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CHAPTER I

COURSE OF INQUIRY

Origin.—During the debate in Parliament on the Constitution (First Amendment) Bill, 1951, the Prime Minister said that he was prepared to appoint a Committee or a Commission, including representatives of the Press, to examine the state of the Press and its content. He elaborated the idea further on the 1st June 1951 when he indicated that an inquiry covering the larger issue of the Press, such as had been carried out in the United Kingdom by the Royal Commission, might be productive of good for the Press, and the development of this very important aspect of public affairs.

2. The appointment of a Commission to inquire into the working of the Press was again discussed during the debate in Parliament on the Press (Incitement to Crime) Bill, later named the Press (Objectionable Matter) Act, 1952. Emphasising the necessity for the appointment of a Press Commission, some of the members suggested the following points for inquiry: growth of monopolies; newspaper chains and cartels; entry of big business into the industry; working conditions in the Press; processes of self-correction; conditions of employment of working journalists; revision of Press laws.

3. At its session held in April 1952 at Calcutta, the Indian Federation of Working Journalists adopted a resolution for the appointment of a Commission to inquire into the conditions of the Press in India with a view to improving its place, status and functioning in the new democratic set-up.

4. In his address delivered to Parliament on the 16th May 1952, the President announced that the Government hoped to appoint, in the near future, a Commission to consider various matters connected with the Press.

5. **Appointment.**—The appointment of the Press Commission was announced in a Communique issued by the Government of India, Ministry of Information and Broadcasting, on the 23rd September, 1952, which was followed by their Notification No. 10/1/52-IP, dated the 3rd October, 1952 published in the *Gazette of India*. The notification read as follows:

“Whereas the Central Government is of opinion that it is necessary to appoint a Commission of Inquiry for the purpose of making an inquiry into the state of the Press in India;

“Now, therefore, in exercise of the powers conferred by Section 3 of the Commission of Inquiry Act, 1952 (LX of 1952), the Central Government hereby appoints a Commission of Inquiry (to be called the Press Commission) consisting of the following persons, namely:—

1. Sri Justice G. S. Rajadhyaksha, *Chairman*.
2. Dr. C. P. Ramaswami Aiyar, *Member*.
3. Acharya Narendra Deva, ”
4. Dr. Zakir Hussain, ”
5. Dr. V. K. R. V. Rao, ”
6. Sri P. H. Patwardhan, ”

7. Sri T. N. Singh,	<i>Member.</i>
8. Sri Jaipal Singh,	"
9. Sri J. Natarajan,	"
10. Sri A. R. Bhat,	"
11. Sri M. Chalapathi Rau,	"

2. The Press Commission shall enquire into the state of the Press in India, its present and future lines of development and shall in particular examine:—

- (i) the control, management and ownership and financial structure of newspapers, large and small, the periodical press and news agencies and feature syndicates;
- (ii) the working of monopolies and chains and their effect on the presentation of accurate news and fair views;
- (iii) the effect of holding companies, the distribution of advertisements and such other forms of external influence as may have a bearing on the development of healthy journalism;
- (iv) the method of recruitment, training, scales of remuneration, benefits and other conditions of employment of working journalists, settlement of disputes affecting them and factors which influence the establishment and maintenance of high professional standards;
- (v) the adequacy of newsprint supplies and their distribution among all classes of newspapers and the possibilities of promoting indigenous manufacture of (i) newsprint and (ii) printing and composing machinery;
- (vi) machinery for (a) ensuring high standards of journalism and (b) liaison between Government and the Press; the functioning of Press Advisory Committees and organisations of editors and working journalists etc.;
- (vii) freedom of the Press and repeal or amendment of laws not in consonance with it;

and to make recommendation thereon.

3. The Press Commission shall hold its inquiry and submit its report to the Central Government by 1st March, 1953.

II

In pursuance of Section 5 of the Commission of Inquiry Act, 1952, the Central Government hereby directs that all the provisions of sub-section (2), sub-section (3), sub-section (4) and sub-section (5) of the said Section shall apply to the Press Commission.

(Sd.) P. C. CHAUDHURI,
Secretary to the Government of India."

Pending the return of Sri A. D. Mani from abroad, Sri J. Natarajan joined the Commission in his place. Sri Mani joined the Commission in March 1953 and his appointment was notified in the Government of India, Ministry of Information and Broadcasting, Notification No. 10/9/53-IP, dated 4th March, 1953.

Sri M. L. Chowla was appointed to act as Secretary to the Commission. He took charge on 30th September, 1952, but died on 19th February, 1953, of heart failure.

Sri S. Gopalan took over as Secretary, Press Commission from 3rd March, 1953.

6. Preliminary Memoranda.—The Commission held their first meeting in New Delhi on the 11th and 12th October, 1952, at which they discussed

the scope of the enquiry and the lines on which opinion and factual information was to be collected under each of the subjects referred to them. One of the steps decided upon was to ask for written memoranda, on the subjects referred to them, from the associations of editors, associations of working journalists, associations of newspaper/periodical proprietors, associations of newsprint merchants, associations of paper merchants/manufacturers, associations of merchants/manufacturers of printing and composing machinery, associations of advertising agents, the Audit Bureau of Circulation Ltd., Chambers of Commerce (with regard to the terms of reference about newsprint, printing and composing machinery), Indian News Agencies and Indian Feature Syndicates. They were all requested to include, in their memoranda, such information as they considered necessary to enable the Commission to issue a detailed questionnaire. The Government of India and the State Governments were also invited to submit preliminary memoranda. Members of the public who wished to send in preliminary memoranda were supplied on request with copies of the terms of reference. The preliminary memoranda were required to reach the Commission before the 15th November, 1952. On the representations of the Indian and Eastern Newspapers Society and the All India Newspaper Editors Conference, it was decided to extend the date for receipt of preliminary memoranda up to the 30th November, 1952. The following is an analysis of the preliminary memoranda received:—

	(1)	(2)
	No. of associations etc. addressed	No. of associations etc. from whom preliminary memoranda were received
1 Associations of Editors	4	1
2 Associations of Working Journalists	86	26
3 Associations of newspaper proprietors	2	2
4 Associations of paper and newsprint merchants	4	..
5 Printing Machinery Merchants	5	1
6 Associations of printers	13	3
7 Associations of press workers	7	4
8 Chambers of Commerce	101	8
9 Newspapers and periodicals	15	2
10 News agencies	7	3
11 Features Syndicates	3	1
12 Association of Advertising Agencies/Advertisers	2	2
13 Individual Advertising Agencies	10	3
14 Newspaper Sales Agents	4	2
15 Indian Council of World Affairs	1	..
16 Associations of Photographers/Reporters	3	1
17 All India Political Parties	13	1
18 Bar Associations of Supreme/High Courts	18	..
19 Servants of India Society	1	..
20 All India Womens' Council	1	..
21 Library Association (All India Library Conference)	1	..
22 P. E. N.	1	..
23 Vice-Chancellors of Indian Universities	31	2
24 Central and State Governments	27	16
25 Audit Bureau of Circulations	1	1
26 Indian Newspapers' Cooperative Society	1	1
27 Bharat Paper Mills Ltd. . . . .	..	1
	362	81

In addition, the Commission supplied copies of their terms of reference to 101 individuals in response to which 70 memoranda were received. The total number of Preliminary Memoranda received came to 151.

7. **General Questionnaire.**—After considering the preliminary memoranda, the Commission prepared at their December 1952 Session, a General Questionnaire. Besides the preliminary memoranda, the Commission drew on the reports of the Royal Commission on the Press in the United Kingdom, the American Commission and the Uttar Pradesh and Madhya Pradesh Inquiry Committees. The questions were designed to elicit information and opinion on all aspects of the various problems covered by the Commission's terms of reference. Copies of the General Questionnaire (Appendix A) were printed by the middle of January, 1953 and sent to all those who had sent in preliminary memoranda as well as to all Members of Parliament, Vice-Chancellors, Chambers of Commerce, All-India and State political parties, Central and State Governments, Schools of Journalism, Editors of all newspapers/periodicals, associations of working journalists, professional organisations like the Indian and Eastern Newspapers Society, All India Newspaper Editors' Conference, Indian Federation of Working Journalists, Indian Languages Newspapers' Association, South Indian Journalists' Federation and various other interests connected with the Press. According to the size of each legislature, a number of copies of the General Questionnaire were supplied to the Secretaries of State Legislatures for distribution to members interested, and additional copies were offered if required. Copies were also supplied to the members of the public, on demand. Over 1,000 copies were sent by the Commission even without a demand to those who, in the view of the Commission, were likely to be interested or whose experience or advice would be helpful. The last date fixed for the receipt of replies was the 28th February, but in response to requests from bodies like the All India Newspaper Editors' Conference, the date was extended up to the 22nd March, 1953. A large number of the replies reached the Commission long after this date and some were coming in right up to the time when the Commission concluded the collection of information and had started on the preparation of the report. Some of the State Governments sent in their replies only just before their representatives were due to appear before the Commission to tender oral evidence.

Analysis of replies to the General Questionnaire

	Number addressed	Replies received
1 Members of Parliament (both Houses)	670	3
2 M. L. As. and M. L. Cs. through Secretaries of State Legislatures	1,015	4
3 Ministers of Central and State Governments including Parliamentary Secretaries	255	..
4 Vice-Chancellors of Universities	29	..
5 Chambers of Commerce etc.	290	6
6 All India Political Parties	16	1
7 State Political Parties	145	4
8 Government of India and State Governments	27	22
9 Associations of newsprint/paper merchants	6	2
10. Associations of Printers	15	2
11 Medical Council of India, etc.	3	1
12 Supreme Court and High Court Bar Associations	17	1

	Number addressed	Replies received
13 Learned Societies	141	13
14 Engineering Associations	2	1
15 Heads of Departments of Political Science in various Universities in India	22	2
16 Schools of Journalism	5	4
17 Editors of all newspapers and periodicals	7,335	111
18 Associations of Working Journalists	88	41
19 Associations of Editors (All India Newspapers Editors' Conference, etc.)	3	2
20 Associations of Proprietors (Indian and Eastern Newspapers Society and Indian Language Newspapers Association)	2	1
21 Associations of Advertisers etc. (Audit Bureau of Circulation, Advertising Agencies Association of India and Indian Society of Advertisers, etc.)	5	5
22 Members of the public	1,350	77
23 Indian News Agencies and Feature Syndicates	39	5
24 Advertising Agencies in India	300	10
	11,780	318

8. It will be seen that out of 670 Members of both the Houses of Parliament addressed by the Press Commission, replies to the General Questionnaire were received only from three. Out of 1,015 invitations addressed to Members of the State Legislatures, only four elicited replies. The response from 145 State Political Parties was equally poor, while, of the 16 all India political parties, only one offered its views. There was no response from any one of the 29 Vice-Chancellors addressed by the Commission. Of the 1,350 members of the public, to whom copies of the General Questionnaire were supplied voluntarily or on request, only 77 sent in their views. The Commission addressed the General Questionnaire to the editors of all newspapers and periodicals numbering 7,335; response was received only from 111 of them.

9. **Factual Data.**—The Commission decided to obtain factual information from the various sectors concerned with the enquiry, under the legal powers conferred under the Commissions of Inquiry Act, 1952. Five questionnaires (Q. 1 to Q. 5, Appendices B to G) framed for the purpose were sent by registered post in the middle of January 1953 to the proprietors (by name where known) of newspapers/periodicals, news agencies, feature syndicates and advertising agencies. The recipients were asked to complete and return the Statements together with necessary documents, so as to reach the office of the Commission by the 28th February, 1953. In the Statements, details were to be filled in of the name, place of publication, language, general nature of contents, date of establishment, type and quantum of printing and composing machinery employed, circulation, size, ownership, management and control, contents, advertisement revenue, news services subscribed to and/or correspondents employed, details of staff employed and a statement of accounts.

10. The Commission printed 18,000 copies of the Statement of Facts (Q. 1) and 7,500 copies of the covering letter. Copies were issued to the proprietors of 7,335 newspapers and periodicals (dailies 642, weeklies 2,467, monthlies 2,381 and others 1,845). Additional copies of the questionnaire were supplied on demand. By 28th February, 1953, replies were received only from two

dailies, 17 weeklies, 19 fortnightlies, 47 monthlies, 7 quarterlies and 8 others, making in all a total of 100. At the same time, representations were also received from newspaper associations like the Indian and Eastern Newspapers Society, the Indian Languages Newspapers Association and also from individual newspapers, for an extension of time. The date for the submission of replies was extended up to the 22nd March, 1953 but even by that date returns had been received only from 12 dailies, one bi-weekly, 74 weeklies, 35 fortnightlies, 173 monthlies, 30 quarterlies and 28 others: total 352.

11. At their meeting held on the 4th and 5th April, 1953, the Commission reviewed the response and expressed regret and disappointment at the failure of the majority of proprietors of newspapers and periodicals to furnish the Statements of Facts. It was decided to give the proprietors a final opportunity to submit their replies up to the 30th April, 1953; if replies were not received by that date, the Commission would proceed to exercise the powers vested in them under the Commissions of Inquiry Act, 1952. This decision was made known through a Press Note dated 5th April, 1953, copies of which were addressed to all those newspapers/periodicals from whom the Statement of Facts had not been received. It was also decided to request Sri A. R. Bhat, President, Indian Language Newspapers Association and Sri A. D. Mani, Vice-President, Indian and Eastern Newspapers Society and President All India Newspapers Editors' Conference to issue an appeal to their members to expedite submission of replies. In April 1953 notices were issued to the proprietors of those papers which had not put in their returns, asking them to show cause why action should not be taken against them for having failed to furnish the information. These measures produced some result and replies were received by the 30th April, 1953 from 82 dailies, 7 bi-weeklies, 178 weeklies, 64 fortnightlies, 313 monthlies, 55 quarterlies and 40 others: total 739.

12. In order to get over the difficulties experienced by the proprietors of periodicals in filling in the Statements of Facts, the Commission decided in July, 1953 to insist only on brief particulars in their case, viz., name of the publication; language; place of publication and date of establishment; net paid circulation; price; periodicity; regularity; nature of its contents; ownership; ownership of the press at which the publication is printed; whether it carries advertisements from Government or public bodies; advertisement tariff; copies of the income and expenditure statements from 1945 onwards up to the present year or from the date of establishment if it was started later than 1945; staff and their scales of pay and allowances and a few copies of the publication.

13. Though the Commission had the legal powers to launch prosecutions against the proprietors of newspapers and periodicals for their failure to submit the factual information called for, the Commission decided not to resort to this course. Instead they decided to issue summons under Section 4 of the Commissions of Inquiry Act, 1952, to the defaulting proprietors for personal appearance with documents, where they were resident within 200 miles of the place fixed for attendance or to produce information if they were resident beyond this distance. The Commission issued summons for personal appearance or production of the necessary information to the proprietors of 251 newspapers and periodicals. Those who failed to comply with this direction were called upon, by virtue of section 4 of the Commissions of Inquiry Act, 1952, to produce the necessary books and accounts before the Chairman or an officer of the Commission's Secretariat empowered

for the purpose, and to show cause why they should not be prosecuted under Section 175 of the Indian Penal Code or why a warrant of arrest should not be issued against them for compelling their attendance at the specified place.

14. While a considerable amount of information was collected by such persistence, it has to be recorded with regret that some of the proprietors completely ignored requests, reminders, show cause notices, and summonses for personal appearance or production of information issued by the Commission. Since the bulk of the information required had been collected and the work of the Commission was coming to an end, further action against the defaulters was dropped.

15. Similar questionnaires calling for factual information were addressed to the proprietors of news agencies, feature syndicates and advertising agencies. Though the response received to these questionnaires by the 28th February, 1953 was not adequate, it was not considered necessary to grant a general extension of date for submission of replies. The following table shows the number of questionnaires issued and the replies received thereto:

Name of the questionnaire	Addressed to	Number addressed	No. of addresses reported ceased	Balance	No. of replies received
Q2	Indian News Agencies	21	9	12	12
Q3	Foreign News Agencies in India.	14	2	12	12
Q4(A)	Indian Feature Syndicates	23	14	9	9
Q4(B)	Foreign Features Syndicates in India.	11	7	4	4
Q5	Advertising Agencies	393	185	208	114

16. The Commission also framed a questionnaire to obtain factual information in regard to the working of Foreign Information Services in India (Appendix H). The questionnaire was addressed to 40 Missions operating in India and replies were received from 33. We should express our appreciation of the extent to which the foreign Information Services have assisted us in our study of their working and the generally helpful manner in which they have answered our questions.

17. Research Section.—To assist in their survey of the state of the Press in the country, the Press Commission decided to set up a Research Section for the following three objects:—

- (1) Analysis of the newspaper content to determine the standards of accuracy in the presentation of news and fairness in the presentation of views;
- (2) Examination of the control, management, ownership and financial structure of newspapers and periodicals;
- (3) Statistical studies of the factual data available.

The Section was divided into three units:—

(1) *Journalistic*: To examine the contents of the newspapers. This unit started working from the middle of March and was closed on the 30th August, 1953, though the post of Research and Coordination Officer (Newspaper Content) was continued for a further period of one month.

(2) *Financial*: The Financial Section established at Bombay undertook a study of the financial structure of newspapers, with special reference to capital investment, loans, return on investment, revenues, cost of production, consumption of newsprint, salary structure, pricing policy, methods of competition and unfair practices. The financial implications of advertisements, their distribution, present volume, future scope, distribution of Government advertisements and the working of Advertising Agencies were also studied. An examination of the existence of common ownership, control and management among newspapers, their growth and forms, economic factors leading to their formation and the existence of monopolies was also undertaken. This section was set up in the end of April, 1953 and continued up to February, 1954, when the Economic Assistants were disbanded, but the Research and Coordination Officer continued up to the 30th June, 1954.

(3) *Statistical*: This section was set up in April, 1953 and continued up to the end of February 1954. It was supervised by a part-time officer on loan from the Central Statistical Organisation. This section carried out the tabulation of data regarding the daily press which was contained in the returns submitted by the papers on such subjects as employment, and also the analysis of data collected by the Sample Survey.

18. **Sample Survey.**—Though other inquiries into the working of the Press have not included any study of the newspaper reader, his likes and dislikes, the Commission felt that a survey of a sample of the readers would prove of use in their work. In carrying out the survey, the Commission were able to secure the assistance of the Central Statistical Organisation attached to the Cabinet Secretariat and the National Sample Survey in the Ministry of Finance. The data collected was tabulated by the Indian Statistical Institute, Calcutta, to the requirements of the Commission and analysed in the Commission's Secretariat. The report on the findings is reproduced in Appendix I, to which special attention is invited. Reference to relevant conclusions have been made in the body of the report at appropriate places.

19. **Machinery and Newsprint.**—Item (v) of the terms of reference of the Commission called upon the Commission to examine “the adequacy of newsprint supplies and their distribution among all classes of newspapers and the possibilities of promoting indigenous manufacture of newsprint and printing and composing machinery”. At their meeting held in December 1952, the Commission felt that the nature of the evidence that was likely to be placed before them would require technical scrutiny. It might also be necessary to supplement that evidence possibly by arranging technological tests to judge the suitability of some of the suggestions for newsprint manufacture. The subject of printing and composing machinery, the Commission felt, was also beset with technical problems and would involve a study of the position regarding patents. In the sphere of composing machines, much exploratory work had to be done to make mechanical composition possible for a number of Indian languages. The Commission, therefore, moved the Government of India in January 1953 for the appointment of two expert enquiries, one for newsprint and the other for the printing and composing machinery. It was suggested that the experts should report to the

Commission within a specified period of time sufficiently in advance of the date by which the Commission would complete their inquiry.

20. In their reply dated the 6th February, 1953, the Government of India appreciated the fact that the industrial aspects of newsprint and of printing and composing machinery entailed a more detailed technical examination than could be undertaken by the Press Commission in the course of their general enquiry into the state of the Press in India, its present and future lines of development. They held that a parallel technical inquiry into the question of raw materials, the availability of technical skill, etc. required to set up an indigenous industry would take considerable time and it was conceivable that a detailed study into the various methods of manufacture obtaining in several countries might have to be made. As the Commission's programme had, however, to be fixed in relation to the time available for the main inquiry, the Government of India suggested that the Commission might consider dealing with that aspect of item (v) of the specific terms of reference which would be conveniently examined as part of their general inquiry as far as adequacy of newsprint supplies and their distribution and the demand for printing and composing machinery and its likely future trends were concerned.

21. **Studies abroad.**—During the middle of 1953, Dr. C. P. Ramaswami Aiyar and Dr. V. K. R. V. Rao had occasion to visit United Kingdom and United States of America respectively in connection with their public activities. The Commission took the opportunity to request them to undertake study, during their visits, of the question of sources of foreign news for the Press in India including the nature of contribution made by Indian correspondents abroad and the facilities available to them in the discharge of their functions.

22. **Oral evidence.**—From the 5th October, 1953, the Commission entered on the second phase of the enquiry: recording oral evidence from witnesses summoned for the purpose. The evidence in Delhi continued from 5th to the 31st October. Thereafter the Commission met in Madras from the 16th to 27th November, in Bombay from the 1st to 11th December, 1953, and in Calcutta from the 28th December, 1953 to the 12th January, 1954. The rest of the witnesses were examined in Delhi during the Commission's session from the 27th January to the 5th March, 1954. The total number of witnesses examined by the Commission came to 414 of whom 151 were examined at Delhi, 77 at Madras, 101 at Bombay and 85 at Calcutta. A list of the witnesses who appeared before the Commission for oral evidence is given in Appendix II.

23. The Commission examined carefully the question whether witnesses would be examined in open session or *in camera*. A representation was made to the Commission that sessions *in camera* would prevent the public from knowing from time to time the progress of the inquiry and the nature of the evidence tendered to it. It was also argued that the practice of taking evidence *in camera* would encourage some witnesses to make irresponsible statements. On the other hand, there was also the point that premature disclosure of the evidence tendered by one witness might handicap the Commission when they have to examine another witness on the same subject. Moreover, many working journalists were reluctant to enter into a frank discussion of their difficulties in an open session for fear of being punished by their employers for their frankness. It was suggested that if evidence was taken in public, there would be a tendency on the part of witnesses to

play to the gallery. The Commission came to the conclusion that the balance of advantage lay in the evidence being kept confidential during the course of the inquiry, and therefore decided to examine all witnesses *in camera*. The deliberations of the Commission were also kept confidential, and Press releases were confined to a review of the progress made or the names of the witnesses examined.

24. History and development of journalism in India.—Considering their terms of reference to enquire into the state of the Press in India, its present and future lines of development and to make recommendations thereon, the Commission decided at their session in Delhi in December 1952 that their report should contain a chapter on the History and Development of Journalism in India to serve as a background to the enquiry. The chapter was not intended to be an exhaustive treatise on the subject but should contain a broad but concise survey of the developments particularly during the last 35 years, both of the English language and the Indian language Press. The chapter, it was intended, should bring out the historical tendencies in so far as they affected the present state of Press. For this purpose, sanction was obtained for the appointment of Sri J. Natarajan, Editor of the 'Tribune', Ambala, who had for some time served as a Member of the Press Commission, on an honorarium to write the chapter. The draft prepared by him and modified and approved by the Commission appears as Part II of the report.

25. Duration of Inquiry.—When the Commission met for the first time in October 1952, they decided that in view of the terms of reference and the investigation necessary, the time-limit fixed by the Government of India for the Commission's report might be difficult to adhere to and it might be necessary to ask for its extension. This viewpoint was made known through a Press Note issued by the Commission on 11th October 1952. At the December 1952 meeting, the Commission reviewed the position and held that it would not be possible for them to complete the enquiry by the 1st March, 1953. It was decided to recommend to the Government of India an extension of the time up to 31st October, 1953, in the first instance. The Government of India accepted the Commission's recommendation and extended the date up to 31st October, 1953. The question was again reviewed at the July/August 1953 meeting of the Commission held in Delhi. While the Commission had been able to collect factual information from a majority of daily newspapers, news agencies, feature syndicates and many of the advertising agencies, the information had been so long delayed that the setting up of the Research Section and the preparation of factual reports preliminary to the taking of oral evidence was also postponed. The position was explained to the Government of India who accepted the Commission's recommendation, *vide* their Notification No. 10/9/53-IP, dated 23rd October, 1953, and extended the time for completion of the inquiry to 31st July, 1954.

26. In their letter dated the 18th December, 1953, the Government of India asked the Commission to submit an interim report on the question of safeguarding conditions of working journalists and the settlement of disputes between them and their employers. At the time the reference was received, the Commission had examined a number of witnesses in Delhi, Madras and Bombay, but the taking of oral evidence had not been completed. Further, the matters at issue were linked up with the general question of healthy development of the Press in the country, and could not be dealt with in isolation. The Government of India were, therefore, informed in Chairman's letter dated the 5th January, 1954 that it would not be feasible

for the Commission to draw up an interim report on these questions, but the Commission hoped to be able to submit their report to Government earlier than the date fixed for the purpose. It was pointed out that if the new Industrial Relations Bill was introduced in Parliament before submission of the Commission's report, it should be made clear both in the Statement of Objects and Reasons and in the Minister's speech that whatever definition of "workmen" was provisionally adopted, it would be without prejudice to the recommendations of the Press Commission with regard to the inclusion of working journalists within that definition and that, if necessary, Government would propose the requisite amendment in the light of the recommendations of the Commission.

27. Meetings of the Commission.—The Commission held 13 meetings on the dates and places mentioned below:—

	Place of meeting.	Dates of the meeting.
I . . .	New Delhi . . .	11th and 12 Oct. 1952.
II . . .	New Delhi . . .	6th to 19th Dec. 1952.
III . . .	New Delhi . . .	4th and 5th April, 1953.
IV . . .	Ootacamund . . .	18th to 30th May 1953.
V . . .	Bombay . . .	7th June 1953 (Sub-Committee).
VI . . .	New Delhi . . .	27th July to 12th August 1953.
V II . . .	New Delhi . . .	28th Sept. to 31st Oct. 1953.
VIII . . .	Madras . . .	16th Nov. to 27th November 1953.
IX . . .	Bombay . . .	1st to 11th Dec. 1953.
X . . .	Calcutta . . .	28th Dec. 1953 to 13th Jan. 1954.
XI . . .	New Delhi . . .	27th Jan. to 5th March 1954.
XII . . .	Simla . . .	17th May to 14th June 1954.
XIII . . .	Bombay . . .	14th July, 1954.

28. Acknowledgment.—We should like to express our thanks to those who replied to our questionnaires and to the newspaper organisations who took considerable trouble to collect information and also gave us the benefit of their views and suggestions. We are also indebted to the witnesses who, sometimes at considerable inconvenience to themselves, came to give evidence. We are particularly thankful to the three Chief Ministers Sri Rajagopalachari, Sri Morarji Desai and Dr. Roy and the three Ministers of Central Government Dr. Katju, Sri Giri and Dr. Keskar who gave us the benefit of their views and experience. We should express our great appreciation of the thoroughness and the zeal with which Sri J. Natarajan has tackled the preparation of the history of journalism in this country and the co-operation he has given us in re-arranging the material in the manner suggested by us.

29. We are indebted to our first Secretary, late Sri M. L. Chowla, formerly Director of News, All India Radio, who saw to the smooth inauguration of the work of the Press Commission and whose promising career was so prematurely cut short by his sudden and untimely death in February 1953. His experience of news work and administration, his hard work and affability were assets which he brought to bear on the thorough and efficient discharge of his duties. The void created by his death has been most competently filled by his successor Sri S. Gopalan, Deputy Director General

of All India Radio whose services were so kindly made available to us by the Ministry of Information and Broadcasting. His remarkably wide and accurate knowledge of newspaper industry, even on its technical, statistical and engineering sides, and his comprehensive grasp of its problems have been of the greatest assistance to us. His grasp of facts, his intellectual equipment and hard work, and his facility in drafting have rendered our task much easier than it might otherwise have been. His control over the staff and ability to get the best out of them has been very gratifying. The brunt of the administrative and supervisory work has fallen on Sri D. R. Khanna, our Assistant Secretary, who has discharged his duties most efficiently, without giving rise to the slightest friction and to the complete satisfaction of every Member of the Commission. We notice with pleasure that he has recently been promoted to a higher post. Sri N. D. Sakhwalkar, an Officer of the Income Tax Department, was in charge of our Research Section for Finance and Statistics. Although entirely new to the subject, he surprised us by his quick grasp of the problems with which we had to deal and of what we required of him. He brought to bear on his task all his ability, capacity and industry. We are grateful to Sri V. D. Muzumdar, Retired Commissioner of Income Tax who brought this efficient officer to our notice, and to Sri A. K. Roy, Member of the Central Board of Revenue, for agreeing to place his services at our disposal.

30. We must express our appreciation of the assistance rendered in connection with our statistical studies, by Sri S. Subramaniam and Dr. B. Ramamurti, Joint Directors of the Central Statistical Organisation in the Cabinet Secretariat, Prof. H. Ghosh, Chief Director of the National Sample Survey, and Sri N. C. Ghosh of the Indian Statistical Institute.

31. The untiring efforts of our staff—who have worked ungrudgingly and to our entire satisfaction—have enabled us to conclude this task with expedition and our thanks are due to them and to the reporters who attended at our sessions

CHAPTER II

NEWSPAPERS AND PERIODICALS

32. **Lack of reliable Statistics.**—The Commission realised that before commencing its inquiry into the state of the Press in the country, its first task was to ascertain the total number of newspapers and periodicals in existence, their circulation, language, contents and periodicity. In the expectation that authentic statistics would be available with the Government of India and with the State Governments, the Commission, at its first meeting held in Delhi in October, 1952, started work on the preparation of a consolidated list. State Governments were approached by telegrams on the 16th October and by letters on the 17th October, 1952, requesting that lists of newspapers and periodicals, containing full particulars of each publication be forwarded within two weeks. The lists were received from the State Governments after several weeks, and varied in the nature of the information supplied. Most of them did not contain any description of the periodicals, some did not give the names of the proprietors and some did not furnish complete addresses. Many of the lists were a year old, or more. Further, when compared with the records of the Press Information Bureau of the Government of India, they showed considerable divergences. The lists received from the State Governments and the Press Information Bureau were put together and a combined mailing list was drawn up.

33. As it was feared that some of the particulars might not be correct or adequate, extracts from the combined list were forwarded to the State Governments on 20th January, 1953 with the request that the lists might be scrutinised and corrections, additions or alterations necessary might be carried out so that further action could be taken. In the meanwhile, the Commission found that hundreds of letters which they had addressed to the publishers on the basis of the list were being returned undelivered. The list of undelivered letters was classified according to States, and the addresses were checked with the lists received back from the State Governments after revision. Letters were re-despatched where fresh information was available, and the lists of the names left over were forwarded to the State Governments for further check, in the third week of February, 1953. Replies were then received that over 700 publications listed by them had ceased to exist some time earlier, and that the State Governments had no information about 58 publications listed. The addresses of nearly 200 periodicals had to be revised on the basis of fresh information received from State Governments in cancellation of what they had sent earlier.

34. Since these revised lists related to different dates, it was decided to prepare a fresh list of newspapers and periodicals published in India as on 1st January 1953. In consequence, a list of dailies and weeklies culled from the revised list was forwarded to each State Government with the request that it should be brought up to date as on 1st January 1953. When these lists were received back from State Governments after scrutiny, they were found to contain some errors still. Almost every one of them contained names of publications which, according to information that had independently reached the Commission, had ceased to exist, in some cases

more than a year or two before the date specified. The lists contained also the names of some publications for which declarations under the Press and Registration of Books Act, 1867 had been filed but the publications had never come out. (This however had not prevented the State Governments from furnishing figures of "circulation" for such papers!) Some of the papers had changed their periodicities but there was no record of the change in the State Government lists.

35. The official lists of daily newspapers also included a number of publications which were not newspapers as such, but commercial leaflets, racing schedules or pamphlets of the nature of market reports. Such publications had to be re-classified separately. Many papers had come into existence in 1952 in connection with elections, and had ceased publication as soon as the elections were over, but they continued to be borne on the State Government lists.

36. The representatives of the State Governments who appeared before the Commission were asked the reasons for the chaotic condition of the statistics. All of them admitted that the statistics were defective and that very little attempt had been made to maintain them up-to-date. Even though the rules made in each State under the Press and Registration of Books Act specify that copies of each publication must be forwarded to some named officers, no methods were devised and no efforts were devoted to verifying whether copies were in fact being sent.

37. **Copies not filed for record.**—For the purpose of our scrutiny of the contents of newspapers and periodicals, we attempted to refer to the copies that should have been filed with the State Governments and found that such files were not being maintained properly, and it was difficult to locate and consult the copies required. For the successful discharge of their responsibilities under the various laws governing printed publications, it is essential that the State Governments who are the administrative authorities, should have a complete file of every publication that is brought out. We found, however, that no steps had been taken in cases where copies had not been received to ascertain whether copies had in fact been printed and distributed to the public, or whether the paper had discontinued publication. In one State, the practice, we were told, was to send out a reminder to the publisher in such cases calling upon him to file a copy, but if the copy was not received, no further action would be taken. It is quite conceivable that publishers adopted the practice of withholding copies of any publication which contained objectionable matter. Asked how this could be guarded against, the reply of the State Governments was only that if the copies came to their notice through the police as containing objectionable matter, they would then take action.

38. **Data only approximate.**—A statement is attached (Appendix III to the report) showing the number of publications which the Commission could locate or identify. It should not be a matter of surprise if the total number of such publication shows a considerable fall from the figures shown in the History of Journalism. This should not be taken to imply that a very large number of publications went out of business coincidentally with the appointment of the Commission; it means only that the statistics of the Press in the country are now being put in some order which would have relevance to the facts.

39. It is a matter for regret that a country like India, which has produced capable exponents of the art of journalism, should have been content to remain with the most grossly inaccurate statistics of the publications themselves. Even the table, that has been compiled by the Commission, would be

liable to correction. While we have taken all possible precautions to eliminate papers that have discontinued publication, we cannot be sure that all those currently in existence have in fact been included. We have continued to receive, from various State Governments, supplements to their list of publications. These additions consist of papers which had come into existence earlier than the 1st January, 1953, but whose existence was reported to us for the first time in 1954. For example, the Mysore Government reported to us in January, 1954 20 new names, including 4 dailies. For the first time in February, 1954 the Bombay Government intimated the names of 588 periodicals which had been classed by them as "books", and of 20 monthlies classed as "newspapers"; they also reported 8 more dailies, 2 weeklies and one bi-weekly in April 1954. Orissa supplied in March 1954 a list of 44 periodical publications classed by them as "books" and the Punjab Government reported the addition of 3 dailies (one ceased since and two irregular) in April, 1954. The Uttar Pradesh Government reported for the first time in May, 1954 the names of 19 more daily papers. While expressing regret for the inconvenience caused on account of variations in the list of newspapers and periodicals, the State Government said: "The circumstances stated above, it is hoped, will make it clear that no up to date list completely free from errors can possibly be prepared". If State Governments, after one year of intensive pressure from us, are unable to furnish up to date lists even of dailies, the accuracy of the lists of weeklies and periodicals can well be imagined.

40. **Daily newspapers.**—Considering first the daily newspapers, it may be said that there are about 330 of them currently being published (including editions published from different centres) and their total circulation is just over 25 lakhs. The figures have to be approximate in the circumstances, but it may be mentioned that if there are a few more newspapers that have not been included, they would be essentially those with small circulations.

41. For our examination, we have classified daily newspapers according to their language and their circulation in the list appended to this report (Appendix IV). In addition to the papers in the major languages indicated in the Constitution, a few papers are published in minor Indian languages such as Sindhi, Manipuri etc. An abstract is given in the following table:

TABLE I

	Number of papers	Circulation
	Total	(lakhs)
English	41	6.97
Hindi	76	3.79
Assamese	1	0.03
Bengali	7	2.40
Gujarati	23	1.87
Kannada	25	0.72
Malayalam	21	1.96
Marathi	26	1.91
Oriya	3	0.43
Punjabi	9	0.23
Tamil	12	1.68
Telugu	6	0.98
Urdu	70	2.13
Total : English and major Indian languages	320	25.10
Minor Indian Languages	9	0.15
Chinese	1	0.005
	330	25.255

42. Table II below analyses daily newspapers according to the State in which they are published. The population of each State is also given in the table.

TABLE II

Serial No.	Name of State	Population (Lakhs)	Total number of daily newspapers	English papers	*Indian language papers
1	2	3	4	5	6
1	Assam	90	2	1	1
2	Bihar	4,02	9	2	7
3	Bombay	3,60	69	8	61
4	Madhya Pradesh	2,12	11	2	9
5	Madras	5,70	25	4	21
6	Orissa	1,46	4	1	3
7	Punjab	1,26	21	1	20
8	Uttar Pradesh	6,32	49	6	43
9	West Bengal	2,48	26	4	§22
10	Hyderabad	1,87	17	4	13
11	Madhya Bharat	80	9	..	9
12	Mysore	91	25	2	23
13	Pepsu	35	2	..	2
14	Rajasthan	1,53	6	..	6
15	Saurashtra	41	3	..	3
16	Travancore-Cochin	93	19	..	19
17	Ajmer	7	6	..	6
18	Bhopal	8	3	..	3
19	Delhi	17	19	6	13
20	Kutch	6	3	..	3
21	Manipur	6	2	..	2
			330	41	§289

*Includes minor Indian languages, Sindhi, Manipuri, etc.

§Includes one Chinese.

It will be noticed that while in some States the number of newspapers published is higher than the average for the whole country, (which is roughly one newspaper for about 12 lakhs of population) there are many States in which the number is not even half that average. Newspapers, however, circulate quite freely from one State to another, and it is not, therefore,

possible to assess from this table the adequacy of the number of newspapers circulating in any State.

43. Out of the total, nearly 90 newspapers are published in the four metropolitan centres—Delhi, Bombay, Madras and Calcutta. Papers published from the Capitals of Part 'A', 'B' and 'C' States account for another 80. Over 110 newspapers are published from towns of over 100,000 population, and less than 50 newspapers from towns of smaller size, as will be seen from Table III below:—

TABLE III
Daily newspapers (Not less than six issues per week).

	1	2	3	4	5	6	7	8	9	10	11
	Delhi	Bombay	Madras	Calcutta	Capitals of Part 'A' States	Capitals of Part 'B' States	Capitals of Part 'C' States	Other towns of over 1,00,000 population	Other towns of less than 1,00,000 population	Total	Papers for which complete date are not available.
Hindi	4	2	..	4	12	9	3	38	4	76	15
Assamese . . . . .	..	..	..	..	..	..	..	..	1	1	..
Bengali . . . . .	..	..	..	7	..	..	..	..	..	7	..
Gujarati . . . . .	..	5	..	..	..	3	..	12	3	23	..
Kannada . . . . .	..	..	..	..	..	5	..	15	5	25	1
Malayalam . . . . .	..	..	..	..	..	4	..	4	13	21	..
Marathi . . . . .	..	7	..	..	2	..	..	13	4	26	1
Oriya . . . . .	..	..	..	..	3	..	..	..	..	3	..
Punjabi . . . . .	..	..	..	2	..	2	..	3	2	9	..
Tamil . . . . .	..	..	6	..	1	..	..	4	1	12	..
Telugu . . . . .	..	..	2	..	..	1	..	3	..	6	..
Urdu	9	10	1	7	6	14	3	19	1	70	10
English	6	7	4	4	7	2	..	5	6	41	1
Minor Indian languages . . . . .	..	1	..	..	..	..	5	..	3	9	2
Foreign language . . . . .	..	..	..	1	..	..	..	..	..	1	..
	19	32	13	25	31	40	11	116	43	330	30

(Note.—Multiple editions of daily newspapers have been classified separately in respect of each edition.)

44. Location of publication centres.—The availability of capital and the existence of potential readership, i.e. literacy combined with purchasing power, are important factors that determine the centres of newspaper production. Differences in political conditions and in the facilities for rapid and economical distribution of copies also influence the location of newspapers. The place in which a paper is published may not by itself be the most important consideration and it would have been quite satisfactory if, even though papers are published mainly in the larger cities, their circulation had been spread widely over the whole country. We find, however, that even if circulation is also considered, the daily newspapers in this country are confined largely to the metropolitan cities and the larger capitals. We have examined in Chapter XVI the circulation of daily newspapers in urban centres of over one lakh population, and find that more than half of all the copies of daily newspapers are sold in such cities and towns.

45. Circulation mainly urban.—Out of the total circulation of the papers in English and major Indian languages, about 55 per cent. (over 13½ lakhs of copies) are sold in the capitals of the States and the major towns. These cities and towns together account for only about 2½ crores, or 7 per cent. of the total population of the country. On the basis of 4·8 persons per family, there are 53 lakhs of households, among whom only 13½ lakhs of copies of newspaper are sold or roughly one copy for every four households. Out of this, nearly 4·7 lakhs of circulation is made up of English newspapers. The circulation of English newspapers in the urban areas is higher than the circulation of newspapers in any Indian language, the only exception being Bengali which commands a higher circulation in the Eastern cities of India than the English papers. Expressed in another form, two-thirds of the circulation of all English papers is concentrated in the larger cities and towns, and the corresponding proportion of Indian language newspapers is two-fifths.

46. The reasons for the greater expansion of the metropolitan papers are that spending is concentrated more and more in the major cities and there is a paucity of advertisements for papers circulating mainly in the rural areas. Further, the persons who financed the expansion of big metropolitan papers did not make any efforts to support small papers in the mofussil districts. The success of the district paper is always dependent upon the individual initiative of the person concerned; if a man is really enterprising, the paper always succeeds. But the great advantages possessed by the metropolitan press has tended to draw away from the districts the talent that might have gone to the development of a local press. We do not consider concentration of the Press in the metropolitan cities a desirable feature, however inevitable it was in the early stages of development.

47. Growth in number and circulation.—There has been a rapid growth in the number and circulation of daily newspapers in the country, both in English and in the Indian languages. While the starting of new papers has been most marked in the former Princely States, where freedom of the Press did not, in the past, come anywhere near to that in the rest of the country, circulation of the newspapers had gone up in every State and in every language. During the period of the war, newsprint shortages acted as a clamp on circulation, but once supplies were freed, there has been a rapid and

welcome increase in the circulation of both English and Indian language papers everywhere, as can be seen from Table IV below:

TABLE IV

	Date of establishment	Circulation*		
		1939	1947	1952
<i>English—</i>				
Times of India	1838	51,481	61,199	94,231
Mail	1867	17,730	28,667	34,115
Statesman	1875	51,433	69,456	65,032
Hindu	1878	35,495	56,977	65,748
Hindustan Times	1924	12,361	35,290	48,141
<i>Indian Languages</i>				
Swadesamitran	1880	13,700	32,707	39,509
Kerala Kaumudi	1911	950*	10,507	16,159
Andhra Patrika	1914	3,635	8,850	23,086
Samaja	1919	5,000	12,000	22,030
Tej.	1923	3,200	12,600	11,262
Mathribhumi	1923	7,000	19,027*	25,736
Sholapur Samachar	1930	450	1,000	2,760
Sakal	1932	9,500*	17,396	27,262
Hindustan	1936	8,144	20,212	21,463

(*Publishers' figures).

48. We could not get comparative figures for papers in Bengali, etc. and even in the table above, certain figures marked with an asterisk are not for the particular year indicated but the nearest year for which figures were available. It would, however, be seen that there has been a large increase in circulations, though one or two papers have suffered as a result of the partition of the country. In each case the table above shows also the date when the paper was established so that a comparison could be made of the increase during the period 1939-47-52 with what had been built up in the decades preceding 1939.

49. **Development still inadequate.**—While the growth of circulation of daily newspapers has been satisfactory in comparison with what existed a decade or so ago, it will be seen that the development of journalism has not been adequate in terms of the total population. In order to assess the prime causes for such lack of development, we included questions on the topic of non-readership in the National Sample Survey on Readership and the findings are set out in a report in Appendix I. The survey covered a total of 875 blocks in the rural areas and 373 blocks in urban areas. Less than 5 per cent.

of all the households surveyed in the rural area took in a newspaper, and in 545 rural blocks, or nearly 60 per cent. of the total, there was not even a single household which read a daily newspaper. Information derived from newspapers could circulate even by word of mouth only in 40 per cent. of the blocks, and in the rest of the blocks, there was no supply of daily information through the medium of a newspaper. In the case of urban households, the number of blocks without any daily newspaper was less than 4 per cent. (13 out of 373) and though on the whole only one-fifth of the households took to newspapers, the circulation of news through the medium of conversation and daily contacts between the members of the population may be expected to result in fairly widespread dissemination of the news of the day in 96 per cent. of the blocks. We have referred in an earlier paragraph to the fact that more than half the circulation of daily newspapers is in the larger cities. The analysis above shows up even more sharply the fact that the penetration of daily newspapers into the rural areas, which house the bulk of India's population, has been very slight. The papers are concerned with the town dwellers, are produced by them and are read mainly by them.

50. **Reasons for non-readership.**—To elicit information on the reasons for non-readership and thereby to throw some light on the potential readership that exists today, certain questions were put to non-reader households. The most obvious and widespread reason for non-readership was, of course, the lack of literacy. The figure showed that in the sample rural areas, only 20 per cent. of the non-reader households had one or more literate members. In urban blocks 40 per cent. of the non-reader households had one or more literate members. These results cannot be extended to the whole of the country without application of appropriate weights in respect of the National Survey. But even otherwise, they indicate that considerable scope exists for the expansion of readership even if only one member in each household could become literate.

51. Questions were put to non-reader households which happen to have at least one literate member whether there existed at present any interest in newspapers. Over 40 per cent. of the literate households in the rural areas and over 30 per cent. in the urban areas expressed themselves as interested in reading newspapers. It may be assumed that while all households, with a literate member may ultimately be expected to subscribe to a newspaper, active interest in news and current affairs exists even today in a substantial proportion of literate households both rural and urban. Growing interest in the functioning of local, political, cultural and social institutions would soon stimulate interest also among the others. But those who already possess some interest in newspapers but do not at present take in a paper because of any particular reason offer scope for immediate expansion of circulation. On the basis of the number of literate households, who have expressed interest in newspapers, there exists an immediate potential for a very large increase in readership, much greater in the rural areas than in the urban areas. The figures of the Sample Survey indicate that this increase could be of the order of 150 per cent. in rural areas and 50 per cent. in urban areas.

52. The reasons for their not going in for newspapers at present are many. The most common is, of course, the cost of the newspaper and the inability of the household to spare the necessary amount. Another would be the lack of suitable arrangements on the part of the publishers to distribute the paper, making it necessary for the household to take special steps such as writing to the newspaper office in a distant town. The third would be the fact that the publication centre is not sufficiently close to the potential reader, with the result that the newspapers reach the village or town very late and after

interest in the news has lessened. The results of the survey indicate that the reasons at present preventing interested households from going in for newspapers are primarily the cost and the lack of distribution facilities. There is obviously a real need for papers to be priced lower than they currently are. Further, the distribution arrangements of newspapers are not very satisfactory. If these difficulties are removed, nearly 90 per cent. of the immediate expansion referred to in the previous paragraph may be achieved without much difficulty.

