

PRESS FREEDOMS AND HUMAN RIGHTS

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By

C. R. IRANI*

I was very flattered indeed when the Forum of Free Enterprise requested me to deliver the A. D. Shroff Memorial lecture. The subject is Press Freedoms and Human Rights. I chose it in order to emphasise that there is a very close kinship between the two and, in fact, press freedoms are an integral part of what we now consider to be basic human rights and human values. If one were to look for a definition of Human Rights — there have been a number of them — the best one that I have come across is in three parts and is attributed to the United States Secretary of State, Mr. Cyrus Vance. Addressing a meeting in Georgia's Law School on 30th April 1977, Mr. Vance, expounding President Carter's foreign policy initiatives on Human Rights, divided them into three parts. The first is described as the right to be free from governmental violation of the integrity of the human person; this includes arbitrary arrest or imprisonment, denial of a fair public trial, invasion of the home, the midnight knock on the door, and so forth. The second is the fulfilment of vital basic needs like food, shelter, health care and education. I would only like to add that, had the plans and ideas of Mr. A. D. Shroff, founder of the Forum of Free Enterprise, been given freer rein than they have been in our country these past 30 years, we would have been a more prosperous and economically

"People must come to accept private enterprise not as a necessary evil, but as an affirmative good."

—EUGENE BLACK

* This text is based on the A. D. Shroff Memorial Lecture delivered under the auspices of the Forum of Free Enterprise, in Bombay, on 19th October, 1977. Mr. C. R. Irani, Managing Director of "The Statesman", has distinguished himself as a champion of human freedoms and a free and fearless Press.

stronger nation than we are today, The third and last, comprises political and civil rights and liberties — freedom of thought, freedom of religion and of assembly, freedom of speech and of the Press, freedom of movement both within and outside one's country, and freedom to participate in government. Freedom of speech and of the Press is specifically embodied in Article 19 of the Universal Declaration of Human Rights. The concept is in two parts — one, the right or freedom to form and hold opinions without interference, and its corollary, the right to dissent without fear of consequence; and, two, the right to a free and uninterrupted flow of information, to seek, receive and impart information without let or hindrance because only then can a fully informed opinion be formed by the citizen and by citizens in their collective society.

Now, I come to a basic question of our times. It was Solzhenitsyn, the well-known Soviet dissenter, who posed this question as to why it was that free people everywhere — in his language, those who "soar unhampered over the peaks of freedom" — lose the taste of freedom, lose the will to defend it, and hopelessly confused and lost almost and began to crave slavery. This is a large question and men of good will everywhere must give a lot of thought to it. One conclusion can safely be drawn from the available evidence — free people find themselves in this situation because they are not prepared to pay a continuing price for their liberty. It is only this unwillingness to pay a proper price for liberty that seduces people to slavery.

In the context of what happened to the Press in India, the first point to notice is that the Press was not suddenly inflicted with controls and restrictions in the middle of 1975. To be fair, the story goes back much farther. The attack on the Indian Press started in the middle of 1969 when the then Government decided that a free Press was inconvenient.

The carrot-and-stick policy was adopted at about that time. The carrots are very obvious and journalist friends will understand what they are. As far as the sticks are concerned, first an attempt was made to separate prestigious editors from their newspapers. Then, an attack was mounted on "press barons" and the "jute press", "monopolists" and all the other choice expressions of an era which I hope is past. By the middle of 1971, it was thought that the process of pulverization and intimidation had been advanced sufficiently for the Government to come forward with a measure to put the entire Indian Press into a strait-jacket. Briefly, if this plan had succeeded — and this was brought about with the direct participation of two Cabinet Ministers — it would have denied managements the right to manage, denied owners the fruits of ownership, and, most important, denied editors the right to edit. To illustrate: editors would not have been able to edit because one of the provisions of this scheme was that the editor of a newspaper would be elected every year by the working journalists in that organization. In other words, the editor would be in a perpetual popularity contest with his staff and any sort of discipline, let alone teamwork, would be impossible. Mercifully, this scheme was abandoned under pressure and largely from "The Statesman", because we were the first to expose this nefarious scheme.

Thereafter, various other devices were adopted. Control of advertising rates by the Government and the exploitation of Government advertising as a form of patronage; a monopoly of newsprint, brought into being so that every newspaper in the country would have to make pilgrimages to Delhi to beg and borrow newsprint on which to print their newspapers. For all these reasons, I am driven to the conclusion that by the middle of 1975, the Press was in no position to stand up and fight. And the Press did deserve the taunt's

that our new Minister for Information hurled at them when he said that "when you were only asked to bend, you chose to crawl." He was right. This did happen. He also said that, "You 'did not even attempt to rattle your chains, let alone try to break them."

