day in PM's life(c)
- Gains of Emergency
- Changing Environment
- Latest INR featuring PM's announcement. A letter about strict screening from district Collectors to the theatres. But this will not come to help immediately.

INR's: From now these should feature mostly implementation measures, availability of commodities, peace on campuses, industries with comparative electioneering in a normal manner, how swiftly arrangements are going on. If there is any film available on our electoral process and working of democracy in the country, this could also be released simultaneously, if not available readily, INR could depict a bit about the announcement and timing particulars of our electoral system to bring out that the announcement has been made well before the required time, etc.

A segment approach might be necessary in the release pattern:

1. Metroes Class I Cities
   - Latest INR implementation Slum clearance urban development.

2. Class II & III
   - Gains of Emergency
   - Decade of Achievement

3. Class IV
   - A Day in PM's life
   - Changing Environment
   - how to vote.

Non-Theatrical Circuits

(Field Publicity, State Information)

The time available for the first phase is too short, we cannot break any time in transit—we should make do whatever film prints are already there with field units.

Each of the Field Publicity unit has around 30 to 85 prints of recent relevance. Of them about 10—13 would be of more direct relevance for the current task. Some of these are:

1. Naya Daur.
2. Gains of Emergency—Series.
3. Fanatics.
4. True Stones.
5. Decade of Achievement.
6. A look at rural life.
7. A day in PM's life(c)/and Prime Minister.
8. India unlimited (flow should be expedited if not already reached).
10. INR 1445-A.
11. One or other regional film of recent relevance (like New Rhythm of Nagaland, Bastar—Rhythm of progress etc.).

Now to February 15th all units could show only these above films.

All these 10—13 films could be divided into two packages and each Field Publicity units could be asked to form into two teams (one with FPO and the other with FPA) and simultaneously they could operate; if necessary one team could operate in and around the HQ towns and the other team will go interior.

Projectors could be taken on loan from one or other State Government or other Department. There are several projectors that could be borrowed. Units where their own projector is out of order also should do this of course.