53. **Scope of expansion.**—Convincing proof, if proof were needed, of the scope for expansion if prices can be reduced, is provided by the experience of certain newspapers in Bombay and Delhi which claim to have succeeded in securing very large increases in circulation when they reduced their prices without reducing the number of pages, as can be seen from Table V and VI below:

TABLE V

Circulation	English — Bombay		
	*Free Press Journal	**National Standard	Times of India Bombay
January—June 1952	34,748	12,321	87,002
July—December 1952	not available	12,884	88,258
January—June 1953	52,691	11,088	87,828
July—December 1953	68,619	18,590	86,078

*Price reduced on 27-10-1952.

**Price reduced on 1-7-1953.

TABLE VI

Circulation	Hindi — Delhi		
	Janasatta 0 1 0	Navbharat Times 0 2 0*	Hindustan 0 2 0**
January—June 1952 . . . . .	.. not available.	11,693	21,464
July—December 1952 . . . . .	.. not available.	14,269	18,711
January—June 1953	9,878	17,261	20,492
July—December 1953	11,127	20,452	21,809

*Price reduced to 0-1-6 on 1-7-1952

**Price reduced to 0-1-6 on 1-12-1952.

These increases have been obtained not so much by taking away circulation from rival papers, but seemingly by tapping new sections of the population which previously had not gone in for a paper. The other papers have also increased their circulation after reduction in price. Total circulation has gone up within 18 months by 30 per cent. in the case of English papers at Bombay, and 60 per cent. in the case of Hindi papers at Delhi.

54. **Statistics of literacy.**—In order to estimate the scope for expansion of newspaper readership in this country independently of the data collected by

the Sample Survey, figures were obtained from the Census Department regarding literacy, of various standards, in the population of this country; these figures are reproduced in Table VII below:

TABLE VII

	Males	Females
	(lakhs)	(lakhs)
Literate	4,56	1,36
Middle School	42	10
Matriculates	19	3
Intermediate in Arts or Science	4	$\frac{1}{2}$
Degrees and Diplomas	10	2

55. In estimating the scope for readership from such meagre data, certain assumptions have, of necessity, to be made. The first of these would be regarding the make up of each household. Owing to the high percentage in this country of adult persons who are married, it may be justifiable to exclude, from our assessment, the figures of female literacy and proceed purely on the basis of male literacy. It may also be assumed that as a general rule the standard of literacy of the male in the household would be equal to, if not higher than, the standard of literacy of the female members. (The effect of female literacy is examined further in a subsequent paragraph).

56. The census authorities were unable to furnish figures of those who were literate before 1941 and who could, therefore, be counted as persons who may be expected to provide readership for newspapers. Nor do the figures of literacy in 1951 examined earlier provide any breakdown on the basis of age of the person. Allowance will have to be made for the fact that many of the persons, shown as educated up to the Middle School, Matriculate, Intermediate, etc. standards, may be junior members in a household of which the head is also literate up to a fairly high standard. As a consequence of this, the total number of literate households, i.e. households in which at least one person is literate up to the specified standard, would be considerably less than the individual number of literates of the same standard.

57. **Levels of academic education.**—It may, perhaps, be justifiable to assume that the bulk of the persons who take an English newspaper (even though papers of a similar standard of coverage and production quality are available in most Indian languages) would be those whose education has continued beyond the matriculation standard, i.e. those who in the population tables are shown as having been educated up to the Intermediate, Degree and Diploma stages. The total number of such males is roughly 14 lakhs. The combined circulation of all English papers in this country is slightly below 7 lakhs. This makes one paper for every two individuals considered likely to go in for such a paper, thus limiting considerably the scope for future expansion. If further we allow for the factor already mentioned, of a number of persons in the same household possessing a similar standard of academic education, the scope for expanding the circulation of English newspapers is definitely restricted.

58. Taking similarly the figures for those who had been educated up to the middle school standard or the matriculation standard who may be expected in consequence to possess the ability to read a newspaper with facility, the

number of individual males is 61 lakhs. The present circulation of Indian language newspapers is about 17 lakhs or less than 30 per cent. of the number. There is, therefore, considerable scope for expansion of the circulation of Indian language newspapers.

59. It is, perhaps, in connection with such Indian language newspapers that the significance of female literacy would be most pronounced. In a large number of households, it would appear to be the practice to take, in addition to the English newspaper, another paper in an Indian language, mainly for the use of female members of the household. If allowance is made for this factor, it would appear that the scope for expansion of the circulation of Indian language newspapers is considerable and if the degree of saturation aimed at is comparable to that already achieved by the English papers the future for Indian language newspapers is very bright indeed.

60. Another factor which should be considered in this country is that literacy has seen rapid growth during the last few years. A considerable number of those shown as literates, would be persons who are still in school, and when they complete their schooling and take up their position as earning members of the population, there would be still wider scope for expansion of Indian language papers.

61. Taking all the above factors into consideration, it may be said that the English newspapers do not have any considerable scope of adding largely to their circulation. But Indian language newspapers have great possibilities and in the next few years, we might expect that their circulation would increase to double the present figures.

62. **Number of newspapers.**—The figures of literate male persons of higher than matriculation standard in each State are compared in Table VIII below with the number of newspapers published in English from that State. (States with less than 25,000 males of this standard of literacy have been omitted).

TABLE VIII

Higher than matriculation:

	Males (thousands)	*No. of English newspapers
Assam	25	1
Bihar	1.04	2
Bombay	1.57	5+3 (evening)
Madhya Pradesh	46	2
Madras (undivided)	1.70	4
Orissa	26	1
Punjab	1.35	1
Uttar Pradesh	2.47	6
West Bengal	2.20	4
Hyderabad	44	4
Mysore	40	2
Rajasthan	31	Nil.
Travancore-Cochin	44	Nil.
Delhi	54	5+1 (evening)

(*Includes local editions of multiple units.)

63. Similarly, the figures of males who have been educated up to or beyond the middle school standard but not beyond the matriculation standard have been classified according to the States in which they reside, in Table No. IX.

TABLE No. IX

Middle School and Matriculation	Males (thousands)	*No. of Indian language newspapers
Assam	2,05	1
Bihar	5,41	7
Bombay	7,01	61
Madhya Pradesh	2,30	9
Madras (undivided)	8,27	21
Orissa	1,96	3
Punjab	3,46	20
Uttar Pradesh	6,53	43
West Bengal	13,68	21
Hyderabad	1,41	13
Madhya Bharat	70	9
Mysore	1,80	23
Pepsu	59	2
Rajasthan	84	6
Saurashtra	87	3
Travancore-Cochin	1,38	19
Delhi	1,53	13

(*Includes local editions of multiple units.)

64. Unfortunately we have been unable to break down the figures for literacy according to the mother tongue of the persons, either for the whole country or for at least some major States. It was therefore, not possible to estimate the scope for newspaper expansion in particular languages. From the original data collected during the census it should perhaps be possible to tabulate the statistics of persons of varying degree of literacy according to their mother-tongue, distinguishing also between persons over 21 years of age and those under that age. We understand that no such study is contemplated at present but would recommend it for consideration.

65. **Population and circulation.**—The figures of total population of the country, classified according to mother-tongue are given in Table No. X in comparison with the figures of circulation of newspapers in those languages:—

TABLE X

	Population (lakhs)	Daily newspaper circulation (lakhs)	Circulation per 1000 population
Assamese	50	03	06
Bengali	2,51	240	10.1
Gujarati	1,63	187	10.9
Hindi	13,02	379	2.7
Kannada (including Coorgi)	1,45	72	5.0
Malayalam	1,34	196	14.7
Marathi	2,70	191	6.9
Oriya	1,32	43	3.3
Punjabi	8	23	25.0
Tamil	2,66	168	6.4
Telugu	3,30	98	3.0
Urdu	1,36	213	15.1
Hindustani	82	..	..

National average: circulation per 1000 of population 5.4.
Literacy (per 1000 population) 166.4.

66. **Defects in linguistic data.**—The census figures are vitiated by the fact that in Punjab, Pepsu, Delhi and Himachal Pradesh, the figures for Hindi include, for certain reasons, the figures for Punjabi, Urdu and Pahari languages. The result has been to give the impression that Punjabi is not the mother-tongue of any person residing in these States, but only of some 8 lakhs of people residing principally in U.P. and Rajasthan! The figures for Urdu have also been affected by the returns, mainly from Uttar Pradesh and Madhya Pradesh, of nearly 75 lakhs of persons as speaking "Hindustani". The use of this term in Madras (7 lakhs "Hindustani") may perhaps be attributed to the efforts of the centre which has been working to propagate the national language as envisaged by Mahatma Gandhi. But in Mysore the term is apparently used by non-Muslims to denote Urdu, and some speakers of that language have perhaps preferred the term Hindustani to the term Urdu, with its associations. In the Uttar Pradesh the term has perhaps been used not merely by the group of people who believe in the language as defined by Gandhiji but also by a great number of people who could not claim Hindi as their mother-tongue and preferred for some reason not to admit to Urdu. The Census report estimates that 4 per cent. of the Hindus and over 50 per cent. of the Muslims returned their mother-tongue as Hindustani.

67. The result of these inaccuracies has been—

- (a) by reducing the total figures of population speaking Urdu, to make it appear as if journalism and therefore literacy are much more advanced in this language than in Bengali, Marathi, Tamil or even Malayalam;
- (b) by the same process to give an impression of achievement, almost impossible in the present stage, in the case of Punjabi; and
- (c) to depict the development of Hindi journalism in a much worse light than it deserves, placing it slightly lower than the level achieved in Oriya.

68. The question has been raised whether the total number of newspapers in this country is adequate for the expression of the varying points of view. There is no set formula by which the extent of diversity in a country can be assessed in order to determine the number of different points of view that may be expected to exist in a population of a given size. We can only compare the position in this country with the position in certain other countries. In the United States of America, it is reported that there were 1,780 dailies in existence in 1949. The population of that country was about 150 millions in that year and there were in consequence roughly 12 newspapers for every million of population. The United Kingdom, on the other hand, with its population distributed over a much more compact area, had, in the same year, 146 daily newspapers or roughly three per million of population. Japan, with a population of over 80 millions, had about 130 newspapers in 1949 or an average of $1\frac{1}{2}$ newspapers per million of population. In comparison, India has today less than one newspaper per million of population. The question of language would not arise in arriving at the total number of papers required for the country provided no language is spoken by such a small number as to call for an increase in the total number. In other words, if we aim at a total of 720 newspapers in the country, on the basis of two papers for every million of population, it would not be necessary to increase this number in order to provide for separate linguistic groups, since no major language is spoken by less than half a million people. If we allow for the obvious defects in the census data such as the counting of the Punjabi population, the major

languages of the country were all spoken by numbers specifically in excess of the average per newspaper as thus worked out. But the distribution of the number of newspapers in the different languages does reveal the fact that in many languages the number of individual papers is very low. The position is set out in table XI below:

TABLE NO. XI

	Population (lakhs)	No. of newspapers	Total circulation (lakhs)
Assamese	50	1	0.03
Bengali	2,51	7	2.40
Gujarati	1,63	23	1.87
Hindi	13,02 (?)	76	3.79
Kannada	1,45	25	0.72
Malayalam	1,34	21	1.96
Marathi	2,71	26	1.91
Oriya	1,32	3	0.43
Punjabi	8 (?)	9	0.23
Tamil	2,66	12	1.68
Telugu	3,30	6	0.98
Urdu	1,36 (?)	70	2.13
Hindustani	82 (?)	..	..

69. **Number of Newspapers inadequate.**—It would be apparent from the above that judged even by the standards of fairly compact countries like the United Kingdom and Japan, where distribution of a paper from its publication centre to its readers is both prompt and efficient, the number of newspapers in this country is low and an increase in that number would certainly be desirable. If we take into account such factors as distance and poor communications, we need a large increase in the number of newspapers.

70. In this connection we would like to draw attention to the fact that in the Indian Press there are large disparities in the circulation between the largest papers and the smallest and that the disparities exist in the case of most languages. Differences do exist in the size of newspapers in every country and the numbers already mentioned for the United States of America, United Kingdom and Japan include those ranging from the largest to the smallest. The effect of very large circulations in proportion to the total are being examined in the chapter on monopolies and concentration.

71. We made an attempt to compare the number of newspapers in existence today with the number that existed at some time before, but unfortunately it was not possible to make a valid comparison. The extent of uncertainty even in current figures has already been indicated and it may be imagined how much more indefinite the figures were for the two years 1939 and 1947, that we fixed for comparison. The State Governments were unable to indicate in which year newspapers formerly in existence had actually closed down nor was it possible to ascertain definitely when particular newspapers had come into existence where they are not current now. The proposed comparison had, therefore, to be abandoned.

72. **Reasons for closure of some papers.**—We have, however, been able to collect information regarding the reasons which led to the closing down of certain papers, and from the repetitive nature of the pattern, we are inclined

to believe that the following are the major reasons for the failure of the newspapers:—

- (i) inadequate appreciation of the dynamics of the newspaper industry;
- (ii) lack of adequate finances; and
- (iii) inefficient management.

There have also been a few closures consequent on political changes, particularly the partition of the country and large-scale migration of population.

73. Difficulties of starting new papers.—In order to bring the total number of newspapers to an adequate figure and to tap areas and classes of readership not reached by the present newspapers, it is essential that more newspapers should be started. The major problems confronting the newspaper industry in India today are:

- (i) heavy initial capital expenditure required for starting a newspaper, or periodical;
- (ii) the generally inadequate supply of finances;
- (iii) competition from existing papers with substantial financial backing;
- (iv) low purchasing power of the people.

74. Capital investment required.—Estimates of capital investment required for starting a good quality newspaper in English or in Indian language are included in the Appendix V. Such a venture calls for a very substantial investment which, judging from the overall flow of fresh investment in this country, may be very difficult to find. Capital would be required not merely for the initial equipment but also for meeting the deficit between expenditure and income for a period of years before the paper is stabilised, and the sum required for this purpose could be even greater than the capital investment on equipment and machinery. The subject has been discussed further in the chapter on "Economics of Newspapers", and we shall confine ourselves to a bare reference to this point. In the matter of competition from existing papers, we would grant that as long as it is fair, it should be welcome. We have, however, come across so many instances of unfair competition backed up by substantial resources that we have been impelled to make certain special recommendations for the elimination of such unfair practices.

75. Enlarging scope of circulation.—The handicap of illiteracy is being removed but it would take a long time for those who are now becoming literate to form a substantial proportion of the population over 21 years of age. Another handicap in the way of an immediate drive for readership is the fact to which a reference has already been made that many people find it difficult to spare the money to purchase a paper. Interlinked with this, is the low spending power of the population which restricts the growth of advertisement revenue particularly of papers circulating mainly in rural and semi-rural areas. No studies are available of the allocation of the average urban or rural budget between various heads of expenditure and of the amounts spent on newspapers which would enable us to assess the possibility of increased revenue to the Press. The National Sample Survey in their Fourth Round have collected some information regarding expenditure on newspapers, per household and *per capita*. The survey was conducted during the period April to September 1952. According to the data collected by them, the expenditure per household on items of consumption in rural and urban areas included a monthly expenditure of a little over five annas.

in the urban areas and less than six pies in the rural areas on newspapers. The figures are reproduced below in Table XII:—

TABLE XII

Sector	No. of sample households	Per household expenditure on newspapers (in rupees)	Per capita expenditure on newspapers (in rupees)
Rural	8545	0·0273	0·0054
Urban	3887	0·3242	0·0705
All India	12432	0·0796	0·0162

The figures of expenditure in rural areas have been calculated separately for different parts of the country and are reproduced below in Table XIII.

TABLE XIII

Rural—Monthly expenditure on newspapers .

	No. of samples households	Expenditure per household in rupees
North India	1,407	0·0143
East India	2,190	0·0385
South India	1,470	0·0469
West India	1,201	0·0298
Central India	1,292	0·0042
Northwest India	985	0·0135
All India	8,545	0·0273

It will be seen from the above that there are wide differences between one part of the country and another and the South Indian household spends more than three times as much as the household in North India or ten times as much as the household in Central India.

76. Similarly, analysis of the figures in respect of urban areas classified according to the size of the town, also yields interesting results.

TABLE XIV

Urban—Monthly expenditure on newspapers.

Range of population.	No. of sample households	Expenditure per household in rupees.
upto 15,000	748	0·1009
15,001—50,000	1,003	0·2702
50,001—1,00,000	1,441	0·3198
above 1,00,000	695	0·9091
All towns and cities	3,887	0·3242

The households in the large cities spend on newspapers nearly nine times the sum that the households in the small towns do. The average for all towns is also roughly 12 times the average for the rural areas.

77. Unless there is a substantial change in the trend disclosed by the survey, as for instance a diversion of part of the amount spent on ceremonies to heads like amusements, education or newspapers and periodicals, no significant expansion of the Press can be expected.

78. **Redistribution of publication Centres.**—Apart from overall increases in the number of daily papers and their circulation, we should like to see also a change in the present distribution of publishing centres in the country.

79. Today, quite a large number of papers are being published from the major metropolitan centres, while there are still many towns, for instance in the Uttar Pradesh and Madras, which have a population of over one lakh, but which still do not have a local daily paper. We feel that future effort should be devoted to filling up this gap in development. The difficulties attendant upon the starting of new papers may be greater in the case of such towns than perhaps in the metropolitan centres. The proportion of literate persons is generally lower, and if, moreover, the town is not industrialised, purchasing power would not be sufficiently diffused to provide adequate readership. But in spite of these handicaps, we are hopeful that a future exists for papers published from such district towns, presenting local events and voicing local opinions. The temptation to model the paper on the example of metropolitan papers should, in our opinion, be avoided. A typical district paper of the type we contemplate may never make an appeal to the widely-read, and might lose out in a straight fight with the metropolitan paper owing to the inevitable handicaps of comparatively smaller-scale production, but if it lays adequate emphasis on local news and views, it should be able to build up a clientele of its own.

80. **Difficulties of new papers.**—Building up of circulation is the most difficult task that a newspaper faces. It takes time, and in the case of a daily paper, it costs a lot of money. We have been told of many instances where a newcomer to the field prefers to buy up an existing paper even if it has been losing steadily, to starting a new paper, since in the former case he gets the advantage of a circulation already built up. One way that can be suggested to minimise the losses in the early stages particularly where no daily paper exists already would be to start the paper initially as a weekly, and when circulation has been built up to some extent, to convert it into a daily.

81. We would also suggest that where adequate printing facilities exist such papers should not instal their own printing equipment even if they can find the necessary capital for it. The overhead charges of running a press cannot, in our opinion, be met by the production of a weekly paper or even of a small daily. In order to keep the burden of printing charges to a minimum, it will be necessary for the paper to seek job printing work. Until this has been built up, the losses on the press would be heavy, and even thereafter, the work of job printing would inevitably draw away a portion of the energy and time that should be devoted to the building up of the paper itself. It might, therefore, be preferable to entrust the printing to a press that has already established itself locally. To answer the question whether a paper can be economically produced under such conditions, we would cite the instances of a Bengali paper which is produced at a press, managed independently, though with some link in the ownership. The press, which operates with a maximum limit set upon its profits, is able to print

the paper at a rate which the publishers find quite reasonable and which is fairly well below the average cost of production for many papers in this country, both large and small, which own their own presses.

82. In the matter of advertisement revenue, a district paper suffers under a further handicap. Local sale of most nationally advertised products is generally small. This is partly due to the defective arrangements for distribution and sale of most of the articles produced on a large scale in India. Further, purchasing power in small towns is directed mainly to commodities and services which are not usually advertised. We cannot expect an improvement in the former until our manufacturers realise fully the potentialities of the market in the country and develop both their distribution and their advertising. The latter, we feel, can be overcome by educating the people about the advantages of advertising. We note that one paper in Poona has successfully developed local classified advertisements and we feel that most district papers can also follow this example. Other means by which district papers can be assisted by a sound policy in the selection of media are discussed in the chapter on advertisements.

83. In our estimate of readership on the basis of literacy, we have assumed that the bulk of the readership is at present confined, in the case of Indian language papers to those who have completed at least a middle-school education and thereby acquired a fairly large vocabulary. We feel, however, that it is possible to look for readership even among those who have put in only four or five years in school. This section of the population is very large, but the extent of newspaper readership among them cannot be very great in view of the style of writing that most Indian newspapers use at present. Several publishers have told us how they were able to build up their circulation by paying careful attention to this aspect; they had impressed upon the editor and his staff in each case that the language used must be of the simplest and the aim should be to make the topics intelligible to the reader rather than to achieve elegance of style or display of the writer's erudition. This policy has brought success to the publishers who have followed it. We feel that an extension of the policy in order to achieve even further simplification would be very necessary, and that district papers can exploit this with benefit.

84. It was mentioned to us that district papers would gain an advantage if they were published in the evening instead of in the morning. There are several factors which would guide the choice of publication time and it would not do to be obsessed by the need of coming out in competition with metropolitan papers. The fall of the news should be studied in order to judge how far the district paper would gain by being published locally at a particular time, and the reading habits of the local population must also be taken into account. In view of the fact that most metropolitan papers are morning papers and that a majority of trains, radiating outwards from the metropolis, depart in the evening hours, it would appear that evening papers in the district may have some advantage. This advantage would, however, be contingent upon efficient and rapid handling of news by the news agencies. The question of planning and distribution of news services to meet the special needs of small district papers is discussed elsewhere.

85. **Indian newspapers abroad.**—One of the legitimate functions of the Press in this country would be to present, to citizens of other countries, news of India as well as views on Indian and world affairs. Considering the type of material that it purveys, it would obviously be useless for a newspaper to reach its reader long after the happenings that it reports. On the other hand, air postage or freight is so expensive, especially over long distance routes

that it would not be possible to conceive of regular distribution of a large numbers of copies of daily issues sent by air. In the case of newspapers published in the United Kingdom and the United States multiple units have been established on the Continent for the printing of local editions to circulate among all English speaking inhabitants including the nationals of these two countries. Such a development has not taken place in many other cases, owing to difficulties of distance and limitations of language. A compromise is usually achieved by the production of a weekly edition which, in addition to surveying the important happenings of the week, also sets out selections from the leading articles and special features published during the week. Such weekly editions suited for overseas distribution are at present being published by only three papers, the Statesman, the Hindustan Times and recently the Hindu. The first is not available for distribution in this country, but nearly 1,500 copies of the overseas edition of the Hindustan Times are circulated in this country, while the corresponding figure for the Hindu is over 5,000 copies. In order to save air postage or freight, copies intended for distribution abroad are printed on special light weight paper. The weekly editions of the Statesman and the Hindu are brought out in the usual tabloid size, five columns wide, and consist of 16 and 12 pages respectively. The Hindustan Times is slightly smaller and consists of 12 pages. These three papers differ greatly in their selection of material. The Statesman lays emphasis on commerce and industry and also provides special coverage for happenings in Pakistan. The Hindustan Times covers more of political news, while the Hindu devotes considerable space to social and cultural aspects. The circulation abroad of these papers ranges from 500 to 700 copies a week and is perhaps growing. The cost of production is, however, bound to be high particularly in those cases where there is not sufficient circulation inside the country to share the cost. Special paper for the air-mail edition costs nearly three times as much as newsprint, area for area. In spite of its use, transport charges add considerably to the cost. Circulation abroad, both among Indian nationals and others, could no doubt be built up considerably if, for instance, copies could be printed at a central place in Western Europe such as London, from mats flown over. This would reduce the cost of transport, and paper would also be perhaps cheaper.

86. Statutory collection of statistics.—In view of the importance of reliable statistics regarding the press in the country, we consider it essential that there should be some statutory authority responsible for their collection and periodical publication. We have suggested elsewhere that in view of the national importance of the newspaper industry and the fact that it recognises no State boundaries, the regulation of this industry should be brought within the purview of the Central Government in terms of the Industries Development and Regulation Act of 1951. The authority responsible for the collection of statistics would, therefore, be a central authority. Under the Collection of Statistics Act of 1953, it is open to the appropriate Government to appoint an officer for the purpose of collecting the statistics. We recommend that while the Government of India should appoint one officer for the whole country who will coordinate, correlate and publish all statistics with regard to the newspaper industry, there should be Press Registrars for each State who will be responsible for the primary collection and compilation of the statistics. It should be incumbent on each newspaper and periodical to file certain statements with the Press Registrar and obtain a certificate. No paper which has not thus been registered shall be entitled to any postal, telegraph, railway or other concessions as a newspaper. The statements filed in the first instance should include (*vide* Appendix XXIII) details of the capital structure of the paper and names of the responsible staff. The Cen-

tral Registrar should be given the same powers as the Registrar of Joint Stock Companies under the new Act now on the anvil. He should bring out an annual report on the working of the Press on its organisational side, including working conditions in the industry and giving such other details as may be prescribed. All newspapers should be called upon to file periodic returns regarding employees, consumption of raw material, changes in ownership and control, and changes in management so that the public can get from one source authentic statistics about the industry. It should also be made incumbent on the newspapers to file periodic statements regarding the circulation of the paper, and it should be open to the Registrar to carry out checks as he might consider necessary for the purpose of verifying these statements.

87. It should also be made the responsibility of the publishers to send one copy of each edition to the National Library of India. Where a publisher is for any reason unable to bring out the paper regularly, he should inform the Registrar as well as the Magistrate before whom he has filed a declaration.

88. **Periodical publications.**—In the introductory chapter, we have referred to the difficulties that we have encountered in collecting accurate statistics of the number of periodicals in this country. According to the original figures that were furnished to us, the total number of periodicals that existed in this country at the commencement of our inquiry was as follows:—

(i) Weeklies	..	2,467
(ii) Monthlies	..	2,381
(iii) Other periodicals	..	1,845
		6,693

89. In the course of our inquiry, we have been taking a number of steps to get these figures verified and a list has been compiled of the periodicals reported to be in existence today. In spite of the fact that we have devoted over 12 months to this endeavour, we have still been unable to verify these figures or to arrive at an accurate estimate. The position has been set out in the following table:—

TABLE XV

1	2	3	4	5	6
Serial No.	Periodicity]	Total No. of periodicals as reported	No. of periodicals of which particulars have been received	No. of periodicals which have not furnished particulars	No. of periodicals to which letters addressed asking for particulars have been returned undelivered
1	Dailies (Market reports)	43	..	43	..
2	Irregular dailies	21	14	4	3
3	Tri-weeklies	7	7	..	..
4	Bi-weeklies	44	33	3	8
5	Weeklies	1,189	824	270	95
6	Fortnightlies	379	309	12	58
7	Monthlies	1,685	1,370	242	73
8	Other periodicals	1,071	646	397	28
		4,439	3,203	971	265

In the third column of the table, we have indicated the total estimated number of publications. In this we have excluded all those that to our definite knowledge did not come into existence, and all those periodicals which have been reported to us, either by the State Governments concerned or by the proprietors, as having been discontinued. The fourth column gives the figures of those periodicals in respect of which we have been able to obtain at least brief particulars regarding place of publication, language, etc. This leaves a large number of publications (figures given in the fifth column) about which we have still been unable to get any definite information. We found that registered letters, calling for particulars, have been returned to us undelivered in a large number of cases, the actual figures of which have been given in the sixth column. In a certain number of these cases, it is possible that the publications have changed their addresses, but the State Governments have been unable to trace correct addresses for us. The presumption is therefore strong that a large proportion of them might have ceased publication. A number of periodicals in this category had, however, been added only recently because the State Governments had not included their names in the earlier lists they had sent to us, and in some of these cases, further particulars may be forthcoming from the publishers. We have, however, been compelled to fix some punctuation point in the course of our inquiry in order to review the position and we have, therefore, examined below only those periodicals about whom we have been able to collect some particulars before May 15, 1954.

90. Dailies other than newspapers.—In the first category of the periodicals in the table above, we have included those publications which come out every day but which are not of the character of daily newspapers. Some of them are market reports covering business activities at particular centres in this country. A tabular statement showing the linguistic distribution, and the centres of publication, is included in Appendix VI. There are 11 such reports in English, published from Delhi, Bombay, Madras and Calcutta. There are also market reports published in Tamil, Hindi and Urdu. A large proportion of the others are, however, reports of cotton fluctuations abroad and judging by the names under which they are sold, they are intended mainly for the benefit of speculators on the markets and gamblers. In this category there are 13 publications in Gujarati and 12 in Marathi; this indicates their geographical distribution. Many of these are distributed as newspapers but they consist only of one sheet of small size and carry only one item of news, usually of no significance, obviously included to bring the publication within the Postal regulations. (We are examining later the propriety of counting such publications as newspapers.)

91. Irregular "dailies".—The next category covers "daily" newspapers which do not appear on six days in the week, but bring out issues from time to time, and whose periodicity cannot be determined. A tabular statement showing the distribution of such newspapers among different languages and centres of publication is given in the Appendix VII. Out of the 21 that are included in this category, 15 are reported as published in Urdu, 3 in Hindi, 2 in Punjabi and one in Rajasthani. As may be presumed from the irregularity of their appearance, they do not have large circulations and are apparently being published just often enough to keep their declaration alive. We have elsewhere recommended that the requirements for their being counted as dailies or as periodicals should be made more stringent than at present and expect that such a tightening up of regulations would improve their regularity or reduce the number of such irregular publications.

92. **Bi-Weeklies and tri-weeklies.**—Next come the periodical newspapers which are published twice or thrice a week. The distribution according to language and centre of publication is given in the Appendix VIII. Some of the papers in this category are, like the “Kesari”, periodicals of long standing, which command a large circulation. Others are special editions, as for instance, of Bengali daily papers and are brought out mainly to meet the needs of persons speaking that language who are domiciled at great distances from the publication centre and welcome regular news of their home State. Quite a number are market reports, or racing sheets which come out twice a week during the season.

93. **Weeklies.**—Weekly publications form a substantial proportion of all periodicals. Their distribution is fairly widespread and is set out in a table in the Appendix IX which classifies a total of 1,189 weeklies reported to be in existence, according to language and the centres of publication. Hindi accounts for nearly 23 per cent. of the total, and Urdu comes next with 14 per cent. and Bengali accounts for 10 per cent. The proportion of English weeklies is about 12 per cent. There are weekly publications in minor Indian languages, including Sindhi, Konkani, Lushai, Maithili, Nepalese, Santhali, etc., and there is not a single major Indian language which claims less than 10 weeklies. Less than one-fourth of the weekly publications are metropolitan, and over 40 per cent. are published from towns of less than one lakh population which are not the capitals of even small States. We have however been able to obtain particulars of only 824 weeklies out of the total and the review below is only in respect of these weeklies.

94. In the matter of content, the weeklies cover a wide variety of subjects. A tabulated statement in the Appendix X classifies them according to languages and the nature of the contents. Roughly half the total number deal with news and current affairs. The next biggest category comprises those weeklies which cover a variety of subjects, including current affairs but where these do not form the main topic of interest. Many of them have sections intended for the benefit of women, and children, and a large proportion of them print also some fiction, cartoons, etc. Such periodicals account for over 16 per cent. of the total. The development of weeklies of this character has been most pronounced in Tamil, Telugu, and Malayalam, in which languages such weeklies have large circulations. There are two weeklies in Tamil, each of which has a circulation of over 60,000 copies. We have referred in connection with daily newspapers to the average expenditure per household per annum on newspapers and periodicals. It is interesting to examine in this connection the findings of the National Sample Survey regarding expenditure in rural areas on the purchase of periodicals. The figures are reproduced below.

TABLE VII

Population zone	No. of sample households	Monthly expenditure on periodicals
		Rs.
North India	1,407	0·0096
East India	2,190	0·0062
South India	1,470	0·0185
West India	1,201	0·0014
Central India	1,292	0·0003
North West India	985	0·0150
All India	8,545	0·0088

It will be noticed that the expenditure in South India is more than twice the average for the whole country. A similar breakdown is not available in respect of expenditure in urban areas. Judging from the very large circulation achieved it would appear that the larger provision in the family budget would not by itself account for the disparity, and that the South Indian periodicals are also being sold at prices comparatively much lower than for similar periodicals elsewhere. The enterprise of the publishers and the ability of the editors concerned have together combined to achieve this success.

95. It is perhaps typical of our country that weeklies concerned with religion form the next biggest group. Here too, the languages largely represented in addition to English, are Hindi and Urdu. Religious weeklies exist however in most Indian languages. Equally significant is the number of weeklies devoted primarily to social welfare and uplift. It is true that quite a number of these have rather narrow interests, and concern themselves with small sub-sects or communities, to whom the contents are addressed. There are however many weeklies which work for the welfare and social uplift of large sections of the population, and some of these are brought out by State Governments and other bodies. Except in one instance of a State Government periodical devoted to the welfare of the Adibasis, where witnesses belonging to that section expressed dissatisfaction with the Government publication, we have come across no criticism of Government efforts in this field.

96. The next largest group of weeklies deals with films. Here, Gujarati claims over 25 per cent. of the total even though production of films in that language is by no means significant. Bengali, Tamil, Telugu and Hindi/Urdu claim the bulk of the remainder while six film weeklies are published in English.

97. Quite a number of language periodicals in the same languages devote themselves to literary matters. Other subjects, such as industry, technology, medicine and science, are not very well represented in the field of weeklies and the total number in any one of these categories barely reaches double figures. On the other hand, many weeklies are devoted to the publication of solutions for crosswords or other such popular forms of prize competitions. Publicity journals including those brought out by Government, and house organs published by firms engaged in business account also for a substantial number.

98. **Fortnightlies.**—The fortnightlies do not form a very large proportion of the total, but they present a geographical distribution similar to that of weeklies, a large number being published from fairly small towns. A statement is included in the Appendix XI classifying them by languages and place of publication. The majority of such publications (over 25 per cent.) is in English and they apparently serve to fill the need for an English periodical in areas where a weekly would not receive adequate support. In the Indian languages, Bengali, Gujarati, Marathi, Tamil and Telugu as well as Hindi and Urdu account for almost the whole of such periodicals and the development in other languages has been very small.

99. **Monthlies.**—The monthlies represent the largest category of periodicals. Here too, the distribution is spread over the metropolitan towns (40 per cent.), other Capitals (10 per cent.), large towns (25 per cent.), and small towns (25 per cent.) (Vide Appendix XII which covers 1684 monthlies which have been reported to us as in existence.) We have, however,

been able to get particulars only in respect of 1370, and the review below refers only to these. An analysis on the basis of contents and according to languages is given in Appendix XIII.

100. In respect of contents, the monthlies show a different pattern from the weeklies. The number of periodicals dealing with news and current affairs is naturally very small since topical interest would be lost in publications which appear only once a month. Magazines of a general character account for less than one-fifth of the total and are confined mainly to English, Tamil and Hindi; there are a few in Telugu, Marathi, Bengali and Urdu and negligible numbers in the other languages. Over 20 per cent. of all monthlies are devoted to religion and allied subjects, and if we consider also the monthlies that deal with social uplift and welfare of small religious communities, the emphasis on the religious aspect becomes more prominent. About one-eighth of the total number of magazines are devoted to literary matters and form the next largest group. Publicity journals brought out by Government, public organisations and business houses account for a substantial number, but, as may be expected, film journals outnumber these. We are glad to note that over 5 per cent. of the journals, mainly in English and Marathi, deal with educational subjects while the monthlies brought out by schools, colleges and other institutions for public service, number nearly 100. Special journals for women, monthlies devoted to finance and commerce, trade unions, law and public health administration, agriculture and animal husbandry, and transport number round about 20 each. There are 13 periodicals devoted to astrology and 9 to sex matters.

101. **Quarterlies.**—Though records of the State Governments indicated that over 283 quarterlies were in existence, we have not been able to get information about all of these. We have been specially interested in this class of journalism because quarterlies generally form the vehicle for the publication of serious research and study. A list is attached in Appendix XIV showing the languages and place of publication of the 283 quarterlies reported to us. We are, however, reviewing below only the 176 of which we could get particulars (Vide Appendix XV). Nearly 60 per cent. of these are in English, and Hindi is the only other language in which more than 20 quarterlies are in current publication. Bengali comes next with 12. In the matter of subjects, literary topics account for a total of 29 quarterlies, and education for 27 more. About 20 quarterlies are brought out by schools and colleges. Religion accounts for 21 out of the total. The others are distributed among different categories of subjects. There are not sufficient numbers, for instance, devoted to engineering where there are only two quarterlies in English and one in Tamil, or to industry and technology where English, Tamil and Kannada are the only languages represented. Science is represented by only one quarterly in Bengali and there has been no development in the other Indian languages. We have come across only one quarterly devoted to philosophy and ethics in the Indian languages—in Marathi in this case. There are no medical quarterlies in Indian languages. These gaps, we hope, will be filled up soon by the development of periodical journalism.

102. **Other Periodicals.**—State Governments have reported to us a total of 788 periodicals as appearing less frequently than once a quarter. (Appendix XVI) We could, however, obtain particulars only in respect of 567, and nearly 400 of these are annual publications brought out by schools, colleges and other institutions. Religion accounts for 29 more. The rest are distributed over a wide range of subjects; a great majority of these (nearly 90) are published in English and there has not been much development in the Indian languages apart from school annuals. (Vide Appendix XVII).

103. **Readers' interest.**—In the course of the Survey of Readership, we had arranged that a few questions should be put to those readers of daily newspapers who also read a weekly. One of those questions was intended to ascertain the preferences of readers among articles, and features of different varieties. Table XVI below shows the preferences of regular readers of weeklies. Where the respondent expressed interest in more than one type of matter, all the answers were recorded and so the total number of all answers exceeds the number of readers who recorded their views.

TABLE XVI

Item of interest	<i>Rural</i>		<i>Urban</i>	
	No. of opinions	Per cent of total	No. of opinions	Per cent of total
Current Affairs	565	21	971	18
Cartoons	311	12	729	14
Humour	370	14	801	15
Stories	433	16	902	17
Photos and Illustrations . .	433	16	902	17
Women's and Children's sections	298	11	593	11
Society and Fashion notes .	262	10	455	8

The preferences of rural and urban readers have shown similar patterns. About 20 per cent. of the opinions recorded expressed interest in current affairs, and those that followed, in order of preferences, were (1) fiction, (2) photographs and illustrations, (3) humour, (4) cartoons, and (5) women's and children's sections. Society and fashion notes recorded the smallest number of interested readers.

104. **General features of Indian periodicals.**—There are certain characteristics which stand out on an examination of the periodicals published in this country. A very large proportion of the publications, particularly of those appearing monthly or oftener are published on newsprint. This not merely adds to the demand for newsprint but results in deterioration of the appearance of the periodicals. Some of the publications are, no doubt, of a trivial character and are not worth preserving. Further, the use of newsprint, which is available at roughly half the price of white printing paper, enables them to keep their prices low. On the other hand, it is possible that a number of potential purchasers have been put off by the poor production quality. Moreover, the advertisement revenue which these periodicals can earn is probably very greatly reduced because of the use of newsprint and of the low standard of production. In the chapter on advertisements we refer to the proportion of revenue that goes to the daily press and to the periodical press; at present periodicals earn only a small proportion of the total. If, however, their standards of production can be raised, it is possible that advertisement revenues can be built up to such an extent that they would more than offset the increased cost.

105. Lack of enterprise among publishers.—There appears to be also considerable lack of enterprise on the part of publishers both in the matter of bringing out periodicals and marketing them effectively. We have referred to the very satisfactory growth of periodical journalism in the South and the success of certain weeklies there. We would mention also the instance of one firm of publishers there that brings out monthly magazines for children in a number of Indian languages. By utilising certain economies of combined production, the firm has been able to build up a very large circulation for the periodicals which apparently satisfy the needs of young readers. The firm has been able to achieve for its publications in the languages of Western and Northern India much larger circulations than similar publications produced locally in those parts of the country. A substantial part of the credit for this success must be attributed to the efficiency in production and distribution. Similarly, one group of periodicals published in Marathi has been able to build up extensive circulations, though we were told that owing to a general recession in the market, renewals of subscriptions are not as numerous as lapses. We consider it essential that publishers should realise the large market that exists for periodicals in this country and the possibilities of large scale expansion of this profitable field of public service.

106. Dearth of technical and scientific periodicals.—An important aspect in which the Indian periodical press is today found deficient is in the publication of technical and specialist periodicals. When science, technology and medicine are advancing rapidly the interchange of the latest information on research and application is achieved not so much by books as through periodicals. It is clear that an adequate volume of advertising would be available to support such publications since at present, for lack of specialist media, manufacturers and merchants are compelled to advertise goods and services of a technical nature in the so-called "supplements" to the daily press where reaching the potential market is a matter of "hit or miss", with the "misses" vastly outnumbering the "hits".

107. Decline of serious journalism.—In contrast with the position that obtained some years ago, it is noteworthy that few periodicals today deal adequately with a wide variety of serious subjects. The causes for this decline have been variously attributed to the competition of cheap journalism in the form of magazine supplements of daily newspapers, the shallowness of interest generally in the present day readers, and the dearth of writers and the disinclination on their part to present to the public the results of their research and thought in a manner that would command attention. We found that opinion was divided on the question whether the weekly magazine issues of the daily newspapers were really competing with the more serious periodicals either by taking away their readership or by monopolising the output of serious authors. These magazine issues start with the advantage of a very large circulation. This enables them to offer much better remuneration to writers than periodicals (which usually have a much smaller circulation) can offer. On the other hand, the type of article that is usually intended for publication in such magazine issues is designed to suit the conditions of readership wherein what is sought is only superficial acquaintance with the subject. Further, in the matter of literary criticism, the number of periodicals in any country is rather limited and reviews in Sunday papers of good quality have a considerable value as well as influence on the public. We feel, therefore, that the Sunday supplements and the periodicals operate in different fields. Nevertheless the cheaper product has, to some extent, affected the growth of serious weekly journalism.

108. **Competition from Government publications.**—It has been brought to our notice that certain periodical publications of the Government of India, which are far from self-supporting, offer a sort of subsidised competition to private enterprise. We would like the Government of India to consider this aspect of the matter and to decide on means of avoiding such a complaint.

109. **Objectionable writings.**—The shortcomings of the periodical press are not confined only to their lack of development in wholesome directions. We must mention with regret that a great deal of the objectionable writing, scurrilous, obscene, indecent and personal does exist in the Indian Press though it is confined to the periodical press, and the daily newspapers have been comparatively free from these evils. We have examined a number of instances of such objectionable writing that were brought to our notice but have had to refrain from reproducing extracts for this reason among others, that a number of them are quite unprintable. Many of these instances have come from a very small section of the periodical press. While it is necessary for the Press to develop so as to meet the needs of the country, it is also essential that effective checks should exist against publications of this character. In the large majority of these cases the publications are small, and would have remained obscure but for their objectionable character. The matter is being considered further in the chapter on the performance of the Press.

CHAPTER III

CAPITAL INVESTMENT AND TURNOVER

110. **The Daily Press.**—In our examination of the finances of the Daily Press, we were handicapped by the lack of any authentic source of statistics. The newspapers were, therefore, asked to furnish copies of their balance sheets and profit and loss accounts for certain years and, on the basis of the figures furnished, certain statistics have been compiled for the year 1951. As all the concerns do not employ the calendar year as their accounting year, the figures tabulated are in many cases for the accounting period which covers a major portion of 1951. Many of the concerns did not furnish profit and loss accounts and balance sheets. In some cases, the returns were incomplete in the sense that one of the two statements was absent, or did not give a proper breakdown of items. The necessary information was called for from such concerns and the information has been tabulated as far as it could be obtained.

111. In all, there are 270 concerns publishing about 330 dailies. Of these, roughly 110 concerns publishing about 170 dailies and covering over 80 per cent. of the total circulation have furnished the information called for. The remaining concerns are small and many have apparently had difficulty in furnishing the returns since they do not maintain regular accounts of capital investment or even of income and expenditure.

112. **Forms of ownership.**—According to the forms of ownership, the concerns publishing newspapers may be divided into five main categories: Public Limited Companies, Private Limited Companies, Partnerships, Individuals, Trusts, or Societies registered under different Acts, and by political parties or institutions. The distribution of capital according to these forms of ownership is given as under:—

TABLE I

Distribution of capital in 1951 according to forms of ownership in Dailies

1 Nature of concerns	2 Number for which information is available	3 Actuals for 1951		
		Proprietary capital	Loan capital	Total capital
		In lakhs of Rs.	In lakhs of Rs.	In lakhs of Rs.
1 Public Ltd. Co.	32	1,05	1,09	2,14
2 Private Ltd. Co.	27	4,43	3,10	7,53
3 Partnerships	12	9	4	13
4 Individuals	25	5	11	16
5 Trusts	11	67	16	83
Others	3	1	1	2

113. **Proprietary Capital.**—The proprietary capital includes subscribed and paid-up capital, reserves and the unappropriated balances of profit and loss account. In the case of concerns where the assets side of the balance sheet shows a loss, this amount has been deducted from the sum of subscribed capital and reserves. The figures for loans include deposits from persons interested in the business as well as loans obtained from banks on the security of newsprint. It will be observed that the greater proportion of the capital is held in private limited companies, and public joint stock companies from the next major category. Though a large number of concerns are under individual proprietorship, capital investment in these concerns is comparatively small.

114. **Annual Turnover.**—The turnover of the daily press has been examined in Table II with reference to the figures of capital investments, as shown above, and loan capital. In this table, an attempt has also been made to estimate the figures in respect of those concerns which have not furnished the required information so as to arrive at an approximate figure for the industry as a whole.

TABLE II
Financial statistics of the Daily Press in India for the year 1951

1	2	3
Items	Actuals for about 110 concerns covering over 80 per cent. of total circulation	Estimates for the whole Daily Press
	(Rs. in lakhs)	(Rs. in lakhs)
1 Proprietary capital invested	6,30	7,00
2 Loans	4,51	5,00
3 Value of fixed assets (not value as per balance sheet).	5,15	6,00
4 Value of newsprint stocks	3,32	3,50
5 Annual expenditure on materials (mainly newsprint).	[4,01	4,50
6 Annual expenditure on salaries and wages of all staff including that of the presses owned by the papers.	3,78	[4,00
7 Salaries of editorial staff for the year	80	85
8 Circulation revenue for the year	5,52	6,00
9 Advertisement revenue for the year	4,78	5,00

It will be observed from the Table that the total proprietary capital invested in the business is estimated at about Rs. 7 crores, and the capital in the form of loans at about Rs. 5 crores. Thus the total working capital is about Rs. 12 crores. The figures shown as investment in fixed assets represent the net value of such assets, i.e., cost minus depreciation, on the basis of the book values; the actual market value or the cost of replacement at current prices may be substantially more.