THE EMERGENCY

What happened in 1975 was merely a continuation of the process which had begun in the middle of 1969 with a twofold difference. The velvet glove was off and the mailed fist became clearly visible, and the earlier desire to control and dominate the leading newspapers in India gave way to a total intolerance of any dissenting point of view. These are the two aspects that deserve to be highlighted in any examination of the period of the Emergency. There are a number of examples of this attitude. We are all too familiar by now with the treatment meted out to the "Indian Express" and to "The Statesman". Both newspapers had to fight every inch of the way. As far as the "Indian Express" was concerned, they were driven from pillar to post; a majority of the board of directors was in the hands of the government, led by one of our industrialists. One of the earlier and quite dishonest positions professed to be taken by the then government was that only journalists should head newspaper organisations. Industrialists were to be de-linked from newspaper ownership. And yet, under direct government pressure, quite the contrary was imposed upon the "Indian Express". Their electricity supplies were cut off, they were threatened with arrest under MISA and whole plethora of pressures were unleashed against them. As for my newspaper, it all started when we objected to the government's interference in the choice of the editor of "The Statesman"; this was in September 1975. Earlier, there was a skirmish between the Information Minister and myself because I had got up on a platform as chairman of the Press Trust of

India and said what I thought had to be said about the censorship regulations. Thereafter, an attempt was made to take over "The Statesman" as well. A notice was sent to us seeking to appoint a majority of directors on our board. This we promptly challenged, and challenged successfully. We also challenged successfully the attempt to forfeit our printing presses in Delhi. Censorship was imposed on us in an unreasonable fashion — total pre-censorship on two occasions — so that our newspaper was in the streets at mid-day rather than early morning. Various other measures were tried. But, we stood firm and fought back successfully.

Another example was the arrest without trial of 253 journalists. This is on record now as part of the White Paper produced under the new government's auspices. Then there was censorship by telephone — our own peculiar contribution to the art and science of censorship. Apart from the law on the subject, the censor officers would ring up in the middle of the night to say "publish this, don't publish that". "This particular cinema star is important for the ruling Party so her arrest in London on a charge of shop-lifting should not be mentioned". A major industrialist, obviously a source of the good things of this world to those in power, was not to be mentioned either when he was similarly arrested. There is no need to give further examples, for they have been well-documented often enough and most recently in the officially produced White Paper on misuse of the media during the Emergency. Then there was the horrible PPOMA legislation which would have effectively prevented the publication of anything which might embarrass those in power. It was designed to take over when the Emergency was finally withdrawn, and to prevent any possible legal challenge it was included in the Ninth Schedule of our Constitution.

A great deal has been said about "The Statesman" and the "Indian Express", both in our Press and in the Press overseas. Enough, perhaps, has not been said about the brave little band of publications which stood their ground and hit back when necessary. Among them are Raj Mohan Gandhi's "Himmat", N. G. Goray's "Janata", Thattu's "Sadhana", A. D. Gorwala's "Opinion", and in a special category Minoos Masani's "Freedom First". I place it in a special category because Mr. Masani was the first to challenge the censorship order in court.

The treatment meted out to Mr. Gorwala's "Opinion" lays bare more than words can do the attitude of those in power at the time. Here was a small publication, a one-man operation. We are talking of a 76-year-old man publishing not more than four or five thousand copies of a single sheet of printed matter. He is harassed. The authorities go to his press and tell the press not to print anything that is published by him. A Rs. 25,000 security deposit is imposed on him knowing fully well that he is not able to pay it. Finally, a blanket order is passed preventing any press anywhere from publishing "Opinion". In ringing language, Mr. Gorwala's own condemnation of those wielding political power then is perhaps the best that I have seen. This is what he said:

"They know *Opinion's* reasoned columns offer no comfort to the rabble-rouser or the conspirator. They know the public *Opinion* serves. Such people do not riot in the streets. They read, they argue, they think, they consider, they come to their own conclusions. And it is these conclusions the regime is so afraid of. The conclusions reached by the minute fraction of educated Indians constituting *Opinion's* readership. What tribute, in their own peculiar way, these mightly powerful

governments pay to *Opinion's* readership and to *Opinion* when they decide that they cannot allow this tiny organ of public opinion and public reasoning to live."

These are very moving words and bear repetition. I would like to add my own tribute to Mr. Gorwala. His courage was unflinching, his purpose resolute, his defiance heroic. I offer him my admiration and my praise.