115. Over-capitalisation.—We were told that there were many cases where the newspaper concerns had been over-capitalised. This was understood to mean that the funds employed in the business were considerably in excess of its requirements. For the purpose of this definition, funds employed would include not only the subscribed capital but also debentures, loans or other items which added to the fixed and fluid resources of the concern. It was suggested to us that over-capitalisation may be inferred from excessive investments in fixed assets not justified by the turnover of the business, or by large investments outside the business. Ten concerns were mentioned in this connection and a study was undertaken of the financial structure in each one of these cases. In two instances, where relatively large investments had been made in fixed assets, it was found that such investment could not have been avoided. A minimum of such investment is necessary for producing a modern newspaper. Further, it is not possible to secure machinery tailored to suit the individual needs of a particular newspaper, and, moreover, if the paper is not to feel handicapped in production, it is always necessary to buy machinery for the next higher stage of circulation; so that during the period that such circulation is being built up, the machinery installed may not be fully utilised. In one concern substantial advances had been made to employees on the managerial side who, in a number of cases, were also relations of the proprietor. This was not a satisfactory feature, particularly since the concern was depending on loans for its entire working capital. In another concern, we noticed that large investments had been made outside the business and that heavy loans had been raised for this purpose. The proprietors of the concern had obviously other interests outside the conduct of the newspaper, and the newspaper concern was utilised for handling these transactions also. This too did not strike us as a satisfactory development. But on the whole, we did not find evidence of any appreciable degree of over-capitalisation as to affect adversely the employees' share of the profits, or the stability of the concern, although in one or two cases machinery might have been purchased on anticipations which could not have reasonably been expected to be realised. We may add that in two instances it appeared obvious that part of the resources belonging to the newspaper concerns or raised by way of loans by their concerns had been utilised for the personal requirements of the proprietors instead of for the development of the newspaper itself.

116. Loans.—In connection with the extent of working capital obtained by way of loans, it had been mentioned to us that where such loans are excessive in proportion to the total capital, the fact of indebtedness might take away from the independent character of the paper, or render it susceptible to pressure from the sources from which such loans had been taken. Six concerns were specially mentioned as instances where the proportion of loan capital was excessive and might lead to external pressures being exercised on the papers concerned. A detailed study was, therefore, undertaken of the financial position of these six papers. The examination disclosed that five of them had run through their entire working capital by cumulative losses in the course of years of working, or had utilised all their capital for adding to their fixed assets. In either case, they depended solely on loans for day to day operation. In the sixth case, the paper was indebted even to the extent of its fixed capital since the losses had absorbed all the initial investment. In all these cases an examination of the sources of these loans revealed that substantial amounts had been taken from banks and in one case from an insurance company also. These loans were fully secured either against stocks of newsprint or against the fixed assets of the concern. Resort

to debenture capital was made only in exceptional cases. Some unsecured loans also formed a substantial portion of the total loan capital of these concerns but these loans had been obtained mostly from persons already having proprietorial interest in the newspaper undertaking or from other concerns in which such persons are financially interested. In view of the loans having been taken from the source of the original capital or from allied sources, it was considered that the possibility of external pressure, apart from the control of the proprietors themselves, did not arise.

117. We have also examined the suggestion that the financial difficulties of newspapers which have had to raise loans in the market might have been due, at least in part, to the reluctance of the present proprietors of the newspapers to invest the additional capital required for their full development and operation. The detailed study of the loan capital in the concerns referred to earlier showed that unsecured loans had been obtained mostly from the same sources as the original capital. This does not indicate reluctance as such on the part of the proprietors to put in the additional amounts required by the concerns. It may, however, tend to show that the proprietors of private limited companies prefer to advance such additional funds as loans to the concern rather than invest them as regular capital. Loans would have a prior claim against the assets in the event of liquidation, and, where a paper is not prospering, we can understand it, if they prefer to find the money as loans rather than as additional capital. One anomalous case was, however, an instance of a flourishing newspaper where additional capital had been provided in the form of loans to the concern. It was explained to us that the investment as loans represented amounts borrowed by the proprietors individually in their personal capacity from banks and other outside sources. Apparently, they preferred to limit their personal liability in respect of such amounts by advancing them as loans rather than as regular capital. Such considerations would also prevail, when requirements of additional resources are obtained from other concerns (including public limited companies) in which the proprietors are partly interested. They might hesitate to commit the funds of a concern, which is not solely their own, to the fortunes of the newspaper in which they are interested. It seems to us that whether the additional funds are brought in as regular capital or as loan would not be very significant for the healthy growth of the industry, so long as the interest on the loans does not cripple the resources of the newspaper concerned, and the fact of indebtedness does not lay the paper open to external influence.

118. **Newsprint Consumption.**—The annual consumption of materials (mainly newsprint) is estimated at Rs. 4½ crores. Stocks of newsprint at the end of the accounting periods represent the average requirements for a little over 9 months. These figures for consumption and stock are for 1951 when prices of newsprint were high and there was fear of scarcity in the market. Under more normal conditions, the rupee value of newsprint in stock or consumed during the year would have been substantially lower. The actual tonnage held in stock may also be much lower when supplies are more regular. The assurance of supplies at reasonable prices would permit of a reduction under normal conditions in the loan capital and burden of interest.

119. **Salaries and Wages.**—The estimate of over Rs. 4 crores in respect of total salaries and wages paid in this industry is arrived at on the basis of the amounts debited in the profit and loss accounts. The estimate of about Rs. 85 lakhs in respect of salaries to the editorial staff has been arrived at on the basis of information given in the statements furnished by newspapers.

120. **Revenues.**—The figures for the circulation revenue and the advertisement revenue has been arrived at after deduction of commission paid to selling agents or advertising agents, as the case may be. The net circulation revenue for the daily press is estimated at Rs. 6 crores and the advertisement revenue at about Rs. 5 crores.

121. **Capital Investment.**—It would appear from the above tables that the industry as a whole is not unduly over-capitalised or under-capitalised with reference to its needs. The total amount of loans is not excessive in comparison with the capital investments. The bulk of it is by way of advances against stocks of newsprint, a commodity which is easily saleable, and the banks would not have much difficulty in assisting newspapers to hold necessary stocks. In any period when newsprint is in freer supply or prices are falling, it may be expected that the figure of such advances would go down. No doubt the amount of loans excluding normal business loans, such as bank advances is substantial. To the extent that long term capital has not been secured to cover this gap, it may be said that the newspaper industry is laying itself open to the exercise of pressure from the concerns from which such loans have been secured.

122. To assess the prospects of fresh capital coming into the industry, we have examined the profit and loss position of the concerns classified according to each type of ownership. Table III gives the total number of units returning profits along with the total amount of profits earned by them and the percentage of circulation accounted for by such profit earning units to the total circulation of the units of that category. Similar information is given in respect of concerns returning losses.

TABLE III

Profit and loss position in 1951 according to the forms of ownership

1	2	3	4	5	6	7	8
Nature of concern	Total no. for which information is available	No. of units returning profits	Amount of profit earned (Rs. in lakhs)	Percent-ages of total circulation	No. of units re- turning losses	Amount of loss (Rs. in lakhs)	Percent-ages of total cir- culation
1 Public Ltd. Co. .	32	11	8.75	64	21	5.81	36
2 Private Ltd. Co. .	27	12	17.97	53	15	15.26	47
3 Partnership . .	17	12	3.13	85	5	2.96	15
4 Individuals . .	35	16	1.75	55	19	3.64	45
5 Trusts and Societies	11	7	3.99	66	4	1.47	34
6 Others . .	5	1	.01	18	4	.51	82
TOTAL .	127	59	35.60	58	68	29.65	42

123. It would appear that while in each category of ownership, certain units have returned a profit, others have incurred losses which in some categories almost balance the profits earned. The industry taken as a whole has returned a profit of about 6 lakhs of rupees on a capital investment of about Rs. 7 crores, or less than 1 per cent. per annum. This does not

mean that the profit earning capacity of this industry is uniformly poor. It will be seen from Table IV below which covers all cases where information is available regarding both capital investment and profits earned, that among the concerns returning profits a good proportion is earning profits of over 10 per cent. on the capital invested.

TABLE IV
Return on Capital Invested

Percentage of net profits to proprietary capital invested	Number of concerns
More than 10 per cent.	28
More than 5 per cent and upto 10 per cent.	6
5 per cent and under	13
Total concerns returning profits	47

124. Since it generally takes a period of years for a paper to establish itself and commence earning profits, the figures above have been examined with reference to the number of years that the paper has been in existence. The figures are set out in Table V below. Where a newspaper is part of a group chain or combine in which the other units are older, the standing of the paper has been counted from the inception of the earliest unit.

TABLE V
Return on Capital Invested
(Units classified according to years of operation)

I	2	3	4	5
Units in operation for	Number of units	Number of units returning profit of 5 per cent or below on capital invested	Number of units returning profit of 10 per cent. or above 5 per cent on capital invested	Number of units returning profit of over 10 per cent on capital invested
Less than 5 years	8	3	1	4
Between 5 and 15 years	9	3	1	5
Over 15 years	30	7	4	19
TOTAL	47	13	6	28

125. The picture as whole does not reveal tempting prospects for the future investor looking only for safe and regular returns on his capital. The fact that such large investments have flowed into the industry in spite of this poor return may be attributed partly to the enthusiastic spirit of certain missionary workers who collected the necessary capital for the industry in the early days, and in greater part to the fact that a considerable proportion of the investments would have come from the profits earned in the industry itself specially during the war years when this industry enjoyed a boom. There is also the advent of a certain amount of fresh capital from persons anxious to wield influence in public affairs. The fact, however, would still remain that as an investment a new newspaper undertaking does not look very tempting.

126. **Capital Requirements.**—We have seen estimates of the capital requirements of daily newspapers of different sizes (*vide* Appendices V and XVIII) and have come to the conclusion that the provision required for meeting running losses during the period taken to establish the paper, would not be less than the figure of capital required for initial investment in machinery and equipment. As a cross check on this, we may take the average for the industry as a whole. Taking a typical case of a paper representing 1 per cent. of the whole industry, the total investment in machinery, equipment and paper is roughly Rs. 9½ lakhs and the annual running budget is Rs. 11 lakhs. In the first year a newly started daily will not be able to secure much advertisements and the year's deficit would roughly be taken at a figure little less than advertisement revenue, say, Rs. 4 lakhs, which, incidentally, would be equal to the annual expenditure on establishment. If this revenue takes four years to build up (a very conservative estimate based on the actual experience of several papers in this country) and assuming a progressive reduction in losses, the paper might lose an amount well equal to the initial capital before turning the corner. Where a paper is started with arrangements for printing at an outside Press the initial capital required will be mainly to meet cumulative losses till the paper starts covering its expenditure.

127. **Investment Prospects.**—An established paper which has built up a circulation has a much better chance of earning a profit than a paper which has still to build up its own readership. It has been mentioned to us in evidence that when a losing paper is taken over by a new capitalist, what he buys is not the assets but the circulation which has been built up, at an investment perhaps higher than the value of the assets themselves.

128. An examination has been made of the remunerative working of newspapers of different circulations on the basis of the returns submitted by the different concerns and is given below. This analysis takes into account only the concerns in respect of whom figures are available, but some of them own and operate more than one newspaper. In classifying the concerns, the combined circulation of all the newspapers published by them has been taken into account, i.e. a concern publishing one newspaper of 10,000 circulation, another of 6,000 circulation, and another of 20,000 would be included on the basis of the combined figure in the fourth category below:—

TABLE VI
Circulation and profit earnings

1	2	3	4
Total circulation	No. of concerns	No. of concerns making profit	Percentage of 3 to 2
Below 5,000	42	18	43
5,000—15,000	50	19	38
15,000—35,000	22	14	64
Over 35,000	12	8	67

129. It will be seen from the above that papers which have reached some sort of equilibrium, whether in the "small paper" class (below 5,000) or in the "large paper" class (over 15,000) have shown a greater number of units earning profits. Even as between these two groups of very small and large papers, the latter show a higher percentage of units which are profitable in operation, while the former, including some papers in the initial stages of their life, shows a lower figure. Nor must it be forgotten that many of the smaller papers have been able to keep within their revenues only by grossly overworking and underpaying the staff. In the case of those other papers which are still in the stage of transition from a small paper to a large paper, the chances of their earning a profit are not great.

130. Capital has been attracted to this industry not so much as a source of safe investment and regular returns but for other reasons, some altruistic and some selfish. It seems to us therefore natural to expect the flow of additional capital to the present units would continue to depend far too much on such motives rather than on the security and remunerative character of the industry itself. We are suggesting elsewhere some measures for improving the profit-earning capacity and competitive ability of papers which at present are losing. In addition we consider that provision for regular ploughing back of a substantial part of the profits into the industry, either in the form of reserves or by way of augmenting the equity capital is essential in the interest of normal and healthy development of the press.

131. **Weeklies and other periodicals.**—In the case of weeklies, we find that a good number do not own their own press. This reduces the amount of initial capital required for starting a weekly by limiting the investment called for to very little over the deficit in the earlier period. This deficit would also be very much smaller than in the case of the daily papers because the strength of editorial staff is very much smaller and many successful periodicals are being run on the basis of contributions paid for *ad hoc*. Further, no payment need be made for services such as from news agencies or correspondents. They also sell at a higher price than daily papers of the same size. It is, therefore, such weeklies that offer larger scope for investment by the progressive section of the population interested in the diffusion of ideas but handicapped by limited resources. The fact that certain periodicals which started as weeklies have subsequently converted themselves into successful dailies is an encouraging aspect.

132. A big section of the periodicals in existence today have been started more or less to find part-time employment for presses already installed for job or other printing. Many of these periodicals have now built up readership of their own and some have grown to the extent of taking over the press and even expanding it to meet their increasing work. The converse of starting a periodical and buying a press in the expectation of getting job-work to make it pay does not, however, appear to have been very successful. In consequence, it may be said that both in the case of papers which are printed outside and others which are printed at presses already in existence, the weekly or monthly periodical offers a fairly satisfactory investment and can, therefore, be expected to be able to attract the capital it requires for future expansion. But as would be evident from the foregoing, many of the weeklies are small undertakings representing very little investment of capital. Further, a large proportion are proprietorial undertakings as in the case of the smaller newspapers and do not appear to maintain regular accounts in the usual form. Only a very small percentage

furnished us balance sheets. The profit and loss accounts, however, adequate for income-tax purposes, are not in sufficient detail to permit of a study. The figures supplied by a handful of weeklies and other periodicals would not by themselves give a proper indication of the financial investment and turnover for this section of the Press. An examination of the finances of the periodical press, in the same manner as for the daily press, could not therefore be undertaken.

CHAPTER IV

ECONOMICS OF DAILY NEWSPAPERS

133. **Elements that go into the cost of production.**—The cost of production of a newspaper depends on various factors. The main items that constitute the cost, have been classified by us as under:—

(1) *Cost of services:* Under this head we have included all the expenses incurred for procuring the reading matter that goes into a newspaper. This material is obtained by subscribing to News Agencies and by appointing reporters and correspondents in the place of publication as well as outside. Contributions from other journalists and writers are also accepted. Payments made for all these services form the cost of services. The expenditure on this item would depend on the size and quality of the paper. A paper of large size would have to subscribe to the higher class of service of the News Agencies, which gives the news in full detail, whereas a paper of small size may be able to do with a lower class of service which gives the important news in a condensed form. A paper which strives to give its readers exclusive reports and special reviews of happenings will have to employ a large number of correspondents and reporters, specialising in various fields such as foreign affairs, commerce, sports, etc. and to send them all over the country or the world, while another which depends mainly on agency services manages without such correspondents.

(2) *Editorial costs:* After the material has been collected, items for publication will have to be selected, condensed and in some cases re-written. Leading articles as well as special columns have to be written. Then the reading matter and the advertisements are to be arranged to make up the different pages of a newspaper. This work is done by the editorial staff, and their remuneration has been classified as the editorial costs. The expenditure on this item would naturally depend on the size and quality of the paper, and the number of specialists on different subjects that are employed.

(3) *Cost of Materials:* The cost of newsprint and ink would form the bulk of the cost of materials, and expenditure would depend on the size and number of pages as well as the total number of copies printed.

(4) *Composing and Printing Costs:* Composing and printing form the mechanical part of newspaper production. The contents of each page have to be made up, in type-metal, on the lines decided by the editorial staff (Composing) and a number of impressions have to be taken of this metal page on newsprint (Printing).

Three methods of composing are used in Indian newspapers:—

- (a) *Machine composition:* The work of composing is done by machine, the operator having only to press the appropriate keys on a machine, which ultimately casts the type of each letter from lead alloy and sets them into lines of matter. They are then

made up into pages, and in the case of stereo printing, recast in the form of a complete page.

- (b) *Hand composition*: The work of setting up in type is done by hand from a large stock of types of various letters. Sometimes, stereo-plates are cast from hand composed material.
- (c) *Manuscript composition*: The whole page is written out by hand on a special paper with a special ink and transferred to a metal plate or stone.

There are three methods of printing according to the type of machinery used and these are as under:—

- (a) *Stereo Rotary Printing*: The Stereo Rotary Press is a high speed machine capable of printing upto 60,000 copies per hour, and is therefore specially suited for a newspaper production. A papiermache impression is taken from the metal page and bent into an arc of a circle. From it are cast curved metal stereo-type plates which are clamped round the rollers of the Press. Paper in the form of a roll, is fed in from one end and on the other side the newspaper comes out automatically cut, folded counted and ready to be packed and despatched.
- (b) *Flat-bed machines*: The flat-bed machine is the ordinary printing machine used by the presses for job-work. In this case copies are taken by pressing cut sheets of paper against the inked metal page. The speed of printing does not exceed 2,000 copies per hour. For newspaper work, other machines are sometimes used which can handle paper in large rolls. These machines can turn out up to 6,000 copies per hour.
- (c) *Litho Printing*: This method is used by newspapers employing the manuscript method of composition and involves the use of the machines of the types already described with the additional equipment for handling the plate from which copies are taken.

English papers use machine composition to a considerable extent, while the majority of the Indian language papers rely on hand composition. In Urdu papers, composition is done by manuscript. Machine composition naturally requires more capital outlay, but is more efficient and saves time.

Most of the Metropolitan, Provincial and even some District newspapers having a substantial circulation print on Stereo Rotary presses. It is essential for a newspaper to shorten the time spent on printing as much as possible so that it can give its readers the latest news, and only the Stereo Rotary is suitable for this purpose where the circulation is large. Most District papers and even some of the small papers at Metropolitan and Provincial centres are produced on flat-bed machines which require much less capital outlay than a Stereo Rotary. Urdu papers are printed on Litho Printing machines.

The composing and printing costs would naturally depend on the methods used and on the capital outlay which would affect the depreciation and interest charges. Some papers, specially in Urdu, get the printing done at outside presses catering for job-work. But as time is an essential factor, it is generally the practice for a paper of fair circulation to own its press. Under the head of composing and printing costs we have included all items of "factory costs" including cost of proof-reading, but excluding distribution costs.

(5) *Distribution costs*: The expenses of packing and delivering the newspaper to the Agents by rail, road or air and to subscribers by post, form the distribution costs. These naturally depend on the spread of circulation of the paper.

(6) *Managerial costs*: The remuneration paid to Managerial and General establishment forms the Managerial costs.

(7) *General Overheads*: The other sundry expenses such as rent, postage etc. would form the general overhead costs of a newspaper. This item as well as the previous one would depend on the size of the unit and its organisational set up.

(8) *Depreciation*: The amount of depreciation would mainly depend on the type of composing and printing machinery used as well as on the value of other assets such as building, furniture, lorries etc.

134. Variations in Production Costs.—It would appear from the foregoing that the cost of production varies from paper to paper and would depend on the size, quality, method of composing and printing and general organisational set-up. The location and the general wage level also affect the cost. For any given set of conditions the cost per copy depends very markedly on circulation. Except for newsprint and ink, the elements that contribute to the production cost do not increase proportionately with increase in circulation. Thus large circulations progressively reduce the cost of production of a copy of newspaper.

135. There are considerable differences in the cost of production as between English Dailies and Indian Language Dailies. These are due in part to the difference in language. For instance, the amount of editorial matter that a page of English paper can carry, is much greater than the amount of similar material that can be carried in an Indian language paper of the same size. This is due to the difference in the size of the characters as normally used for printing. The characters used for English are much smaller and therefore permit the printing of up to 1,400 words per column as against about half of that number in Bengali and about a third or less in Oriya. The volume of editorial matter carried in Indian language papers is less, though all the material received has to be processed or prepared in original by the staff. The majority of English papers have more pages than the papers in Indian languages and this factor affects the cost of production. Another factor conducive to lower expenses in the case of Indian language papers is that lower salaries are paid on the average for the editorial and other staff. This arises partly from the greater availability of personnel knowing Indian languages but in a large measure it is due to the fact that the standard of proficiency in particular languages that obtains today is lower than the standard of proficiency demanded in the case of English. On the other hand there are certain factors which tend to make the cost of production of Indian language papers more than that of English language papers. One is the comparatively lower output of the composing room staff. In the case of hand composing, this is due to the much larger number of characters a compositor has to utilise, and the time taken to compose a column is much greater than in the case of English even allowing for the larger characters. In the case of machine composition also a similar disparity exists. This may be due to the lack of proficiency of the operating staff or inefficiency of the type-setting machines for the Indian languages. In the case of printing costs, there are no very great differences as between English and Indian languages. It would appear that for reasons mentioned above, the cost of production of Indian language papers is lower than that of

the English papers. An improvement in their standard of production and payment of better wages to employees might lead to an increase in the cost of production, but as long as there are no very great improvements in typography leading to higher space utilisation in the case of Indian language newspapers, there is no reason to anticipate any substantial rise in the cost of production of Indian language newspapers to bring them within comparable range of English newspapers.

136. The District papers have generally a lower cost of production than Metropolitan papers due to their lower Service cost, use of Flat-bed machines for printing and lower wage level, but their low circulations tend to increase the relative cost of production per copy. The provincial papers who have to compete with Metropolitan papers in services and printing have often a higher cost of production per copy than their Metropolitan competitors as the latter get the advantage of their high circulations, and of group economies referred to later in this Chapter.

137. We have examined in detail the breakdown of cost in respect of 30 dailies for the year 1951 and the results are given in Appendix XIX. The items vary widely from paper to paper, and the total figures for some English and Indian language papers are given below, as well as the average incidence of each item in the total cost.

TABLE I
Breakdown of costs of production

	English Papers (9 papers, total circulation 4,02,000)		Indian Language Papers (21 papers, total circulation 4,22,000)	
	Rs. (thousands)	Per cent of total	Rs. (thousands)	Per cent of total
Services	32,39	10%	11,47	6%
Editorial	33,21	10%	13,77	7%
Materials	1,05,43	32%	90,68	45%
Composing, printing	57,55	18%	30,96	15%
Distribution	29,02	9%	18,50	9%
Management	28,49	9%	10,59	5%
Overheads	25,83	8%	16,44	8%
Depreciation	12,37	4%	9,78	5%
TOTAL	3,24,29	100%	2,02,19	100%

138. It would be seen that the cost of production of the Indian language paper is lower in terms of actual expenditure in spite of the fact that more newspapers have been included in that category. The expenditure on services and on editorial staff can normally be expected to be higher where a large number of papers are counted, than when a small number are included in the calculations, because separate staff would have to be engaged for each paper, separate subscriptions paid to the news agencies, and so on. The expenditure of the Indian language papers under these heads should therefore be higher, because 21 papers have been considered, and that of the English papers lower because only 9 papers have been considered. Actually

the Indian language papers are spending much less. If we take the expenditure on newsprint as proportional to the number of pages printed, the Indian language papers printed roughly 80 per cent. of the pages of the English papers. If editorial and service costs are proportional to the number of pages, then the Indian language papers should have spent 80 per cent. of what the English papers spent, but they have actually spent less than 40 per cent. As a result of the low expenditure on these important items, the cost of newsprint figures is a much higher percentage in the case of Indian language papers than in English papers.

139. **Newsprint costs.**—The above analysis refers to the year 1951 when newsprint prices were very high. In normal times the cost of materials is expected to be a smaller proportion of the total cost of production. Newsprint is one of the commodities in which world conditions determine prices. India is a comparatively small consumer of newsprint and cannot hope to influence prices in any way. The present price of newsprint is about four times the price in September 1939. This does not compare unfavourably with prices of other semi-manufactured raw materials. On the other hand the wage level which affects the other items of cost of newspapers has not risen in the same proportion. It is inevitable therefore that the cost of newsprint is a bigger fraction of the total cost of production and that fluctuations in the price affect the return from newspapers to a greater extent than formerly.

140. While examining the expenditure on newsprint we found that the prices at which newsprint was purchased by different concerns in 1951 varied within wide limits.

TABLE II
Year 1951

Concern	Price of Newsprint per ton Rs.	Source
A	909	Imported
B	1,050	"
C	880	"
D	1,358	"
E	1,409	"
F	1,592	Locally purchased
G	851	"

141. It may be that some small part of these variations in prices is due to differences in quality of the paper but the large differences are perhaps due to the source of supply, European or North American, and the large fluctuations in the former case. The difference in rates between local purchases and direct imports is however substantial. Therefore, there may be some room for economy in the cost of production if some arrangements can be made for smaller newspapers, who cannot import their individual requirements, to import in bulk and distribute the supplies to them. Our recommendations in this regard are given in Chapter VI.

142. It is interesting to compare the breakdown of the cost of papers in our country with that in United Kingdom (as given on page 82 of the Report of the Royal Commission on the Press). It will be seen that United Kingdom papers spend slightly more on services and editing than on newsprint, while our papers have to spend a large portion of total expenditure on newsprint and much less on services and editorial charges.

143. **Other factors.**—It has been represented to us that some Managements of the papers have followed certain practices that have increased the cost of production and thus reduced the profit available for distribution as bonus. The methods are mainly:

1. To employ a number of persons (mostly relations of the employer) on high salaries. In some cases an excessive number of such posts are created on the managerial side and the resources of the concerns are thus drained away.
2. To pay excessive commission to concerns in which the main shareholders or directors are interested. These payments may be by way of commission for the purchase of newsprint, for acting as Sole Selling-Agents, Sole Advertising-Agents or Managing-Agents, and sometimes even without any business justification.

144. We have examined the specific cases which were cited to us and in some of them we have noticed that one or more of the above practices have prevailed. We have referred, for instance, in Chapter III to a concern which has made advances of substantial sums to members of the staff who were relatives of the proprietors. These same people, both men and women, are also in receipt of regular monthly salaries, being shown against what appeared to be supernumerary posts in the managerial section. In the case of another combine which publishes three papers from one centre, members of the family, in addition to the large salaries that they drew, derived large benefits by way of commission on supplies of newsprint and on sales of copies, with the result that the combine is showing a substantial loss on working, while but for these inroads on its finances, it would have shown a fair profit. Another group had been paying a heavy commission to its sole advertising agent; when later it terminated the arrangement and took advertisements directly, its expenditure on this account had been cut by half from the former figure. Such practices work to the detriment of the development of the industry and creation of good-will among the employees.

145. **Sources of revenue.**—The main sources of revenue of a newspaper are from sale of newspaper and advertisements. Apart from these some papers receive revenue from job-work and the conduct of competitions with money-prizes. The receipts from the sale of the copies of newspapers and periodicals depend on the number of copies sold, the retail selling price per copy and commission paid to Sales Agents. In the case of weeklies and periodicals, sales to subscribers form a substantial portion of revenue; here no commission to agents is required to be paid but postage expenses are incurred. In the case of dailies, sales to subscribers are insignificant and the bulk of the sales is effected through the Agents.

146. **Pricing Policy.**—The publisher's estimate, or guess, about what readers can pay appears to be major factor in fixing the selling prices generally. The number of papers and their circulation, classified according to the retail selling prices of dailies for each language, is given in Appendix XX. In Indian languages, the bulk of the papers are selling at one anna per copy. In some languages, specially in Bengali, Gujarati and Hindi, there are some papers sold at higher prices such as 0-1-6, 0-2-0 and 0-2-6, while in Malayalam a number of papers are sold at 0-1-3. There are Kannada dailies which are sold at 0-0-6 but a number of them are evening papers. Urdu has a large number of papers sold at 0-2-0. Among English papers there is a good number sold at 0-2-6, 0-2-0 and 0-1-6, while the papers sold

at 0-1-0 are very few. It would therefore be safe to conclude that the English papers are read by a comparatively richer class of people. An abstract comparing English papers with Indian language papers is given in the following table:—

TABLE III
Number of Daily Papers sold at different retail prices

Retail Selling Price per copy	Number of papers		
	English	Other languages	Total
-/3/- . . . . .	..	1	1
-/2/6	9	7	16
-/2/-	14	41	55
-/1/6	6	43	49
-/1/3 . . . . .	..	18	18
-/1/-	10	91	101
-/-/9 . . . . .	..	2	2
-/-/6 . . . . .	..	21	21
-/-/3 . . . . .	..	12	12
	39*	236*	275*

(*Each publication has been counted as one paper, e.g. Times of India, Bombay and Delhi, have been counted as two separate papers.)

TABLE IV
Number of copies of Daily Papers sold at different retail prices

Retail selling price per copy	Copies sold (in thousands)		
	English	Other languages	Total
-/3/- . . . . .	..	8	8
-/2/6	3,32	2,40	5,72
-/2/-	2,13	2,95	5,08
-/1/6	1,06	2,90	3,96
-/1/3 . . . . .	..	1,63	1,63
-/1/-	43	7,05	7,48
-/-/9 . . . . .	..	2	2
-/-/6 . . . . .	..	47	47
-/-/3 . . . . .	..	15	15
	6,94*	17,65*	24,59*

(*Covers over 96 per cent. of total estimated circulation.)

147. The selling price is also affected by the extent to which a paper depends on circulation revenue for meeting its budget. The advertisement revenue of Malayalam papers is lower than of other Indian language papers and so they fix their prices a little higher than papers in the other languages. In the case of many Urdu papers also, a similar condition prevails.

148. The extent of competition among the papers, and the existence of local agreements between publishers are also two other factors determining the selling price. Thus among English papers we find that generally the

provincial papers are priced a little less than the Metropolitan papers with which they have to compete. Even in Bombay and Madras it will be found that the English papers ranking second and third in circulation sell at lower prices than the paper with top circulation. The prices of some papers have been reduced after the newsprint control order was lifted in September 1952. In Ahmedabad Sandesh and Gujarati Samachar which were being sold for 0-2-0 reduced their price to 0-1-6 when they faced competition of a newly started paper 'Jansatta' priced 0-1-0. We understand that in U.P. some papers were able to maintain their selling prices at a satisfactory level by common agreement.

149. We find higher priced papers more common in Metropolitan towns than in Provincial or District towns. This is partly because readers in Metropolitan towns can afford to pay more and partly because they expect better services from their paper (e.g. commercial and other specialised news). The provincial papers stand midway between Metropolitan and District papers in this respect. In Marathi, Tamil and Telugu, the papers in all the towns Metropolitan, Provincial and District have practically levelled down their prices to 0-1-0.

150. **Advertisement Revenue.**—Advertisement revenue depends on the space the paper is able to sell to advertisers and the rate it is able to charge for this space. All the amounts billed to advertisers cannot be accounted as revenue, since the papers have also to pay commission to the Advertising Agencies and canvassers and have also to keep some staff of their own for securing advertisements. The rate per column-inch of space that it is able to charge would be more for higher circulation and it would also depend on the purchasing power of the readers. We shall consider all these aspects of advertisements in detail in a later Chapter and would restrict ourselves here to a general discussion of advertisement revenue.

151. We have examined the amount of advertisement revenue obtained by the dailies per copy per annum, as accounted in the returns submitted to us. A table showing the distribution of advertisement revenue among the papers of different circulation ranges, separately for English and Indian language papers, is given in Appendix XXI. It would appear that the amount of advertisement revenue per copy obtained varies within a very wide range. An abstract of the figures is given in the following table:-

TABLE V

Advertisement Revenue of Daily Papers per copy sold per annum

Advertisement Revenue	Number of Dailies		Total
	English	Other languages	
Under and upto Rs. 5/- . . . . .	..	17	17
Over Rs. 5/- and upto Rs. 10/- . . . . .	..	19	19
Over Rs. 10/- and upto Rs. 15/- . . . . .	..	23	23
Over Rs. 15/- and upto Rs. 25/-	3	29	32
Over Rs. 25/- and upto Rs. 40/-	8	12	20
Over Rs. 40/- and up to Rs. 60/-	7	2	9
Over Rs. 60/- and upto Rs. 80/-	3	..	3
	21	102	123

The circulation of a paper and its location, i.e., metropolitan, provincial or district town does not appear to affect the revenue obtained per copy to the extent that may be expected. The reason is that even though smaller and district papers get a lesser volume of advertisement, they are able to make good the deficiency by charging comparatively higher rates per mille. The relative standing and ranking of circulation however materially affects the advertisement revenue. A well established paper of long standing is naturally considered a better advertisement medium than a newly started venture. Advertisers with limited budgets can advertise only in a few papers that claim to reach the desired area or readership. In such a case, only the top ranking paper and to some extent the next are likely to get advertisements from them. This is also true of classified advertisements. Thus relative ranking in circulation has a great effect on the advertisement revenue.

152. We have examined some of the morning papers in the important languages and the average amount of advertisement revenue per copy obtained by these papers during the year 1951 are as under:—

TABLE VI
Average revenue per copy per annum

	Rs.	Average for papers
English	47	22
Hindi	14	28
Bengali	14	5
Gujarati	26	12
Kannada	13	5
Malayalam	5	15
Marathi	11	13
Tamil	14	6
Telugu	13	3
Urdu	16	14

153. There is a great disparity in advertisement revenue per copy between English and Indian language papers. We are examining this point at greater length in Chapter V. The advertisement revenue of other languages does not show much variation except Gujarati and Malayalam. The industrial and commercial prosperity of the region where Gujarati papers are published appears to be a factor favourable to Gujarati papers. In the case of Malayalam the growth of the press has outpaced the industrial and commercial progress of the region, so that the total advertisement budget of the region, which is not large, appears to have been distributed over a large number of papers and the advertisement revenue per copy obtained by each paper is much lower than in papers in other languages.

Job-work.—The extent to which job work plays a part in the financial structure of a newspaper is dependent upon the nature of the organisation and the place where it is located. Small papers in District towns do not have the same opportunities for building up business in job work as big papers at the Metropolitan Centres but even in the latter case, it is reported that more and more of the remunerative items of job work are going to specialised presses and the biggest job press in the country belonging to a leading newspaper is losing on this side of the business.

154. Though a number of newspapers have stated that they undertake job-work, this has served as an important source of revenue only in a very few cases. (It may be noted that the newsprint Stereo Rotary Press is suited only for printing newspapers and periodicals.) Undertaking of job-work would in no way be helpful to the conduct of newspapers unless the job-work by itself is paying.

155. **Competitions.**—Crosswords and similar competitions did form an important source of revenue in the case of a very few periodicals in the past but now they appear to serve more as a means of promoting circulation than a source of revenue, and are conducted for this purpose even if they are not returning direct profits.

156. **Donations.**—In their early stages some of the important papers did receive support from the public in the form of donations to assist them in fighting for the national cause, but now there are only a few instances of papers receiving donations, and these are religious missionary enterprises generally. The papers of one political party are however supported largely by such donations.

157. **Balance between circulation and advertisement revenue.**—As has been discussed earlier the sale of copies and the booking of advertisements are the two main sources of revenues for a newspaper undertaking. The circulation revenue alone is not able to cover the cost of production and a newspaper has to rely on advertisement revenue for making both ends meet. On the other hand to the extent that a paper can get more advertisement revenue, it can afford to reduce its price or improve its news and features thus giving a better service to the readers at a cheaper rate. It is not possible for a newspaper to have an unlimited amount of advertisement revenue. If the total space occupied by advertisement is excessive, there is reduction in the attention that it gets from the readers and thus the advertisers fail to get a fair return for the amount spent. On the basis of evidence tendered to us by various parties we consider that the advertisements should not occupy more than 40 per cent. of the total space of a newspaper, so that both the readers and advertisers get a fair return.

158. The cost of production as well as the circulation revenue being more or less rigid for a newspaper in a particular set-up, it looks to advertisement revenue for paying its way and for making profits. This has tempted newspapers to follow unhealthy practices in order to get more advertisement revenue. Greater dependence on advertisement revenue exposes a newspaper to pressure from advertisers. A proper balance between circulation and advertisement revenue is essential not only from the point of view of economic stability of the paper but also of healthy journalism.

159. Taking the daily papers as a whole the total circulation revenue is estimated at Rs. 6 crores and advertisement revenue at Rs. 5 crores and this gives the ratio of 6 to 5 or 55 per cent. to 45 per cent. between the circulation and advertisement revenue. The actual ratio for individual papers varies within a very wide range. We have examined this ratio in respect of 127 morning Dailies and the results obtained have been shown on a tabular form in Appendix XXII. An abstract is given below. The table indicates in each case the proportion that the advertisement revenue bears to the total revenue.

TABLE VII
Proportion of Advertising Revenue Daily Newspapers—1951

1	2	3	4
Percentage of Advertisement Revenue to total Revenue	Number of Dailies		Total
	English	Other languages	
Below and upto 15%	..	6	6
Over 15% and upto 20%	..	7	7
Over 20% and upto 25%	..	9	9
Over 25% and upto 30%	..	10	10
Over 30% and upto 35%	..	11	11
Over 35% and upto 40%	2	14	16
Over 40% and upto 45%	3	16	19
Over 45% and upto 50%	3	11	14
Over 50% and upto 55%	3	6	9
Over 55% and upto 60%	3	5	8
Over 60% and upto 65%	5	4	9
Over 65%	3	6	9
	22	105	127

160. In working out the proportions only the revenue from the paper has been taken into account, and revenue from any other source such as rent, job-work or crossword puzzles has been excluded. It would be seen therefrom that there are some papers where the advertisement revenue is less than 15 per cent. of the total revenue. Generally, papers in English language earn more from advertisement revenue than circulation revenue while the reverse is the case in respect of Indian language papers. This ratio is affected more or less by general factors such as the purchasing power of the readers and the amount of competition in the area. It has already been mentioned that Malayalam and Urdu papers do not depend on advertisement revenue to the same extent as papers in other Indian languages, since they sell their copies at a higher price. In Gujarati dailies, though the advertisement revenue per copy is higher than in other Indian languages, the papers are also able to get a better price per copy, and consequently the ratio of advertisement revenue to circulation revenue is of the same order.

161. In view of the large variations in the economic structure of the newspapers, their capital outlay, the cost of production and ability to obtain circulation and advertisement revenues, it is not possible for us to prescribe any ideal ratio between the circulation and advertisement revenue, which would be desirable from the point of view of healthy growth of journalism. If the expansion of newspaper readership takes place at a faster rate than the increase in the commercial and industrial activity as is very likely with the rapid spread of education, we expect a further fall in the advertisement revenue per copy as has been observed in the case of Malayalam dailies. We therefore feel that any step that may help newspapers to be less dependent on advertisement revenue would be welcome. It has been suggested to us that a price-page schedule would be one such measure as it would make it possible for the papers to increase their selling prices and thus expand their circulation revenue. If an increase in selling prices is not considered desirable, they could effect a saving in the cost of production by reducing the number of pages.

162. Circulation.—Circulation is the key to the economic success of a newspaper. An increase in circulation reduces the cost of production per copy and thereby increases the nett return and it also increases the advertisement revenue by giving the paper standing and relative ranking, as well as by permitting an increase in the rates. Every newspaper therefore strives to increase its circulation by adopting various means of competing with the other newspapers.

163. The time factor.—Time is a very decisive factor in competition. In the chapter dealing with competition and monopolies we are discussing how the time factor affects the circulation of various papers and how the means of communication and railway timings have played a part in this connection. We might refer here to the relative circulation of the Tribune published from Ambala and Hindustan Times published in Delhi, in Jammu and Srinagar. During one period the Tribune sold only 90 copies in Jammu and 50 copies in Srinagar, whereas the Hindustan Times was able to sell 327 and 367 copies respectively in these towns. The Delhi paper could travel to Jammu and Srinagar directly by air, reaching Jammu by 11 a.m. and Srinagar by midday. The Ambala paper had to be sent to Delhi to catch the plane or travel by rail to Pathankot and then by road to Jammu and Srinagar. As a result the Ambala paper which, when it was at Lahore and in direct rail contact with Jammu, had a big circulation in that area, had lost ground to the Delhi paper which can get quickly by air to the readers. Generally it may be said that the papers published at Metropolitan centres are in a favourable position in this respect because these centres are very well connected by rail, road and air with the surrounding places and the transport timings are also convenient at such centres. The District papers would naturally be affected by the timings of road transport connecting the district centres with the surrounding taluka towns. As in many States road transport has been or is being nationalised, it will be possible for the authorities to consider the needs of such newspapers while fixing the timings

164. Selling prices.—The selling price of a paper would naturally have an important effect on its circulation. In this connection we have examined the effect of price-cuts adopted by two English papers at Bombay on the circulation of those two papers as well as of the leading paper which did not reduce its price. Prior to 27th October 1952 Times of India which had the highest circulation at Bombay was being sold at 0-2-6 while Free Press Journal and National Standard which rank next in circulation were being sold for 0-2-0. On 27th October 1952 Free Press Journal reduced its price to 0-1-0 and within a year had claimed to have doubled its circulation. On 1st July 1953 the National Standard was converted into a Bombay edition of Indian Express with a selling price of 0-1-6. Within six months it too claimed to have doubled its circulation (the figures of circulation of these papers during this period have been referred to in Chapter II). During this period the Times of India which did not reduce its selling price continued to retain its readership. Thus it would appear that Free Press Journal and Indian Express by reducing their price have been able to tap new readership which was latent in the market but which could not pay the higher prices prevailing earlier. Where however the prices of newspapers are substantially different, there is usually a marked difference in the standards of production and in the services offered, and generally speaking such papers would be catering to the needs of different classes of readers.

165. There is another instance illustrating the effect of selling price on the circulation. The two leading Tamil papers Swadesamitran and Dinamani in Madras, anticipating towards the end of 1950 a steep rise in the price of newsprint, came to an understanding and raised the price of their papers from 0-1-0 to 0-1-6. (These papers normally carried 30 to 36 pages per week). The increase in price from 0-1-0 per copy to 0-1-6 was brought into effect from 1st January 1951. The result was a drastic fall in circulation in both their cases. Subsequently in view of this fall in circulation they agreed to reduce their prices to the old figure. While the original fall in circulation came about in three months duration one paper took more than 9 months to recover its old circulation while the other had not done so. The relevant figures of circulation are as under:—

TABLE VIII

	Dinamani	Swadesa- mitran
Circulation on the date of increasing price (1-1-51)	67,950	51,21
Circulation on 1-4-51 when prize was reduced to the original level	51,860	33,97
Circulation in January 1952	66,703	39,998
Circulation in January 1953	67,634	40,343

It may be mentioned in this connection that the circulation of a competing paper, **Thanthi** (published from Madras and Madurai) did not rise during the three months when the two leading papers had increased the price, (it had actually gone down slightly from 21,000 to 19,000) nor did it fall when the prices of the leading papers were lowered again. The conclusion therefore appears to be that over 33,000 readers had stopped taking any papers because the price had been raised; apparently some readers had learned to club their newspaper requirements and to be content with one copy for many readers. The period examined coincided with an accentuation of drought conditions in Tamil Nad; a certain fall in circulation all round can be attributed to these conditions. Nevertheless, it cannot be denied that a change in price did have a profound effect on the circulation of those two papers.

166. **News agents.**—The news agent forms an important link between newspaper producer and the reader, for it is he who actually distributes the paper. He is paid a commission for selling the newspaper, the rate varying from 25 per cent. to 66 per cent., the usual rate being 25 to 33 1/3 per cent. Many papers in order to boost their circulation offer a large commission to the agents. Even some of the leading Metropolitan papers are offering commission between 40 per cent. and 50 per cent. to the agents. Incidentally, these papers belong to combines and chains. As a result the Provincial papers which compete with these papers, have also to offer large commission to the agents. One such paper at Calcutta allows the moffusil agents to sell copies at a lesser retail price than that marked on the paper though in Calcutta City itself it is sold at the marked retail price. We have also noticed that one of the provincial papers offers special rates of commission to agents at four different towns where it feels the competition from Metropolitan papers.

167. It has been stated before us that apart from the payment of high commission, certain papers with large financial resources do not hesitate to use underhand methods to eliminate a rival. One of such methods is to dump on the news agents a large number of copies at a special concession.

rate, in order to induce the agents to sell these instead of other papers which they formerly used to supply to their customers. Another method which has been alleged is to carry on consistent propaganda, through the news agents, to the effect that the particular rival whom they want to kill has not appeared on certain dates, or has been irregular in publication, or even that it has closed down. This had the effect of making even loyal subscribers change to other papers in the belief that their favourite paper is in difficulties and cannot be depended upon for regular appearance. The news agents helped the newspaper to play this game because of the copies which they got at special concession rates.

168. We consider that the range of commission that should be paid to news agents should be narrowed down, say between 25 and 33 1/3 per cent. Any payment of commission above this rate as well as the payment of special commissions or other inducements to news agents or allowing them to sell the papers at reduced prices should be considered unfair practices. They not only give an advantage to papers with large financial resources but they are unfair to readers also, in as much as the readers could have got the paper at a lower price but for this large amount going into the agent's pocket.

169. **Number of pages.**—Another method of competition is to give better, more varied and specialised coverage. This method of competition is healthy so far as it strives to give better service and news coverage. Merely giving the buyer a large number of pages containing news which otherwise would have been condensed or eliminated would not increase the standard of service, but on the other hand would give an unfair advantage, in competition, to those papers which have higher financial resources. We have examined this point in detail and we feel that after the withdrawal of price page control order in 1952, there has been a marked tendency to increase the number of pages, particularly noticed in the case of Metropolitan papers belonging to combines, chains, groups and multiple units. Though a part of the increase appears to be legitimate (as a result of free availability of newsprint at lower prices) most of it appears to be due to the intention of using it as a means of competition. It is interesting to find that a Multiple Unit paper is printing more pages at Delhi, where competition is keen, than at their other centre. Such competition has been reported also among some District papers. Competition based on the number of pages is bound to be unfavourable to Provincial and District papers which are small and have limited financial resources. We, therefore, think that enforcement of a price page schedule is necessary to check this tendency which appears to be on the increase, so that competition would be confined to quality of service and news coverage than mere quantity of newsprint.

170. **Prize competitions.**—Some papers have used crosswords and similar competitions as a means of increasing their circulation. In running such competitions initial expenses are heavy and therefore this method is attempted only by papers with large financial resources. The large circulations obtained by such papers is not useful to the advertiser, as a number of copies are purchased only for the sake of the entry coupons, not for reading.

171. **Figures of circulation—the ABC.**—Figures of circulation are considered to be of the greatest importance in influencing the advertisers in their choice of papers and in their acceptance of the rates quoted. Formerly it was the practice of some newspapers to claim exaggerated figures of circulation, and the advertiser was confused by a series of claims, some of

which were definitely false. Some years back the publishers, advertising agencies and advertisers got together and established a body called the Audit Bureau of Circulations which was authorised to issue certificates of circulation which all three sectors of the industry agreed to accept as correct. The ABC drew up a set of rules to which all publishers who desired to get certificates were required to conform. These rules laid down the nature of books of account and records to be maintained by each publisher, the procedure to be followed in calculating the circulation, and the method of issue of these certificates. The publisher's auditors were provided with a copy of these rules, and their report on what they concluded to be the circulation of the paper was forwarded to the ABC. After satisfying themselves that the procedure they had prescribed had been followed and that the auditor had not qualified his report by expressing doubt in respect of any relevant matter, the ABC would issue to the publisher a certificate which he was entitled to quote in support of his claim about the circulation of his paper. The ABC also made arrangements for a re-check in those cases where the certificate had been challenged by a member, and also carried out a routine re-check of one paper after another. These re-checks were carried out by auditors nominated by the ABC.

172. **Audit procedure.**—The procedure laid down by the ABC makes an attempt to guard against many of the common practices adopted for faking figures of circulation. Some of the rules have been considered by witnesses to be harsh, as for instance the one that says that sales of copies will be taken into account only if the proceeds are remitted by the news agent to the publisher within a prescribed period. There is another which prescribes conditions for scrutiny of transactions purporting to relate to purchase of newsprint. Judging by some of the evidence placed before us, we would consider these and other provisions quite necessary.

173. In our view, gathered from evidence which we have not always been able to confirm by a scrutiny of the relevant books of the publishers, there is the possibility if not the certainty that in at least one or two instances the publishers have managed to secure certificates which their papers would not be entitled to. In one instance, the editor of the newspaper volunteered the information that the actual number of copies printed of their paper is only a small fraction of the number for which they have secured the certificates. It appeared to us physically impossible for the particular press, with the machinery at their disposal, to have turned out the number of copies for which they got a certificate, unless they printed it over two eight-hour shifts, *i.e.* unless they started printing one morning the copies for distribution the next morning. The books had apparently been entered up so as to satisfy the auditors, though the press was not equipped to print such a large number of copies.

174. **Manipulation of figures.**—During periods when a black market in newsprint existed, newspapers had two reasons for falsifying their circulation figures. They could sell the newsprint in the black market and also boost their advertisement revenue. Today the main temptation to inflate the figures of circulation would arise only from the increased advertisement revenue that the paper might hope for. Three different methods of possible falsification of circulation data have been reported. The first was the simple faking of the print order which apparently had been practised by many papers in the past. The second was the faking of the figures in the print order adjusted to tally with the sales of newsprint in the black market, part of the proceeds from such sales being credited as revenue from circulation.

This too would appear to have been practised by some newspapers at the time when the black market price of newsprint was three times the controlled price or more. The third is the sale of large quantities of printed copies as waste-paper for wrapping. This does not require any faking of the print order, but can be practised successfully only when the market price of over-issues for wrapping purposes is sufficiently high.

175. The general question of falsification of circulation data was discussed with the Audit Bureau of Circulation and their instructions to newspapers and auditors in this regard have also been examined. In order to guard against plain faking of figures of circulation, the Audit Bureau have insisted that the cash books should also be checked as well as the newsprint stocks and issues. It was reported that one or two leading papers, which had claimed very high circulations, found it difficult to explain to the satisfaction of the Audit Bureau of Circulation auditors how and where they were able to find the newsprint for printing the number of copies claimed as sold. We were told by the publishers in the course of their evidence that the necessary newsprint had been purchased, for some lakhs of rupees, in the market, and that payment had been made in cash for these purchases. We asked for the reasons why such large purchases had to be made locally when these papers usually imported their requirements, and why payment had to be made in cash instead of by cheque when the sums involved were so large. The explanation was that the practice of cash payments was a carry-over from the days when newsprint was controlled, though the suggestion was thrown in that there might have been a desire to evade taxes on the part of the vendors of newsprint. Enquiries made by us of other witnesses brought to light no evidence of such a practice of purchasing for cash, and the Government of the State, which levies a Sales Tax, could find no evidence to support the possibility of such a transaction having taken place. The Audit Bureau of Circulation have expressed the hope that because of the checks prescribed by them such methods of inflating the figures of circulation are not likely to be attempted hereafter.

176. Formerly, when the black market price of newsprint was very high, some papers are reported to have sold the newsprint in the black market, entering a part of the receipts as realisations by "local sale" of printed copies. In the opinion of the Audit Bureau of Circulation, this method too is not likely to go undetected now in view of the detailed procedure prescribed for checking the actual print order. This does not sound very convincing, but even if we accept the Audit Bureau of Circulation's assurance on this point, there still remains the third method, i.e., of actually printing the copies and selling them as wrapping paper.

177. **Sale as waste-paper.**—It is understood that because of restrictions on the import of "over-issues" of newspapers from foreign countries (where perhaps they have been printed for similar reasons), the prices ruling in the market for old newspapers are quite high, ranging from Rs. 28 to Rs. 30 per maund, i.e., Rs. 784 to Rs. 840 per ton. This is equal to, or higher than, the price of newsprint today and apparently the market can absorb quite larger quantities. The instructions of the Audit Bureau of Circulation in this regard read as follows:—

"Sale of newspapers as waste-paper, to inflate circulation figures, is not economic in normal circumstances. But when waste-paper sells about the basic retail price of the publication less maximum commission and allowances to any agent, a larger number of copies may be printed than to meet normal requirements.

Therefore reasons for substantial increase in the Print Order as well as in supplies to any agent should be obtained".

These instructions caution the auditors against those who would attempt sudden inflation of figures but convey no indication of the possibility that the figures might be increased gradually, to reach very high figures, or maintained stationary while circulation is steadily falling. The position at present is that the prices for waste-paper are comparable with the nett realisations from the sale of papers as would be seen from the figures below which have been calculated for 6 and 8 page papers selling at one anna per copy, and 8-page papers selling at As. 1½.

TABLE NO. IX

		Per 1,000 copies					
1	2	3	4	5	6	7	8
Size of paper	Price per copy	Price	Price to Agent	*Nett sales value	Weight lbs.	**Sales as Waste-paper	Nett loss by sale as Waste 5 (col. 5 minus col. 7)
(a) 6 pages	0 1 0	62 8 0	41 14 0	37 11 0	90	33 12 0	3 15 0
(b) 8 pages	0 1 0	62 8 0	41 14 0	37 11 0	120	45 0 0	7 5 0 (profit)
(c) 8 pages	0 1 6	93 2 0	62 13 0	56 0 6	120	45 0 0	11 0 6

*In arriving at the nett sales value, commission has been calculated only at 33½ per cent. though in practice it is sometimes higher; further 10 per cent. has been deducted from the price charged to the agent as the average expenditure on packing and freight both of which are met by the publisher.

**Calculated at 0-6-0 per lb. retail.

In the case of the 6-page paper selling for one anna which covers a large proportion of Indian language circulation, the realisation by sale to readers is very little more than the realisation by sale as waste-paper. The position with regard to 8-page papers selling for As. 1½ is also similar though the loss is slightly higher in this case. These calculations are based on a maximum discount of 33½ per cent. In the case of papers which allow a higher discount the nett sales value would be less and there might be a profit by sale as waste-paper.

178. Assuming an average of Rs. 7/8/- difference per 1,000 copies between the realisation by sale to readers and to waste-paper merchants an overprinting of 10,000 copies per day could mean an annual "loss" of, say, Rs. 26,000. This "loss" is, however, only partial where the newspapers is a proprietary concern or is owned by a private limited company. It is true that the owner may have to pay income-tax on estimated revenue to this extent which he may not have really earned, but the loss is limited to the amount of tax since the sale of overprint issues as waste-paper does not really result in much loss. Where discounts are higher, there might not be any loss at all or even a slight profit. On the other hand, a purported 18 MofI&B.

Increase in circulation of 10,000 copies would normally produce an additional advertisement revenue of at least a lakh of rupees per annum. It would appear, therefore, that in the present conditions there are very great temptations for dishonest publishers to claim inflated circulations by printing more copies than they have readers for, and selling the additional copies as waste-paper.

179. It may be useful to explain how the estimate of one lakh of rupees per annum as additional revenue from advertisements for an increase in circulation of 10,000 copies per day has been arrived at. The advertisement revenue of any established paper depends primarily on two factors: its circulation and its class of readership. Advertisers offering the general run of goods are inclined to the view that there is not much to choose between the readership of one paper and another, and it is only in the case of specialised advertisements that they choose their media for particular reasons of coverage. As would be seen from the analysis mentioned in para 152 the average revenue for many English papers is Rs. 47 and for Indian language papers is generally about Rs. 12 per subscriber for all the well established papers. Even if other papers which for one reason or another have been unsuccessful in building up an advertisement revenue are taken into consideration, an average revenue of Rs. 10 per year per subscriber, is not beyond the reach of any well-conducted paper. For a purported additional circulation of 10,000 copies an increase in the advertisement revenue of Rs. 1 lakh per year would appear to be a reasonable expectation.

180. The commercial success of such manipulation of figures, would, however, depend upon inflation being practised on a large scale. This is because advertisers would not agree to increased rates for slight increases in the circulation. This difference must be substantial, say of the order of 10,000 copies or more, in order to enable the publisher to raise his tariffs, or alternatively, to maintain his advertisement rates if circulation is going down.

181. We are informed that the Audit Bureau of Circulation has now undertaken a re-check of all papers to whom they have issued certificates. We are glad that they have taken up this task and hope that they would be able to spot instances of fraudulent practices which had escaped notice earlier. In our view, the Audit Bureau of Circulation will gain general credence for the accuracy of their certificates if they take drastic action against those who, to their knowledge, have produced fraudulent figures, by debarring them from membership of the Bureau. At present the practice appears to be to retain on the rolls of the Bureau even those members to whom certificates have been refused, leaving them eligible to apply for certificates for a subsequent period. This, in our view, greatly weakens the Audit Bureau Circulation and the exercise of discipline on its members.

182. A very large number of papers are not however members of the Audit Bureau of Circulation and generally they depend only upon their own unsupported statements to secure advertisements. Their claims of circulation have by no means been modest. In the case of one paper which quotes a figure of over 8,000 for its circulation, the editor told us in evidence that only 2,000 copies are circulated. Another paper informed us that they printed 13,600 copies but sold 6,800 the rest apparently being disposed of as wrapping paper. A third paper, which had told the State Government that its circulation was 2,000, accounted for only 200 copies in its returns submitted to us. Such fanciful claims are not confined to dailies. We came across an instance of a weekly which claimed a circulation of 5202 but the publisher, after examination, cut the figure to 1575.

183. **Verification of circulation.**—We found that while some State Governments go by the Audit Bureau of Circulation certificates where these are available, others trust entirely the claims of the publishers or get them confirmed by the police! In many cases advertisements are given to the papers without an enquiry about the circulation.

184. We are suggesting elsewhere the appointment of a Press Registrar with whom publishers of newspapers have to file certain factual statements periodically. One of these statements should be of the circulation of the paper. The Registrar should, under the Collection of Statistics Act, prescribe the form in which the statement is to be filed. Some indication of the data to be compiled is given in the Appendix XXIII. State Governments and the Central Government should be guided by these statements when placing advertisements.

185. **Cross-words and other competitions.**—In connection with the subject of circulation, there is one other aspect that we would like to examine in detail. Newspapers have shown a tendency to adopt certain devices which have been tried in other countries also for promoting circulation, by linking up, with the purchase of a copy of the paper, eligibility to participate in certain benefits. The most common of the methods adopted here is to print, in the newspaper, entry forms for competitions. These competitions are usually for "solving" cross-word puzzles or similar trials of skill or chance, and in most of the instances we have come across, it is the latter element that predominates. One publisher told us that the odds against a prize-winning solution are sufficient to secure him a good return on each competition. In many cases particularly in Indian languages, the "solution" consists of matching one of two alternative answers, to a number of questions ranging from 12 to 20 for each competition. An entrant is not however in the same position as the entrant to a football pool, since the "correct" solution does not lend itself to verification by the published results of real matches, but has to tally with a solution selected by those who run the competition. We do not wish to go into the question whether such competitions are in the nature of lotteries; this would be a matter for the Courts to decide. We would like however to express our definite conviction that the publication of entry forms in newspapers and periodicals is an unjournalistic activity and we recommend the insertion of a provision, in the act regulating the printing and publication of newspapers and periodicals, banning the printing of any form of entry to competition or prize schemes. We would also like all such competitions to be banned, but this would be going beyond our province. We refer of course to competitions for which an entrance fee is charged and where the winners are awarded substantial money prizes. We have no objection to the publication of puzzles solely as amusement for the reader. Even in the case of purely intellectual amusements, we are aware that the payment of a small award adds some zest to the solving, and the payment of such awards is made by many periodicals whose journalistic standards are high. We would however limit such awards to a maximum of Rs. 500 in any one month. These remarks would not of course apply to competitions or awards for literary or journalistic material intended for publication in the periodical or newspaper, such as competitions for the best short story, article, essay or review, or awards for the most outstanding achievements in the field of news reporting or interpretation, or the successful espousal of public causes. We would in fact approve of such incentives being offered by a Central body like the Press Institute, the establishment of which we are recommending in Chapter XIX.

186. Prize schemes and free insurance.—A similar practice which seeks to induce the purchase of copies, as distinct from perusal of its contents, is the grant of prizes or awards to the holders of copies bearing certain numbers, or the offer to insure all holders of copies against particular forms of accidents or misadventure. Such offers are not very common in India though they have been used successfully in other countries, and we came across only one instance, where the publishers of a medical journal had offered to insure subscribers against awards of damages in suits filed by patients. We consider all such inducements unjournalistic and would recommend their being banned by law. Insurance is a perfectly legitimate activity if carried on under the appropriate regulations, but if is not journalism. Where the publishers enter into an arrangement with an insurance company to cover such risks and offers the benefit of the cover to those who purchase his paper free of additional cost, it would be in effect a reduction in the price of the paper. We have already said that the minimum price of a paper should be controlled by a price-page schedule and the maximum discount prescribed; insurance or gift offers would violate the principle underlying this regulation of prices.

187. Price-cutting.—We have come across instances where the published price and authorised discount are undercut by the distribution of free copies. We realise that a paper trying to establish itself would try to convince the public of its merits by distributing free copies for some time. But such free distribution should be reasonable in respect of the number of copies and the period for which it is distributed to any individual. We would not prescribe what these should be but would insist that the number of copies distributed free to the public should be intimated to the Press Registrar who would be at liberty to publish the figures where he considers them excessive.

188. Price-cutting is also brought about by supplying each newsagent with a certain number of free copies which he is at liberty to sell. We consider it necessary that where copies are distributed free in order to introduce a paper to the public, all such copies should be clearly marked "free" before being handed over to the newsagent, so that the supply of such free copies does not have the effect of increasing his discounts or adding to his profits. Other inducements held out to newsagents are the supply of cycles for the messengers employed to distribute copies, or uniforms for such messengers and hawkers. We consider that the cost of these should be deducted from the discounts payable to the agents. Similarly expenditure incurred on the freight charges on copies should be subject to an upper limit. We understand that on an average such expenditure does not exceed 10 per cent. on the nett value of the papers. We are concerned not merely with averages but with maxima also, and would recommend that where delivery charges exceed 15 per cent. all additional charges should be recovered from the agent or as a surcharge from the subscribers. In connection with packages sent by air, we are recommending in Chapter XI, a maximum range beyond which a surcharge should definitely be levied from the subscriber. Any violation of these price-restrictions should be considered an unfair practice and should be checked.

189. Unsold Returns.—Another way in which publishers try to provide special benefits to news agents is by making fairly large allowances for copies which could not be sold. In certain cases, the newsagents are permitted to sell the copies as waste paper and have only to intimate the number of such copies in respect of which credit is required, while in others they have to provide some sort of proof, usually the top of the front page, bearing the

date, torn off and returned in support of their claim. Unless the number of returns permitted is fixed at a reasonable percentage of the total sales by the newsagent, such a concession would operate as a powerful weapon in the hands of large publishers. In this, as in the case of free copies, some restriction and uniformity of practice must be established by convention or, if this cannot be done, be imposed from outside.

190. Unfair practices.—We have come across certain other practices connected with large scale operation which we consider unfair and undesirable. The first of these is the insistence by the management that any advertiser in the most important paper of a group or chain should book space at the same time in their other papers also. Whether pressure is brought to bear upon the advertiser indirectly, or whether the management quote a combined rate for some or all of their newspapers, this practice is likely to affect prejudicially the free development of other newspapers in any of the languages in which the group or chain publishes newspapers. It might affect indirectly even newspapers in other languages, by forcibly diverting to the papers of the group the bulk of the advertising appropriation of the advertisers. Another of such unfair practices is to insist that newsagents desirous of handling one of the papers of the group should also take a specified number or proportion of the other papers published by the group. A variant of this is to insist that newsagents handling one paper of a group, say in English, shall not handle any Indian language paper from any other publisher, even where he is not compelled to take the Indian language papers of the group. We recommend, therefore that some provision should be made in the contemplated legislation governing newspapers and periodicals, to put a stop to such restrictive practices wherever they are attempted.

191. Economics of newspapers aggregates.—Common ownership of more than one daily newspaper takes the form of combines, chains, multiple units and groups which may be defined as follows:

- (1) Multiple Unit i.e. publication of more than one daily of the same title and language at different centres under one ownership;
- (2) Groups i.e. publication of more than one daily from the same centre under one ownership, in the same language (e.g. morning and evening papers under different names) or in more than one language;
- (3) Chains i.e. publication of more than one daily under one ownership from more than one centre. These are only combinations of the types mentioned earlier;
- (4) Combines. These are in essence Chains, Groups or Multiple Units but the units appear outwardly as different concerns.

The economies that are possible in group operation are in the following directions (*vide* Appendix XXIV).

(1) Fixed Assets.—The main capital investment in the case of newspaper operation is on equipment and buildings. These absorb a major portion of the long-term capital and considerable savings in the total requirements can be effected where more than one paper is published at the same place. Estimates of the machinery and equipment required for an English paper, and for an Indian language paper run in conjunction therewith, are given in Appendix V. The investment in the first case is 18 lakhs. The additional investment required in the second case is less than two lakhs.

(2) Establishment.—The publication of a paper in one language along with a paper in another language would call for additional staff for translation and for leader-writing in the editorial section, some additional payment in respect of correspondents, additional staff in the composing room and a slight increase in the managerial staff. There would be no increase in the foundry, printing or supervisory staff in the despatch section. In the most favourable circumstances the economies may amount to 75 per cent. of the requirements of the second paper.

(3) Material.—There would be no saving because of group operation in the quantity of material used such as newsprint etc., but there is some saving consequent on combined purchase in large quantities particularly in the case of newsprint.

(4) General overheads.—No additional general expenses would be involved because of an increase in a number of papers published from the same office. Even in the case of distributing agents it is usual to employ the same persons to handle all the papers issued from the publishing house and so no increase is caused in the volume of correspondence to be handled, unless the papers are sold in quite different parts of the country, when there would be an increase in the number of agents.

192. The extent to which these economies are realised varies from one paper to another. One group at Madras has been able to achieve what we consider the maximum of savings possible from group operation while another at Lucknow has perhaps realised only the minimum.

193. The position with regard to multiple editions of a paper published from more than one centre is somewhat different. In other countries, multiple editions are undertaken purely in order to save time and freight in the distribution of printed copies, and each edition is only a reprint of the other. The practice in India is to maintain editorial offices at each centre where the paper is printed. In effect, these multiple editions are not reprints of the first. Only part of the material required to make up the paper is received from the main office by teleprinter or in the form of flongs or lithoplates. Some of the pages are made up from news reports received at the local office, and occasionally editorials are prepared there. The economies possible by the publication of multiple editions is not very great even where the editorial supervision is not decentralised, and the main saving is one of time and freight. Where however additional editorial offices are maintained for each edition, the economies are reduced further. These economies, however, are only in respect of operating costs. Capital investment has to be made afresh for each centre from which publication is started. There is, in consequence, no saving in interest, depreciation, and other overhead charges. Moreover, the entire composing room, foundry, and printing room staff have to be employed at each centre.

194. The main economic incentive for starting such editions has been the hope of capitalising on the goodwill of the parent edition and acquiring a circulation with the minimum of preliminary losses during the earlier periods. It is also the expectation of the publishers that they would be able to secure an immediate advertisement revenue for the local edition by repeating the advertisements that had been booked for the original edition and charging the advertisers additionally for this purpose.

195. In the case of chains, there are no direct economies consequent on the fact of common ownership. Where the chain is made up of a number of groups, the economic advantages of group operation are added on to whatever little advantage follows from multiple editions.

196. In the case of combines, local advantages that result from group operation do exist, but no further economic gains result from the fact of common ownership. If, however, one of the units of the combines is very influential it may be able to direct a small amount of advertisements to another unit, though this possibility is rather remote.

197. Because of such advantages as are implicit in such combined operation (in groups, multiple units or chains) it has been possible for a number of new papers to come up. Many Indian language papers have been founded on the economic support offered by a well established paper in English or in another Indian language. Multiple editions, newly started, have depended for financial support on the parent edition. It must, however, be mentioned in this connection that a consequence of such combined operation is that taxes are assessed only on the resultant profits and not on the individual profits of each paper. While this has made it possible to find money to cover the losses of new papers from out of profits a large portion of which might otherwise have been paid to the exchequer as taxes, it has apparently made the managements less cautious in their assessment of prospects before starting new papers or new editions.

198. **Drawbacks of groups and multiple units.**—There have been other drawbacks too in group and multiple unit operations. In the case of groups, all the papers are operated as one unit and if one of them is profitable while another is losing, the employees would be able to claim a bonus only on the basis of the combined results. We found that none of the groups operating in this country maintains separate accounts for each paper and it has, therefore, been very difficult for us to ascertain the extent to which a successful paper subsidises another not so profitable. The employees also would find the same difficulty. In the case of multiple editions, it has been held by a Labour Tribunal that the profits and losses of all editions must be considered together before arriving at the nett figure on which bonus could be based. Since these multiple editions are widely separated, it is not possible for the employees at one place to have any idea of possible managerial extravagance at another, and they only see their bonuses whittled down because of losses at a remote centre. In this respect, the position is different from that of a group where all the units are situated at the same place and further share the same management, efficient or otherwise.

199. In the case of group operation, the main economies are achieved by more effective utilisation of the capital equipment and of a substantial part of the staff. For this purpose the attempt is made to secure increased readership from as wide a circle as possible by publishing papers in more than one of the languages locally understood. In the case of multiple editions, the attempt is to look for additional readership in other parts of the country and to exploit the direct and indirect benefits of association with the parent papers. We have discussed elsewhere certain practices which are aimed at securing an unfair advantage to papers which are in a position to benefit by these economies and we have also suggested measures for eliminating such unfair competition. Later in this chapter, we have recommended the adoption of a price page schedule which would restrain newspapers which are in an advantageous position, whether because of group or multiple operation or because of their financial resources, from utilising this advantage in competing with other papers on unequal terms. There remains to be considered only the handicap placed on the employees by such combined operation.

200. We have found that when starting multiple editions, the publishers sometimes have not made that careful assessment of the soundness of the venture which we expect they would have made if they had to bear the resulting loss instead of being able to set it off against profits before taxes. This tendency to convert current taxable profits into untaxed long-term investments exists perhaps in other industries also, but we found from such data as were available that in the majority of cases of multiple editions, the parent unit has continuously had to absorb losses incurred at the subsidiary centres. While therefore such editions may have added to the number of papers published at the newer centres, they certainly have not resulted in an overall increase in the return to the owners, nor have they added to the bonus earned by the employees. In the case of group papers, it has not been easy for us to decide whether one of the papers is remunerative by itself, but as we have pointed out, each additional paper added to the first one has taken advantage of existing resources so that it would be justifiable to estimate its cost of production at a very much lower figure than the average. On this basis, where a group is remunerative we may go to the extent of assuming that the individual papers may also be.

201. **Separation of accounts.**—We would like, if it were possible, that every paper should be constituted as a separate unit so that its profits and losses are definitely ascertainable and both the proprietor and the employees know where they stand. In the course of our examination, we have found that such separation of the capital, revenue and expenditure of different papers would be difficult in the case of groups. Such difficulty would not arise in the case of multiple units. In connection with the question of unfair practices, we have already recommended that advertisements should be booked separately for each edition, agency services are already paid for separately, and the staff engaged for the paper would also be easy to identify. Fixed assets engaged on the production of each of the multiple editions would also be easily separable from those of another edition. We therefore recommend that in the case of multiple editions, each unit should be separated from the others in the matter of accounts. Where a chain consists of a number of groups, each group would be separated from the other.

202. Inside the group itself, it may be difficult to make a division of capital investment and of certain categories of expenditure. We recommend, however, that the revenue account should be maintained separately and that cost accounts should be maintained in respect of production of each of the papers of the group. This would enable a fair estimate being made of the profit or loss earned or incurred on the publication of each of the papers of the group, even if the allocation of certain common costs has to be made on a rough and ready basis. This system of book-keeping should invariably be adopted wherever the management find it inconvenient to divide the group into its component units.

203. **Future expansion.**—We realise that we must envisage the expansion of some of our Metropolitan papers to provide a national or continental coverage or the establishment of papers by national or political parties to cover the whole country. We would emphasise, however, that in all these cases, the principles we have enunciated above should always be kept in mind. We would also emphasise that while new editions are being started of existing papers, the requisite capital should be found separately instead of weakening the existing papers by saddling them with the inevitable losses during the initial stages of the new edition. If, however, the parent papers have made adequate provisions for replacement costs and other necessary

reserves and are paying their staff reasonable salaries and wages, then there could be no objection to their using the funds obtained from the profits of the parent papers for starting multiple editions in other parts of the country.

204. The recommendations above are concerned mainly with the economic aspects of aggregates of newspapers. The effect of concentration of readership in the hands of one owner or group of owners is being dealt with separately in Chapter XIV. Such concentrations are brought about not merely by chains, groups and multiple units, but also by combines, where even though each unit is separately incorporated, the fact of common shareholding places in the hands of owners a concentration of readership.

205. **Price-page Schedules.**—The earlier discussion of the economics of a newspaper has brought out the fact that as matters stand at present a paper with a large circulation because of its lower cost of production per copy enjoys certain advantages over other papers with smaller circulation. Similarly, a paper with large capital resources behind it is free from certain handicaps which affect another paper with limited capital. Papers of long standing which have been able to build up a large and stable volume of advertisement revenue are in a very advantageous position as compared to others who have just entered the field. It is true that such economic advantages and handicaps exist in a number of industries but their presence in the newspaper industry is not, in our opinion, conducive to the even and healthy development of the press. Newspapers serve as media for the free exchange of information and of ideas. The proper functioning of democracy requires that every individual should have equal opportunity, in so far as this can be achieved, to put forward his opinions. We consider it therefore essential that measures should be adopted to reduce the differences due to economic advantages or other causes, and to enable newcomers to start with a fair chance of achieving success. After examining various schemes that have been put forward for this purpose, we feel that to fix a minimum price at which papers of a particular size can be sold would be the most effective measure to bring about this end. This would no doubt have to be supported by the other measures that we have recommended regarding unfair practices in the industry.

206. Previous price-page schedules have been drawn up with different aims. Some have intended to reduce consumption of newsprint and therefore set also a maximum limit to the number of pages that could be printed. Others achieved the same purpose indirectly by setting such a high price that the market was "rationed by price"; circulations were prevented from growing by the high prices that had been fixed, and thus consumption of newsprint was restricted. We have made it clear that it is not our intention that the amount of news and views that are placed before the public should be restricted in any way either by fixing very high prices or by setting a maximum limit on the consumption of paper. We would consider it a healthy development if the amount of newsprint consumed in this country grew rapidly with the purchasing power of the people and that there was in consequence a freer flow of information.

207. We are convinced, that though ultimately it is the readers who pay the net cost of the paper, partly as its price and partly through the advertised goods that they purchase, a reasonable revenue from advertisements has the effect of distributing the burden more equitably between those who have money to spend and those who have not, while a high selling price would place the burden uniformly on all.

208. The publisher of a newspaper realises revenue from the two sources that we have mentioned, the sale of the paper and the sale of space in it for advertisements. The reader contributes the first directly and to the second indirectly. There is, however, a third factor involved and that is the resale price of the copy as waste paper. As we have discussed earlier in this chapter, the price of waste paper is very high in this country and is comparable to the nett sales realisation, or in other words it is more than half the price that the reader pays for each copy. An excessive number of pages in each issue would have the effect of reducing the price of the paper to the reader, and is therefore used by the publisher as a means of competing with other papers. This too is a point which has to be kept in mind when deciding whether a schedule that is proposed is equitable and would eliminate substantially the effect of such competition.

209. On the other hand, we have to keep in mind the fact that the next few years would be a period of endeavour and constructive activity rather than one of boom and high prosperity. With the growing unemployment particularly among the middle classes to whom the newspapers look for the bulk of their readership, a tendency to shrinkage in circulation might well be expected. Too high a price would have a doubly unwelcome effect on the fortunes of the Press. Circulations would fall directly and as a consequence of such fall, advertisement revenues would also shrink. This would force papers to reduce the quality of their services and the cumulative effect may well be disastrous.

210. While on the question of the fair value given to the reader, we would like to record our opinion that the schedule should not, like many past schedules, prescribe only the maximum number of pages that could be sold at a particular price, but also the minimum number that must be offered. This safeguard for the interests of the reader had not always been considered necessary in the past, but in view of what we have said earlier, we feel it should be clearly specified. We have stated elsewhere that in our view the quantum of advertisement in, say, a week's issue of a newspapers should not exceed 40 per cent. of the total area and we feel that this requirement should be made part of the schedule, which will thus prescribe (a) the maximum number of pages that could be sold for the price, (b) the minimum number of pages that must be offered for the price, (c) the minimum of news and editorial matter that each issue must contain.

211. In the evidence that has been placed before us, there has naturally been considerable divergence of opinion regarding the imposition of a price-page schedule. The division of opinion has not been according to the size of the paper or its standing. The proposal has been opposed by many large papers and supported by at least one of them. Similarly, while many small papers have welcomed the idea, and the Indian Language Newspapers Association has strongly supported it, there has been opposition from this group also. Not all the arguments in favour or against were based on the principles underlying the proposal. Some were based on the experience of the working of the old schedules, the prices of newsprint then and at the time of our inquiry, and even on some local factors. In order to bring about an increase in the number of newspapers in this country, an increase which we consider very essential, and in order to provide the circumstances in which freedom of opinion can be very much more real than it is today, a price-page schedule appears to be a necessity.

212. We are suggesting a price page schedule which would fix the minimum price at which papers of a specified number of pages could be sold to the reader. Such a schedule would make no distinction between a paper which is costly to produce and another which is very much cheaper. In our examination of 30 newspapers, large and small, in English and in Indian languages, representing a combined circulation of 8.25 lakhs daily, we found that excluding newsprint the average cost of production of the English newspaper was 3.3 pies per page while the average cost of production of the Indian language newspaper was 1.9 pies per page. Adding the cost of newsprint at Rs. 840 per ton, (which is roughly the price ruling today) the total cost of an Indian language newspaper would come to 3 pies per page while the corresponding figure for an English newspaper would come to 4.4 pies per page. Assuming that the average Indian language paper consists of four pages daily, and the average English paper of eight pages daily, the total cost of production of the Indian language newspaper would be 12.0 pies and of the English newspaper 35.2 pies. The average revenue that can be legitimately expected in these two cases from advertisements would be round about Rs. 10/- per year per copy in the case of Indian language newspaper and Rs. 40/- per year per copy in the case of English newspapers. A selling price of one anna per copy in the case of a four page Indian language paper and of two annas in the case of an eight page English paper would, after deduction of agency discount leave 8 pies and 16 pies respectively as net revenue per copy which together with the revenue of 5 pies and 20 pies from advertisements would cover the cost of production. A price page schedule based on a price of 3 pies per page of standard size may prove adequate to meet all costs of production in the case of Indian language and English papers.

213. Our recommendation with respect to remuneration of working journalists would no doubt add to the cost of production. In the case of Indian language newspapers, out of a total cost of 1.9 pies per page, the salaries to working journalists including editors as well as the payment to news agencies together came to 0.45 pies. Roughly 1/3 of this amount represents payment to news agencies and to correspondents paid on lineage basis. The expenditure on working journalists employed on the staff comes therefore to 0.3 pies per page. Even assuming that our recommendations result in an overall increase of 35 per cent. in this expenditure the total increase in the cost of production of the paper will be only 0.42 pies per copy of 4 pages and 0.84 pies per copy of 8 pages. The calculations earlier show that this too can be fairly covered on the basis of 4 pages for an anna.

214. On the basis of the circulation in 1952, and on the basis of the number of pages of each newspaper in that year, the increase in circulation revenue would be of the order of Rs. 90 lakhs. Circulations have grown since then, and owing to the removal of controls in September 1952, the number of pages has also increased in most cases, so that at present levels a still greater increase may be expected. On the other hand circulations are likely to fall when the prices of newspapers are raised or if the size of the papers is reduced, though there is reason to hope that the reduction in the latter case may be less. Other variables are the expenditure on newsprint and revenue from advertisements, both of which would be dependent on the circulation as well as the size of the paper. Even assuming that the net increase in circulation revenue is much less than the maximum, we expect it would very much improve the financial position of the papers. It will help struggling units to stabilise their economy and new units to cut down their initial losses

215. The Indian Language Newspapers' Association had put forward a schedule based on an average of 3-1/3 pages for an anna. We are unable to accept the schedule because we feel that at the present cost of newsprint, the prices suggested were on the high side and further it made no provision for the minimum number of pages or for the minimum quantity of reading matter.

216. Sri A. R. Bhat has worked out a tentative schedule which lays down the number of pages for six-day newspapers of standard size. The schedule is reproduced below, and a note from him explaining the implications of the schedule is included.

TABLE NO. X
Six-day papers of standard size

Retail price per copy	Number of pages per week		
	Maximum total	Minimum total	Minimum matter excluding advertisements
0-1-0	24	20	15
0-1-3	30	24	18
0-1-6	36	28	22
0-2-0	48	38	28
0-2-6	60	48	36

While this is not to be taken as specific recommendation of the Commission, we feel that this could form the basis on which a suitable schedule could be worked out. Such a schedule will have to take into consideration the prices of newsprint as well as probable trends therein over a period of, say, six months, from the date it comes into force. The schedule would have to be worked out in detail to cover newspapers of different sizes, as well as 7-day papers and Sunday papers. We would recommend that the Act to regulate the newspaper industry should empower government to issue such schedules from time to time and each schedule should be drawn up in consultation with the people concerned.

Note by Sri A. R. Bhat

The schedule which finds place in the body of the report should be considered with reference to the following points:—

Price of newsprint.—The schedule has been drawn up on the basis of newsprint at a price of roughly £.57 per ton c.i.f. Indian ports, which is approximately the price ruling today. Based on this price of newsprint and the average cost of production, the schedule specifies the maximum number of pages for different retail prices. Any increase in the cost of newsprint would call for a revision of the schedule. Further, in the case of those papers whose cost of production is higher than the average calculated in the report, benefits from the price-page schedule will start to accrue only if the price of newsprint falls. An increase in the number of pages should, therefore, be permitted only if the price of newsprint falls by more than 20 per cent. This would cover the cases of newspapers, particularly the

small ones, whose cost of production are up to 15 per cent. higher than the calculated average. The schedule should be fixed preferably in December of each year and be made applicable to the next calendar year.

Size of paper.—Former schedules divided newspapers into particular categories if they exceeded certain specified areas. These areas were fixed on the basis of generally accepted commercial sizes and it was possible for some newspapers to get round the requirements of the schedule by reducing the size of the paper by a small fraction, thereby bringing their paper into the next lower size category. In any future schedule the sizes should be so fixed that they cover a certain range slightly above and below the usual commercial sizes which are demy, crown, and royal. Any doubt arising about the classification of a newspaper because the size of its pages is odd should be decided by the Press Registrar.

Financial burden of recommendations.—Generally speaking, the financial burden of the recommendations with regard to minimum salary and other benefits is likely to bear more heavily on Indian language newspapers because at present the salaries paid to the staff are in many cases much lower than the minima prescribed. In addition to raising of the minimum salaries paid, a certain amount of increase will also have to be made correspondingly in the salaries paid to senior members of the staff. Further, some of the benefits recommended will have to be extended to the staff employed in the press. The main relief to the smaller newspapers would depend on acceptance of the recommendations in regard to news agency tariffs.

Cost of production in smaller papers.—As a result of the recommendations, the cost of production of small papers, particularly those in the Indian languages, would be higher than the average even after allowing for the savings in news agency, subscriptions. A statement is attached estimating the cost of production of a small newspapers of 11,000 circulation which shows that excluding newsprint the cost of production would be 9·8 pies per page as against the average of 7·6 pies. Such small and medium size papers are playing a very important role today. They are offering a choice to the reader thereby making monopolies in circulation difficult. It is essential in their interest that no increase should be permitted in the number of pages beyond those suggested in the tentative schedule unless the cost of newsprint falls substantially, as mentioned above.

Effect on circulation.—It is difficult to predict the likely effect of the price-page schedule on the circulations of newspapers. It has been observed that the introduction of the schedule does not have the same effect on all the newspapers. The price policy which a paper adopts would have a material effect on the circulation. If newspapers increase their selling price, generally speaking this would cause a fall in their circulation, but it can be argued with much force that if the papers would not increase the retail prices but restrict the number of pages there would hardly be any long term adverse effects on their circulation. Many papers which increased their prices at the time when a price-page schedule was introduced in April 1951 suffered setbacks in circulation and have not recovered even when the schedule was liberalised a year later and withdrawn in September 1952. On the other hand, some papers which kept their prices at the same level but reduced the number of pages to the extent necessary were able to maintain their circulations more or less at the same level during that period and have subsequently increased their circulation. It may be said that as a result of the schedule, newspapers would become inordinately thin. Such a fear is unjustified. Under the schedule, a paper selling at 0·2-6 can print on an average 60 pages per week of six days as against only 50 pages which they were permitted in the April 1951 schedule.

An examination of the number of pages in newspapers published in the United Kingdom, France, Switzerland, Western Germany and Italy reveals that though there are variations between one country and another, the average size is not very large.

Cost of Production in a small newspaper
 (Circulation 11,000, four-page Indian language, 6 issues per week)
 (vide Appendix XVIII)

Establishment	Monthly expenses
	Rs.
Editorial staff	1,600
Managerial staff	1,500
Menial staff	440
TOTAL	3,540
Add 33% of the above for covering casual leave, privilege leave, sick leave, employers' contribution to the Provident Fund and provision for gratuity .	1,180
Services and contingencies	4,335
Composing and printing charges	5,000
Total excluding cost of newsprint	14,055
Cost per issue of 4 pages	9·8 pies.

CHAPTER V

ADVERTISEMENTS

217. **Revenue of newspapers and periodicals.**—We have referred earlier to the extent to which the daily newspaper today depends on advertisement revenue and the part that such revenue plays in the financial structure of a newspaper. In our estimate of the revenue of the daily Press, in Chapter III, we have come to the conclusion that the total of advertisement revenue comes to Rs. 5 crores per annum. For reasons mentioned in that Chapter, it has not been possible for us to estimate the corresponding figure for weeklies and other periodicals. From an analysis of the returns submitted by about 30 major advertising agencies, we find that the business that they place with daily newspapers is about three times the business they place with weeklies and periodicals. We do not, therefore, expect that the total value of advertisements placed with periodicals would exceed Rs. 2 crores. In other countries, the volume of advertisement in magazines and journals works out at a much higher ratio. We have discussed in Chapter II certain reasons for the present low level of advertisement revenue of periodicals. We expect that with the development of publication of periodicals in this country, their advertisement revenue would also expand.

218. **Sources of revenue.**—It was not possible for us to analyse the volume of all advertisements placed by different sections of trade and industry and by other advertisers. We have, however, analysed the business placed in 1951 by 34 advertising agencies, (whose total turnover was Rs. 2,26 lakhs in that year) according to the different sources of advertisements, and the volume of advertising addressed to individual consumers generally as well as that addressed to particular sections of the public in respect of goods and services in which the average reader may not be interested. Taking such a general classification, we find that out of the total, more than three-fourths was in the nature of general consumer advertising. The figures are given in Table I below:

TABLE I

Volume of advertisement in different sectors

(34 Advertising Agencies)

		Rs. (thousands)
1. General Consumer Advertising	..	.. 1,71,83
2. Specialised Advertising	..	.. 42,63
3. Government and Institutional Advertisements	..	.. 11,41
		<hr/>
	TOTAL	.. 2,25,87
		<hr/>

A further classification of the advertisement coming from Government and institutions provided the following information:

Government and institutional advertising

(34 Advertising Agencies)

			Rs. (thousands)
1. Government Advertisements	..	..	4,58
2. Commercial and Industrial	..	..	4,88
3. Educational and Social	..	..	1,95
			<hr/>
		TOTAL	.. 11,41
			<hr/>

219. **Consumer Advertising.**—An analysis of total volume of general advertising addressed to the consumer indicated that they could be classified under 15 major groups as in Table II below:

TABLE II

General consumer advertising

(34 Advertising Agencies)

			Rs. (thousands)
1. Cosmetics, Soap, Shaving accessories, hair oils etc.	..		35,41
2. Drugs, proprietary medicines, medical appliances etc.	..		32,74
3. Motor tyres and accessories, petroleum products, automobiles, batteries etc.	..	..	19,52
4. Food products, biscuits, chocolate, drinks, preserves etc			19,01
5. Refrigerators, Washing Machines, domestic air conditioning equipment, fans, radio sets, cameras, photo films, electric bulbs, flashlights and batteries etc.	..		12,10
6. Transport, airlines, resorts, travel etc.	..	..	9,62
7. Watches and clocks, jewellery, typewriters, duplicators, furniture, floor coverings, carpets etc.	..		7,69
8. Insurance and Banking	..	..	7,36
9. Cigarettes, tobacco etc.	..	..	6,52
10. Textiles, ready-made clothing, dress auxiliaries, footwear etc.	..	..	5,55
11. Automobiles	..	..	5,22
12. Entertainment, films, theatre, sports, gramophone, records, playing cards etc.	..	..	4,83
13. Books, stationery, pens etc.	..	..	3,80
14. Insecticides and sundry household articles	..		2,13
15. Hotels, restaurants, hair dressers, photographers, etc.	..		33
		TOTAL	.. 1,71,83
			<hr/>

220. **Specialised advertising.**—Similarly, the advertisements addressed to sections of the population were classified as in III below:—

TABLE III
Specialised Advertising
(34 Advertising Agencies)

	<i>Rs. (thousands)</i>
1. Industrial machinery and equipment, trucks, trailers contractors' equipment, etc.	14,82
2. Agricultural machinery, tractors, oil engines, pumps and implements	9,40
3. Electrical machinery, building material, cement, paints, etc.	9,56
4. Industrial stores and materials	5,69
5. Shipping and handling services	2,39
6. Dockyard services and industrial services, repairs to machinery etc.	37
7. Agricultural fertilizers and agricultural seeds and products	35
8. Railway stores and railway equipment	5
TOTAL	42,63

Though the above analysis is of the turnover of only 34 advertising agencies, the proportion of different types of advertisements in the consumer category handled by other agencies also is expected to be roughly the same. In the case of institutional advertisements and of specialised advertising, it may be presumed that the bulk of advertising is handled by the major agencies whose turnover has been analysed. It is, therefore, our estimate that the total volume of consumer advertising handled by advertising agencies would amount to about 2½ crores and the share of different categories of products would be roughly in the same proportion as in the consumer advertising of 1½ crores already analysed. This does not, however, include small or classified advertisements placed directly with the newspapers.

221. **Character of advertising.**—Taking the total volume of consumer advertising, it will be seen that quite a large proportion is of items which would appeal only to those who are comparatively well-to-do. The advertisements of automobiles and accessories, refrigerators, washing machines, etc., watches, clocks and jewellery, transport, airlines, come to nearly one-third of the total. This, in our opinion, is an unsatisfactory position, as it has the effect of diverting the bulk of advertisements to the costlier papers in the English language, which reputedly circulate among such classes of consumers. No doubt some of the trades and industries as are concerned with cosmetics, drugs, proprietary medicines, etc. are highly competitive and this fact has been reflected in the analysis. On the other hand, textiles are very little advertised even though they form a very sizeable proportion of household budgets.

222. In the specialised advertisements, the volume of advertising relating to agricultural machinery and implements would seem to be a fair proportion of the turnover in view of the drive for more agricultural production, but that relating to fertilisers and seeds appear to be insignificant, probably because these commodities are largely handled or controlled by Government. Taking a general survey, it would appear that the number of products advertised are such as are consumed mainly in urban areas. This undoubtedly tends to favour papers published in metropolitan and provincial centres as against district papers.

223. **Advertisements placed direct.**—Certain advertisements such as those about accommodation to let, or sought, situations vacant, personal effects available for sale, offers of real estate or loans, etc. are responsible for a large proportion of a newspaper's revenues, and they are placed in the form of "classified" advertisements which are not handled through agencies and are not, therefore, represented in the above analysis. Moreover, film advertisements, particularly those placed by the cinema houses, are also given directly to the newspapers and find no place in the analysis above.

224. **Scope for expansion.**—We feel that potentialities exist for expansion of advertisement volume in our country. At present food grains and food products form a very large slice of our household budgets. The statistics collected by the National Sample Survey (General Report No. 1, page 17) would indicate that in rural areas this item forms 2/3 of the total budget. In the urban areas we expect the proportion to be less. It would be seen that except for a limited number of items such as biscuits, chocolates, drink, etc. the bulk of food products are not advertised. Thus only a small portion of the average consumer's budget consists of items whose sale is supported by advertisements. With an increase in the general standard of living, which we expect as a result of Five-Year Plan the non-food part of the budget is likely to expand to a greater extent than the food part. As a result we may expect an increase in the general advertisement volume with a general rise in the standard of living. The expansion of trade and industry would also increase the amount of specialised advertising. We also expect an expansion in the range of products advertised, with the growing pace of industrialization. To some extent, this would be linked with the switch-over from a seller's to a buyer's market. There are some products where at present no efforts in sales promotion by way of advertisement is needed, but in a competitive market, advertising would be necessary. Textiles would appear to be one of such products. Further, with the improvement in the standard of living, a number of products which at present have no appreciable market in rural areas would find scope in such areas and the volume of advertising in respect of such products would expand.

225. It would be difficult to forecast whether the expected increase in advertisement volume will be able to keep pace with the expected increase in the number and circulation of newspapers and periodicals in the not too distant future. Much depends on the economic conditions that would then prevail. However, the possibility of the advertising volume not keeping pace with the growth of the Press cannot be ruled out, and the advertisement revenue per copy of newspaper sold may decline. There would, however, be a compensating factor in the economy of newspapers in that the increase in circulation

would bring down the cost of production. As far as the district Press is concerned, we feel that there is scope, even at present, of increasing the volume of classified advertisements, as well as the advertisements of local traders and manufacturers who do not appear to have fully appreciated the utility of advertisements in sales promotion.