I must also pay tribute to another good friend who made all this possible, who made possible all the victories in court, who vindicated Mr. Minoos Masani and Mr. Gorwala and Mr. Raj Mohan Gandhi in the Bombay High Court. He is also from Bombay and now adorns the office of the Additional Solicitor-General of India. I acknowledge the contribution that Mr. Soli Sorabjee has made at great personal risk and sacrifice to the cause of Press freedom in this country.

What was far more sinister than the ill-treatment of the Press was what was done to the news agencies. Very few newspapers have a large network of their own correspondents. Apart from journals of opinion and views, the hard information fed to the people is important. That is one of the two major planks of Press freedom. The formation of Samachar news agency is a sad story in the history of the Indian Press. Samachar was formed in haste and handed over to a highly articulate Special Envoy of the then Prime Minister, with the connivance of newspapermen. It was entirely predictable, therefore, that Samachar sank so low that it lost all credibility during the period of Emergency. One of the lowest depths they ever reached was when they sent out a very long story — in technical terms it was "78 takes" (each "take" is a major paragraph). Generally, there are not many stories which are more than eight or nine takes — this one was all of 78 takes and it still said "more to follow". On

16th November 1976, Samachar released the results of a purported nation-wide survey. The objective was to insist that elections were redundant and the people did not want them. This 'nation-wide survey' was made by "Crews of Samachar reporters trekking the towns and villages in high hills and flat plains" (obviously you cannot have flat hills and high plains!) "who took the pulse of hundreds of men and Women from the heights of Kashmir to the coasts of Kerala, from salubrious Shillong to sun-baked Bikaner, where they interviewed countless people from different strata of society in all corners of India" and came to the conclusion that "the country did not want elections and wanted to consolidate the gains of the Emergency". Earlier in May 1976 a somewhat smaller crew of Samachar investigators "found no shred of evidence for the allegations of police excesses in Turkman Gate area in Delhi". A whole army of reporters did not come across "a single person in the area who had personally seen the body of a victim of sterilization or visited the aggrieved family".

The manner in which Samachar was brought into being and the way in which it was manoeuvred by the then government causes no surprise. But one further point in this context is important. The chairman of the Bureau of Public Enterprises was made the Chief Executive of Samachar and immediately on assuming office he wrote a letter to Prime Minister's Special Envoy and the extract is given in this White Paper published under official auspices. It was Justice Tulzapurkar who, in a memorable judgement in the Bombay High Court, referred to "freedoms being reserved for the cringing and the craven". This is a good illustration of what Justice Tulzapurkar must have had in mind. The new head of Samachar, an 'independent' news agency organisation, wrote to the Special Envoy of the then Prime Minister saying, "I have just joined Samachar. The first thing I want to

do is to seek your blessings. I can think of no other person than you to whom I can look up. Your rich and noble life and career is a practical book of vast experience".

Credibility was a casualty. There was no credibility, not merely in the news agency; this extended to other media also. It did not just happen. It was done with deliberate intent. Our erstwhile Prime Minister, addressing a meeting of Station Directors of All-India Radio in September 1975 disposed of this question of credibility very swiftly. She said that she found the Minister saying something about credibility of radio. "This question (of credibility) has been raised even before the emergency. Quite honestly, I do not know what it means. Who has credibility? The newspapers who day in and day out print falsehoods? Just because a few Members of Parliament shout sometimes I find the Ministers trying to say that—no, no, this is not a government organ. Now I have interrupted him and I have said in public forums that it is a government organ (this radio and TV) and it is going to remain a government organ. We are proud that this is a government' organ. There should be no doubt about it."

This double talk and double think went farther. At the non-aligned conference held in New Delhi, the then government collectively put its prestige to a report which was put out for the benefit of the participants at that meeting. In the brochure published on the occasion, it was said: "While the Government authority in India keeps itself scrupulously away from the functioning of the Press, the initiative taken by it has considerably helped the growth of the Press, spatially and in depth. The Press in India has been the beneficiary of several official measures and its freedom of operation has been singularly free from any type of interference."

No one should run away with the impression that this altitude to the Press and the media was our monopoly. Far

from it. The examples are multiplying with distressing frequency. It saddens me that the latest example in this case comes from Taiwan, a country for which I have great respect. Their economic development has been outstanding and we could learn a few lessons from them. But in terms of basic freedoms the record is not as good as one would like. Peter Hazelhurst is the well-known reporter of "The Times". He was applauded by Mrs. Gandhi's government for having been the first to focus world attention on the atrocities committed in Bangladesh and the refugees; he was also one of those summarily thrown out of India during the Emergency. Peter Hazelhurst now reports from Tokyo and in the London "Times" of 14th September 1977 he sums up the situation in Taiwan as quoted to him by a Taiwanese who says, "The government claims that Taiwan enjoys more freedom than the Mainland. We can travel where we like. Go into private business. Enjoy nightclubs, travel overseas. Marvellous! But we must not think. We are free from here downwards, he said, pointing to his neck!"