226. **Advertisement tariffs.**—We have examined in the case of a number of papers the tariffs for advertisements (*vide* Appendix XXV). Of the different tariffs quoted for the several classes of advertisements, the contract rates of display advertisement, with which most of the National advertisers are concerned, are compared, for different papers, in Table IV below. As the rates depend on circulation, it is customary for the purposes of comparison to take the rates per 1,000 copies or in other words the rates per mille, which are given in the Table. It would be seen that the rates per mille of Indian language papers are definitely lower than those of English language papers. The papers having high circulations have low rates, and the rate increases as we go to papers in the lower circulation ranges.

TABLE IV

Display Advertisement Rates
(per column-inch per mille)

	Circulation Over 35,000	Circulation 15— 35,000	Circulation 5— 15,000	Circulation below 5,000
	1	2	3	4
<i>Metropolitan papers:</i>				
English (High)	0 4 11	0 5 6	1 1 8	1 1 9
English (Low)	0 3 6	0 4 3	0 6 6	0 12 8
Indian languages (High)	0 3 0	0 6 3	0 12 0	1 9 1
Indian languages (Low)	0 2 6	0 3 4	0 4 3	0 8 11
<i>Papers from State Capitals :</i>				
English (High)		0 4 1	0 15 3	7 9 3
English (Low)			0 7 1	0 5 0
Indian languages (High)		0 3 6	0 6 1	1 6 4
Indian languages (Low)		0 1 6	0 4 3	0 9 3
<i>Papers from other centres :</i>				
English (High)		0 7 5	0 13 9	1 7 1
English (Low)			0 10 3	1 4 10
Indian languages (High)		0 3 5	0 8 11	1 8 4
Indian languages (Low)		0 2 11	0 2 3	0 3 11

227. **Disparities in tariffs.**—The advertisement tariffs depend on a large number of factors. They would depend on the type of readers and their purchasing power. The papers priced higher can generally be assumed to reach readers with a higher purchasing power. This appears to be the main reason why English papers can and do charge higher rates than Indian language papers. Similarly the papers circulating in a well-to-do class or merchant community can charge higher rates than the others. It can be assumed that in general the readers in the metropolitan towns and big cities would have more purchasing power than those in rural areas or smaller towns.

228. It has, however, been noticed that the rates per mille of metropolitan papers are generally the lowest and those of district papers highest. The disparity appears mainly due to the degree of competition among the papers published at such centres. At metropolitan centres where a number of papers are published, there is keen competition and the mille rates have stabilised at a low level. On the other hand, the papers in the district and provincial towns are often in a monopolistic position in that the advertisers have to advertise in such papers for covering a particular area even if the rate is higher. Such papers are able to secure business even at a high rate per mille.

229. In some of the cases it appeared to us that some papers must have been making higher claims of circulation to the advertisers as otherwise they could not justify their present tariffs. Though these rates might appear competitive on the basis of circulations claimed, they turn out to be rather expensive on the basis of the lower circulation figure disclosed to us.

230. There appear to exist certain reasons for increase of rate per mille with decrease of circulation. A minimum rate of advertisement will always exist to cover the composing charges and overheads. This factor is independent of circulation and will, therefore, make itself felt as an increase in the rate per mille of papers with low circulation. It is also true that the cost of paper and printing, per thousand copies, is sometimes higher in the case of a paper with a small circulation than in another with a large circulation. It will be observed from Appendix XXV that though the rate per mille is high, the tariff per column inch is low in the case of small papers, and the advertisers would not be unwilling to pay it. The circulation of a small paper (usually a district paper) is limited to the district of publication and a few neighbouring places. Our studies of circulation in Chapter XVI show that in mofussil districts, a local paper of some standing always retains a major portion of the circulation to itself and the metropolitan and provincial papers hold a much smaller proportion of the total readership of the district. Thus a national advertiser anxious to cover a particular district cannot ignore the local district paper even if he advertises in metropolitan and provincial papers circulating in that district. This difference in the effectiveness of the coverage will naturally be more marked in the case of local advertisers, where the circulation of the paper in and around the town of publication is of major importance.

231. **Multiple Readership.**—If a paper is read in more than one household, its value to advertisers should increase, inasmuch as it increases the number of households approached. On the other hand, it may indicate that such households are not in a position to purchase a copy individually and thus disclose their poor purchasing power. The readership survey carried out by us indicated a high degree of multiple readership, specially in rural areas. The survey has disclosed the following position in this respect:—

TABLE V

Multiple Readership

	Rural areas	Urban areas
Percentage of households which shared papers with others	43	33
Percentage of households which did not share papers with others	40	48
Percentage of households which neither confirmed nor denied sharing of papers	17	19

It would be obvious from these figures and from the previous paragraph that multiple readership exists more for district papers than for the metropolitan or provincial papers. We expect that weeklies and monthlies would have more multiple readership because they do not go out of date within 24 hours as a daily newspaper does.

232. The period for which a reader comes in contact with the advertisement would also be a material factor to be taken into consideration while determining the tariffs. A daily is handled for a short time whereas weeklies and monthlies are read for a longer period. The contact, and consequently the impact made by the advertisement on the readers of dailies is for a shorter duration than in the case of weeklies and monthlies. Therefore the weeklies and monthlies can charge higher rates than the dailies. The volume of advertising in weeklies and periodicals is however only one-third of the volume in dailies, and this can be ascribed to poor production, and limited circulation of the majority of the periodicals.

233. It has been mentioned in an earlier chapter that some dailies and periodicals conduct crossword and allied types of competitions as a method of increasing their circulation. It can be presumed that a good number of their readers are interested only in competitions and the advertisers would therefore not get the full benefit of their circulation. Though their rates per mille may appear reasonable if calculated on their total sale of copies, the advertiser would have to exclude those who bought the paper merely for the coupon, and the final cost to him per mille of effective readership may be much higher.

234. **Selection of advertising media.**—We are told that at present the advertisers usually take into consideration the circulation, standing, class of readership, area of coverage etc. in the selection of papers. In respect of circulation, the advertiser relies on information furnished by the Audit Bureau of Circulation certificate, or where this is not available, on the claims made by the individual papers. The Audit Bureau of Circulation certificates usually furnish the average monthly circulation of the paper, date of establishment, selling price, average trade terms allowed, number of copies sold at maximum and minimum trade terms and in some cases a breakdown of circulation giving the number of copies sold in the town of publication, in districts of the State in which the town is situated and in the other States. These certificates no doubt give some useful information to advertisers, and it would increase their usefulness if the breakdowns of circulations are given in all cases. However, the information contained in Audit Bureau of Circulation certificates does not meet fully the needs of the advertisers. Further there are many papers who are not members of the Audit Bureau of Circulation and no reliable data about their circulation are available to advertisers. Little information is available about the other relevant factors such as class of readership, or purchasing power. The advertiser would like to know, apart from the circulation of the paper in the area in which he intends to sell his goods, the extent of multiple readership, the type of readers of the paper and their purchasing power or household budget in relation to the commodity he is selling. It is only when he gets reliable information on these points, that he can determine whether the money spent on advertisement in a particular paper would bring adequate returns. Surveys of factors should be the basis for the professional advice tendered by Advertising Agencies. We understand that only one advertising agency has carried out market research to guide their advertising and this agency serves only one group of manufacturers. We recommend that such market researches should be undertaken.

by the Associations of Advertising Agencies. This will not only put the advertisement tariffs on a more rational basis but would increase the effectiveness of advertisements.

235. Combined tariffs.—Multiple unit papers usually charge a combined advertisement rate for their publication from two or more centres; no separate rate is quoted for publication from each centre, or if there is a separate tariff, it is only in respect of the smaller centre. The result is that the advertisers at the centre where such paper has a large circulation are forced to pay for the advertisement in the publication at the other centre. These advertisers cannot ignore these papers in view of their circulation at the main centre, but circulation at the other centres may be of no use to them. Even if the advertiser is interested in the other centre, he cannot overlook other leading papers at that centre. A number of advertisers have complained to us about the unfairness of this practice. We are satisfied that the existence of a combined rate is an exploitation of the advertisers and should be discarded in favour of separate rates for each different centre.

236. Cost of advertising in India.—Advertisers have complained that the rates per mille charged by Indian newspapers are higher than those charged by the newspapers in foreign countries and that in India the cost of advertising is, therefore, higher. This, according to them, acts as a brake on further development of advertisement volume in this country. On the other hand, the advertising budget forms a much smaller proportion of the total cost of the product in this country than it does in others. The factors mentioned above as governing the tariffs, the general economic levels and the range of advertising are very different in this country. It would, therefore, be difficult to assess the effect of disparity of tariffs on the growth of advertisement volume in our country. It is, however, possible that the general advertisement volume may increase with a reduction in rates. This may also lead to a wider distribution of advertisements in the case of advertisers with limited budgets. We have already stressed the need of carrying out market surveys; when these are conducted the question of costs could be reviewed by the advertisers and newspapers to their mutual benefit.

237. Government Advertisements.—The Central and State Governments form an important source of advertisements to the newspapers and periodicals. We called for information from the Central and various State Governments regarding their expenditure on advertisements through newspapers and periodicals. Many of the Governments maintained no centralised statistics in respect of advertisements issued by their various departments, but they collected the information, as far as they could, and supplied it to us. On the basis of the figures supplied to us, we estimate the total advertisements from Government sources at about Rs. 45 lakhs for the year 1951-52. This would form less than 7 per cent. of the total advertisement through newspapers and periodicals. Though the total volume of Government advertisement is not large, the importance attached to it by the Press is great. The appearance of Government advertisements gives a newspaper recognition of its status, which helps it not only to get advertisements from other authorities but also to increase its circulation, because a number of readers would purchase such a newspaper for the Government notifications and advertisements.

238. We have examined some typical papers from the point of view of their economic dependence on Government advertisements. We found that in a majority of large metropolitan papers, the revenue from Government advertisements ranges from 3 to 7 per cent. of their total advertisement revenue.

In the case of the small but leading papers at the provincial capitals, especially of the smaller States, the advertisements from the Government form a sizeable portion of the total advertisement revenue. To illustrate the point, we would refer to the case of the only two papers in Assam where the advertisement from Government sources forms 27 per cent. and 36 per cent. of the total advertisement revenue. Similarly, the two leading English papers at Hyderabad derive 17 per cent. and 18 per cent. of their advertisement revenue from the Government sources. A paper at Bhopal depends on Government advertisement to the extent of 14 per cent. of its total advertisement revenue. Apart from these, there are some papers in larger States, which also derive a degree of financial support from Government advertisements which is much higher than the average. In Bombay City there are two papers having a circulation of about 5000 copies each and depending on the Government advertisement to the extent of 20 per cent. of their total advertisement revenue, and one other paper with negligible circulation has received a good amount of advertisement. This paper has not maintained any accounts, but from the figure of circulation intimated to us and the absence of any workers on its staff other than the proprietor it can be safely presumed that Government advertisement is the main financial support of this paper. (We were told that the paper had represented to Government that it had a large circulation). Similarly in the Punjab we came across two papers where the Government advertisements formed 29 per cent. and 15 per cent. of their advertisement revenue. In West Bengal, a newly started paper has received about one-fourth of its advertisement revenue from the State Government. A similar position has been noticed in one of the papers in Madhya Pradesh. Thus in some of the papers the Government advertisements form an important source of revenue and the influence of the Government on such papers would be far greater than on other papers. Even if we exclude the papers favoured by the Governments and the papers that have obtained substantial amounts of advertisement revenue by making false claims of circulation, there would still be some papers in the Capitals of smaller States which depend on Government advertisement as a source of revenue to a large extent. On the other hand, a large majority of district and mofussil papers appear to have been ignored by Governments as well as by local authorities when placing advertisements.

239. We have indicated earlier the various factors which a commercial advertiser would have taken into account in selection of the particular newspapers and periodicals as advertising media. For a Government, some of the considerations such as circulation, standing, class of readership, area of coverage, language and multiplicity of readership would be relevant but some others such as purchasing power and household budgets of readers would not be material in respect of the bulk of their advertisements. From the replies received from the various Governments it appears to us that a good number of them have included most of these factors, except multiple readership, in the criteria to be adopted for determining the suitability of their media. But in actual practice some divergence from these considerations appears to be in existence. Governments have not subjected to proper scrutiny the various claims of circulation made by some of the papers. Reliance placed on police reports regarding circulation of newspapers appears to us to be misplaced. This lack of proper scrutiny of circulation has been noticed in the case of many State Governments as well as the Central Government. We feel that Governments would be justified in demanding proof, such as a certificate from the Audit Bureau of Circulation, in support of the circulation claim, before taking the papers on their media list.

240. Government should also check periodically the circulation of the papers to whom they entrust advertisements. In this connection, the statistics available with the Press Registrar should provide useful guidance. We have come across some instances where the papers which formerly enjoyed a good circulation but now have a poor circulation continue to receive the advertisements on the same scale as before. The class of readership may be judged by experience and may be a matter even of personal assessment as there are no authentic data in this connection. Very few papers have carried out readership surveys and the claims made by papers in this respect may not always be correct. We feel that more attention, in the matter of class of readership should be paid than at present in those cases where this is a relevant factor. It is not unusual to find the "Grow More Food" advertisements in the large metropolitan English papers which are rarely read by the cultivators. Such advertisements should go to district and mofussil papers in Indian languages. Similarly advertisements regarding the Small Savings Campaign should go to papers read by the middle and lower middle classes for whom it is intended. Multiple readership assumes special importance in connection with the Government advertising as they are not concerned with the purchasing power of each reader, and should be taken into account while placing advertisements. It is unfortunate that the district and mofussil press has not received adequate attention of Government as media of advertisements. However most of the Governments have recently realised their importance and are taking steps to see that such papers are not overlooked. The papers in metropolitan towns and provincial capitals have large circulations and they always receive the advertisements, while the district and mofussil papers receive them only when the advertising allotments are large. This appears to be one of the reasons why the district and mofussil press has been ignored. Introduction of the principle of rotation specially in display advertisements would even matters to some extent. Further, the rates per mille of district papers appear to be high. The natural rate structure should in our view be telescopic in character and in that case if multiple readership is also taken into consideration the rates of district papers would not be found uneconomic.

241. **Telescopic tariff.**—We feel that Government would be justified in claiming a special consideration in respect of the rates charged by the newspapers and can insist that the rates should follow a particular pattern without reference to language or location of the paper. We would suggest a telescopic maximum rate subject to an overall maximum on the following lines in respect of contract display advertisements:

Maximum basic charge	. . . . .	Rs. 2-0-0 per single column inch, plus,
First 5000 copies	. . . . .	" 0-6-0 per mille per single column inch,
Next 5000 copies	. . . . .	" 0-5-0 Ditto
Next 5000 copies	. . . . .	" 0-4-0 Ditto
Further copies	. . . . .	" 0-2-0 Ditto

Subject to a maximum rate of Rs. 15 per single column inch.

242. Such a rate structure would take into account the fact that the cost of production of a newspaper decreases with higher circulation. The

maximum rates and the maximum rates per mille based on above principle for typical circulation figures would work out as in Table VI below:

TABLE VI
Telescopic tariff varying with circulation

1	2	3
Circulation	Maximum Rate per single column inch Rs.	Maximum Rate per Mille Rs.
5,000	3 14 0	0 12 0
10,000	5 7 0	0 8 8
15,000	6 11 0	0 7 2
20,000	7 5 0	0 5 10
30,000	8 9 0	0 4 7
40,000	9 13 0	0 3 11
50,000	11 1 0	0 3 6
60,000	12 5 0	0 3 3
70,000	13 9 0	0 3 1
80,000	14 13 0	0 3 0
81,500 and over	15 0 0	0 2 11 or less.

243. Such a rate would not be lower than the present rates of most Indian language papers. It will, however, be lower than the rate charged by certain large English papers and by a few smaller English papers at the provincial centres. The main argument for the English language papers for charging a much higher rate is that the purchasing power of their readers is much higher than in the case of Indian language papers. As the purchasing power would be of no consequence to Governments as advertisers, they would not be justified in paying higher rates to the English papers. The suggestion is not made with any intention of reducing on the whole the advertisement budget of the Government but to render possible the distribution of advertisements over a number of newspapers and periodicals by not allowing a few top papers to absorb the entire advertising budget of the Governments. It may be noted in this connection that the arguments against the existing combined rate for a paper published from different centres (multiple unit) referred to earlier, apply with greater force in respect of State Government advertisement and we feel that the Government should take the lead in breaking up this unfair practice.

244. The smaller States have to examine the utility of advertising in papers published outside the State. We have noticed that such outside papers now claim a substantial share in the advertisement budgets of some States. It may be expedient from the point of view of such State Governments to advertise certain items in extra-State papers. For example, vacancies requiring high qualifications or tenders for big projects or Government loans may have to be publicised all over the country. If, however, the nature of the advertisement is such that publicity outside the State is not very essential and the intention is only to reach all those residents of the State who read such extra-State papers, this practice leads to expenditure not justified by the results. The advertisement tariff of the extra-State paper is based on its total circulation, but the actual circulation in such State is often only a small portion of the total. Thus, the actual rate which such

State Governments have to pay, per thousand copies circulating in the State, works out at fantastic figures. In one of the States, we found that the actual rate which the State Government had to pay on this basis worked out as high as Rs. 82 per mille per column inch. This aspect, therefore, has to be taken into consideration.

245. We were told that the newspapers experience some difficulty because of delays in payment of Government bills for advertising. In the case of the Central Government, the advertisements are placed through Advertising Agencies. In the case of any other clients, it would have been the responsibility of the Agency to pay the bill on the due date, but we were informed that in the case of Government advertisement the agency makes payment only after it has been paid by Government. Under the present arrangement whereby the agency gets a commission on Government business, its responsibility for prompt payment should be obvious. Even where the advertisements are placed directly by the Governments concerned, we would urge them to consider the difficulties caused to the newspapers by delays in payment.

246. It is understood that the Advertising Branch of the Ministry of Information are making arrangements for handling classified advertisements on behalf of all departments of the Government of India. At present such advertisements are being issued directly by the department or the Ministry concerned to newspapers of its own selection. We expect that centralisation would enable the placing of advertisements to the maximum advantage of the departments concerned while at the same time ensuring that the advertisements are distributed over a wider field than at present. A similar centralisation in the case of State Governments should also prove of benefit.

247. Advertising Agencies.—There has been a tendency for advertisement to be placed more and more through advertising agencies. By affording facilities to the advertisers, this practice increases the total volume of advertisements and is, therefore, helpful to the press financially. It would also tend to reduce the influence of the advertisers on the Press, by reducing the direct contact between the Press and the advertisers. Though it is theoretically possible that advertising agencies may themselves act as a source of pressure on the Press, usually the diversity of interests among their clients would reduce the danger.

248. At present the advertising agencies account for a substantial portion of the advertisement volume of the newspapers and periodicals. There were 109 agencies in operation in 1951 which were conducting business. Their total turnover was about Rs. 3.5 crores of which Rs. 2.78 crores were advertisements placed with newspapers and periodicals, the balance of Rs. 72 lakhs being spent on publicity through other media. The advertising agencies are mainly (about 75 per cent.) situated in metropolitan towns. Fully half of the total turnover of advertisements placed by agencies with the newspapers and periodicals is accounted for by 5 big agencies. Out of these, four are owned by foreign interests and the fifth, though now owned by Indian nationals has some foreign associations.

The function of advertising agencies is not only to place advertisements on behalf of their customers but also to advise them regarding the suitability of their media, and to undertake planning of advertisements, preparation of blocks etc. The customers are charged separately by the agency for designing, preparation of blocks and other art work, but for their other services,

the agencies get a commission from the newspapers. When the same advertisement has to be placed in a number of papers in the same language, the charges for designing and preparation of blocks are distributed over all the papers and thus the cost of advertisement in each paper is reduced. In the case of a single paper, in a language such as Assamese, the cost of advertisement would rise, as full charges for designing and block making will have to be borne for advertising in such a paper, and some agencies may hesitate before including such papers, on their lists. The rate of commission obtained from newspapers varies, but the newspapers which are members of the Indian and Eastern Newspapers Society and the agencies which have been accredited by the Society, follow certain standard rules in this regard. These accredited agencies receive 15 per cent. commission from the member newspapers on the gross value of advertisements placed by them. Non-accredited agencies get only $6\frac{1}{2}$ per cent. from the members. The percentage of commission received by accredited agencies from newspapers which do not belong to the Indian and Eastern Newspapers Society varies, and generally ranges between 15 per cent. and 25 per cent. or even 30 per cent. A larger commission is presumably paid to induce agencies to favour such papers in placing advertisements. The Advertising Agencies Association assured us that such under-cutting of rates does not influence them. A leading agency told us that such excess commission is passed on by them to their customers who are billed only 15 per cent. on the gross value of advertisements and thus this inducement is in effect a reduction of advertisement rates to the customer.

250. Discrimination in placing advertisements.—It was complained to us that the Advertising Agencies discriminate between Indian and English language papers. Further, the 'Indian Language Newspapers' Association stated that even if a mofussil language paper has a circulation equal to that of another paper published at the metropolitan centre, the former is not placed on the same footing as the latter by the metropolitan Advertising Agencies. We have gone into this question and find that the total volume of advertisements, placed by 109 Advertising Agencies with English papers and periodicals amounted in 1951 to Rs. 1.82 crores while that placed with Indian language papers and periodicals amounted to Rs. 0.9 crores (the balance of Rs. 6 lakhs was placed with foreign papers and periodicals). Considering that the total circulation of English daily papers is a little more than one-fourth of the total circulation of dailies in India, the above ratio of advertisements would indicate that the advertiser attaches greater value to the readers of English papers. The advertising agencies and their associations, on the other hand, have repeatedly denied that this is the result of any discrimination exercised against Indian language papers or district papers. In their opinion, there is a wide difference in the pulling power of English papers and Indian language papers. The fact that the advertisers have limited budgets seems to operate in favour of the top papers which are mostly English papers. Further the products advertised are sold mainly in the larger towns. The Advertising Agencies have also complained that district papers do not approach them nor do they give full particulars about their circulations and other relevant items which would enable the agencies to recommend them. They have stressed the unattractive layout of advertisements appearing generally in the Indian language and district papers.

251. We examined the distribution of advertising of the five big agencies and found that 34 English dailies and 140 Indian language dailies were able to secure advertisement from one or more of these agencies. Considering the total number of English and Indian language papers, it would appear that

while almost all the English papers have received the advertisements, a good number of papers in Indian language papers were not able to secure any advertisement from the agencies. The papers that did not receive advertisement were mostly district papers of small circulation.

252. In Chapter IV we have pointed out that as advertisers have limited budgets, advertisement revenue is diverted to papers having the largest circulation in a particular area. We have compared the amount of advertisement revenue received some of the leading English and Indian language papers in certain towns from the five big agencies as well as the total gross advertisement revenue earned by them during 1951. Our analysis disclosed the following position:

TABLE VII

English Papers	Indian language papers
15 papers published in 9 different towns with a total circulation of 5,45,000.	18 papers published in 9 different towns with a total circulation of 5,57,000.
Rs. (thousands)	Rs. (thousands)
1. Gross Advertisement Revenue 2,65,23	87,23
2. Advertisement revenue from five big agencies 72,50	22,28
3. Percentage 27	26

It was seen that the revenue obtained from the five big agencies formed 27 per cent. of the total advertisement revenue in respect of the English papers and 26 per cent. in respect of the Indian language papers. As this percentage is practically the same between the top English and Indian language papers, we feel that the existing difference between the advertisement revenue of these papers appear to be based on a general assumption regarding the difference in the pulling power of the two sets of paper, and that this assumption is not limited only to advertising agencies but appears to prevail among other advertisers and the public. This particular assumption has not, however, been substantiated by any readership surveys or other authentic information.

253. We examined further the distribution of advertisement revenue among the three English and three Indian language papers which lead in circulation in one metropolitan centre. Five of them are sold at the same retail selling price and we were told that all six papers generally reach the same class of readers. The result was as under:

TABLE VIII

	English papers (total circulation 1,77,000)	Indian language papers (total circulation 1,83,000).
	Rs. (thousands)	Rs. (thousands)
1. Gross advertisement revenue	91,86	30,98
2. Advertisement revenue from five big agencies	24,17	7,65
3. Percentage	26	27

We find that the advertisers are inclined to assume the same degree of difference between the pulling power of the English and Indian language-papers even where according to what we were told, they reach practically the same class of readers. We, therefore, think that the Indian language-papers have not received adequate attention from the advertising agencies, and their value as media appears to be underestimated.

254. We feel that the advertisers should be guided by certain definite and uniform principles when making their choice of newspapers and periodicals. We have indicated earlier the various factors that affect the choice of media. As far as possible no discrimination on the ground of language should be made. The unattractive layout of advertisements in the Indian language-papers is partly due to paucity of the variety of characters available in Indian languages and it would be in the interest of Indian language papers to devote more attention to the layout of advertisements. Advertisers should pay sufficient attention to the claims of district papers in respect of distribution of advertisements and the latter should also furnish sufficient particulars to the advertisers so that the usefulness of their media can be examined. Multiple readership, as disclosed in our readership survey, should be taken into account by the advertisers. The importance of market research has already been stressed by us and it should be conducted by the agencies.

255. Accreditation rules of the Indian and Eastern Newspapers Society.— It has been urged before us by the Indian Language Newspapers' Association, and by the Maharashtra Advertising Agencies that the rules prescribed by the Indian and Eastern Newspapers Society for accreditation of agencies meet the requirements as far as national advertising is concerned, but the Indian and Eastern Newspapers' Society has not provided for agents specialising in local business. This, they said, has affected the district and mofussil papers adversely as they depend more on local advertisement than on national advertisers. The difficulty arises from the conditions prescribed by Indian and Eastern Newspapers' Society for accreditation in respect of capital, turnover, office equipment and distribution of business over five principal clients at least one among them having advertisements of a national character, i.e.— covering at least two States. The capital, turnover and office equipment prescribed are on the high side and an agency specialising in local advertising would not require such a standard of business organisation. Further, the conditions prescribing distribution of business over two States cannot be satisfied by such agencies. The only course therefore for such agencies in the present condition is to act as canvassers, as they are described by Indian and Eastern Newspapers' Society and be content with a commission of 6½ per cent. which is very inadequate for such agencies to carry on their business.

256. We have considered all the above points placed before us. It appears to us that the Indian and Eastern Newspapers' Society has been guided by two considerations in prescribing these conditions. One is that the agency should have some financial standing as according to the rules, 75 days credit is allowed to agencies by member newspapers. Secondly the Society presumably desires to avoid the possibility of some newspaper undertakings and business houses starting their own advertising agency and thus retaining the 15 per cent. commission which is legitimately due to the agencies. Possibly for this purpose, they have prescribed a condition that there should be at least five principal clients for an agency and that one of them should be a national advertiser. But we feel that it is in the interests of the press as well as the advertisers to have some agencies specialising in local advertising. The fact that a substantially large number of agencies are situated in metropoli-

San towns shows that there has not been adequate development of agencies specialising in local advertisements. We feel that at present there is considerable scope for expansion of local advertisements among the district and mofussil papers, and this scope is likely to expand in the future. In order that such agencies specialising in local advertisement may be encouraged, we suggest that the Indian and Eastern Newspapers' Society should consider accrediting two types of agencies, National and Regional, and for accreditation in the case of regional agencies, the conditions in respect of capital and turnover requirements and office equipment may be relaxed. The clause relating to the distribution of business in at least two States may be deleted in their case, though the condition about handling the business of at least five principal clients can remain. The services rendered by national and regional agencies would be different, and the commission payable to the regional agency may be fixed lower, say at 10 per cent. Due to the relaxation of conditions regarding capital and turnover, the period of credit allowed to such agencies may be reduced to one month. As the advertisers in such cases are expected to be local concerns, this would not act adversely on the working of such agency.

257. We came across an advertisement in a leading English daily of a scheme offering a prize of Rs. 15,000 to that accredited advertising agency which would show the largest increase in turnover during 1954 over their business for 1953, under certain conditions stipulated. A payment of this nature would be an infraction of the terms agreed upon by all members of the Indian and Eastern Newspapers Society. It would amount to a concealed rebate to the winning agency and therefore be very objectionable. We are glad to be informed that the matter has been taken up by the Indian and Eastern Newspapers Society and that the paper has since withdrawn the scheme.

258. We have come across complaints that certain newspapers make secret payments or offer other inducements to the media men employed in advertising agencies in order to make them increase the allotment for their particular paper. The offer of such inducements is highly objectionable and we trust that combined action would be taken by the associations of newspaper proprietors, the Advertising Agencies' Association and the Indian Society of Advertisers to put a stop to this very improper practice.

259. **Delays in payment.**—The ILNA has brought it to our notice that while the agencies pay to the members of the IENS their bills within 75 days of their date, they do not so in the case of other papers. Since the latter are mostly small or medium sized, a further strain is thereby put on their already lean finances. We consider such discrimination unjustified and feel that once Advertising Agencies place advertisements with newspapers, no grounds exist for any discrimination. We understand that the ILNA has already taken up the matter with the Advertising Agencies' Association but that the latter has not so far given any definite reply. A decision on this point should be based on principles of fairness and should not depend upon the bargaining power of the papers.

260. **Advertising and business interests.**—No evidence has been placed before us that would show that any industry or group of industries contribute such a high proportion of advertising revenue to the press as a whole as to be able to hold it to ransom. The analysis carried out by us of the range of commodities advertised by 34 agencies referred to earlier shows that the advertisement volume is fairly distributed over a large number of

trade and industries. We, however, find that some of the smaller papers and many of the district papers depend to a large extent on one or other categories of advertisements such as cinema announcements, Court notices etc. In view of the financial importance of cinema advertisements for the smaller newspapers we do not feel that any restrictions need be imposed on such advertisements.

261. There is a possibility that advertisements may be used as a means of subsidising newly started ventures. It was suggested to us that two important groups of newspapers, the proprietors of which have large interests in other businesses resort to such method of subsidising. We have examined these cases and our examination does not indicate any such practice prevailing at present. We have found that in the cases of these two groups the advertisement emanating from businesses in which the proprietors are interested, form a very small fraction of their total advertisement revenue. Further the business houses have also placed an equal or even a larger volume of advertisements with other papers some of which are competing with the papers belonging to these groups.

262. It was suggested to us that the foreign business interests and foreign advertisers exert a great deal of influence on our press, and have discriminated against Indian language papers. It is difficult to find out the volume of advertising emanating from foreign business interests. But these five agencies which are owned or managed by foreigners transact business not only on behalf of concerns owned by foreigners but also on behalf of Indian business houses. As has already been stated earlier the advertisements handled by the five big agencies forms about 50 per cent. of the total volume emanating from advertising agencies and in the case of the top papers, amounts to roughly 27 per cent. of their advertisement revenue. We do not think that the foreign business interests exert any undue influence by the mere fact of being a large source of advertisements. But, as in other cases, we would like that Indian capital and Indian personnel are associated with these agencies.

263. **Advertisement space.**—Advertisements occupy a substantial proportion of the space in newspapers and in many periodicals too. When the Newsprint Control Order was in force during the war, a maximum had been set on the proportion of advertisements in any issue. At the end of the war, when controls were removed, this restriction also disappeared. Supplies of newsprint were not, however, freely obtainable and as a result during the period of postwar boom, the proportion of advertisements in newspapers increased very rapidly and in some cases they exceeded half the contents of the newspaper. It is true that at no time did the proportion reach the high figures noticed in the United States of America, but it was generally felt that in the more established papers who could command a steady flow of advertisements, the proportion was excessive. With newsprint now in freer supply and with boom condition no longer existing, the proportion of advertisements has fallen and is generally well below the maximum of 40 per cent. that we have recommended in Chapter IV.

264. We have recommended that the total space allotted to advertisements in daily newspapers should not exceed 40 per cent. of the printed area. This would ensure that the reader gets an adequate proportion of news and views and that the advertisements are not reduced in effectiveness because there are too many of them. The Association of Advertising Agencies told us in the course of their evidence that they too

would favour such a maximum limit on advertisements. While circumstances may compel a newspaper to exceed this limit slightly in one issue or another, we feel that the total space devoted to advertisements averaged out over a period of a week should not exceed the limit we have prescribed.

265. In fixing the maximum limit on advertisements at 40 per cent. of the total space, we have taken into consideration not merely the present practice but what we expect would be the future tendency once a price-page schedule is introduced. In the analysis of newspaper space (Appendix No. XL) the area allotted to advertisements in 30 different newspapers during the first quarter of 1953 has been set out in detail. During that period there was no restriction on the use of newsprint and newspapers had, of their own accord, expanded the size of each issue to such an extent that the advertisements formed only a comparatively lower proportion of the total. Out of those that we examined, only one newspaper had during this period exceeded the proportion of 40 per cent. of advertisements and even here the excess was very slight. We expect, however, that when newspapers are forced either to reduce the number of pages or to increase the price of each copy, there would be a strong temptation to condense news and editorial matter so as to accommodate all the advertisements that they have booked. As a consequence, the ratio of advertisement space to reading matter would increase, and we are of the opinion that it should be kept within the definite limit that we have prescribed.

266. Even at current advertisement rates, newspapers, particularly the larger ones, have been able to cover their costs and in many cases to make substantial profits with a much smaller ratio of advertisement. Though it may not always be possible to earn the same revenues with a restricted number of pages, we expect there would be a readjustment of their economy which would enable newspapers to work to the same margins as at present.

267. Advertising supplements.—Newspapers have shown an increasing tendency to bring out supplements. Some of these supplements carry useful information on certain topics, such as the Five Year Plan. Others are brought out on some occasion like Independence Day, and carry a historical survey of events or informative articles. There has not been much increase in the tendency to issue such supplements, but an increase has been noticed in the number of what may be called commercial supplements. These are in respect of an industry as a whole or in respect of some particular firm or undertaking. The occasion may be an anniversary of the starting of the industry, the opening of an undertaking or sometimes be even without any such justification. The reading matter is often in the nature of propaganda in favour of the industry or the firm, disguised as general information, and it is usually provided by the firms concerned or others connected with the particular industry. When a newspaper decides to issue such a supplement it approaches firms engaged in the industry itself, or the concerns supplying capital equipment, raw materials or stores to the industry; in the case of a new undertaking, the contractors, architects, furniture merchants and persons who have supplied other materials for erecting a new building or factory are approached for advertisements. The reading matter provided in such supplements is generally not of much interest to the readers, who devote less time or attention to such supplements than to the other parts of the newspaper. Thus the advertisement value of the space in the supplements considerably lessens. It has been stated before us by the advertising agencies that in the majority of cases the advertisers are not interested in

booking such space, not only because of its lower intrinsic value, but also because they do not think that they have many potential customers in the class of readers reached by the particular paper. In spite of this, the influential papers exert pressure on such advertisers and book advertisements for the supplements. We agree with the view of advertising agencies that such supplements offer publicity incommensurate with the expenditure involved and has benefited only the newspapers. We therefore feel that the supplements of the commercial type should be discouraged. The adoption of a price-page schedule as suggested by us in Chapter IV should serve to stop the indiscriminate issue of supplements.

268. **Objectionable advertisements.**—Apart from considerations of the space occupied by advertisements, we find that judged by their contents, a number of the advertisement must be regarded as objectionable. Firstly, there are advertisements of proprietary medicines and drugs which tend to encourage self-medication of certain diseases which it is essential to get treated by qualified doctors. There are others which offer the services of quacks, abortionists, and so on. There are also advertisements of drugs which are dangerous or habit-forming. There are other advertisements which offer for sale certain drugs which may prove harmful if they are used indiscriminately. These are instances where the product or service which is advertised is in itself harmful or dangerous to the public. Certain other advertisements are fraudulent or likely to mislead. Some tend to exploit the unemployment situation in this country, the greed of the small investor or the credulity of the general public and make misleading offers of jobs to be had, profitable investments to be found or magical cures for all known and unknown diseases. Some offer the services of astrologers and quote testimonials of wonderful predictions. There are also those advertisements which offend in respect of their illustrations or the text, even though what they offer to the public may not be objectionable in themselves.

269. There is a large proportion of advertisements, particularly cinema advertisements, with illustrations or text which can be considered objectionable. We understand that in the United States of America, film advertisements have also to be approved by a Central body for the industry before they can be released and that they cannot depict any scene of incident which does not find a place in the film as censored or released. It would appear that in the case of Indian film advertisements, no such restraint is enforced or observed. Such objectionable tendencies have been noted not merely in film notices but in other advertisements also. Even matrimonial advertisements have sometimes been crudely worded. But lapses from good taste are most noticeable in the case of advertisements of drugs intended for use in connection with women's ailments, venereal diseases or sexual indulgences. Even a widely respected Hindi literary monthly carried a large number of such advertisements. There is the practice of advertising obscene publications in a manner which conveys to the reader that the publication is salacious, even though the wording of the advertisement may not always be obscene. While the bigger papers rarely commit the mistake of accepting such advertisements, we find them all too common in the smaller papers and in the periodicals.

270. **Code of Advertising.**—There have been attempts to effect a reform. We were informed that the Indian and Eastern Newspapers Society had adopted a code for the benefit of its members, but though some papers had adhered to it very strictly and even went beyond the code, there have been others who took advantage of the fact that the code was recommendatory

and not mandatory. The Association of Advertising Agencies and the Indian Society of Advertisers have both informed us that they are in favour of a code of advertising that would keep out advertisement of an objectionable or of doubtful character and are taking steps for its adoption. They have mentioned that the codes, adopted by the International Chamber of Commerce and by the New York Times are examples which are worth study and adaptation. These are reproduced in Appendix XXVI. We realise that in many cases it is possible to restrict the publication of such advertisements by a concerted decision of the industry itself. We would recommend to Indian and Eastern Newspapers Society and Indian Language Newspapers' Association the adoption of a strict code of advertising which all members would be compelled to follow and which would be binding also on the Association of Advertising Agencies and Indian Society of Advertisers. Compliance with the code could be most effectively secured if these four bodies could together join to form an Advertising Council for the country which would concern itself with the ethics and practice of advertising. Such a Council may also be able to advise the Central and State Governments on advertising policy generally or in specific cases. This would, however, leave out a large number of small newspapers and periodicals which do not belong to either of these corporate bodies and which contain the greatest number of offenders against decency and morality. It is they who have furnished the majority of examples of objectionable advertising that venomous critics of this country have found pleasure in quoting in support of their unjustified generalisations. To abate this particular nuisance, legal measures will be necessary.

271. Advertising of Drugs and Remedies.—The largest field of such objectionable advertising which we feel should be put down by law is of drugs and proprietary medicines. We have already referred to the fact that the volume of advertising of such commodities ranks next only to the volume of advertising of cosmetics. Quite a number of the drugs and medicines advertised are harmless if not always effective. A number of these preparations are, however, offered to persons suffering from diseases for which drugs of proved therapeutic value have not so far been developed. The harm that arises from such advertising is that the patients might be deluded into dosing themselves with these medicines and delay medical examination or advice till the disease reaches an incurable stage. The Indian Medical Association have suggested to us the banning of all advertisements of medicines which claims to cure or alleviate any of the following diseases:

Cancer.	Glaucoma.
Brights' disease.	Locomotor ataxia.
Cataract.	Paralysis.
Diabetes.	Tuberculosis.
Epilepsy or fits.	

In the United Kingdom, advertisements of drugs or treatment for these diseases are governed by the Cancer Act of 1939 and the Pharmacy and Medicines Act of 1941. (Advertisements relating to the treatment of venereal diseases are governed by the Venereal Disease Act of 1917.)

272. It was mentioned to us that in the case of one or two of these diseases, certain Indian systems of medicine have developed promising methods of treatment and that these should be deleted from the list above. This is a matter really for medical experts to decide and we shall recommend only that there should be a specific ban on the advertisements of remedies for such diseases as are finally included in the list.

273. Quite a number of advertisements hold out promises of lasting cure of diseases which, though they might not fall under the classification already mentioned as requiring prompt medical attention in order to improve the chances of the patient, would still be of a nature in which a cure cannot be promised. Some of the so-called medical practitioners offer to prescribe for these diseases by correspondence, while others go through the formality of examining the patient. The objectionable feature is that they hold out hopes which would be impossible to fulfil. Some offers are of talismans or magical cures repeatedly stated to have been handed to the advertiser by some 'rishī' usually in the Himalayas, which the advertiser is prepared to pass on for the benefit of humanity at an exorbitant price.

274. **Recommendations of the B.M.A.**—The British Medical Association have published the report of their Committee on proprietary medicines, whose recommendations on the advertisement and sale of such medicines have been passed by the Council of the B.M.A. in 1949. We are reproducing it in the Appendix XXVII as we consider that there are many recommendations which deserve to be embodied either in legislation or in the codes approved by Association of Newspaper Proprietors.

275. One of these is that no advertisement should contain a claim to cure any ailment or symptoms of ill-health, nor should an advertisement contain a word or expression used in such a form or context as to mean in the positive sense the extirpation of any ailment, illness or disease. It thus places a total ban on any claims to cure. Further it says that no advertisement should offer to diagnose by correspondence, diseases, conditions or any symptoms of ill-health in a human being or request from any person a statement of his or any other person's symptoms of ill-health with a view to advising as to or providing for treatment of such conditions of ill-health by correspondence. Nor should any advertisement offer to treat by correspondence any ailment, illness, disease, or symptoms thereof in a human being. They have also drawn up a list of diseases, illnesses or conditions for which medicines, treatments or products may not be advertised. This list is in addition to the diseases on which restrictions have already been imposed by statute in the United Kingdom and to which the Indian Medical Association have drawn our attention.

276. **Dangerous Drugs.**—In the field of dangerous drugs, we noticed that certain drugs, the advertisement and sale of which has been banned in the United States of America, (the country of their manufacture) are extensively advertised in the Indian Press. With so many systems of medicine prevalent, it is no doubt difficult to draw up a list of dangerous drugs commonly administered in treatment. But in the absence of an Act to control the sale of such drugs, any regulation of their advertisements may reduce the extent of their sale but would not save the public completely from its use.

277. **Acts to regulate advertisements of drugs and medicines.**—We have studied the West Bengal Undesirable Advertisement Control Act, 1948 and the Bihar Drug Advertisement Control Act of 1946. We find that in the West Bengal Act, there is a general ban on advertisements of medicines or appliances to be used as contraceptives, regardless of the manner in which such advertisements may be worded. We are of the opinion that in view of the circumstances in India and the insignificant number of centres where competent advice on this subject is available, a ban on all such advertisements irrespective of the way in which they are worded requires reconsideration. Further, the West Bengal Act does not specifically cover abortifacients which are largely advertised in this country.

278. The Bihar Act prohibits specifically advertisements offering drugs or treatment for the cure of venereal disease and such other diseases as may be specified in rules made under the Act. This may extend also to advertisements in public places and would, therefore, apply to sign boards outside the consulting rooms of medical practitioners.

279. We consider that the Drugs and Magic Remedies (Objectionable Advertisements) Act of 1954 though belated, would serve a very useful purpose in eliminating many of the advertisements that are disfiguring the Indian Press. But it falls short in many respects of what the country needs. The Act does not eliminate mischief even in the limited field it covers because of the exemptions that it provides such as, for instance, the permission to medical practitioners to advertise on sign-boards, or notices, the treatment of any of the diseases or disorders specified in the Act.

280. Some of its shortcomings are understandable, since it was drawn up by the Ministry concerned only with public health. We can understand why it bans advertisements of *talismans*, *mantras* and *kavachas* which claim to be able to help diagnosis or cure of diseases, but does not mention *talismans* which claim to help in making friends, winning fortunes or solving cross-word puzzles. It covers sexual tonics but makes no mention of love-philtres which are advertised. But even as an act to safeguard public health, we feel it falls short of requirements. For instance, while misleading advertisements relating to drugs are covered, there is nothing to stop misleading advertisements about appliances or courses of treatment, and if a person advertises that he would restore amputated limbs by dieting or by hypnosis, this Act cannot be applied to check him. No ban has been placed on diagnosis by correspondence or treatment by post, and both of these are widely represented in advertisements. Advertisements of dangerous drugs, or of those which are habit-forming, or of certain others which, when not administered under control, might lead to serious consequences, have not been banned.

281. The Act attempts to fulfil two requirements, both of equal importance—no doubt, one to prevent damage to the health of the citizens, and other to prevent a shock to their sense of good taste and decency. We here are concerned with both of these, as well as other considerations. We are anxious that the Press should not be used as a medium by hucksters who seek to profit at the expense of the health of the public. We are equally keen that the contents of the advertising columns should not offend against decency or good taste. In addition, we would also welcome measures which would protect the public against frauds who would play upon their credulity or ignorance in order to rob them. The Act does not go far enough in dealing with many evils that exist, including in particular the offers to diagnose diseases and prescribe medicine by correspondence. The Act provides for certain rules to be made thereunder and we trust the points we have mentioned would be considered when the rules are being drafted.

282. **Other Objectionable Advertisements.**—We have referred earlier to other categories of advertisements which in our view need curbing. There is the general question of film advertisements, where we feel that the United States practice of prior approval by a Board might prove very useful. Then we have the advertisements of pornographic publications which we feel must be stopped. This is part of the wider question of the use of advertisements for promoting trade in commodities and services which may be considered against the public interest or of fraudulent intent. Numerous

examples of such advertisements were quoted in Parliament during the debate on the Central Act. It is true that in many such cases it is open to the person defrauded to prefer a complaint. The advertiser counts on the reluctance of the victim to go to court. This is where we feel that the Government should step in. The Act for the regulation of the Press as an industry should include a section which makes it an offence, punishable with fine or with imprisonment, the issue of fraudulent advertisements for publication. Whenever a member of the public complains of having been defrauded by means of such an advertisement, the matter should be investigated and if it is found that there was intention to defraud, the advertiser should be prosecuted. Government should in the same way investigate advertisements of books offered to "adults only", of "birth-control clinics" which "treat" cases of advanced pregnancy, "massage-establishments" which furnish "nurses" and the numerous other rackets of this nature. A section of the Press has proved a boon to persons engaged in such activities, by offering them the means of enlarging their field of operations. It is only proper that the Press should co-operate with investigation and help to punish the offenders. We would also urge upon the publishers and editors the wisdom of passing on for investigation any advertisements which they receive and which in their judgment are of this nature.

CHAPTER VI

SUPPLIES

283. As we have already mentioned in Chapter I, the Government of India suggested that we might consider only those aspects of the supply of newsprint and machinery to the Press which could be conveniently examined as part of our general enquiry, and particularly the adequacy of newsprint and its distribution and the demand for composing and printing machinery and its likely future trends.

284. **World supplies and consumption of newsprint.**—Newsprint is an essential raw material for the production of daily and weekly newspapers. Since newspapers have a short life, the paper on which they are printed need not possess either high quality or permanence. It must, however, be so cheap that it is economic to use even in editions selling in millions of copies daily. Newsprint is, therefore, made from the cheapest grade of pulp, consisting mainly of wood fibres ground up mechanically. An admixture of chemical pulp is made just sufficient to give the sheet the necessary strength to stand the strain of modern printing presses running at high speeds. Newsprint is composed of 75 to 85 per cent. of mechanical and 25 to 15 per cent. of unbleached sulphite pulp. Out of a total world production, estimated at 10 million tons in 1952, Canada accounts for 54 per cent., the United States of America for 10 per cent., Scandinavia 10 per cent., United Kingdom 6 per cent., other Western European countries 13 per cent., Union of Soviet Socialist Republics 4 per cent. and the rest of the world for only 3 per cent. In 1950, world exports of newsprint exceeded 5·5 million tons. But over three-fourths of this represented export from Canada to the United States, which, also imported nearly 1/5 of Scandinavian exports amounting to 725,000 tons. This left the rest of the world to share out the remaining 1.1 million tons of newsprint available for export. This works out to 80 lbs. per head of population in United States of America, whereas the people of India, Pakistan, Burma, China, Indonesia, and other Asian countries have had to be content with $\frac{1}{4}$ lb. of newsprint per head.

285. The diversion to United States of America of the supply from Canada has focussed demand on Scandinavia, and thereby rendered newsprint from that source scarce and dear. At times the Scandinavian and North American newsprint markets form virtually water-tight compartments, with the Scandinavian producers enjoying a monopoly of exports to soft currency countries. The relative scarcity of Scandinavian newsprint is reflected in the high premium which it frequently commanded over the Canadian price.

286. Following the outbreak of the Korean war the prices of many commodities soared upwards without hindrance; but few of the commodities not directly required for defence rose to price peaks as pulp and pulp products, above all newsprint. In many countries, newsprint delivered on contract doubled in price, while the spot price as much as trebled. The boom was aggravated by the speculative buying up of stocks by middlemen reselling to small consumers at high prices. The worst sufferers invariably were the countries like India not importing much newsprint, having no

reservation contracts with the exporters, and dependent for supplies on the spot market.

A rise in the cost of newsprint may be reflected in a newspaper in three ways:

- (a) raising of the price of the newspaper;
- (b) raising the advertisement rates, or
- (c) reducing the number of pages printed.

Unable to bear the burden of the rising costs, some of the newspapers may have to close down, as happened in 1951. This state of affairs is highly unsatisfactory as it acts as a brake on the expansion of the newspaper industry.

287. One remedy is to improve the output of the existing manufacturing areas. Even in countries with a tradition in paper-making it takes nearly five years to bring a newsprint mill into production, and it may take longer in other countries. The long-term solution seems, however, to lie in the establishment of industries in countries possessing the requisite natural resources for making newsprint, not necessarily from the usual raw materials but from local fibrous material of suitable quality.

288. **Newsprint Distribution in India.**—India is entirely dependent for her supplies of newsprint on foreign countries. The principal supplying countries are Canada, Finland, Norway and Austria. Table I below gives the country-wise quantum of imports in tons and their value in rupees from 1947-48 to December 1953.

TABLE I
Import of newsprint from 1947-48 onwards

Country of consignment	1947-48		1948-49		1949-50	
	Quantity in tons	Value in thousands Rs.	Quantity in tons	Value in thousands Rs.	Quantity in tons	Value in thousands Rs.
Canada . . .	12,287	66,04	13,329	81,93	11,207	70,94
U.S.S.R. . .	..	..	..	..	..	..
Finland . . .	6,897	54,69	7,336	58,68	4,128	23,54
Sweden . . .	6,188	46,35	9,041	73,41	7,064	43,81
Norway . . .	10,775	90,86	17,916	148,67	14,027	84,80
Austria . . .	26	23	2,197	17,03	2,990	17,11
Others . . .	7,762	53,39	8,427	60,86	5,323	29,56
TOTAL . .	43,935	3,11,56	58,246	4,40,58	44,739	2,69,76
	1950-51		1951-52		1952-53	
	Quantity in tons	Value in thousands Rs.	Quantity in tons	Value in thousands Rs.	Quantity in tons	Value in thousands Rs.
Canada . . .	8,294	61,77	12,316	1,19,13	10,559	1,06,04
U.S.S.R. . .	3,559	19,81	7,851	66,98	..	..
Finland . . .	12,140	80,15	9,924	1,29,20	11,324	1,09,37
Sweden . . .	4,793	36,21	1,256	16,35	5,492	45,45
Norway . . .	17,376	1,19,13	9,452	1,20,85	11,233	1,06,96
Austria . . .	16,305	1,15,08	3,725	43,98	9,185	72,89
Others . . .	12,739	1,05,04	5,957	74,00	6,103	52,86
TOTAL . .	75,206	5,37,19	50,481	5,70,49	53,896	4,93,57

Country of consignment	Nine months—April to December 1953	
	Quantity in tons	Value in thousands Rs.
Canada	3,597	31,28
U.S.S.R.	1,407	7,83
Finland	15,555	1,11,30
Sweden	4,572	33,79
Norway	11,334	85,38
Austria	7,770	55,68
Others	8,051	58,99
TOTAL	52,286	3,84,25

289. Before the War, India imported on an average 37,000 tons a year. This fell to 28,000 tons in 1941-42, and to as low as 14,000 tons in the following year. There was a gradual recovery in 1944-45 when imports rose to nearly 22,000 tons. The war stimulated the appetite for news, creating a larger demand for newspapers, and in consequence for newsprint. The present demand is estimated at 60,000 tons a year, and, according to the Planning Commission's report, will amount up to 100,000 tons in 1960. Though our consumption of newsprint is not high in the world context, and is less than the annual quota of a large American daily newspaper, we are dependent on other countries for the supply and often find it difficult to procure even the relatively small quantity of newsprint we require.

290. When supplies dwindled in 1941, the first Newsprint Control Order was promulgated (under the Defence of India Rules) on 31st May, 1941, under which purchase and sale of newsprint were controlled, import quotas were allocated to various newspapers and the use of newsprint for purposes other than the publication of newspapers was prohibited. On 29th May, 1942, another control order entitled Newspapers Control Order was issued the object of which was to regulate the consumption of newsprint by fixing the maximum number of pages in newspapers sold at particular prices. From April 1943, the distribution of newsprint was also brought under control. In order to advise on the subjects of newsprint import, distribution and matters concerning control of newspapers, Government of India constituted an *ad hoc* Newsprint Committee consisting, among others, of persons from Indian and Eastern Newspapers Society and Indian Language Newspapers Association, and newsprint importers. The page restrictions, which were revised from time to time, were most stringent during the period April 1943 to July 1946. By 1949, the supply position had improved considerably, supplies from foreign countries became available in sufficient quantities, and control was lifted from June of that year.

291. Following decontrol, the consumption of newsprint shot up from 3,550 tons a month to about 5,000 tons a month between July 1949 to January 1950. This was due to three causes: (1) a large number of newspapers increased the number of pages in each issue; (2) a number of newspapers issued special supplements, and (3) circulation increased all round. From 25th August, 1949, newsprint was placed on the Open General Licence. Following devaluation and Britain's refusal to issue licences for imports from Canada, the United Kingdom importers shifted their orders for newsprint to the Scandinavian mills. The result was that the Scandinavian mills

received more orders than they could meet. The price shot up from £35 c.i.f. a ton to £70 to £75 in January 1950 for Scandinavian newsprint. Owing to strikes in some Finnish mills, the production fell short of estimates. One of the largest mills in Australia had to remain closed for 5 months from the end of April 1951. The consumption of newsprint in United States of America increased by 10 per cent. In addition there was some stock-piling owing to the Korean war. All these things thinned the prospects of an adequate supply of newsprint for Indian requirements, while the stocks on hand were not sufficient to meet our requirements for more than 3 months.

292. The general meeting of the Indian Language Newspapers' Association held on 23rd December, 1950 urged Government to introduce statutory price-page control. Government issued an order on the 26th December, 1950 effective from 1st January 1951 which gave statutory sanction to the voluntary restrictions imposed by Indian and Eastern Newspapers Society on its members. The Order provided that the total number of pages in the issue of a standard size daily newspaper during any one week should not exceed 60. This order made no reference to the price at which the paper was sold but restricted the quantity of newsprint that could be used in any one week. The total number of pages which newspapers of smaller form at could publish was also proportionately restricted. Proprietor of newspapers and dealers were required to submit monthly consumption and stock returns. The Indian and Eastern Newspaper Society, at its General Meeting held on 2nd—4th February, 1951, recommended to Government that the Newsprint Control should provide for a price-page schedule and that the use of newsprint for purposes other than the publication of newspapers should be prohibited. These recommendations were ultimately accepted. The revised Newsprint Control Order 1951, issued on 8th March, 1951, in place of the Newsprint Control Order, 1950, came into force on April 2, 1951. According to the revised Order, the daily and weekly newspapers were classified according to the size of the page, and it prescribed the maximum number of pages permissible for 7-day papers, 6-day papers and weekly papers according to the retail price of each copy. The Order prohibited the use of newsprint for any purpose other than that of printing of a newspaper except under a general or special permission granted by the Central Government. To enable the smaller newspapers to obtain their supplies from dealers, the Central Government was authorised to direct any person other than a proprietor of a newspaper, to sell or otherwise transfer any newsprint in his possession or under his control to such other person specified in the direction. The proprietor of a newspaper or any other importer was required to give information within 7 days of the import or acquisition of newsprint. He was also required to submit monthly returns of newsprint consumption and stocks.

293. Owing to persistent representations from the publishers of books etc., Government permitted the use of newsprint in sheets for purposes other than publication of newspapers for a period of 6 months commencing from 15th June, 1951. This concession was extended from time to time. Permission was also accorded to newspapers to publish extra pages on such festive occasions as Diwali, Puja etc and also on occasions of national importance like general elections, Independence Day etc.

294. Towards the end of 1950, it had been anticipated that only 31,000 tons of newsprint would be available during 1951. Actual imports, however, came to 64,904 tons, which was in excess of the estimated annual requirement (60,000 tons). The scramble for stock-piling owing to the Korean war

seemed to be over, and there were reasonable prospects of adequate supplies coming in in 1952. The prices of newsprint also showed a downward movement. In the first half of 1950, the price rose from £45 to £60 a ton. In the second half of 1950, and in early 1951, newsprint was quoted at £74—£80 per ton. In September 1951, newsprint was quoted from £105—£115 per ton. In March 1952, the price came down to about £80 per ton, and in August 1952 to £55. Government liberalised the control gradually and withdrew it in September 1952. At present there is no control on the import, consumption or distribution of newsprint in the country. Both wood pulp and Newsprint are on the Open General Licence for import up to 30th September 1954.

295. **Manufacture of newsprint.**—The possibility of manufacturing newsprint in India has been the subject of study by a number of experts. Since it is a low-priced commodity, the successful manufacture of newsprint requires that raw material, water and power must be available in large quantities, at the factory, at very low cost. A number of trees that grow in India are quite suitable for the manufacture of mechanical wood pulp. The most commonly used trees are coniferous like pine, spruce and fir. The Indian varieties yield quite satisfactory pulp and it is estimated that sources in the Himalayas can supply up to 180,000 tons of pulp timber annually. The difficulty however has been the extraction of the timber from inaccessible heights where they grow, and the transportation to a mill. Methods developed recently in Switzerland for logging timber on high mountain sites by the use of a skyline are being studied and the Forest Research Institute authorities are understood to be planning the installation of a pilot installation for gaining experience of extraction under Himalayan conditions and training Indian workers in the method. It has been estimated that a factory located at Abdullapur or Pathankot in the Punjab would be able to utilise timber from the Himalayas. Until the method of harvesting the timber has been satisfactorily worked out, there does not appear to be any possibility of a factory being established in this area.

296. Investigation has also been made of the suitability of pulp from other plants not generally used in other countries for making mechanical pulp. One of these is the paper mulberry, pulp from which was successfully used for making trial batches of newsprint. The tree, however, is not native to India and so is not available in Indian forests in quantities sufficient for industrial exploitation. Experiments have also been made with timber of the wattle which is being planted in Madras State for extraction of the bark which is used in tanning, and the results showed it to be a suitable source of chemical pulp for admixture with mechanical pulp for newsprint manufacture. Similarly, bagasse which is a waste product of the sugar industry and is being burnt under boilers for raising steam in sugar mills can be converted into chemical pulp of good quality. Mills established in other countries are already turning out paper from bagasse pulp, and one Indian mill is already using bagasse as a raw material for manufacture of paper and boards. Chemical pulp from these sources, or from others like bamboo and *eta* reeds already in use, could be used along with mechanical pulp made from cheaper raw materials, but the difficulty has been to locate a suitable supplies of raw materials for mechanical pulp. Of the sources mentioned earlier, spruce and fir though available in large quantities in the Himalayan ranges, offer difficulties in extraction of the timber, while paper mulberry and wattle which can be grown in other areas have to be planted hereafter on a very large scale before supplies could be available in the quantities required. Certain processes have, however, been worked out by which bagasse can be converted

directly into newsprint. According to estimates based on the quantity of sugar produced by the centrifugal process in this country, the total amount of bagasse available, estimated at dry weight, would be 1½ million tons. To this may be added the quantity of bagasse left over from the production of *gur*. Less than two tons of dry bagasse are needed for manufacturing one ton of newsprint. It will therefore be possible with the quantity of bagasse available in this country to manufacture all the newsprint that can be currently consumed. Before bagasse can be released for use as a fibrous material, it will be necessary to convert boilers in Indian sugar mills to burn coal instead. Further, bagasse would be available only at a price equivalent to the value of the coal to replace it. Indian coal is however quite reasonably priced and one or two sugar mills have already started the manufacture of paper and pulp boards from bagasse, after converting their boilers to burn coal. If a drive is undertaken for large scale conversion of the steam boilers, it should be possible to release the required quantity of bagasse for use as a source of cellulose. While India has adequate supplies of fuel at low price, it is very short of fibrous material generally and is at present importing cellulose fibre in various forms such as pulp for rayon manufacture, as readymade newsprint, and as superior grades of paper. Release of bagasse to serve as a raw material for one or more of these products by replacing it with coal as fuel would, therefore, be in the over-all national interest. We understand that the Government of India have already approached manufacturers of chemical plants in the West to draw up blueprints for chemical plants for converting bagasse into one or the other of these three products. American experiments would appear to indicate that newsprint from bagasse not involving the use of chemical pulp from any other raw material, would yield a product comparable with newsprint made from timber, at a price which is not very much higher. It must be remembered in this connection that the United States of America has extensive areas under forest which can be readily harvested, while India suffers from a lack of such resources. Utilisation of bagasse on a large scale in place of timber for newsprint as well as for other products would overcome our shortage of cellulose material.

297. **The Nepa mills.**—In 1947 a company was floated in Bombay for the manufacture of paper from raw materials available in Madhya Pradesh. Later the promoters decided to go in for the manufacture of newsprint. The factory is located near Chandni in Madhya Pradesh and the Government of Madhya Pradesh are deeply interested in the scheme. They have contributed a large amount of capital and have also erected a power station near the mill for the supply of electricity. A dam has also been put up across the Tapti river and pumps and pipe lines laid for the supply of water to the mill. The mill has planned to use a local wood called 'salai' for the manufacture of mechanical pulp. Tests carried out by Research Institutes are reported to indicate that salai is suitable for this purpose and the company also plans to use another tree 'maharukh' which, it is expected could be grown in the vicinity of the mills to provide the necessary flow of raw material. Mechanical wood pulp is expected to be in production in the course of this year, and with the completion of the mill for the production of chemical pulp for admixture, early in 1955, the company expects to start the paper mill for the manufacture of newsprint in the course of that year. Doubts have been expressed regarding the economic soundness of the venture. It is undoubtedly a fact that the original promoters did not have any clear idea of the capital requirements or of the cost of production. Owing to lack of expert knowledge and other causes, there has perhaps been some expenditure in the construction of the Mills which could have been avoided. This

would add to the cost of the newsprint when it is placed on the market. Some difficulties in the supply of timber or at least in the expansion of plantations might also add to the cost, by reducing production. Still, this has been the only attempt so far to manufacture newsprint in this country and so much capital and effort has been spent on the venture that it would be in the national interest to make it a success.

298. The production of the Mills is expected to be 100 tons a day though it might be some time before this figure of output is reached. Even when running at full capacity it will meet less than half of the country's requirements and in order to reduce our dependence on imports it may be advisable to start work on the installation of another mill. In view, however, of the difficulties that have been met with, we are afraid that no fresh scheme would be undertaken until the present mill has furnished some experience and data for successful working.

299. At present the Indian Press depends for its newsprint solely on imports and, as we have mentioned above, this dependence on imports is likely to continue for some years or longer. Many representations have been made to the Commission that at present under free import conditions larger newspapers find no difficulty in procuring their requirements from abroad but smaller newspapers whose requirements are not large enough to interest overseas mills are obliged to buy their newsprint locally in the market through importers and dealers. This, they say, has placed them at a disadvantage since they cannot purchase in bulk, nor make long term contracts when prices are favourable. They have to buy in the spot market, and very often at high prices. It has therefore been suggested that all imports of newsprint should be made through some organisation which imports in bulk and distributes to consumers in this country.

300. **Scheme for newsprint distribution.**—In 1946 an attempt was made by the Indian Language Newspapers Association in this direction by the formation of a Co-operative Society of small papers, but the experience was not satisfactory. At a time when prices were rising, members took advantage of the existence of the Society and purchased their requirements from the Society's stocks. When however prices started falling, the members preferred to buy in the local market and the Society was left with large stocks which they had purchased at higher prices and for which there was no demand. Obviously such a system would not work satisfactorily unless the members were committed to drawing their supplies from the society and had also deposited the necessary funds. The latter was out of the question in view of the financial difficulties of the small papers, and consequently it was not possible for the Society to insist upon the members drawing from the stocks already imported.

301. The only solution for this difficulty would appear to be State trading in this commodity. We are aware of the numerous arguments for and against State trading, but we are inclined to think that in the case of this particular commodity which has a vital part to play in ensuring freedom of information and interplay of ideas, there is justification for the State to come to the help of the industry and the advantages of State trading would outweigh the disadvantages. The Indian Language Newspapers Association have also supported a proposal of this nature. Further, the prospects of sale of the newsprint produced in this country would be problematical in view of the factors that tend to increase its cost of production. It might therefore be of advantage if a State Trading Corporation took over the entire output of the mills on a

fair basis, and sold it, along with imported newsprint, at equated prices. It would be necessary for the Press to bear to some extent the cost of developing the Indian mill and putting it on a sound basis and this can best be done by ensuring that the products are sold through an organisation which also controls all imports from abroad.

302. The trading organisation would have to be in the form of a public Corporation with a Board of Directors which includes representatives of the publishing world who can provide expert knowledge of the requirements of the Press and of the sources of supply abroad. Capital for the venture will have to be found by the State and adequate stocks will have to be maintained at ports. These stocks can, however, be covered by advances from banks, and so the capital required to be provided by the Corporation can be much less than is required for financing the purchase from individual sources as at present. The arrangement could be expected to prove advantageous both to large and small papers and would even out the fluctuations in world prices which appear to be beyond our control.

303. We are suggesting elsewhere the levy of a small surcharge on the cost of all newsprint sold in this country in order to finance the establishment of certain organisations that we consider necessary for the healthy development of the Press. We would suggest that this Corporation should set apart from its sales the percentage we have suggested and turn the sum over to the body to be set up.

304. **Composing Machinery.**—In a large number of newspaper presses the matter to be printed is set up in type by machines instead of by hand. The use of such type-setting machines offers certain advantages. It is possible to set up type much faster by machines than by hand. The type thus set up is cast afresh by the machines for each occasion of use, and so the characters are always well-formed and without any broken types. A newspaper whose typesetting is done by machine is, therefore, able to present later news and also to produce a well-printed page which is easy to read. Typesetting machines may be divided into two major categories, in one of which a whole line of type is cast in one piece for the full width of the column, while in the other the types are cast separately but along with spaces wide enough to make up the full width of the column so that they have only to be assembled, line by line. Three makes of machines are at present sold in the market: two of the line-casting type and one of the type that casts single characters. The former has certain limitations on the number of different characters that can be operated from the keyboard. The maximum which is 90 characters in some machines and 124 characters in other models is quite adequate for setting type in English where the number of characters is smaller, but presents certain difficulties in the case of Indian scripts which have so far been using a very much larger number of characters. The machines that cast type singly are able to provide a much larger number of characters, 225 in the old models and 255 in the latest models. They have therefore been more popular with the Indian language papers even though their speed of operation is not as high. Attempts have been made to bring the total number of characters normally used in Indian scripts, within the capacity of the line-casting machines. In the case of Bengali characters the process has been so successful that pages set up by the machine are accepted as standard. In the case of Tamil, the attempt has not succeeded to the same extent and in Hindi the machine is finding only gradual acceptance. Typesetting machines casting single types are available for Devanagari, Urdu, Bengali, Gujarati, Tamil and Telugu.

305. These typesetting machines have been evolved and perfected over a long period, and are complicated mechanisms which call for skill and specialised knowledge for their manufacture. Many of the component parts need to be made to a high degree of accuracy, and in some cases the tolerances permitted are no more than one-ten-thousandth of an inch. We were told that there are only three firms manufacturing such machines, who have factories in the United Kingdom and in the United States and that in spite of the very large number of advanced countries in Western Europe which use the same characters as in the English-speaking countries, it has not been found worthwhile to establish any more factories on the Continent of Europe. India's consumption of mechanical typesetting machines is estimated at 50 per year, which is said to represent only about 1 per cent. of the total output of the three companies. The manufacturers would, therefore, not be interested in setting up a plant in India for such limited demand. We understand that manufacturing plants in this country are not at present equipped with machinery for such high precision work and that therefore it would be difficult to undertake the manufacture of these machines even in collaboration with one of these three firms. The major difficulty in undertaking manufacture is the very small number of machines that would be needed. This applies with equal force to the manufacture of spare parts, though at present it is possible to undertake the manufacture of small parts and the simpler accessories. Actually, at present spare parts such as rubber rollers, fibre-pinions, and carbon brushes are being manufactured locally for one make of line-casting machines. The importers of another make of machines told us that their imports and sales of spare parts has ranged in value between 4½ lakhs and 8 lakhs per year during the last five years. It will be seen that the volume of imports of spare parts is by no means very heavy and their manufacture indigenously may not be justified as a sound economic proposition.

306. Machines for use in the Indian scripts are practically identical with machines for other scripts. In the case of line-casting machines, however, it is essential to use, for Indian scripts, machines which are fitted with auxilliary magazines accommodating 34 additional characters in order to cover all the characters in normal use. Hence in the case of Indian scripts, line-casting machines of the more complicated type with a side magazine have to be used instead of the simpler machines which handle only 90 characters. In the case of all machines, whether casting in line or in single characters, the major difference is in the matrices which cast the type. This represents only a small part of the total cost of the machines and even though such matrices for Indian scripts have no sale outside this country, the makers have not found it practicable to undertake their manufacture in India straightaway owing to the lack of the precision machinery required. This however is a matter for further investigation. If it is possible for committees to be set up to consider dispassionately the methods by which these scripts could be simplified and the number of characters reduced to a reasonable figure, the possibility would exist of Government being able to insist that the copyright of the scripts should be made available to the manufacturers of typesetting machines only on condition that the matrices are manufactured in this country.

307. **Printing Machines.**—The majority of the printing machines in use in this country can be divided into three major categories according to the method used for taking an impression of the type on the paper. In the first, known as the platen press, the type is set on a flat surface and the paper is also kept flat when an impression is taken. In the second, known as the

flat bed machine, the page of type is still in the form of a flat surface but the paper is wound round a cylinder which rolls over the type; hence this is known also as a cylinder machine. In the third category, called the rotary press the type is cast in the form of a cylindrical plate, while the paper is also wound round cylinders, the two revolving in contact to produce the impression. The first category is not capable of producing a large number of impressions per hour, particularly when sheets are fed by hand, and the size of the page is also limited. So these machines are not used for the printing of newspapers generally though there appear to be some small weeklies in Indian languages which are produced on these. The bulk of the production of weeklies and of many of the smaller dailies is carried out on the flat bed or cylinder machines. Almost all the larger dailies and a number of weeklies of large circulation are produced on rotary presses.

308. **Imports from abroad.**—No statistics are available of India's requirements of any of these categories of machines. Both for the purpose of import licensing and for maintenance of customs statistics many varieties of machines are grouped together along with accessories, spare parts and ancillary machines. The figures of import for the last few years are given below:

Value of imports during last four years

		(In thousands of Rs.)
		Rs.
1948-49	. . . . .	2,09,80
1949-50	. . . . .	1,46,49
1950-51	. . . . .	81,86
1951-52	. . . . .	1,16,05
1952-53 (April to September 52).	. . . . .	27,51

Imports, indicating the value of imports from each country

(Value in thousands of Rs.)

Country	1948-49	1949-50	1950-51	1951-52	1952-53 (upto Sept.)
United Kingdom	58,69	57,18	40,46	56,55	17,77
Switzerland	1,30	66	10	9	..
Germany	2,70	5,39	7,70	25,44	5,66
United States of America	1,43,57	74,95	18,18	12,27	61
Others	3,54	8,31	15,42	21,70	3,47
TOTAL	2,09,80	1,46,49	81,86	1,16,05	27,51

309. **Manufacture of printing machines.**—Manufacture in this country is confined mainly to the first type of platen machines. Though Indian production was fairly large at the end of the war and there was a considerable amount of pent-up war time demand to be filled, production appears to have fallen off recently. We have heard some complaints also from witnesses who appeared before us, of the poor quality of these machines. We understand that import of such machines has been restricted to 25 per cent. of the previous figures in order to encourage Indian manufacture. No attempt seems, however, to have been made to carry out tests of the machines produced here and to collect the opinions of users who have had experience of

these machines for a number of years. Printing machines are expensive and are normally kept in use over a very long period of years. If the quality is defective, the printers are placed under a serious disability; they may not be able to get rid of their defective machine and go in for another but might have to continue to produce unsatisfactory work or in the alternative, close down. In the circumstances we consider it very necessary that the department of Government responsible for developing the production of industrial machinery in this country should make arrangements for evaluation of their quality. Production of flat bed or cylinder machines appears to be confined to two manufacturers in Calcutta. We understand that proposals were placed before the Government for the establishment of a third factory at Delhi, but no progress seems to have been achieved so far. Here too, Indian production is very small and the quality has not found wide approval. These machines are used not merely for the production of small newspapers and journals but also for job-work. It is necessary that the quality of work that they turn out should be comparable with that produced on imported machines. The essential factors are use of good material and precision methods of manufacture. We are anxious that Indian production should be encouraged so as to make the country independent of imports. This encouragement should, however, be backed up by a service of testing, and manufacturers should also be induced to accept methods of quality control so that their products can be purchased with confidence.

310. Rotary Presses.—Rotary presses are generally heavy machines which represent a considerable amount of capital investment but which in turn can produce a very large number of copies in a short space of time and also produce continuously uniform work. These machines are made in various sizes to suit the requirements of large and small papers. All the machines in use in this country have been imported, from Germany, United Kingdom or United States of America. It is estimated that there are about 100 rotary presses in use in this country of different sizes and we do not anticipate that annual demand for replacement, and for installation in those papers which want to change over from flat bed printing to rotary printing, would exceed half a dozen machines a year. It would obviously not be economical for an Indian manufacturer to start on the design of such a machine solely in order to meet the Indian demand. We suggested to the Ministry of Commerce and Industry that they should ascertain whether Indian manufacturers of heavy machinery would be interested in undertaking the production of suitable machines. In reply to their circular letter, five out of six manufacturers failed to show any interest. The sixth realised that such a venture would need the co-operation of an existing manufacturer abroad whose designs and blue-prints could be used for the local construction of the machine. He is reported to have attempted to secure such co-operation but has not succeeded. We consider it useful if the work of bringing together Indian manufacturers and foreign firms is undertaken by Government after a study of the requirements and the evolution of a standard design of 8-page capacity. Machines of this size are offered abroad for about Rs. 2½ lakhs exclusive of foundry equipment. We feel that if such a standard design is developed, even large newspapers could be persuaded to purchase several units of this size to replace their larger machines when such replacement falls due.

311. In order to consider whether the installation of such machines would be economical even in cases where large flat bed machines of imported construction are at present being used, we requested the experts of the Ministry of Works, Housing and Supply to work out the comparative cost of production on the two types of machines. According to their calculations, which

tally also with the working costs of many newspapers in this country, it would be more economical where the circulation is 10,000 copies or more, to install a rotary press costing about Rs. 2½ lakhs instead of flat bed machines costing less than one lakh even on the grounds of labour charges and paper costs. To this we may add that the advantages of rapid production within a very short time and of printing from stereo plates should also be considered decisive factors favouring the installation of rotary presses. It is perhaps the limitations of finance that prevent many newspapers from modernising their presses by the installation of rotary machines. We have discussed this matter with the Industrial Finance Corporation and are informed that finance could be made available to newspapers for the installation of printing machinery on the same terms as for the expansion of other industries. If the manufacture of rotary presses in this country is started with assistance from government in the form we have mentioned before, it should be easier still for the Industrial Finance Corporation or other such bodies to help newspapers to reduce their printing cost and improve the service they provide to the public by installing such machines.

CHAPTER VII

COMMUNICATIONS AND TRANSPORT

312. In the course of our enquiry into the working of the Press, we have looked into the facilities for communication that exist in this country and the extent to which they meet the requirements of the Press. We have also examined the facilities for distribution of newspapers and periodicals, and the part they play in the economics of the Press.

313. **Postal Services.**—The postal services are being used largely for transmission of reports from district correspondents, and of periodical news letters from special representatives. We find that while introduction of air transmission of letters has greatly speeded up the handling of such material, the postage concession which is granted for surface transport of manuscripts and reports for publication has not been extended to airmail transmission. It has been represented to us that this extension would greatly reduce the cost of transmission; at present urgent despatches have to be paid for at the same rates as charged for personal correspondence or, in the alternative, have to be sent by surface transport. We realise that the extension of all the concessions for surface transport of book packets and manuscripts to air transport also would involve a substantial loss to the post office. We feel, however, that it should be possible for the post office to grant the concession in respect of material addressed to registered newspapers. In order to avoid abuse of this concession, they might even stipulate that the packets containing manuscript material for publication should be addressed, in each case, not by name but by designation, to some specified official on the staff of the newspaper.

314. **Telephones.**—The telephone network of the country is fairly extensive and is extended every year. It has been represented to us that difficulties are still being experienced in obtaining installation of telephones for the offices and residence of employees of newspapers. We understand that such connections are at present being given a fairly high degree of priority and that because of the general shortage of exchange equipment and instruments, some delay is bound to exist till production and installation catch up with the demand. In the matter of trunk telephone calls, the Press is being granted a rebate of 12½ per cent. on all telephone calls terminating at newspaper offices, irrespective of the time at which they are made. Newspapermen represented to us that they should be given, in addition, a special concession for calls put through during specified hours which would suit the times of going to press. We have put this suggestion to the Postal and Telegraph authorities and are informed that such a concession would not be feasible, since traffic is very heavy during the periods mentioned and a concession would mean a substantial loss of revenue. We are, therefore, not pressing the proposal further.

315. **Telegrams.**—In the matter of telegrams, we have heard many complaints that the handling of traffic is not sufficiently quick and that long delays occur in the transmission of telegrams. While this is a matter of importance to newspapers, we are confident that the authorities, who are conscious

of the present delays, would be taking necessary steps in order to ensure speedier handling of telegrams and that improvements may be expected in this direction. In the matter of tariffs for Press telegrams, the present rates in this country are not merely quite low but compare favourably with similar rates in many other countries. Once the collection and delivery of telegrams is speeded up, we are sure that greater and more profitable use of Press telegrams would result also in increased revenue to the Telegraph authorities.

316. In this connection, it was mentioned to us that a certain amount of discrimination had been practised in the handling of Indian Press telegrams, preference having been given to foreign Press telegrams. As an instance, it was mentioned that Press telegrams from Nepal to Indian newspapers and news agencies had been held up on one occasion in order to give priority to similar telegrams addressed to newspapers and news agencies in the U.K. We looked into the matter and have been informed that instructions have been issued to telegraph offices that "urgent" foreign Press telegrams should take their turn with "express" inland Press telegrams and similarly "ordinary" foreign Press telegrams should take their turn with "ordinary" inland Press telegrams as far as their transmission is concerned. We were also told that in this particular instance the complaint had arisen because these instructions for the transmission of Press traffic had not been conveyed to the wireless station resulting in the delay complained of. We are also assured that in future such difficulties would not arise. While we are anxious that India should be developed as a distributing centre for Press traffic intended for other countries, such development should not take place at the expense of the Indian Press traffic. We trust, therefore, that the instructions referred to above would be kept in mind by all telegraph offices.

317. In the matter of Press telegrams addressed to multiple addresses, certain concessions are allowed in order to assist news agencies or correspondents who wish to transmit the same message to a number of papers. For additional copies delivered from the same office as the original, only a copying fee is charged, but in the case of deliveries from other telegraph offices, charges are levied, though not at the full rates, for each additional copy. It would appear that formerly the concession in respect of additional copies on payment of only copying charges was available for telegrams delivered from any number of Post Offices anywhere in the country. A plea has been made for the restoration of this concession. The Telegraph authorities have pointed out that the claim for this concession is unreasonable, since a considerable amount of additional labour is involved in the transmission of telegrams to more than one office. The present concessions of $\frac{3}{4}$ of the charges for the second post office, $\frac{1}{2}$ of the charges for the third post office, and $\frac{1}{4}$ of the charges for the fourth and subsequent post offices is, they say, as much as can be economically allowed. We agree with this view.

318. **Teleprinters.**—The Telegraph Department rents out telegraph circuits to individual users between one point and another in the same city or between different centres. The charges for such circuits in the case of individual users are: Rs. 60 per mile per annum for the first 25 miles, Rs. 45 for the next 475 miles and Rs. 30 thereafter. This covers 24 hours usage, but for part-time renting the charges recoverable are $\frac{1}{6}$ of the full time rental for the first hour and $\frac{1}{24}$ for every additional hour. Newspapers and news agencies are, however, charged at the minimum rate of Rs. 30 per mile irrespective of the distance. These rates, which were fixed before the war and have not been

raised since, compare quite favourably with rates in other countries. The UNESCO recently made a comparison of the rates in different countries and taking as their standard Norway, which had the lowest rental, have arrived at the following relative figures:

Norway	1.0
Denmark	1.05
France	1.23
Sweden	1.25
India	1.35
Holland	1.50
United Kingdom	1.52
Germany	1.79
Belgium	2.82
Switzerland	3.43

We understand that further reduction in the rates prevailing in India would be uneconomical.

319. It has been suggested to us that a distinction should be made between news agencies and newspapers in the rental charged for such circuits and that news agencies which function on behalf of a number of newspapers should be charged a lower rate than individual newspapers. We are unable to accept the logic of this argument, since on the grounds advanced it might well follow that news agencies should pay a higher rate and not lower! The suggestion was that the reduction should be made as a measure of assistance to news agencies. While we agree that news agencies should be helped to put themselves on a sound footing, we feel that assistance should not be provided by a subsidy of this nature from a commercial undertaking like the Telegraph department.

320. Instances have been brought to our notice where the lines rented out to news agencies and newspapers have been misused and private and business messages have been transmitted on these circuits. This has naturally been a legitimate grievance for the P. & T. Department who feel that in the name of the Press they are thus deprived of their proper revenue. The management of the news agencies have admitted that this practice has come to their notice and have assured us that they are taking steps to put a stop to it. We consider that the Telegraph Department would be justified in monitoring those circuits which they suspect are being misused and in taking strong action against the offenders.

321. We were informed that a State Government had entered into an arrangement with a news agency whereby press releases, issued by that Government, are distributed by the news agency on their teleprinter network to the District Publicity Officers of the Government. The news agency were said to be receiving a substantial payment for this service. We are not quite clear whether such use of their circuits is permitted or contemplated by the agreement with the Posts and Telegraphs Department. We were informed that these press releases very often held up the lines and, as a result, the normal news services distributed by the agency were delayed and newspapers suffered in consequence. We are, therefore, not in favour of such arrangements.

322. For use on these telegraph circuits the Telegraph Department rent out teleprinter machines on an annual rental of Rs. 1,000 per instrument. We understand that, at present costs, there is not much scope for reduction of these charges. Even now this rate is considerably lower than that charged by the news agencies for similar renting of instruments. The Posts and Telegraphs Department have assured us that they would have no objection to renting out instruments for the reception of messages from news agencies or even to the news agencies themselves. We hope that newspapers and news agencies would make greater use of this facility, particularly for handling press telegrams also, and that with the growing use of teleprinter instruments in major cities and towns, the overhead charges on maintenance and servicing of equipment would be reduced making it possible for the Telegraph Department to reduce their charges for the renting of teleprinters.

323. The first cost of the instruments is high, and expenditure on spare parts is also substantial. We understand that the Telegraph Department is contemplating the setting up of a factory for the manufacture of teleprinters in this country and that proposals have been called for from leading manufacturers in Europe to associate themselves with this project. When the schemes have been examined carefully, we trust it would be possible to arrive at a satisfactory arrangement for the manufacture of these instruments in India. We note that according to the present proposals it is the intention that teleprinters manufactured in this country will be available for sale to the public as well as to government offices. This should substantially reduce the cost of teleprinter operation both for news agencies and for newspapers where they prefer to buy their own instruments instead of renting them.

324. **Teleprinters for Indian Scripts.**—At present, teleprinters are available only in the Roman script, but with growing importance of Indian languages, the question has been raised of teleprinters for Indian scripts, principally *devanagari*. The Telegraph Department are engaged on the design of suitable teleprinters for the *nagari* script. We understand that technologically the problem has been solved, but more is yet to be done to make the instruments economical in operation by increasing the speed of transmission. In view of the considerable similarity that exists between the alphabets of Indian languages, we expect that a solution for *nagari* would automatically read to suitable solutions for the other Indian scripts also.

325. We understand that recently Hindustan Samachar have taken over two of these machines at a nominal rental of Rs. 10 for a period of six months, to be tried out on a circuit between Delhi and Patna, which has been rented for a period of three hours per day. Hindustan Samachar is not using any other machines on that circuit and would not find it possible to say whether difficulties, which they may experience, are associated with the line itself or with the instruments. A report is expected from the agency at the end of the period and this might help further development of Hindi teleprinter operation.

326. In this connection we have been rather surprised at the attitude reported to have been taken by responsible individuals in the matter of adaptation of the script for use on teleprinters and typesetting machinery. A great deal has been said in praise of the "scientific nature" of Indian scripts and of their beautiful appearance. A distinction should have been made between the alphabet, which is almost identical for all Indian languages including Sanskrit, and which is perhaps the most logical in the world, and the scripts which, though originating probably from a common root, have developed differently in different parts of the country. According to the media

used for writing, scripts have been modified locally from the original forms in stone inscriptions, to suit the nature of the varieties of palm leaves used, and further modified after the introduction of paper. It certainly cannot be said that any of the scripts, much less all of them, are "scientific" in the real sense of the term. Moreover, the feeling of "beauty" which presumably all of them inspire in their users, is, to a considerable extent, based on familiarity, and it cannot be said that one is more beautiful than the other, or even that any one of them is based on aesthetic considerations. On the other hand it can definitely be said that from the point of view of fast reading, some of the scripts are definitely not functional in that they do not permit quick identification from partial perception. A certain degree of adaptation to the use of new media would be not merely logical but in accordance with history, since no script has remained unchanged for all time.

327. An interesting development, pending the introduction of teleprinters for Indian scripts has been the use of Roman script on teleprinters for the transmission of messages in Indian languages. While we realise that this cannot be a long term solution and that the development of teleprinters for Indian scripts must be expedited, we must congratulate those who have brought such transliteration into everyday use.

328. **Overseas Radio and Cable.**—We have referred so far only to internal communications. A substantial proportion of the contents of newspapers comes from abroad in the form of both news agency messages and correspondents' despatches. In the case of the former, the practice usually is for the agencies abroad to transmit the news for multiple address reception, leaving the recipients to make their own arrangements for picking up the messages. Reuters send out their news service by Hellschreiber, and Agence France Press which at present is using morse code transmission is understood to be planning to introduce teletype (teleprinter) operation shortly. Both these services come by radio and not by cable, and are picked up by wireless receiving stations established by the Telegraph Department in Bombay and Delhi respectively. News agencies in India pay the Department a charge based on the monthly wordage handled. The tariff is given below:

	Rs.	As.	Ps.
4,000 words per month	0	1	0
Second 4,000 words per month	0	0	9
Third " " "	0	0	6
Next 14,000 " " "	0	0	4
Above 26,000 " " "	0	0	1½

This tariff is subject to a minimum charge of Rs. 1,500 per month which, in fact, makes the tariff look illogical; no significance can be attached to the earlier slabs since the minimum charge covers more than 30,000 words. We have been unable to obtain from the Telegraph Department an estimate of what the operation of the receiving stations actually costs, but we feel that the present charges are very high.

329. Under the international agreement which was concluded at the Bermuda Telecommunications Conference of December 1945, and which was reaffirmed and extended at the London Conference in August 1949, Governments of the United States, United Kingdom and Canada agreed to permit, within their respective territories, the private reception of multiple address

press radio communications either through the recipient's own radio receiving installations or through other private installations. The principle is very important for the development of such services, but is far from being generally accepted. India had no doubt said, even at the Bermuda conference, that she was prepared to arrange for reception only by Telegraph stations and insisted on retaining the power to exercise discretion as to the granting of permission to private recipients for the reception of such communications. In the objection to private installations, India's position was shared by other Commonwealth countries, such as Australia, New Zealand and South Africa, and even the United Kingdom claimed this reservation in respect of colonial territories. If there are any fundamental difficulties in the way of permitting private reception of multiple address news services, we recommend that they should be examined again and means found to get over them. If this is not possible, it is essential that the tariff should be revised and the charges substantially reduced so as to cover only the cost of operation.

330. In the case of despatches from correspondents abroad, transmission is by radio or cable at press rates. Between countries of the Commonwealth the rate is 1 d. a word or its approximate equivalent. The charges for transmission to other countries are, however, considerably higher. Some examples are quoted below with the charges for transmission to and from London also quoted alongside:

	Indian rates Rs.	London rates
Cairo	0 5 6	3½ d. per word.
Teheran	0 5 0	4 d.
Djakarta	0 6 6	6 d.

331. Owing to such disparities in tariffs, it becomes more economical in many cases to route the messages from or to India via London, so that one leg of the journey is covered at the Commonwealth rate of 1 d. a word and the other leg at the special rate charged by London. As a result of this position, a considerable volume of messages even though coming from countries adjacent to India with which India has considerable contacts, is now being routed via London. We are informed that the question of negotiating bilateral arrangements with different countries so that rates for transmission either way are substantially reduced has already been taken up by the Government of India. We are convinced that an early solution which brings about a substantial reduction in international telegraph charges is essential for the development of the Press and of news agencies in this country. We are confident that the Indian news agencies would then be able to extend their coverage to a number of countries in Asia and Africa, thereby fostering mutual understanding. We expect it will be necessary at the same time to improve the existing technical facilities for transmission and reception, so that messages are not held up for long periods awaiting the opening of the beam service to particular countries. We understand that at present this lack of a service round the clock is a handicap to the Press Trust of India in developing the sale of their news service abroad.

332. **Transportation of newspapers.**—The distribution of newspaper copies through public means of transportation is carried out mainly through postal, railway and air services. Of these the postal service is utilised mainly for reaching stray subscribers in remote areas, while railway and air services are utilised for distribution of copies in bulk to agents or sales representatives

who undertake the retail delivery of copies to regular subscribers and customers.

333. The charges for transport by post are very low in this country. It is no doubt necessary for a paper to conform to certain regulations prescribed by the Post Office but once this has been done, the periodical is registered and thereafter it is entitled to the concessional rates of postage which is only 3 pies for the first unit of ten tolas. According to the calculations of the Post and Telegraph Department, it costs the post office more than six times this amount to carry and deliver a single copy of newspaper, and the loss to the post office in 1952-53 on account of this concession was Rs. 112 lakhs. The concession given to the Press is thus really substantial, and there appears to be no case for lowering the rate.

334. The Post Office also undertakes transport of copies in bulk to agents on certain prescribed conditions, but at present this facility does not appear to be availed of to any considerable extent, probably because in the case of despatch of a sufficiently large number of copies, railway transport works out considerably cheaper. Some other concessions available for postal despatch of newspapers in other countries have also been made available in this country, such as despatch with the minimum of wrapping or packing. Others such as the right to hand over of large batches of copies to the post office for house to house distribution are not available. In view, however, of the high cost of distribution that the post office has to incur, we are unable to recommend the grant of the last concession here, particularly since distribution can be effected through a news agent much more economically where a large number of copies are involved.

335. For transport by rail, the charges in the case of newspapers are the same as for certain other categories of commodities falling under the same classification. These charges are reasonable and no case has been made out for any concessions. It was, however, brought to our notice that the minimum charge in the case of railway transport is as for 10 lbs. which in the case of average newspaper of 6 to 8 pages would mean about 100 copies. It was said that in the case of parcels containing less than this number of copies, the charges work out proportionately much higher. It is for consideration of the railways whether the minimum weight charged for could be reduced and, if so, whether any "statistical" charge will have to be made on each consignment to cover administrative expenditure on the handling of packages, which would be constant irrespective of the size of the package.

336. **Air transport.**—In the case of transport by air, newspapers are sent as freight at the regular cargo rate. The Air Transport Association of India have agreed to a concession of 25 per cent. in the case of newspaper parcels. The minimum freight charge would be as for 5 lbs., but the statistical charge is waived in the case of newspapers. Taking newsprint of a substance of 52-54 grams per square metre and of the standard size of 17"×23", the following number of copies would go within the limit of 5 lbs.:

12 pages	.	.	27 copies
10 pages	.	.	33 copies
8 pages	.	.	40 copies
6 pages	.	.	54 copies
4 pages	.	.	80 copies

Here, as in the case of railway parcels, the number of copies required to make up the minimum package is rather high, but in view of the fact that air transport is used only for reaching major cities and towns where the number of copies to be sold would be higher than the average, there seems to be no reason to make any changes.

337. It has been represented to us that while the average cost of distribution of a copy through the post or railway does not exceed 10 per cent. of the net value of the papers, and has been accepted as expenditure to be borne by the publishers, the charges for air transport, which proportionately are very much higher, should really be passed on to the consumer as a surcharge. Otherwise, financially strong metropolitan papers would, if they make no surcharge, be in a position to compete unfairly with provincial papers. We understand that the majority of metropolitan papers have agreed to charge half an anna on each copy delivered by air beyond a certain distance and that the complaint made to us applied only to one or two papers which, in order to gain a footing in new territories, had waived the surcharge. We consider such a practice undesirable as it constitutes unfair competition and should be stopped. The distance up to which no surcharge is levied should also be fixed and should not, at current freight charges, exceed 500 air miles.

338. **Road Transport.**—We came across instances where certain newspapers had employed their own road transport for despatch of copies to other centres. In the United Kingdom, papers are despatched from London by special trains, but the arrangements are shared by a number of national newspapers published from that city and expenses are divided. The use of road transport in India has, however, developed as a purely individual venture aimed at securing, for one paper, advantages not available to others. We have no desire to discourage initiative but would suggest that even in the case of road transport, a co-operative arrangement on the lines of the United Kingdom practice might be more beneficial to the industry as a whole.