To broaden the picture a little, let us see what is happening in our part of the world, in the developing or Third World as it is called, on this vital issue of a free flow of information. In many countries in the Third World, demands are being encouraged for a new information order to keep in step with the new economic order. The argument advanced is that since plans for economic development are largely under State control and direction, it follows that the information order must likewise be under government control.

The argument is neatly put, but is riddled with contradictions. The major fallacy on which the argument is based confuses government *propaganda* with news. No one denies to government the right to put forward its point of view, and this applies to all governments everywhere. What is wrong is not that governments put out propaganda; what is wrong is when this is disguised as news. What is wrong is not that

governments send out information officers to man their information centres in other parts of the world; what is wrong is when they describe them as journalists.

It is regrettable that these demands are made under the general umbrella of the very prestigious United Nations organisation, UNESCO. What is not often understood is that economic development and information about economic plans is not the only news that the citizens of a country should receive. Economic development is important and represents the second group of Human Rights. Nevertheless, a proper balance must be maintained between all three groups and personal, civil and political rights are no less important. All governments everywhere find it much more convenient to do without criticism. No wonder that governments in our part of the world in particular should pounce on these new ideas being put out under UNESCO auspices to go much farther and to bring the entire Press and indeed, all media, under State control.

Let us take a look at the other countries with which our agency, Samnchar, exchanges so-called "news" in the non-aligned news agency pool. The pool was brought into being largely at the initiative of our country and it has found ready acceptance as a means of excluding any searching probes into that country's affairs by international news media. Samnchar today exchanges news files with 28 similar news agency organisations in as many countries. Of these 28 countries, only two, at most three, can claim to be democracies in any proper sense of the word. All the others are dictatorships of either the personal or political party kind, so in fact what we are receiving today even in this new situation in India, which we all welcome, is a continuing flood of so-called information put out under the auspices of regimes whose faith in democratic government and whose respect for Human Rights is a little less than skin deep. I hope that our new Government will carry out a full and probing reappraisal of

the role of Samachar in this news agencies pool and come to conclusions based on full respect for Human Rights and the proper role of a free Press in a democracy.

On a personal note, I have often been asked this question --"How did it feel during the Emergency? The strain and pressures must have been nerve-racking. It must have been dreadful." This is not so. We had a marvellous time of it. We made very close friendships. Where we were close before, we became even closer. And everywhere we went there was this tremendous encouragement from our people. Let me share with you some personal experiences which restore one's faith in our common people, who are often described as apolitical, not interested, and only concerned with the two chnpatis and a bit of onion and chilly. This is simply not true.

At the end of July 1975, barely a month after the Emergency when the country was held in chains, I came here from abroad to take the chair at the annual general meeting of the Press Trust of India, which got me into trouble later. The captain of the British Airways aircraft, with studied British under-statement, told disembarking passengers that we would be well advised not to take any printed material into the country as it was likely to cause "some considerable inconvenience"! When I landed at Bombay, I went to the first Customs Officer I could find and handed over my passport and placed my bags in front of him. This officer looked into the passport, turned the pages over several times, and then said, "Are you Mr. Irani of 'The Statesman'?" and my heart sank. I thought I would be turned inside out as well. The Customs were then required to open all bags and thoroughly search every returning Indian. They were not looking for gold or smuggled diamonds or something of that kind. They were looking for something far more dangerous to any dictatorship anywhere; ideas — printed words — cuttings from newspapers. I had half my bag full of them and I was prepared to see what was going to happen. I made attempts to open

the bag, but the officer did not seem to be interested. He kept on turning the passport pages back and forth, then suddenly he closed the passport, handed it to me, leaned across and marked my bags and said, "God Bless You, sir" and disappeared behind the Customs enclosure. I went there to receive a friend the other day and it has been rearranged since the middle of 1975. There was a glass partition in those days which divided customs officers on duty from those who were waiting to take their turn. This officer, quite junior in the service, was registering his own little protest at the double standards that he was made to observe — halass ordinary people like me and let off the members of the New Class and their friends and supporters. That customs officer is one of India's unseen and unsung heroes of the Emergency.