339. In areas where train services are not available or are very slow, small batches of copies are distributed by regular bus services. We feel that greater use should be made of road transport in order that newspapers can reach remote towns and villages quickly and economically. It is understood that such use of transport greatly assisted the development of newspapers in Travancore. In one particular instance, of transport from Bombay to Poona, it was represented to us that transport of metropolitan papers by State bus transport to Poona affected the development of local papers. We are unable to accept this contention. We have found that in every part of India, local papers, when they have something special to offer, either by way of local news or comment on topics of local interest, have always succeeded in competition with metropolitan papers which lack such local colour. To ban the transport of newspapers by any one particular means of public conveyance appears illogical and unnecessary. The results of the Sample Survey have shown that a large number of households in rural areas are at present doing without a paper only because distribution of copies is not done efficiently and they cannot readily get copies in their locality. We would therefore urge the circulation departments of all newspapers to pay special attention to this aspect and to utilise every means of transport to its fullest capabilities.

CHAPTER VIII

News Agencies

340. **Function of news agencies.**—A news agency has been defined by the United Nations Educational, Scientific and Cultural Organisation as “an undertaking of which the principal objective, whatever its legal form, is to gather news and news material, of which the sole purpose is to express or present facts and to distribute it to a group of news enterprises and, in exceptional circumstances, to private individuals with a view to providing them with as complete and impartial a news service as possible, against payment and under conditions compatible with business laws and usage”. The basic function of a news agency is to provide news reports of current events to the newspapers and others who subscribe for its service. As would be apparent from this description, it acts only as an agent for collection. It is, therefore, expected to have integrity and disinterestedness. The All India Newspaper Editors’ Conference defines the function of a news agency as providing objective and comprehensive news coverage to its subscriber-newspapers. The Federation of Working Journalists and the Press Trust of India Employees’ Unions accept the responsibility of news agencies to collect and distribute factual news to newspapers. But we consider it essential that the service provided by the news agency should be objective, comprehensive and accurate.

341. **Selection of news.**—Since it is obviously impossible for a news agency to report every happening, it is inevitable that there should be a measure of selection, and such selection must be based on certain principles. The guiding factor is usually taken to be the “news value”, which the All India Newspaper Editors’ Conference defines as what interests the public. We feel that news value does not mean merely the appeal to the readers and that the significance of the event should also be taken into consideration. Selection of news takes place at many stages. The primary selection is carried out by the correspondents who act under the general directions of the headquarters of the news agency. The news received at the headquarters is then edited and a further selection is made before distribution to subscribers. Since the correspondents also see a copy of the item as finally edited and distributed, they become aware of what has been discarded or retained. This acts as a sort of directive to the correspondents, giving them an indication of the type of items that are considered acceptable by the headquarters and the manner of presentation that they favour. So even where no special directions are given to the correspondents, their daily contact with the service tends to guide them along certain lines even in the primary selection of material. This process has thus a cumulative effect and after some time leads to correspondents keeping back items which they apprehend would not be distributed by the headquarters. This process of guiding the correspondents would be unobjectionable if the editing at the headquarters was confined only to the rejection of trivial items which do not merit report. It may, on the other hand, result in diffusing the editorial bias at headquarters to every correspondent. Then the subscribers, and through them the public, have a right to

object. We have referred elsewhere to the instances where the bias of the reporter and of the headquarters of the news agency has tended to stress certain items or to exclude others. The reporter is often politically minded and consequently his despatches tend to give greater weight to politics. Since the news agencies also have not adjusted themselves to the new set-up where politics, though still the most important sector of public interest, has to share space with items of economic, social and cultural interest, the reports tend to give far too much emphasis to political subjects, including political speeches.

342. In the selection of political news, we are glad to be able to say that the Indian news agencies have been generally fair to various points of view, and, in the course of the evidence, we came across very few complaints on this score. But while the opposition had been treated fairly, there prevails an impression that it had not been treated equitably in the matter of length of coverage and that, in consequence, opposition points of view do not get as much publicity as they deserved. While this is not a subject on which it is possible to be specific and pin-point instances, we would draw the attention of the news agencies to this impression on the part of the subscribers and the public.

343. **Freedom from bias in selection.**—We have referred in the chapter on **Pressure and Bias** to the fact that news agencies have not been immune to outside influences and that where big business interests are involved in criminal prosecutions, there has been no noticeable alertness on the part of these news agencies to cover such cases as promptly as the public has a right to expect. As purveyors of news, the news agencies should not merely keep themselves free from bias and follow strictly the principles of integrity, objectivity and comprehensiveness in the coverage of news, but it should also appear clear to the newspapers, and to the public, that the news agencies are maintaining such a course.

344. It follows from what we have already said that a news agency should not have any specific editorial policy of its own in the sense in which the term is generally understood. The All India Newspaper Editors' Conference have emphasised the fact that the agency has to cater to subscribers of diverse and contradictory political views and therefore it is suicidal for an agency to trim or select its news to suit the interests of any particular set of clients. The Federation of Working Journalists have also emphasised the necessity of not being influenced by the interests or prejudices of clients; it should be left to them to pick and choose from the news supplied. It is true that a large proportion of the revenues of the news agency comes from those papers which favour the majority point of view and that the temptation to please these clients would always be present. It should, however, be the responsibility of the editorial staff of a news agency not to let themselves be insidiously drawn into favouring a particular point of view.

345. **News value.**—On the question whether the news agency should be guided solely by consideration of news value of the event or should also keep in view certain overall interests of the state or of society, the evidence has not been quite unanimous. All are agreed that a news agency must abide by the laws of the country as well by the code of professional conduct. The All India Newspaper Editors' Conference have also stressed in addition the responsibility of the news agencies to society and to the state, and certain State Governments have also emphasised this aspect of the matter. The

Federation of Working Journalists had no specific comment to offer. The Federation of Press Trust of India Employees' Unions have stated that due consideration should always be given where national or social interests are involved. The view of the Principal Information Officer of the Government of India is that "as social, political and economic changes take place, as democracy develops, and as loyalty to a larger area or a larger number of people begins to develop, news value must undergo change. Old news values cramped by limited loyalties or narrow interests, if mechanically or deliberately adhered to, can only run contrary to the broad currents of national life, thus creating a conflict without serving any enduring human interests". We are in agreement with the view that the broader interests of state and society must be present in the minds of every reporter and editor, whether in a news agency or in a newspaper, but we cannot agree that any evil that is present would cease to exist if every one would refrain from talking about it, reporting it, or publishing reports of it. Conformity with the broad currents of national life cannot, in our opinion, be a criterion of news value. We wish to stress in this connection the requirement that the news agency service should be both comprehensive and adequate, and to merit this description, it should not refrain from reporting an event which goes against the general trend or disturbs national self-esteem. A mood of self-satisfied complacency such as can be induced by persistently ignoring reversals in the trend or local deviations therefrom can prove more dangerous than even the mild confusion that might be created by a picture of all the conflicting trends in the country. After all, it is for the newspapers themselves to present these reports in a coherent picture of the country and to draw the attention of the readers to the real significance of the events. It is not for the news agency to take upon itself this responsibility.

346. In the matter of reporting we have considered the question whether the news agency should confine itself to a selection of the facts which they consider are of news value or report all relevant facts of any significance. A certain degree of selection is inevitable, and however proper it would be for the news agency to give all relevant facts, practical considerations require that some be left out. A selection has therefore to be made on the basis of the importance and priority attached to individual facts.

347. **Comment in reporting.**—On the question of comment, there is widespread agreement that news agencies should eschew any comment in their services, and we accept this view. The privilege of commenting should be left to newspapers. But while the news agency reports what has happened without condemning or justifying the event, a certain amount of objective reporting explaining how it came to happen would appear to be legitimate. Where the correspondent quotes the comment of some one else, such comment would be proper provided the source is definitely attributed in the despatch itself. While we would prefer that there should be no comment from the reporter, we are also aware that such comment can, without being specifically made, be implied by the wording of a despatch. To say that one person made an "impressive speech" or that another "let loose a tirade" would be expressions of personal comment. In cases where such comment cannot be eliminated from the despatch, we feel that the source of such comment should be made clear. Newspapers often fail to identify the source by a credit-line, but where a published report contains comment, explicit or implied, it is only fair to the reader to point out that the comment is from the correspondent of this news agency or that.

348. **International news.**—The need for objectivity and accuracy coupled with freedom from any sort of bias or comment is most pronounced in the case of international news. In this connection it is necessary to emphasise that there is no news agency of a truly international character which can be expected to cover such news without any national bias.

349. Before World War II, a small number of big agencies had shared out among themselves the functions of news collection and distribution in the principal regions of the world. Today the activities of these news agencies have extended both in the national and in the international sphere, and their service has improved through the resulting competition. Still, it cannot be said that these services have really acquired an international outlook or got rid of their national character. The six world news agencies operating today are Reuters in the United Kingdom, Agence France Presse in France, Associated Press of America, United Press of America and International News Service in the United States, and Tass in the Soviet Union. These have set up organisations which cover more or less the entire globe and have been aided in such expansion by the fact that the countries in which they have their headquarters are very highly developed technically and have also a strong Press which demands and can pay for a world wide news service. Expanding from this domestic market, they have undertaken distribution of their services in a great number of countries either directly or through the national agencies functioning in these territories. Their capital, their chief executives, and the majority of their staff are, however, drawn from their own countries, and the news they collect and distribute is also selected, written up and presented almost entirely to suit the requirements of their own nationals; as matters stand at present, it is not possible for any newspaper anywhere in the world to obtain reports of world events except as seen through the eyes of their employees. It follows that however impartial they might try to be, and however strictly they conform to the professional code of ethics, they will necessarily judge news and present it from the viewpoint of their own countries.

350. **An international agency.**—The United Nations Educational, Scientific and Cultural Organisation, in their recent publication on the subject of News Agencies, have asked whether these news agencies which are international only in the scope of their activities may not one day find it necessary to adopt a policy of international co-operation and also look at news from a truly international standpoint. Having rejected the possibility of creating a world agency under the appropriate body of the United Nations as likely to meet the opposition of the majority of the profession (who would refuse to use the services of an agency organised even indirectly under governmental control) they have recommended the possibility of a world co-operative agency in which newspapers and broadcasting stations of all countries would be shareholders, contributing an assessment in proportion to their circulation in the case of newspapers, and in proportion to their national audience, in the case of the broadcasting stations. They express the hope that as the capital structure, the directorate, the editorial staff, the correspondents and the operators, are thus made international the news agency would be able to collect and distribute a news service in a manner, as free as possible from any national influence. Their suggestion is that this co-operative international news agency should draw upon the services of a large number of national agencies that exist today and that spurred by the rivalry of the major world agencies at present in existence, this cooperative agency would be able to provide a service competitive in speed and quality.

We are inclined to consider it extremely unlikely that the pronouncedly nationalistic viewpoint of the bulk of the world's newspapers would provide the proper atmosphere in which such an agency can be brought into existence.

351. **Views of Press on present world agencies.**—Summing up the evidence that has been placed before us on the character of the services now provided by the world news agencies, we are of the view that the news service supplied by Reuters is accepted by the Press as objective except where British interests were principally involved. News supplied by Tass, the Central News Agency of China, and the Agence France Presse was considered to be influenced by the foreign policy of the country to which each agency belonged. The Associated Press of America does not function at present in this country as a source of international news and the United Press of America has shown a definite slant which was particularly pronounced in the news despatches from Korea, where, by reason of their special advantages, they were able to provide a service well in advance of that from other agencies. Of the other services, the Globe (Near and Far East News Agency) service is valued only for the "human interest stories" and "fillers" that it provides. The Arab News Agency does not have any newspaper subscriber.

352. **Freedom of international flow of news.**—This general verdict of the Press which we have quoted should not, however, be taken as indicating our agreement with everyone of these impressions or as suggesting that there should be any interference with the operation of the foreign news agencies whose services are made available to the Indian Press. We are convinced that it is essential for an Indian Agency to develop its coverage of foreign news by installing its own correspondents at the major foreign capitals and using their despatches to supplement and correct, wherever necessary, the services of the world agencies. But there should be no restriction on the flow of foreign news from whatever source it comes. It should be left entirely to the discretion of the editors of Indian newspapers to accept or reject material supplied by foreign news agencies or even by the Indian agency.

353. There has been no evidence of any discrimination being exercised in favour of or against foreign news agencies or of their competing unfairly with Indian agencies in this country. In the matter of technical facilities within the country, we are of the opinion that while priority should be given to domestic news agencies, once their requirements have been met the needs of foreign agencies should be freely satisfied. Such an arrangement would be in conformity with the convention on International Transmission of News adopted by the United Nations General Assembly in 1949, which under Article XII provides *inter alia*. "Nothing in the present convention shall be construed as preventing a contracting State from taking measures to help the establishment and development of independent domestic information agencies or to prohibit practices tending to create monopolies." In the matter of employment in these foreign news agencies, we find that the number of Indians engaged as reporters, correspondents or editors is very small. Moreover, in certain cases, they have been employed purely on linguistic grounds because the nationals of the country to which the agency belongs could not provide one who knows the particular language required. We feel that this is not sufficient and that more than in the case of foreign commercial or industrial concerns operating in this country, proper representation for India is essential on the staff of news agencies. We suggest

to Government that they should call for periodical returns of the number of Indians thus employed, in India, by the agencies which operate here or which sell their services here and insist on India being properly represented in each category of the editorial staff especially in the higher ranks. The Convention on International Transmission of News to which we have already referred, contains a reservation that nothing in the said Convention should be construed as prejudicing the adoption by a contracting State of any legislation requiring that a portion of the staff employed by foreign enterprises operating in its territory shall be composed of nationals of that State. In the case of Tass we were informed that it is the invariable practice of that agency to employ in the reporting and editorial staff, only nationals of the Union of Soviet Socialist Republics in every part of the world. We feel that whatever its policy might be in the general case, it would be proper to insist that a portion of the staff employed within India should consist of Indian nationals.

354. **Indian news agencies.**—There are at present in his country two major news agencies, the Press Trust of India and the United Press of India, and a third, Hindustan Samachar, which is not really comparable to the other two and which at present can provide only a meagre service, though it has some features of its own. Before we go into an examination of these individual news agencies, we may at the outset state certain fundamental points regarding news agencies as a whole.

355. However objective a news agency sets out to be, there are certain drawbacks which arise from a monopoly and which could be obviated only by a competitive service available freely to all users. We are of the opinion that it is therefore necessary to have more than one news agency functioning in the country. The second news agency can always serve as a check on the first. In most other advanced countries, the major newspapers have such an extensive staff of correspondents in every large city or town that it is possible for them to bring out their papers without depending much on the news agencies. In India such a development does not appear to be likely in the immediate future. The total circulation of all newspapers depends inevitably upon factors like literacy and national income, which are capable only of gradual improvement and this sets a definite limit to the resources that can be diverted to the function of gathering news. As a direct consequence, it will be necessary for most, if not all, newspapers in India to depend very greatly on the service of a news agency. In many cases, district papers do not have representative even at the capital of their own State and even some provincial papers are unable to afford a correspondent at the capital of the Union. Most papers depend greatly on news agencies. It is therefore necessary to have at least two news agencies, and each of them should be adequate and also reliable. We would not, therefore, accept the assumption that if one agency is satisfactory, the other can be neglected.

356. **State control of news agencies.**—Another fundamental point that we would emphasise is that the news agencies should not be state-owned or state-controlled. Referring to foreign news agencies, we have had occasion to mention the suspicion (the existence of which the United Nations Educational, Scientific and Cultural Organisation has recognised) of the Press all over the world in the matter of Government interference with news agencies. The fact that the Government is our own does not make the slightest difference to the basic objection to any sort of Government control or interference. Witnesses who have appeared before us have also stressed this point and urged that Government should not participate in the ownership or control of any news agency.

357. **State assistance.**—This does not necessarily rule out the possibility of news agencies obtaining assistance from the State. Assistance has been provided in other countries when a national news agency found itself in difficulties. But it is essential, if Indian agencies are to function satisfactorily, that any assistance from the state should have no strings attached and the state should not have any voice in the control of the agency either editorially or administratively.

358. **Present coverage of Indian and international news.**—We have carried out an analysis of the full services provided by the Press Trust of India and United Press of India on 14 days selected at random in the first quarter of 1953. For the purpose of this analysis, we divided Indian news coverage into two sections; national news, and State and local news, on the same lines as for our analysis of the newspaper content, described in Chapter XIV. Under each of these categories news is classified under ten different heads. An abstract of the position is given below in Table I which gives the number of lines of messages creeded by the Press Trust of India and United Press of India under different heads. (An average line of teleprinter message contained about nine words.)

TABLE I
Average output in lines per day

<i>National News</i>	<i>Press Trust of India average lines per day</i>	<i>United Press of India average lines per day</i>
(i) Political	289·7	192·3
(ii) Cultural	22·9	6·7
(iii) Social and educational	86·4	19·0
(iv) Financial, commercial and economic	318·7	114·5
(v) Sport	246·4	57·9
(vi) Scientific, technological and industrial	56·1	28·1
(vii) Law (including Law Courts and Police), crime, accidents and natural calamities	58·2	21·6
(viii) Statements and speeches	245·5	246·9
(ix) Personalities	82·6	42·3
(x) Other subjects	127·0	49·0
	1533·5	778·3
<i>State and Local news:</i>		
	<i>Press Trust of India average lines per day</i>	<i>United Press of India average lines per day</i>
(i) Political	411·9	142·0
(ii) Cultural	18·4	7·6
(iii) Social and educational	50·2	17·1
(iv) Financial, commercial and economic	157·1	34·5
(v) Sport	195·0	51·6
(vi) Scientific, technological and industrial	27·3	5·7
(vii) Law (including Law Courts, and Police), crime, accident and natural calamities	120·8	53·9
(viii) Statement and speeches	216·4	58·9
(ix) Personalities	29·3	17·9
(x) Other subjects	105·1	26·9
	1331·5	416·1

Similar analysis of the foreign news distributed by these two agencies yielded the following figures:—

TABLE II
Average output in lines per day

	<i>International news</i>	<i>Press Trust of India</i>	<i>United Press of India</i>
(i) Political		1078	361
(ii) Cultural		17	3
(iii) Social and educational		23	8
(iv) Financial, commercial and economic		274	39
(v) Sport		338	33
(vi) Scientific		25	10
(vii) Law (including law courts and Police), Crime, accidents and natural calamities.		134	54
(viii) Statements and speeches		240	110
(ix) Personalities		56	30
(x) Other subjects		46	16
		2231	664

359. **Review of coverage.**—Certain facts are obvious from a study of these figures. The first is that the service provided by the Press Trust of India is of greater volume than that provided by the United Press of India. In the case of Indian news the United Press of India service averaged only 40 per cent. of the Press Trust of India service and in the case of international news, the proportion was only 30 per cent. Even among items of Indian news covered by the United Press of India, those that could be considered as regional news made a much smaller proportion of the total than in the case of Press Trust of India, though in the case of both agencies, national news figured more prominently than regional news.

360. **International news.**—Taking the daily output of international news, it will be noticed that the proportion, with reference to all news distributed, was very high in both cases. This is not to say that the quantum of international news was in itself high. Figures of similar random sampling of international news flowing into any other country were not available to us but we have made some use of certain analyses carried out by the International Press Institute. In their case, they have not taken a random sample of days but they selected four weeks in advance on a random basis—October 25—31, November 24—30, December 10—16 of 1952, and January 5—11 of 1953, while our analysis is for fourteen days selected at random in the first quarter of 1953. Still their figures make an interesting comparison. The published figures are in terms of cumulative teleprinter pages for the four weeks total and have been converted into average number of lines per days allowing for differences in the type of teleprinters used in the United States and in India. The figures are as follows:—

International news flowing into United States of America

- Agency A 1,356 Lines per day, average.
- Agency B 2,292 Lines per day, average.
- Agency C 2,243 Lines per day, average.
- Agency D 2,309 Lines per day, average.

It will be noticed that the agency with the smallest output delivered a wordage twice that of the United Press of India and in the case of the other three news agencies the wordage was roughly equal to what Press Trust of India had provided in India. It would, however, be obvious that with the total service of a national news agency made up of nearly 45 per cent. of international news and only the balance left for national and regional news, the editor who depends on the agency is severely handicapped in balancing the contents of his news pages. We have already stressed the point that owing to the economic circumstances prevailing in this country and the comparatively small circulation of newspapers, it would not be possible for any paper to set up an extensive net-work of correspondents. It is only the news agencies, who can divide their costs over a large number of papers, that can and should provide Indian news in sufficient quantity.

361. Looking at it in another way, the large flow of international news that is being handled by the Indian agencies might have an indirect effect on the quantum of Indian news that can be circulated. The services to most of the centres are carried over a single circuit and since the handling of messages is not fully mechanised, the large flow of international news might delay the transmission of Indian news. Even at the maximum speed which the teleprinters are able to handle, the total wordage that is distributed every day by the Press Trust of India would engage the lines for about eight hours daily. Since the speed of transmission is rarely up to the maximum and since the bulk of the news is sent out during certain parts of the day, the lines are clogged with unnecessary wordage, and there is delay in transmission. Also, where it might otherwise have been possible to rent the lines only for a limited period of the day, this excessive wordage adds to the expenditure on line rental.

362. The remedy for the present state of affairs is for the Indian agencies to screen more rigorously the wordage that comes from Reuters or Agence France Press so as to include, in their local distribution, only those items which are of sufficient importance, and also to condense the wordage so that it is brought down to approximately 60 per cent. of the present wordage. Such editing and condensation would, no doubt, involve some expenditure on editorial staff but considering the needs of the industry as a whole, it would be obvious that if the selection and editing is carried out by a common organisation on behalf of all newspapers, this would ultimately be cheaper for the industry than to have the selection done at each place. Editing of news at one common point no doubt implies a certain degree of regimentation in the selection and it is for this reason that we have suggested that the condensation of the material should leave at least 60 per cent. of the present wordage so that newspapers have still an adequate choice of items to print and others to leave out.

363. **Indian news.**—A detailed analysis of the output of the Press Trust of India is given in the Appendix XXVIII. A synopsis is given below:

364. The total quantum of Indian news will have to be increased very greatly and part of this increase can be achieved even with the existing staff by a more liberal selection of day-to-day events for reporting to the Press. A substantial increase in the output would, however, have to be achieved by more extensive collection from additional centres not at present covered and by more detailed reporting of each event. Though on the figures, politics account only for 25 per cent. of the total wordage, there is not a corresponding increase in emphasis on subjects which are not receiving proper attention at the hands of newspapers such as culture, society, education, science, art and technology, which together account only for 10 per cent. of the

wordage today. Nearly 20 per cent of the total wordage is concerned with reporting of speeches and statements by important personalities as well as news about the personalities themselves. The proportion of speeches is roughly 19 per cent. Comparing the attention devoted to speeches in Reuter coverage and in Press Trust of India's internal coverage, it is seen that the emphasis is 50 per cent. greater in the latter case. We may refer in this connection to the findings of the Readership Survey which, while indicating the popularity of speeches, also shows that the readers feel that they are being reported at too great length. Some effort should be devoted by the editorial staff to condense the reports of speeches so that they do not contain disproportionate wordage.

365. Regional news occupies less space than national news, and if account is taken also of the fact that there are at least half a dozen distinct and different regions in the country with their own local interests not merely in political and financial affairs, but also in social, cultural and scientific matters, the paucity of regional news becomes even more noticeable. Comparing national and regional news, it is noticed that attention to politics is much greater in the latter while in the reporting of local cultural or other activities, where we would normally expect much greater coverage of local happenings, the proportion in regional news is 7 per cent, as against 11 per cent. in the national news. The former does not therefore reflect sufficiently the diversified interests of the people. Speeches unfortunately account for nearly one-fifth of regional news as they do of the national news. Effective coverage of these social aspects as well as of local politics can, in our opinion, be provided only if the total lineage of regional news is expanded to a volume greater than the present lineage of national news. At present the paucity of Indian news in the Press Trust of India services is made good to some extent by the news collected by correspondents of particular newspapers, but, as we have emphasised, the possibility of engaging a number of correspondents exists only in the case of large newspapers.

366. The remarks that we have made with reference to the Press Trust of India coverage would apply *mutatis mutandis* to the United Press of India service also and the changes that we have suggested in the character of the Press Trust of India service should also be adopted by the United Press of India. The Agence France Press do not have comprehensive coverage of financial, commercial or economic news, though they excel Reuters in the attention devoted to speeches and statements! Similarly, in Indian news, regional coverage is poorer than in the case of Press Trust of India, and it is surprising to find that statements and speeches of national interest were actually reported in as great length as in the Press Trust of India service, though the total wordage of all news reported by the United Press of India is only half of the Press Trust of India's total.

367. **Development of regional news.**—It is the responsibility of a news agency to collect news economically and for the benefit of a number of newspapers which cannot pay individually for the cost of news collection. At present the news agencies are discharging this function mainly in the field of national news and we feel they should extend their efforts in the field of regional news in order to reduce the handicaps that stand in the way of the growth of small newspapers.

368. We would lay great stress on the need for expanding regional services in order to encourage the development of district newspapers and also in order to help existing newspapers, now excessively preoccupied with

foreign and national news, to present to their readers a picture of happenings in their own region. Asked for their views on the possibility of developing such regional services, Press Trust of India wrote to us:

"The question of regional service as expressed in your letter is receiving attention of the Press Trust of India though I do not think we shall be able to organise such a service nor do I think will it be possible for any other news agency for the simple reason of the uncertainty of the clientele coupled with costs and transmission difficulties. Some of the Indian language papers have specialised in this in their own regional areas and any effort such as mentioned in your letter under reference will have to face very stiff competition from the beginning".

"At present we have our own regional coverage which is of provincial as well as of national interest but for purely local news I am afraid Press Trust of India may not be able to do much in the near future".

369. It is, of course, true, as they have pointed out, that the development of a purely local service would not fall within the scope of a news agency operating on an all India basis. What we envisage is that in addition to the service which is now available to all newspapers in the country, Press Trust of India should also have supplementary services which would suit the needs of newspapers within a particular region consisting, of course, of more than one State or linguistic area. Such a service may be able to secure clients among a sufficiently large number of newspapers to justify the cost of distribution. An additional service of regional news through the Agency would, in all probability, be welcomed even by newspapers with an extensive organisation of correspondents, while others would be grateful for it and ready to pay for it.

370. We must mention here that the United Press of India has developed such a regional service very successfully in Bengal. They maintain a number of correspondents in East and West Bengal and are in a position to provide very good local coverage to the Calcutta papers. It is open to newspapers in Calcutta or elsewhere to take or not to take this regional service and the tariff is fixed accordingly. They have not attempted a similar development in other regions, and they told us that elsewhere the newspapers preferred their own individual arrangements. Even if there are well-established papers in Bombay, Madras or Delhi, who have their own correspondents to cover the districts, this should not deter the agency from trying to augment its service to the subscribers. Provided the agency organises regional coverage on sound lines, it would be able to please existing subscribers and to get new clients.

371. Two suggestions have been made to us for improving regional coverage without considerable expansion of the staff of the existing news agencies. One of them is to utilise much of the material already available to news agency reporters, which at present is not considered of sufficient importance for distribution on a national scale, but which might still prove useful to local newspapers and could be distributed regionally. One obvious difficulty in the way of an expansion of the Press Trust of India's regional coverage in this manner is the present practice of centralization of editing at Bombay. Items of news even if intended purely for a State or local network of subscribers would now have to be sent to Bombay for editing and rewriting.

where necessary, and then transmitted back to the regional centre for distribution. Such an increase in traffic between regional centres and Bombay might make it necessary to rent more circuits from Bombay to, say, Delhi, Calcutta and Madras. The proper solution would be decentralisation of editorial responsibility and delegation to regional centres of the task of classifying items into those which they consider as of all Indian importance and others for distribution only to their own region. This may perhaps result in a temporary lack of uniformity of editorial practice in respect of items coming in from various quarters of the country, but such uniformity is sure to develop in the course of a few months of operation.

372. In their regional service in Bengal the United Press of India have had the advantage that their editorial offices are located at Calcutta which is also the principal centre of publication in that region. If they develop regional services at Bombay, Madras and Delhi, it would be necessary for them also to decentralise editing at least in respect of regional news and arrange for their distribution from these other centres.

373. One other suggestion that has been put forward is that all material filed by correspondents of different newspapers in the area should be pooled and that these papers should permit Press Trust of India to select material therefrom for distribution to all their subscribers. An arrangement on these lines would obviously permit of an immediate beginning being made without any large commitments in the way of staff or line rental. It would, however, require the co-operation of at least two or three big newspapers in each area before it can be organised successfully and since the scheme is intended mainly to benefit their rivals such co-operation may not be forthcoming without much persuasion. We expect, however, that if one of the news agencies would make an earnest attempt to secure newspaper co-operation, they might be able to get the skeleton of a regional service straightaway.

374. **Classification of Press Trust of India services.**—The Press Trust of India provides three categories of services, A, B and C which are intended to meet the specific requirements of newspapers of different classes. The 'A' service is the fullest service they provide. The 'B' service is considerably shorter and the 'C' service is an abbreviated service especially suited to small papers which can use only the barest outlines of the news. According to Press Trust of India, the classification of news items into 'A', 'B' and 'C' services is on the basis of both wordage and the importance of the news items. The 'B' service, according to the Press Trust of India, is intended to carry 50 per cent. of the 'A' service and the 'C' only about 25 per cent. All "supreme" news items are stated to be covered in the 'C' service in a brief form. The 'B' service is stated to get the 'C' service plus "amplification", or additional details of items given either in full or in summary form. The 'A' service gets the full wordage of the 'C' and 'B' services as well as additional details or "amplifications" of the items and also other news items not noticed in the 'B' services such as stories relating to "routine sports" as well as economic and commercial stories which are not considered important enough for the other services. The Press Trust of India told us that the wordage is not worked on any hard and fast basis; thus if on any day there are many important stories or some heavy wordage of importance for even small papers, the 'C' service might get well over 25 per cent. of the wordage. The extent of summarising, apart from the criterion of news value, would depend also on the heavy or light character of the news file expected for the day. They said that the 'B' and 'C' services are prepared as a general rule

from the original material but in the case of running stories in the interest of continuity and completeness the entire material is issued in the 'A' service while special summaries are drawn up for the 'B' and 'C' services.

375. In order to have an idea of the comparative wordage of the different services, the Press Trust of India was requested to make available to us a collection of their news file for a particular period. They, however, told us that owing to shortage of accommodation, their news files are destroyed within a very short time after issue. We were, therefore, compelled to refer to the news file on record with All India Radio for the purpose of our analysis. We might, however, express our view that an agency of any standing should maintain complete files of their service for at least one year from issue.

376. We had an analysis made of the 'A', 'B' and 'C' services for certain random dates as already mentioned and this analysis shows that whatever the intentions of the Press Trust of India were, the wordage of the 'B' service was 60 per cent. of the 'A' and the 'C' service was 40 per cent. of the 'A' service instead of 50 per cent. and 25 per cent. respectively. These percentages applied both to national news as well as state and local news over the period, though there were large variations both in the quantum and in the proportion from day to day. A full analysis is given in Appendix XXVIII. We shall confine ourselves here to an examination of the defects in the day to day classification that have been brought to our notice. These criticisms apply both to the international news received from Reuter and distributed by Press Trust of India, and to the Indian news collected and distributed by Press Trust of India, and are concerned, mainly with the exclusion of certain items or details from the 'B' service, even though the total wordage is 60 per cent. instead of the 50 per cent. planned by Press Trust of India. In the case of sports, the complaint is that the definition of "Supreme" sports is too restrictive and that it is taken to exclude quite a number of items in which the 'B' subscriber would be interested, such as the principal horse-racing events at home and abroad, international cricket matches, and tennis tournaments. Even where the item was included in the 'B' service, coverage was inadequate, as in the case of Calcutta League and I.F.A. Shield matches. Similarly in the case of commercial news, the items included in the 'B' service were few and the coverage poor. The Press Trust of India had not shown an awareness of the development of the Press both in English and in Indian languages and the increasing importance given to sports and commercial news. In the field of political news the omissions from the 'B' service are even more serious. For instance, in the report on the meeting of the Disarmament Commission (New York April 20th, 1954), the 'A' service carried 34 column inches including a full report of Mr. Vyshinsky's speech in support of his amendment. The 'B' service carried only five lines in which Mr. Vyshinsky could find no place, and there was no reference at all to his plea for consideration of the Prime Minister's statements on the subject of disarmament. Other instances of insufficient coverage in the 'B' service were noticed in the reports of the action of the Egyptian Trade Unions in the recent political conflicts (Cairo, March 30, 1954), the demand from 100 Labour Members of the British Parliament that their Government should take steps to prevent the setting off of more Hydrogen Bombs (London, March 31, 1954). In these cases the coverage in the 'B' service was no greater than the coverage in the 'C' service. Even in Indian news there have been instances where the 'B' service carried no additions to what had been issued in the

'C' service; for instance, in the reports of Parliamentary debates on the Defence Budget (March 27, 1954) the 'A' service carried thirty-eight column inches of Sri Mahavir Tyagi's reply, while the 'B' service carried less than 8 inches. Similarly, the speech of Sri Purshottamdas Tandon on March 23 extended to 10½" in the 'A' service and 3" in the 'B' service. In fact, a correction to the earlier report, which was issued in the 'B' service, referred to items which had not been previously reported in that service at all and ran to about 6½", i.e. much more than the original report itself. When asked about such anomalies in classification, the Chairman of the Board of Press Trust of India admitted in his evidence before us that he had himself come across many such instances and that they were trying to eliminate them. Such instances are so numerous that we are forced to the conclusion that there is lack of any proper system in the classification of news items, and that there might even be a tendency to force the 'B' subscribers to go in for the 'A' service by giving them a very poor coverage.

377. Employees of the Press Trust of India have complained to us about the trouble involved in the classification of news for the different classes of service, but any trouble that they take is wasted if the principles of classification have not been properly laid down or if they are not clearly understood and followed. Judging from the wordage and assessing the additional work involved in condensing 'A' service for the 'B' subscribers, we feel that there is not adequate justification for a distinction between these two classes of service. There will always be the need for an abbreviated service for the smaller newspapers which cannot make use of the full service and which cannot also afford the editorial staff which would be required to extract from the full service the bare outlines that they would themselves need. We, therefore, feel that classification of the service into two categories would be quite sufficient, and would result both in a prompter service to those now receiving 'B' service and would reduce editorial work for the Press Trust of India. The question of tariffs is being discussed later.

378. **Condensed service for District newspapers.**—It has been suggested that in order to meet the needs of District newspapers for a condensed service of international, national and regional news, Press Trust of India should revive what was formerly known as the I.N.A. service provided by Associated Press of India in which news summaries running to a maximum of 2,000 words per day were put out at different times of the day in order to meet the needs of Government offices and even small newspapers. The preparation of such a summary would involve some amount of editorial work. It would, however, considerably lighten the work in the editorial offices of the smaller papers that may subscribe to such a service, and even if it is decided that the cost of preparing the summaries should be recovered directly from such subscribers, there will be a certain degree of saving consequent on the fact that the Press Trust of India would do the editing for a number of newspapers and the incidence of cost on each paper would be reduced thereby. The 'C' service today gets an average of 15,000 to 20,000 words and the proposed service would have only a fraction of that wordage. The ultimate effect of such an arrangement would be in the direction of confining the choice of news for the smaller paper to those that the news agency considered fit to include in the summary. One obvious objection to such a proposal would therefore be that this would bring about a greater uniformity, or even "regimentation" in the selection and presentation of news than exists today.

379. The distribution of such a service to district centres would also involve certain difficulties. Most of the district telegraph offices depend on manual transmission and aural reception, and the handling of about 2,000 words additionally every day may over burden them to such an extent that all messages would be considerably delayed. The cost of telegraphic transmission would also be considerably higher than for transmission by teleprinter. Teleprinter facilities will have to be extended to many more centres than at present.

380. **News distribution through All India Radio.**—Extension of the teleprinter network to cover all publishing centres would require to be done over a period of years and though the cost of transmission is lower than for press telegrams of any appreciable wordage, it would still be a substantial amount and a definite burden on new district papers. The suggestion has therefore been put forward that newspapers should be freely permitted to take down from the radio the news bulletins put out several times a day by All India Radio and to reproduce it directly or in translation in their papers. It is stated that even at present a number of small newspapers indulge in such piracy of news, paying no royalty fee to the Press Trust of India. The suggestion is that the position might as well be regularised by authorising the republication of news picked up from the radio, Press Trust of India being compensated by increasing the subscription from All India Radio or from Government, to cover a fair royalty for the publication of such news. Being transmitted over the radio and picked up directly by the user, the additional cost involved on account of distribution would be negligible and the royalty paid by government or by All India Radio to news agencies can be assessed purely on the estimated circulation of such papers. The wordage used by All India Radio in the bulletins in different languages varies to a great extent, according to the genius of the languages and the speed at which it is normally spoken. The highest equivalent wordage is in English where All India Radio uses on an average between 3,500 and 5,000 words per day, the actual figure for any day depending upon the fall of news. After translation, the wordage in most of the Indian languages would be slightly higher, and if further allowance is made for the fact that Indian language papers use larger type and wide spacing between the lines, the material thus available would be sufficient for ten to fifteen columns of standard size. There would, in consequence, be still some scope for further selection by the smaller newspapers. These papers would also have to make their own arrangements for coverage of local news.

381. A possible objection to this arrangement would be the greater concentration, in Government hands, of the distribution of news. Today All India Radio is estimated to reach about eight lakhs of homes, while the combined circulation of all the newspapers is barely twenty-five lakhs. Of the latter figure, the papers that subscribe to one news agency service or the other account for 21 lakhs and the others, with a total circulation of three lakhs, have no ostensible source of news. If all papers in the latter category (and perhaps some of the former also) become dependent on what they pick up from All India Radio, the number of homes in the country who are fed with news by All India Radio would be a substantial proportion of all homes which receive a news supply in one form or another.

382. Another drawback to this scheme is the liability to error as a consequence of an item being misheard or misunderstood. If a listener to the radio makes such a mistake, the consequences are confined to one person

or one household. But if the same kind of mistake occurs in a newspaper office, the consequences are much more serious as the incorrect report would be carried in thousands of copies of the paper. Any attempt to use spoken radio transmissions as the means of distributing a news service to newspapers should be made only where provision exists at the receiving end to record the transmission and such recording is used to check the shorthand transcript. For the present we do not recommend the adoption of the scheme we have discussed, and we suggest that if the proposal is to be taken up in the future, the drawbacks we have pointed out should first be eliminated.

383. There is, however, one possibility which might be further explored. We understand that under the present contract between All India Radio and Press Trust of India, the right of publication in printed form of the All India Radio bulletins is vested back in the Press Trust of India, who thereby control the rights both in the news items and in the form and shape that All India Radio give to it. In the circumstances, there should be nothing in the way of Press Trust of India providing a summary service based primarily on the bulletins that All India Radio prepares several times a day, re-edited where necessary and supplemented by items that the agency considers should have been included. This may be distributed by Press Trust of India to all its offices for issue to small newspapers who would be interested in it. Where the Press Trust of India do not have their own teleprinter office, the bulletins could be delivered by telegram for the present. This would save the Press Trust of India the bulk of the cost of preparing these bulletins, which we understand from All India Radio is quite high, and would also give a real value to the assignment of rights that we have referred to above. A total of about 4,000 words per day could be distributed in four instalments which would occupy the lines for about fifteen minutes on each occasion. In addition to the smaller papers, some State Governments which at present subscribe for a summary service might find their requirements fully met by the All India Radio summaries, which may perhaps be supplemented by the special regional summaries that All India Radio have started at several centres and propose to extend to others also.

384. If the suggestions above are adopted, the Press Trust of India can provide three categories of service to newspapers, the full service (equivalent to the 'A' service at present), a brief service (equivalent to the 'C' service at present) and a summary service (similar to the former I.N.A. service but based on All India Radio summaries). We have suggested (Appendix XXX) what we consider to be suitable tariffs for these three services, for papers published in the language in which the service is distributed and for papers published in other languages. We are making the distinction in this form since we anticipate that an attempt will soon be made for the distribution of news services in Hindi, and later in other languages also. In our view, the difference in tariffs according to language should be based on the fact that the newspapers will have to translate the news after they have edited them to suit their requirement, or combine the work of translation with that of editing. In either case they would have to incur expenditure on putting the news into the language they use, and the cost of such translation should be deducted from the subscription they pay so that they are not at a disadvantage in comparison with others who publish papers in the same language as is used by the news agencies.

385. **United Press of India services.**—In the case of the United Press of India the classification of services does not appear to be regulated by any well-defined lines of demarcation and the main distinction would appear to be between those papers (mainly located in Calcutta) which take the full "local" coverage that United Press of India provides and others which do not require this special service. Another special feature of the United Press of India service is that it can be taken with or without the inclusion of foreign news, the latter apparently being intended for the convenience of these papers which take the Press Trust of India service and are satisfied with Reuter's coverage of international events. (The Hindustan Samachar would appear to provide only one class of service.)

386. **Tariffs.**—The three categories of Press Trust of India services are charged for on the basis set out below:—

'A' Service	Rs. 3,600 per month.
'B' Service	Rs. 2,000 per month.
'C' Service	Rs. 1,200 per month

These rates apply to newspapers published in English. For Indian language newspapers the rate of subscription is half that for the same category of service for English papers, i.e., 'A' service Rs. 1,800, 'B' service Rs. 1,000 and 'C' service Rs. 600. These charges were adopted on the recommendations of a committee that the Press Trust of India had appointed to bring about a standardisation of the subscription charged for newspapers.

387. We tried to ascertain the reasons for fixing a lower subscription in the case of the Indian language papers and asked the Press Trust of India whether in fixing a lower rate for Indian language newspapers any allowance was made for the cost of translating the material into the language required before it could be used. Their reply was:

"For obvious reasons it does not come within the purview of fixation of tariffs whether the language paper incurs further expenses on translation or translations, and whether the translation into one language from English is less costly than that of the other. These are matters purely for the publishers to calculate and adjust the price of the newspapers accordingly".

388. While these rates are applicable to newspapers situated at certain centres such as Bombay, Calcutta, Madras, Allahabad, Patna, Lucknow and Ambala, the Press Trust of India charge a higher rate for their service at other centres. Their justification is that where they have "adequate arrangements for the distribution of the service and where the rate of subscription could be enforced" these tariffs would apply. When a single newspaper appears in an isolated distant place, a number of facts have to be considered. In the first place, a teleprinter line may not be available, and, secondly, even so the life of newly started newspaper is highly problematic. It is, therefore, difficult to decide on long-term arrangements. On these grounds they have been charging much higher rates to newspapers situated at centres other than those mentioned above. In certain cases when new subscribers came up at the same centre, a slight reduction is made in the subscription charged to the earlier subscribers. In other cases this concession does not appear to have been given. The reasons given by the Press Trust of India do not appear very convincing. For instance, they have decided to charge the standard rate of subscription at Ambala. As far as we are aware, they

have only one subscriber at Ambala and the centre is not therefore comparable with the others they have mentioned. There are five subscribers at Kottayam and each of them is being charged Rs. 150 more than the standard subscription. In Indore, one paper is charged the standard rate, while two others pay a surcharge of Rs. 100 per month. Similarly, of the two papers in Jullundur, one pays Rs. 100 more than the other. In Nagpur where the Press Trust of India have a number of subscribers, three of the four papers in Indian languages are charged Rs. 50 more than the fourth. In Poona we have the instance of three papers being charged below the standard rate. We consider such disparities in subscription indefensible and likely to shake the confidence of the newspapers in the Agency. It should be the policy of the Agency to quote a specific rate for a particular service and to make no distinction between one subscriber and another in the matter of subscriptions charged for the same category of service.

389. The total subscription realised for all categories of services from English papers and from Indian language papers is approximately equal. The subscription revenue in respect of the 'A', 'B' and 'C' services is roughly in the proportion of 3:3:2.

390. Complaints had been made to us that large chains and group have, by virtue of their holding of shares in Press Trust of India, been able to manipulate the tariff to their own advantage after having secured control of the organisation and that their contribution to the revenues of the Press Trust of India is kept down. We have examined in a note in the Appendix XXIX whether there is any truth in these allegations and have come to the conclusions: (a) if the rates favour some subscribers rather than others, the situation has not necessarily been brought about by the voting power of the favoured subscribers; (b) that the Press Trust of India depends for more than half its revenue on a few big newspaper organisations and that all the other papers together contribute less than half its income.

391. This, however, is not to imply that the tariffs as they exist are satisfactory or fair. The Press Trust of India have themselves realised that the subscription they collect should bear some sort of relationship to the number of persons to whom the newspaper sells the news. They have, therefore, introduced from 1st April 1951 a system of surcharges by which a newspaper is assessed in addition to its regular subscription, as mentioned above, an additional sum based on its circulation as follows:—

'A' service	Rs. 200 0 0	per mensem for every 5,000 copies in excess of 30,000.
'B' service	Rs. 111 1 9	Do.
'C' service	Rs. 66 10 8	Do.

Indian language papers subscribing to any one of these services pay a surcharge at half the above rates.

392. Our view is that while the Press Trust of India have established that subscription paid by a newspaper should be related to its circulation, (they apply this principle also in fixing the charges payable by All India Radio for the use of the Press Trust of India services), the tariff mentioned above does not give sufficient weight to the circulation. We have suggested a tariff (Appendix XXX) which we recommend to the Press Trust of India for adoption. Our recommendations are that the Press Trust of India should offer two categories of service, in place of the three at present, and also

offer a summary service based on All India Radio bulletins, and that the tariffs for these should be as follows:—

	Fixed charges per year	Royalty per copy sold per year (English papers)	Royalty per copy sold per year (Indian language papers)
Class I service	6,000	2 0 0	1 4 0
Class II service	3,000	1 0 0	0 10 0
Summary service	2,400	nil	nil

Newspapers not exceeding twenty-four pages per week of standard size and having less than 5,000 circulation, may take the summary service; those publishing a larger number of pages but not exceeding thirty-two pages per week may take the Class II service, and others publishing more pages per week should take the Class I service. A reduction of 25 per cent. on the royalties should be allowed to any newspaper that subscribes also to a service from the United Press of India.

393. In making the recommendations our aim has been that the tariffs should be so devised as to represent an equitable allocation of the cost of news collection and distribution to the various newspapers and other subscribers. (The present tariffs do not, in our opinion, reflect either the cost to the organisation in respect of each category of service or the value to the newspaper of the service they take.) Under the former head, we have attempted to make a distinction between certain fixed charges connected purely with the distribution of the services and other charges connected with news gathering which, in our view, require to be expanded considerably in order to improve the quality and quantum of news provided. In assessing the value to the newspaper itself, we have tried to allow for the differences between English newspapers who could make use of the agency service directly after editing and the Indian language papers who have both to translate and to edit. We have also tried to determine the category of service in relation to the size of a newspaper so that the larger papers have an adequate wordage from which to make a selection for each day's issue. We have also suggested a more direct relationship between circulation of a paper and the subscription that it pays to the news agency. Our recommendations are, therefore, based on the general conclusions that we have set out so far, and we expect that if adopted they will result in revenues substantially higher than the Press Trust of India receive at present, while at the same time the burden will be redistributed among the newspapers more equitably, each newspaper paying a share proportionate to the use that it makes of the news.