There are other stories, similarly reassuring. I do not think that I travelled from any one city to another in those days, and be waiting for my luggage when people have not come up, sometimes furtively, and patted me on the back and said, "Good work, keep it up, don't let these people run away with things." It was enormously satisfying and this came from all walks of life. There was a loader who carries luggage back and forth at Delhi airport. Delhi was much more in the grip of the Emergency than othw cities. He came up and said something from his heart which brought tears to his eyes and to mine as well. As we brought case after case in the Calcutta High Court, we were treated like cinema stars; respected, staid lawyers in gowns would be as enthusiastic as any crowd on the footpath waiting to get a glimpse of film stars. The message was always the same. "We are all with you. Don't give up. One day you will be vindicated." It was all very heartening, in those dark and dismal days.

This leads us to the question which is asked up and down the country and overseas: "When freedom is endangered and liberty threatened, does it or does it not help to stand up and be counted? Does it help or does it hinder

those in the front line of fire for others to stand up, to be seen to be championing their cause?" We can go on arguing the pros and cons till the cows come home but my response is categorical, based on my own personal experience. It is that it almost never hinders and always helps, apart from being right in principle. For those placed like us it was very heartening, to know that there are like-minded people in our own country and abroad who also felt as deeply about Human Rights and values as we did and who shared our ideals and were encouraging us in our struggle. But more important is the effect on the oppressors. The effect on the oppressors in this country was entirely healthy. At the very least, it tended to make them sit up and take notice and we gained valuable time. There is this important example of the London "Times" which featured on its front page a photograph of the "Indian Express" switchgear system. When they shut off the electricity supply saying it was an accident, they forgot even to engineer the accident! They simply went to the sub-station and switched off the main switch and put a padlock on it. The very next day that photograph was published in "The Times" of London. There was consternation in the Information Ministry and in the Prime Minister's Secretariat. Enquiries were started as to how this photograph got out of the country and "Indian Express" gained valuable time.

There was also the interview in "Time" magazine, featured jointly but given separately by Mr. Ramnath Goenka and myself. I described those in political power at the time as the "Delhi Mafia". Those who were thinking up new dirty tricks had to take time off to discuss what should be done with me for such effrontery. And attention was deflected for a while away from other, perhaps more serious mischief. So I would like to say that wherever freedom is threatened and liberty infringed, it is the duty as well as the privilege of all men of goodwill to stand up and be counted, and to make as

big a noise about it as they can, because this tends to intimidate the oppressors.

It is important to realise that basic Human Rights are basic to all men. This is a worldwide acceptance or there should be a worldwide acceptance of this. I have referred to the London "Times" with approval. I must also criticise very severely what they said in 1971 in an editorial entitled "Freedom of the Press in Asia"—"No one can expect true press freedoms to be enjoyed in countries still so young in their independence." The horrible condescension apart, I do not think it is possible to urge that when basic Human Rights are involved, some are less basic than others. Consequently, there is no relationship between economic advancement and Human Rights, although it has been the objective of tyrants and despots of all hues and persuasions to attempt to make the former dependent on the absence of the latter. In other words, the suggestion is that economic advancement is not possible unless there are some curbs on liberty. No one has shown to our satisfaction that there is any such relationship. In fact, the verdict of the Indian people has been categorical in the opposite direction. "The Economist" said it very well when, in examining the Indian scene after the Lok Sabha elections, it came to the conclusion that "no one will ever be able to claim again that there is a choice between freedom and bread". This is so true. I suggest a proper reading of history shows that bread and freedom go together and the pursuit of liberty must continue.

There is a need in our time to reaffirm the role of the Press in this country. It is necessary throughout the free world for the Press to re-assess its role and assert very boldly, not apologetically, what a free Press is all about. It is no part of the duty of the Press to pay any heed to the sensitivities of governments. Our duty is to our own high code of ethics (not the bogus one that the previous government chose

to impose upon us)--to report objectively, to analyse logically and to criticise fearlessly but always with an ear to the voice of dissent, which is the one unfailing test of respect for *Human Rights*. As the great scientist, G. H. Hardy, once said, "It is never worth a first class man's while to express a majority opinion; by definition there are plenty of others to do that."

The views expressed in this booklet are not necessarily the views of the Forum of Free Enterprise.

"Free Enterprise was born with man and shall survive as long as man survives."

—A. D. SHROFF
(1899-1965)
Founder-President,
Forum of Free Enterprise.

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The Forum of Free Enterprise is a non-political and non-partisan organisation, started in 1956, to educate public opinion in India on free enterprise and its close relationship with the democratic way of life. The Forum seeks to stimulate public thinking on vital economic problems of the day through booklets and leaflets, meetings, essay competitions, and other means as befit a democratic society.

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