394. In the case of United Press of India, the official tariff provides for four different classes of subscribers:—

	A. 1	A. 2	B.	
	Rs.	Rs.	Rs.	Rs.
English papers	2,000	1,000	750	550
Indian Language papers	1,200	750	500	300

News service of the first category is stated to include the service of international news obtained from the Agence France Presse as well as "local and provincial news". This regional service covers mainly the State of West Bengal where the agency has a number of correspondents in the districts to report on local events. These reports are sent by mail to the agency and sometimes by telegram or telephone. This category of service is taken by newspapers located in Calcutta who find the regional coverage useful. The second category excludes this local service but includes the bulk of the Indian news as well as the international news. The 'B' service is an abbreviated service, and the 'C' service is delivered by hand and not distributed through a teleprinter. There are, however, so many individual variations in the type of service given to different newspapers that we would quote the United Press of India who have said "Our Indian service, meaning thereby the all-India internal service, has been taken by us as the basis for classification though a few sub-sections or sub-divisions are no doubt admissible in all categories of service". The position is not much clearer in the matter of subscription collected. There are so many variations in the rates charged for what the agency has classified as the same type of service that we prefer again to quote the United Press of India themselves: "It might be stated that concessions in rates have got to be allowed to some of the subscribers taking into consideration their capacity to pay and importance and circulation they command in their zones. It becomes therefore difficult to lay down a clear cut criterion for all classes of subscribers..." In the case of the Press Trust of India we have referred to many instances where the subscriber has been charged more than the nominal tariff. In the case of the United Press of India the variations run the other way, and there are numerous instances where the subscriber is charged less, sometimes much less, than the nominal tariff. We have asked the management why this practice has been necessary and were told that in many cases the United Press of India desired to assist the paper and therefore accepted a lower rate. While this may be so in a few instances, we received the impression that in the majority of cases the subscription was fixed upon, after some bargaining, at whatever the paper would finally agree to pay. We need not emphasise how unfair such a practice is to the newspapers who accept the demand of the agency and pay the full rate. If the management consider it necessary that they should build up a clientele, and that during this period they should offer their service at low rates in order to get an entry into the industry, the proper course would appear to be quote low rates uniformly to all its subscribers, and not to discriminate between willing and unwilling clients. Our suggestions for a revision of their tariffs are summarised below. In this case too we recommend that the tariff for their service be divided into two parts (*vide* para. 392), a fixed service charge of Rs. 3,000 per annum and a royalty, payable per copy per annum, at the rate of Re. 1 for English papers and Re. -/10/- for Indian language papers. The royalties would be subject to a rebate of 25 per cent. where the newspaper subscribes also to a service from the Press Trust of India.

395. Commercial Services.—In addition to the services provided to newspapers, both Press Trust of India and United Press of India provide a commercial service to individual subscribers. The nature of the service is modified to suit the needs of the customer; one may be interested in cotton market rates, another in the stock exchange, some may receive only bullion prices and so on. Though a service of commercial news is provided to the newspapers also, that is usually in the form of a report on opening and

closing prices with a review of the transactions effected. In the case of the individual subscribers, the service takes the form of a continuous ticker service showing the fluctuations in the particular commodities covered. Some witnesses have questioned the propriety of such services being provided by news agencies. It is true that in some other countries, such a service, even if carried on by the same parent organisation as the news service, is usually conducted by a different unit with its own staff and capital. On the other hand, it has been held that the operation of a ticker service adds to the revenue of the news agency without adding much to its expenses and thus serves to reduce the cost to the newspapers of the service they take. We see no objection to the news agency conducting also a ticker service, provided this is done in the proper manner. We have, however, heard numerous complaints that clients to the ticker service have been permitted to use the teleprinter lines for private communications of a nature not permitted on these lines. It has been alleged that the lines are used for private operations on the markets. The Post and Telegraph Department stated in evidence that they have been able to secure proof of misuse of the lines and the Directors of the Press Trust of India also admitted that misuse existed and they were trying to put a stop to it. It should be the first task of the Press Trust of India to put a stop to such practices and take action against the guilty persons. We should, in this connection, caution the Press Trust of India management not to place too much dependence on this source of revenue. If the allegations of misuse are justified, as they appear to be, it seems to us that when the malpractices are stopped, the Press Trust of India might lose some at least of their present clients. In any case it seems to us essential that the agency should place their finances on a sound footing which will not be seriously affected by the loss of such clients.

396. The question has been raised whether lines rented for such ticker services should be charged for at the concessional rates applicable to the press, which are lower than the rates for circuits for private use. Where a circuit is used for both press and ticker services, it should naturally be charged at the lower rate, but where a line is used exclusively for ticker services, we see no justification for the claim to the concession.

397. The United Press of India also provide a ticker service more or less on the same lines, and also depend upon the revenues from this service to a greater extent than we would like. Complaints of misuse of the lines have been at least as numerous in their case also, and we would repeat in their case whatever we have said about the Press Trust of India. They do not have the comprehensive commercial service that Press Trust of India buy from Reuters, and their position as purveyors of commercial intelligence is therefore even more vulnerable.

398. **Government subscriptions.**—Next to newspapers and the commercial subscribers, Governments, State and Central, form an important group of clients for the news agencies. The Central and State Governments subscribe for different categories of news services for the information of their Cabinets and officers, but there is little uniformity either in the type of services bought or the subscriptions paid.

399. The Government of Madras pays Rs. 350 per month (excluding teleprinter rental) and receives a "summary" service. The Government of East Punjab is charged Rs. 1,000 per month for the same service, and the Gov-

ernment of Bhopal Rs. 1,100. The Principal Information Officer of the Government of India who receives the 'A' service pays Rs. 500 for it, while the Bombay Government pays Rs. 1,800 for the same service. We have mentioned elsewhere that such excessive payments, or rather the fear of losing them, can act as a source of pressure which affects the objectivity of the news service. We would suggest to the Government of India that they should take up with the State Governments the nature of the services that they require and the points at which these have to be made available, and then negotiate with the Press Trust of India for a uniform tariff which would be fair to both parties and which would not contain such glaring anomalies as at present. Certain suggestions for rationalising Government subscriptions are given below. The requirements of Government departments can be adequately met by one or the other of the regular services of the Press Trust of India and the subscription for the three categories may be:—

Class I service, Rs. 9,000 per annum.

Class II service, Rs. 4,500 per annum.

Summary service, Rs. 2,400 per annum.

400. The Central Government also purchases news services for the purpose of distribution. The Ministry of External Affairs obtains the Press Trust of India service for distribution to Indian missions abroad, and through them, to newspapers and individuals in the countries served by each mission. The use made of this service is reviewed later in this chapter. The Ministry of Information and Broadcasting, through its broadcasting organisation, All India Radio, purchases news from a number of agencies for distribution through the radio both in India and abroad.

401. **Dependence on subscription from Radio.**—Brief notes about the financial set-up of the three agencies, Press Trust of India, United Press of India and Hindustan Samachar are given in the Appendix XXXI, and it would be sufficient to say here that none of them is operating on a sound economic basis. The prime cause of this financial distress is of course the lack of development of the Press as a whole. With a total revenue of about eleven crores of rupees a year, the amount that can be spared for a subscriptions to agencies would not exceed 5 per cent. or 55 lakhs. The annual budget of the Press Trust of India is round about 50 lakhs at present, and that of the United Press of India is about fifteen lakhs. (Hindustan Samachar spends less than half a lakh a year). Hence arises the dependence of news agencies on the revenue from Commercial Services, and the large part that subscriptions from the radio play in the balancing of the budgets. Our recommendations for rationalisation of tariffs would increase the overall revenues of both Press Trust of India and United Press of India and might also compensate for some fall in Commercial subscriptions. Dependence on subscriptions from All India Radio would hardly be reduced. This is perhaps inevitable, owing to the very limited circulation of newspapers in this country. The problems of news coverage are determined by the size of the country, the population and the extent of its activity. While this sets the lower limit to the expenditure budget of news agencies, the upper limit to their revenue is set by the number of people who pay for the news, or in other words the combined circulation of newspapers. While this is growing from year to year, such growth is not rapid at present because of widespread illiteracy and poverty, both of which can be overcome only gradually. As a consequence, it will be necessary to depend to a greater extent on revenue from the radio.

402. Tariff for radio subscriptions.—We were informed that when selecting a news agency and when fixing the subscription to be paid, All India Radio has generally been guided by a number of considerations among which are:

- (1) the scope and utility of the service;
- (2) the standing of the agency and its reputation;
- (3) the general level of the subscription paid for the same service by newspapers.

A statement of the news agencies with whom All India Radio have arrangements for the supply of news for broadcast and the terms of payment in each case is included in Appendix XXXII. In our recommendations for revision of the tariffs, we have suggested a revision of the subscriptions paid by All India Radio on the same lines as proposed for newspapers. The fixed charge would be as for the Class I service to newspapers published in English, and the royalty would be ten annas per annum per licence, the number of licences in force being calculated as at present. Payment for use of the news in External Services may continue to be fixed *ad hoc*. It is true that the representative of All India Radio did express the view that if faced with an increase in the subscription to the news agency, it may be preferable for All India Radio to run its own news collecting agency; but in the interest of the newspaper industry, we think it would be expedient for Government to use the agency services as the basic source, even if they have to pay somewhat higher rates than at present, and to employ correspondents of their own only to supplement these services as newspapers do.

403. Basis for assessing radio subscriptions.—At present the contribution from the radio is proportionately lower than for instance in the United Kingdom. There, the number of licencees is roughly 40 per cent. of the total circulation of newspapers, and we are informed that the radio pays 30 per cent. of what the newspapers pay. In other words, radio pays, in respect of each licence, roughly three-fourths of what the newspapers pay in respect of each subscriber. In India the number of licences is roughly one-third of the circulation of all newspapers, and on the same proportion as in the United Kingdom, they should contribute one-fourth of what the newspapers pay. On the basis of the present revenues of the Press Trust of India from newspapers, radio's assessment in respect of domestic services comes to less than one-eighth and our recommendations would have the effect of bringing it up to well over one-sixth. The tariff we recommend for the radio and for the newspapers takes into account the fact that all newspapers accept paid advertisements, while the radio does not, and that the advertisement revenues vary between English papers and Indian language papers. Our recommendations should cover the normal course of development of both radio and newspapers. If however our expectations about the growth of small newspapers are exceeded, and in consequences the average revenue of the news agencies per lakh of circulation is reduced, the proportion of revenue from the radio should be raised from 0.75 of that average, recommended above to 0.8.

404. Supplementing present sources of foreign news.—We have referred earlier to the drawbacks of depending upon foreign news agencies for the supply of international news for Indian newspapers. Until the Press in this country has expanded to many times its present size, it may not be possible for the Press Trust of India with the revenues that they can command to extend its network of correspondents to cover the world and provide our

papers with objective reports which are not slanted to suit the interests of other countries. For the present the Press Trust of India may have to continue their arrangement with Reuters for the supply of international news, though they could with advantage add to it some other sources of supply. We have already suggested that Press Trust of India would have to edit more effectively the news that they receive from abroad. Once their editorial arrangements are improved, it might become possible for them to handle messages from more than one source. We were informed that their present arrangements with Reuters stipulates only that that source should be treated as the basic source of international news, but there is apparently no obstacle to their supplementing the Reuter service with news from other sources. Judging from the views of journalists, it would appear useful if Press Trust of India would examine this matter as soon as their financial and staff position permits them to do so.

405. Appointment of correspondents abroad.—A more important direction in which they should direct some effort, and one perhaps more likely to yield the results we look for would be to supplement the service from Reuters by despatches from special representatives stationed abroad. Under the old agreement with Reuters, it was the responsibility of Press Trust of India to gather all news from over a wide zone extending from Cairo to Singapore, on behalf of Reuters. Though this agreement has now been terminated, and Press Trust of India have been withdrawing their men from the centres where they had been stationed, they have retained the services of the men who had been working abroad, and when finances permit, it should be possible for them to open their offices at some of the major capitals of the world. Our recommendations for the improvement of Press Trust of India finances should in our view enable them not merely to re-organise their operations in this country and meet the claims of the employees, but also to open a few overseas centres. In addition to London and New York or Washington, such offices should be opened at a few centres in the Middle East and South East Asia. If the negotiations for reciprocal reduction of press rates for radio and cable messages, which we have referred to in Chapter VII, reach a satisfactory conclusion at an early date, the financial burden of getting news direct from these centres would be substantially reduced. Once such centres are established, it may be possible to come to an arrangement with the national news agency in each of the countries covered, for an exchange of news from those countries and from India.

406. Briefing of foreign correspondents.—In addition to the few correspondents working abroad for Indian news agencies, some of our papers have their own correspondents at London and New York who work side by side with the agency correspondents. All of them however work under certain handicaps which we feel can be removed. At present, these correspondents, whether representing agencies or individual newspapers, lack continuous contact with their head offices since the distance makes communication expensive. As a result, when some event happens or some pronouncement is made on which they would like to ascertain local reaction, they may not know which aspects to cover as they might not have the full background. We would consider it therefore helpful if the Press officers of the Indian missions abroad could keep in touch with such correspondents, and on all necessary occasions, brief them about the background to the matter so that the correspondents can make an informed selection of the sources whom they approach and the material that they gather. When Dr. C. P. Ramaswami Aiyar was in London last year and discussed with the Indian correspondents

their difficulties, they stressed this matter of briefing and mentioned one or two instances when they could not sound local opinion on certain steps that India had taken, because they had no background information beyond what was carried in foreign agency reports. We understand from witnesses that in certain cases, where there had been sudden developments in the situation it was possible that the head of the Mission might not himself have received the full background information before the news broke. We expect however that in the majority of cases it would be possible to give the correspondents such help as they may ask for. Later in this chapter, we are reviewing the Press services sent out daily by the Ministry of External Affairs for the use of our Missions abroad. These services would appear to include selections from background material or press releases issued in this country, but apparently the needs of Indian correspondents abroad have not so far received any special attention nor has material been prepared specially to meet their needs. We trust that this omission will be remedied in the future.

407. Working of the Press Trust of India.—We have considered carefully various details relating to the working of the Press Trust of India. Certain witnesses had made statements before us that the Press Trust of India Board could not function effectively on account of divisions and factions. It is difficult to say how far each allegation is justified, but it seems clear that apprehensions of this nature are widely held in the newspaper profession, and the trend of the evidence tendered by those connected with the Press Trust of India Board has created the impression that these apprehensions are not unjustified.

408. Outstandings from newspapers.—From a study of the budgets and statements of revenue and expenditure of the Press Trust of India, it is also clear that where certain directors are concerned, the Press Trust of India has allowed relaxation of the rules regarding collection of subscriptions, thus giving them a financial advantage over others who regularly pay their subscriptions and satisfy their commitments to the Press Trust of India. While granting credit to the directors, we find that the Press Trust of India at the same time had to incur commitments in respect of its overdraft accounts with banks. We are surprised that this procedure should have been followed by the directors who ought to have set a higher standard in their dealings with the organisation. On the 28th February, 1954, the total outstanding from newspapers considered good for recovery exceeded Rs. 3½ lakhs. This is surprising when the rules require that all payments of subscription should be made in advance of the period to which it refers. Out of this sum, an amount of Rs. 66,000 was outstanding from directors of the Press Trust of India. Suits have been filed in respect of another of Rs. 50,000 of arrears, and were being filed also in respect of another Rs. 30,000 where the chances of recovering the sum were not so bright. In addition, a sum of over Rs. 90,000 has had to be written off as irrecoverable.

409. Subscribers as Directors.—An allegation was made that one of the Directors had been availing himself of the 'A' service while paying only for the 'B' service. This was admitted by the other Directors, but the gentleman concerned tried to bluster his way out of answering questions we put to him and had to be asked to withdraw. (This was the only occasion in the whole of the inquiry when we had to ask a witness to withdraw.) Another Director, who published multiple editions of his paper

(printed in the form of supplements at centres other than the one in respect of which a subscription was being paid to the Press Trust of India) had not been charged for these supplements and the other Directors had overlooked the matter. We consider it undesirable that a Director should be in charge of the day to day working of the agency.

410. **Meeting demands of employees.**—In the matter of their negotiations with their employees on the question of emoluments and amenities, it has been brought to our notice that certain adjustments or compromises have been arrived at between the management and employees which have increased the commitments to the extent of Rs. 1½ lakhs per year. The settlement is an interim one and a final adjustment of their agreement would possibly need another lakh or so. It is difficult, however, to see from the balance sheets made available to us how this extra commitment is proposed to be met and no definite proposals have been put forward before us for the purpose of dealing with this deficit in their finances.

411. Whereas the Directors, past and present, of the Press Trust of India, who appeared before us, were practically unanimous in saying that the services of the Press Trust of India should be extended to many Asiatic and some non-Asiatic centres, yet they could suggest no satisfactory method by which this result can be achieved. Most of them could not go beyond two demands—that the Government of India should reduce the charges made for line rental and reception, and that it should increase the payments made on behalf of All India Radio.

412. **Lack of plans for the future.**—It is clear to us that the present Board of Directors have no well formulated plan for meeting the growing demands which are made on the service and that if the present state of affairs is allowed to continue, the Press Trust of India would continue to drift in uncertainty. We do not propose to deal in detail with the allegations of improper management and nepotism that have been brought to our notice, or elaborate on complaints that have been made by witnesses that where certain business interests are concerned, the Press Trust of India has shown willingness to accommodate them by not covering news which might effect them adversely, and that in some other cases Press Trust of India has gone out of its way to cover news which might publicise certain private interests. There is a substratum of truth in several of these allegations. There has also been admitted laxity in the supervision of accounts. They appear to have taken no steps to secure additional capital, which, according to them, is required for the conduct of the business, nor have they been able to augment their revenues so as to cover their expenditure. We are convinced that it is essential, especially in the present international and national circumstances, that the news agency should work at the maximum of efficiency and integrity and for this purpose we recommend the setting up of a public corporation to take over the running of the Press Trust of India.

413. A public corporation formed otherwise than on the basis of a co-operative effort by the newspapers may be open to the danger of newspapers not taking a service from them. The corporation has, therefore, to be built up on the present foundations, whatever may be the changes in its control and operation.

414. **Reorganisation of finances.**—We expect that when our recommendations for the revision of newspaper tariffs and All India Radio subscriptions are implemented the revenues of the Press Trust of India would be on a sounder basis, and would permit, even after absorbing a certain amount

of loss of commercial revenues, of a much needed increase in the expenditure on staff. The reduction in reception charges to the level of bare cost would release a substantial sum for current expenditure on increments overdue. Another item of overhead charges which we feel should be got rid of is the interest on debentures. We would recommend that the Post and Telegraph Department should take over the existing stock of teleprinters and spares at current valuation, and pay for these to Press Trust of India. This should place the agency in sufficient funds to pay off immediately a great part of the debentures.

415. Transfer of responsibility for teleprinters.—Our suggestion is that the teleprinters should be hired by the Press Trust of India for use in their offices, and by the newspapers directly for the reception of the news services. In the early days of the development of the news agency, when the Post and Telegraph Department had not introduced teleprinters for handling telegraph traffic, there might have been some justification for the Associated Press of India to install their own teleprinters. Today when the Post and Telegraph are using a large number of teleprinters and are also contemplating the establishment of a factory for their manufacture, there appears to be no more necessity for individual users to buy their own instruments than there is for them to run their own telegraph lines. The Posts and Telegraphs Department would be the proper authority to provide these instruments.. Apart from the immediate relief to the Press Trust of India because they would not have to finance this capital investment, there would be the long term advantage that the Posts and Telegraphs Department as a large scale user would be in touch with modern developments and take precautions against obsolescence in a manner which individual users cannot manage. The practice would be then the same as in the case of telephones, that the Posts and Telegraphs Department provide the instruments at both ends on a rental and charge for the connecting lines on the basis of actual usage. We have heard it said that the Posts and Telegraphs Department may find themselves faced with administrative difficulties if they have to hire out both the instruments and the line. We do not attach much value to this objection. As we have mentioned earlier, the Department do just what we have recommended in the case of telephones, and instances are not unknown where the Posts and Telegraphs have hired out telephone circuits on an annual basis. On the contrary we feel that the Post and Telegraph would be in a much better position if even the instruments at each terminal belong to them and are let out to the user on specific conditions. We cannot estimate what the current value is of the teleprinters in the possession of Press Trust of India or whether it would fall short of the book value. We would however suggest that in the interests of rationalisation of the internal communications in this country the Posts and Telegraphs Department should now take over what has been left too long in private hands. We fully expect that the newspapers would also benefit greatly by this transfer, because owing to the better organisation that the Posts and Telegraphs can provide for maintaining these instruments in good condition and repairing defects, the frequent periods of faulty operation, failure, and delay in restoration of circuits would no longer occur. We recommend that if the installation and maintenance of teleprinters is taken over by the Posts and Telegraphs Department, there should be a reduction in the fixed charge payable by newspapers to Press Trust of India to the extent of Rs. 1,000 per annum. This is the rental charged by the Posts and Telegraphs Department at present, and the newspapers would therefore incur no additional

expenditure because of the transfer. If subsequently the Post and Telegraph Department are able to make a reduction in this charge as a consequence of a widened scale of operations, the benefit will accrue to the newspapers. We have reason to believe that owing to various factors, the actual cost to the Press Trust of India of installing and maintaining these machines is higher than this figure and more than it should properly be. The result of the transfer would therefore be to wipe out the deficit that the Press Trust of India is probably incurring under this head at present. Paper for use in the machines can be supplied by the Press Trust of India at actual cost, or if the newspapers prefer to buy it directly, the news agency may allow a further rebate on the fixed charge of Rs. 600 per annum in the case of subscribers to the Class I Service and Rs. 300 per annum to those taking the Class II Service.

416. Loan from Government.—This transfer of teleprinters would release a substantial sum, and if combined with efficient collection of the arrears due from newspapers, including those controlled by Directors of the Press Trust of India, funds should be released which will enable Press Trust of India redeem their debentures promptly. To take care of any balance that may be left over, to pay off other sundry liabilities that they have incurred, and to provide a certain amount of working capital, we recommend that Government of India should pay the Press Trust of India a long-term advance without interest for say, thirty years, of such amount as may be found necessary, up to a sum of Rs. 10 lakhs.

417. Change in Constitution of Press Trust of India.—This assistance from Government in the form of revision of all Government and All India Radio subscriptions, reduction in reception charges, taking over teleprinter stocks, and finally the interest-free long-term advance should be conditional on the shareholders of Press Trust of India approving certain changes in the constitution and management of the Press Trust of India. The existing organisation should be transferred to a Public Corporation established by an Act of Parliament or operating under a Charter from the President.

418. We feel confident that the spirit of public service which induced a number of newspapers to subscribe the capital required for taking over the Associated Press of India at a time when Reuters were no longer interested in running it, would persuade them today, when Press Trust of India is in difficulties, to agree to the transfer of the organisation as it stands to the new public corporation. Ultimately the purpose of the agency is only to serve the newspapers, and its success depends solely on the disinterested manner in which they further their common interests by helping the agency to grow.

419. The Press Trust of India has in the course of its working incurred losses amounting to a substantial proportion of its capital. We would like to emphasise in this connection that the losses we refer to are not really losses in the usual sense of the term. The newspapers themselves are the shareholders, and if the agency has been recovering from them, as subscriptions, less than what it cost the agency to provide the service, the shareholders have had the benefit each year of the amount that is now shown as an accumulated loss. Each year, they have paid for the services less than in equity they should have, and have thus got their money back in instalments. The loss, if any, is only to those shareholders (publishers of monthlies and periodicals) who did not take a news service and could not therefore get their capital back in this manner. We expect also that

when the steps which are now reported to have been taken to recover arrears are completed, it will be found that the organisation has to write off more sums than have been provided for, and would be left with only a sum of a lakh of rupees out of its original capital that would be represented by its miscellaneous assets and the building in New Delhi. The present shareholders might agree to take shares in the Corporation of one-fourth the value now held by them in the Press Trust of India and continue as shareholders, or they might be paid off the equivalent sum in cash and transfer the assets to the Corporation. We would ourselves favour the former even though it would mean the continuance of a "proprietary" interest in the agency. The proper form of organisation for a news agency is a non-profit cooperative owned by newspapers, and the new Corporation may well have this form, the only change from the present position being that the control is vested in a Board of Trustees constituted as set out below. Whatever success the Press Trust of India has achieved so far and whatever goodwill it has built up in India or abroad is due to the efforts of its members and we would certainly like that connection maintained. The change from a board of directors to a board of trustees has been recommended in order to eliminate the effect of individual self-interest on the operation of the agency, to create public confidence and to permit Government to make a long-term loan. We trust that our recommendations would appeal to the shareholders of the Press Trust of India and that they would agree to the transfer of the agency to a Corporation set up as suggested by us.

420. Press Trust of India as a public corporation.—The entire responsibility of the management of the new Corporation should be entrusted to the Board of Trustees. The Chairman of the Board should be appointed by the Chief Justice of India. Fifty per cent. of the members of the Board, excluding the Chairman, should be persons unconnected with the newspaper industry. (One of us thinks that they should be 75 per cent. of the total number.) The remaining Trustees should be selected from the industry itself, giving representation to newspapers, big and small, and working journalists generally. At least one of the Trustees should be an employee of the Press Trust of India. The members of the Board will be nominated by the Chairman and will hold office for three years.

421. No individual having personal interest in the revenue and expenditure of Press Trust of India should be connected with the management. No Trustee should concern himself with the day to day management of the Corporation. The Trustees should appoint a Manager who will be in sole charge of the entire organisation. They should also appoint a Chief Editor who would be responsible to the Trustees for the output of the News Agency. To provide him with the necessary professional advice, the Trustees should appoint a panel of editorial consultants at the four metropolitan centres. This panel should meet once a month and forward their written suggestions and criticism of the previous month's output to the Chief Editor for guidance. It would be the responsibility of the Chief Editor to answer to the Trustees regarding the manner of his compliance with the suggestions offered. Our recommendations for the revision of tariffs of the Press Trust of India, the transfer of the responsibility for purchase and maintenance of teleprinters to Government, a concession in respect of reception charges, and an increase in the subscriptions paid by All India Radio, should all be taken together along with our recommendations for the reconstitution of the Press Trust of India as a public Corporation, managed by a Board of Trustees.

422. **Need for a competing service.**—We have earlier stressed the necessity of having at least two news agencies each competing with the other, and also serving as a corrective to the other.

423. **United Press of India is the only other news agency which affords competition to Press Trust of India.** However, the advantages that could be derived from two competing agencies are denied to Indian newspapers to some extent, because the news coverage of United Press of India is not as extensive as that of Press Trust of India. Our analysis has shown that the average wordage of the Press Trust of India's service is a little under three times of the full United Press of India service. This appears to be the main reason why the number of papers depending exclusively on Press Trust of India is much larger than those depending only on United Press of India. We therefore recommend that the United Press of India should increase the volume of news so that the Press has at its disposal two news agencies of comparable standing.

424. **Regional services from United Press of India.**—We have already referred to the regional service that the United Press of India has developed in Bengal. We believe it will be possible and also desirable for the United Press of India to develop similar regional services in the areas around Delhi, Bombay and Madras. Such regional services can form a special feature of United Press of India and would improve the value and utility of the service. We suggest that the United Press of India undertake this because we feel that the expansion of the overseas coverage by the appointment of correspondents at different world centres which we have recommended in the case of Press Trust of India would fully absorb the manpower and financial resources of that organisation. We would therefore prefer the development of regional services to be undertaken by the United Press of India.

425. **United Press of India tariffs and services.**—We have already referred to the numerous instances where the United Press of India have deviated from the tariffs prescribed by them for the various classes of service. They have told us that they take into account in each case the capacity of the paper to pay as well as the importance and circulation of the paper. It seems clear that the agency has been willing to accept in certain cases much lower subscriptions than they demand in others. We consider that such a state of affairs is unsatisfactory and would recommend that the agency should adopt a rate of tariff which is uniformly applied to all the papers. Considering the present needs of newspapers, we suggest that United Press of India should have only one class of service. This would cover the international, national and regional news. The foreign and all-India news would be common to all the papers while the regional news would be exclusive to each region but ultimately of roughly the same volume in every region. The United Press of India may adopt the same tariff as has been recommended for Class II service of the Press Trust of India. Such tariff on the present strength of subscribers would bring in an annual revenue of about Rs. 9 lakhs from newspapers as against Rs. 6 lakhs at present. We expect that the newspapers would be willing to pay the increase of about Rs. 3 lakhs in their subscription if the definite improvements in the service which we have suggested in respect of volume as well as the extra coverage of regional news are brought about. The increase in revenue would suffice to wipe out the present deficit and provide sufficient surplus for improving the output of the agency and organise the regional news services.

426. Organisation of the United Press of India.—The United Press of India is a public limited company. Some of the proprietors of newspapers are directors of this company. In our opinion, this form of management is not desirable in the case of a news agency of national importance. A good deal has already been said about the various unhealthy trends exhibited by this form of management in the case of Press Trust of India, and the same observations would apply perhaps with greater force in respect of United Press of India. We do not however recommend for it the same form of ownership as recommended for Press Trust of India. We would suggest a trust form of management for United Press of India wherein the management is entrusted to a Board of Trustees in which there should be representation for subscribing newspapers and the staff of the United Press of India.

427. We find that in the organisational set-up of United Press of India, the same person is in charge of the editorial as well as the managerial side. We have discussed at length the need for separation of these two functions in the case of newspapers in order that proper standards of journalism may be maintained. The observations made in that connection apply with much greater force in the case of news agencies. It is essential for the objective and unbiassed presentation of news that business considerations do not enter in editing of news and this can be properly achieved only if the persons in charge of editorial and managerial sides are different. We have already recommended that the Press Trust of India should employ two executives, a general manager and a chief editor, and would recommend this for the United Press of India also. These two would be responsible directly to the Board of Trustees.

428. Concessions from Government.—We are recommending below certain measures, that the Government could take, to help in putting the economy of United Press of India on sound lines. These measures are recommended in the expectation that the United Press of India brings about a change in the form of control and organisational set-up as recommended above.

429. We have already referred to the heavy landing charges which the news agencies have to pay to the Government and have recommended their reduction in the case of Press Trust of India. The same considerations would apply to United Press of India also. We would also recommend that the Posts and Telegraph Department should take over the present teleprinter machines of the agency and look after their maintenance. The agency has stated to us that since 1948, when the teleprinters were installed the revenue has not been able to keep pace with the expenditure and the agency has consistently incurred losses. The reason was that the agency could not increase the rates charged to newspapers sufficiently to cover the extra cost which it had incurred consequent on the installation of teleprinters. In any case it would be more economical for the Posts and Telegraph Department to run the teleprinters. Any additional assistance needed to help United Press of India out of the difficult position in which they are at present could best be given by an adjustment against the amounts outstanding against them in the accounts of the Posts and Telegraph Department in respect of past periods when they have been operating under a large deficit.

430. The Directors of United Press of India have expressed to us their feeling of grievance in respect of payment made to them by All India Radio for their news services. This is now Rs. 50,000 per annum, and the directors said that this amount compares very unfavourably with the amount of Rs. 3

lakhs received by the Press Trust of India and that in fairness the share of United Press of India should be substantially enhanced. We have examined this point in some detail and we find that in actual practice, All India Radio utilises the United Press of India news service sparingly while the Press Trust of India service is much more freely used. However, it would be inequitable to pay the two agencies in the proportion of volume of news utilised. The two services would naturally have a good portion of their news on common topics, and even if the reports of one agency are utilised, the other is needed as a corrective. We have already indicated that, in general, All India Radio is paying much less than its due share to the news agencies. In our recommendations in the Appendix XXXIII for revision of United Press of India tariffs, we have suggested that All India Radio should pay a royalty to United Press of India at the flat rate of annas two per licence holder for the use of their service. This would double the present revenue of United Press of India from this source. If, as suggested by us, United Press of India develop their regional services in different parts of the country, and make it available to All India Radio, or make their present service more comprehensive in other directions, Government will no doubt consider the question of revising the tariff further.

431. We have confined our examination so far to the two major Indian news agencies. The third agency which is also operating in this country is the Hindustan Samachar, which specialises in providing a service to small newspapers in the language of the paper itself. They have a few offices distributed over certain states, where the news is received and translated, for distribution by hand to the subscribing papers. At one time this agency counted among its subscribers the United States Information Service, who were paying a higher subscription than was paid by newspapers. We are informed that this subscription has now been discontinued.

432. In addition to the news agencies we have discussed, there are a few agencies, operating in the Uttar Pradesh and in Hyderabad, which supply a news service to the papers. These agencies consist very often of only one free-lance journalist, who supplies copies of his reports to three or four newspapers. Some of them employ correspondents in the districts and cull items from their reports for inclusion in their daily service. Their sphere of operation is however generally restricted, and the majority of them cover only the town in which they work. They cannot therefore be considered news agencies as that term is usually understood. A description of the agencies that have come to our notice is included in the Appendix XXXIV. While these agencies may serve a useful purpose, the fact that they are organisationally and financially weak renders them very liable to external influences and we have had occasion to refer to this aspect elsewhere.

433. **Service to newspapers outside India.**—We consider it one of the functions of Indian news agencies to provide a service of Indian news for the use of newspapers in other countries. It is no doubt true that at present, coverage of news from other countries is very small in the case of papers published in Europe or America. The smallness of the space allotted is not entirely the fault of the news agencies. A survey conducted by the International Press Institute indicated that newspapers, particularly in the United States, exhibit scant interest in foreign news and that they do not make use even of what the news agency provides. They are perhaps justified in doing so by their knowledge of the taste of their readers. (There is a story of a Canadian paper which published, for five days running, the

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same telegraphic despatch from Korea but excited no comment from its readers. This was at a time when Canadians were fighting and shedding blood in the Korean war, and it could legitimately be expected that the majority of readers would take some interest in news from that front.) There are no national newspapers as such in the United States, though copies of a few East Coast papers are sold over large parts of the country. Even in Britain the proportion of space allotted to foreign news is very small except in the 'Times' and in the 'Manchester Guardian', and these two papers depend predominantly on despatches from their own correspondents. The bulk of the papers, especially the mass circulation papers, present only news originating from within the country, very often in a sensational form.

434. We would like to quote in this connection certain figures compiled by the International Press Institute. In the period of four weeks during which they conducted the study the space given to news items with a foreign date line in American newspapers ranged from 0.7 of one column a day for one paper to 32 columns a day for another. For 93 papers surveyed the average was 4.4 columns a day. This is roughly 4 per cent. of the total wordage distributed by the news agencies. Certain papers which maintain their own correspondents abroad did however print more material ranging from an average of about 36 columns per day for a paper with a high proportion of foreign news and 7 columns for another with a low proportion of foreign news. Correspondents working in India for foreign newspapers said in evidence that in the case of newspapers which maintain their own correspondents there would be a tendency to use only his despatches and to ignore agency reports. It would, therefore, appear to be a difficult matter for any news agency to place a large volume of international news into American newspapers. Some of them are not interested in foreign news and therefore print very little of it. Others have varying degrees of interest but they depend on despatches from their own correspondents. The position in Europe is also not very satisfactory from the point of view of presentation of Indian news.

435. Meagre coverage of Indian news abroad.—During the period reviewed, five principal news agencies which supplied the European Press carried on their lines the following percentage and totals of Indian news:

	Percentage of all foreign news	Total column inches (1"=35 words)
Agency A	1.2	266
Agency B	1.1	264
Agency C	0.9	324
Agency D	0.8	148
Agency E	0.1	14
TOTAL		<u>1,016</u>

436. In each of the countries named below one paper of high circulation and one of low circulation gave the following totals and proportions of Indian

news as compared to all foreign news material during the four weeks referred to:

Indian news in eight West European newspapers

(In percentage of total foreign text and in column) inches : 1 inch = 35 words).

	<i>High Circulation Papers</i>		<i>Low Circulation Papers</i>	
	Per cent	Col. inches	per cent	Col. inches
Belgium	0·5	49	0·9	45
France	0·1	6	0·8	21
Italy	0·4	26	0·2	5
Netherlands	1·3	79	1·5	44
Sweden	0·0	0	0·0	0
Switzerland	0·8	61	0·4	14
United Kingdom	0·5	20	2·3	43
Germany	0·4	17	0·9	20

437. **Distribution of Indian news through Reuters and Agence France Presse.**—These difficulties of getting Indian news published would not, however, take away from the responsibility of the news agencies to make available to the editors, for use at least as reference material, a day to day picture of happenings in every part of this country. Formerly when the Press Trust of India were partners of Reuters, the bulk of the service of the Press Trust of India was made available to Reuters for distribution by them within the United Kingdom and abroad. Evidence on the extent of use made of such material has been conflicting, but there is general agreement that in the earlier period of the partnership, Reuters did make much use of reports and despatches from India, while later it became increasingly difficult for the Indian representatives at London to exercise any influence on the selection of material for distribution. With the conclusion of the new arrangements with Reuters, it is not merely impossible to exert any influence for securing a fair hearing for India, but it is also not possible for India to ascertain whether any use is being made at all of the material sent and, if so, in what manner. No doubt Reuters are at present employing an Indian at their London Desk, but this is more or less in the capacity of an adviser on the selection of material to be sent to India, and this adviser has no status on the editorial board. Similarly, in the case of the Agence France Presse, the news file of United Press of India is at their disposal, but there never has been, nor is there at present, any means of ensuring the use of vital despatches from India or even of verifying what has been said in the Agence France Presse's service to other countries.

438. We consider that it is a very unsatisfactory state of affairs when we cannot ensure that our own reading of current events in this vast country secures entry into the editorial offices of newspapers in other countries. The Press Trust of India is at present attempting to extend its activities to Afghanistan, Nepal and Japan. In the first two countries, journalism is very little

developed. In the case of Japan, the free flow of information would undoubtedly help to build up mutual understanding. China, for instance, depends greatly on the Tass service for supplementing the reports filed by its own small news agency and might be interested in a more comprehensive service from India, but so far no attempts have been made to develop this link. We understand, however, that the Press Trust of India is at present handicapped by the high cost of transmission as well as by the poverty of technical facilities at this end. We would refer in this connection to our recommendations in paragraph 405 for reciprocal arrangements with the national news agencies of different countries.

439. **News distribution through Government of India.**—Supplementing the service of Indian news sent abroad by the news agencies, the External Publicity Division of the External Affairs Ministry of the Government of India prepares daily bulletins of current news which are sent out in morse Code by wireless to Indian Missions abroad. The morsecast takes place five times a day (on Saturdays there are only the first three morsecasts, and on other holidays there is only the third morsecast) as follows:—

No.	Time (Indian Standard Time)	Region	Approximate words
1.	0900 hours	South East Asia	600
2.	1200 „	Middle East	600
3.	1400 „	General Service I	1,200
4.	1800 „	World News Summary	600
5.	2000 „	General Service II	1,200

440. The two bulletins for South East Asia and the Middle East feature items of specific interest to the target area and supplement the general service sent out twice daily. The World News Summary is intended particularly for the needs of the Missions in South East Asia and the Middle East and presents the world news from the Indian angle. Each Indian Mission picks up these transmissions through its operator and prepares copies of the bulletins for its own use. It also issues selected items as a hand-out daily to the local press and others interested in the country in which it is situated. These hand-outs are issued in English and or the most appropriate language. Such hand-outs are used either directly by the press in the region concerned or used as background material. In addition to these daily hand-outs, Indian Missions abroad bring out bulletins which are issued weekly or fortnightly, either printed or cyclostyled, as shown in the Appendix XXXV.

CHAPTER IX

FEATURE SYNDICATES

441. The term "Feature Syndicate" is applied to organisations which supply newspapers and periodicals with articles photographs, comic strips, cartoons or other editorial matter and which derive their principal source of income from these activities. According to the statistics that were made available to us, there were 34 of such Feature Syndicates operating in this country. Our enquiries, however, elicited the information that 14 of the Indian syndicates and 9 of the foreign syndicates had discontinued operation some time back, and there exist today only 9 Indian Feature Syndicates and 2 Foreign Feature Syndicates supplying Indian newspapers and periodicals.

442. **Indian Feature Syndicates.**—Three of the Indian Feature Syndicates are located at Bombay—the India Press Service the National Press Syndicate and the Asian Press Service. The first two deal with general subjects, political economic and of cultural importance, both Indian and foreign, while the last one specialises in Indian photo features having markets in foreign countries. There are two feature syndicates in Delhi—the Press News Features and the Indian News and Feature Syndicate. These Syndicates deal with a variety of subjects, both Indian and foreign. There are two Feature Syndicates at Calcutta—the Asian Press, and the Trans-Asiatic News Service Ltd. They generally deal with Indian topics. At Lucknow there are two Feature Syndicates and they distribute articles in Hindi. They are Nava-Sahitya Samiti dealing with Indian topics and Cine News and Feature Syndicate dealing with Indian Films.

443. **Foreign Feature Syndicates.**—The two Foreign Feature Syndicates—the King Features Syndicate, New York, and the International News Photos, New York, operate in India through Messrs. Advertising Films of India Ltd., Bombay who are their sole selling agents in this country. Both these Syndicates are privately owned. The King Features Syndicate covers a wide range of subjects, including politics, cinemas, sports, fashions, etc. It also supplies daily strips, colour comics, puzzles and pastimes etc. Articles on Indian subjects are also distributed by it from time to time. The International News Photos supply news photos covering news of interest from all parts of the world. It distributes magazine pictures, photo stories etc. Indian subjects are covered by this organisation from time to time. It also undertakes special assignments, such as Sri Nehru's visit to the United States in 1949 and the Commonwealth Prime Ministers' Conference held in London in January 1951.

444. **Scope for Feature Syndicates.**—The Indian feature syndicates in India are of recent origin; two of them were established during World War II and seven others came into existence after the end of the War. They employ very little staff and the syndicates are mostly "one-man shows." They do not have any organisation for collecting material from a number of freelance writers and distributing it to a large number of papers, but, on the other hand, are engaged mainly in the distribution of the output of one or two persons

who form the "syndicate". This naturally detracts from the value of the material that they could supply and reduces their importance as a source of features. The Trans-Asiatic News Service Ltd., started with some capital behind it and appears to have made an attempt at developing into a regular Feature Syndicate, devoting its full time to this work, but is reported to have been handicapped by serious losses.

445. They have no uniform basis for charging the newspapers for the articles, nor any regular method of paying to the outside contributors. Some of the Feature Syndicates have stated to us that a few of the newspapers and periodicals make use of their material but do not pay; some of them even do not send a copy of the issue containing the articles to the Syndicate. In their turn, some of the Feature Syndicates pay a definite remuneration to contributors, while some others pay only a percentage on net earnings on their articles the percentage varying from 50 to 75. In some cases article are received free by the Syndicates. We have also heard the complaint that contributors to the Syndicates often offer their articles directly to newspapers at a cheap rate and thus it becomes difficult to produce syndicated material for general distribution. We find that the use of syndicated feature articles is increasing in our Press. The increase is more marked in the use of foreign features, comic strips and cartoons. Though in general the use of syndicated material has so far not proved harmful, some of the foreign cartoon strips are likely to create a deplorable psychology among children. The method of presenting a story by a series of cartoons seems to us unobjectionable and has apparently proved a very useful technique, but we feel that often the themes serialised are undesirable. Some of them glorify crime, and others with a cultural background alien to India, tend to create a confusion of values. We find that the Press has not encouraged and in most cases not attempted to utilise Indian humorous art in comic strips and cartoons. We feel that such an attempt should be made and encouraged by the Press.

446. Feature syndicates can certainly perform a useful function for the Press as a whole. Considering the present requirements, the output of Indian syndicates is not adequate. The foreign syndicates have been able to place much more material before the public than Indian syndicates have been able to do. The Indian syndicates can, if they exert themselves, obtain good articles from competent writers in India on subjects of current interest and make them available to a large number of newspapers; this will enable the papers to publish really interesting and worthwhile material. But this they have signally failed to do so far. The success of the foreign syndicates is due to the more suitable quality of material that they offer and, to some extent, to the lack of enterprise on the part of Indian syndicates.

447. One of the handicaps of Indian feature syndicates is the overlapping circulation of Indian newspapers, particularly the large English dailies, which so far have been the main consumers of syndicated material. In countries like the United States, most papers have only a local circulation, and it is possible for a Syndicate to enter into arrangements with a number of different newspapers spread all over the country for the publication of the syndicate's material. In fact this has gone to the extent of syndicated leading articles on topical subjects which are sent out by the syndicates for the benefit of newspapers which cannot secure suitable writers on intricate subjects. Similarly, many of the daily columns put out by well known "commentators" in the United States of America are syndicated all over the country. In India, most of the English papers sell in competition with one another and cover overlapping territory. As a consequence, Indian publishers generally insist that

any articles supplied to them must be guaranteed to be exclusive to them before they would consider it. This narrows the scope for expanding use of syndicated material. In consequence, the cost of Indian syndicated material works out much higher than that of foreign material which can have a number of customers throughout the English-speaking world. Because of this insistence on exclusive rights, many writers prefer to submit their contributions directly to newspapers rather than to feature syndicates. It has been alleged that some writers have thus offered their material direct, after they had entrusted it to a syndicate for distribution. Such difficulties arise out of the fact that the syndicates have not established themselves as part of the Press and we expect that if they can really provide a service both to the writers and to the publishers, there is no reason why both of them should not make greater use of their services. We would like to emphasise that there appears to be considerable scope for syndicated material issued simultaneously in various Indian languages. The cost of such an attempt would be high because it will be necessary for the syndicate to have the material rendered into different languages by competent writers. On the other hand, it would get over the difficulty created by overlapping of circulation and it should be possible for the syndicate to arrive at a regular arrangement with at least one newspaper in each language for publishing its output. It seems to us essential that in addition Indian feature syndicates should also increase the proportion of really topical material that they issue. At present it would appear that there is too great a tendency to emphasise the type of article that can go into a magazine at any time, rather than that which deals with topics that are currently in the headlines. Indian syndicates should also increase the range of their subjects. We find that lighter material circulated by foreign syndicates finds more ready acceptance from the public than the serious subjects which most often form the sole fare available from Indian syndicates. It is necessary to keep in mind that the bulk of this material is intended for publication in daily newspapers and should therefore be adapted for that type of readership.

448. Foreign Markets.—One outcome of the lack of encouragement from the Indian Press has been the tendency of some Indian feature syndicates to look to markets elsewhere for their output. This would be praiseworthy but for the tendency that we have noticed in one or two instances for the syndicates to ignore or soft-pedal the Indian point of view in the treatment of the subject or to adopt a sensational manner or an approach not in keeping with the dignity of this country, perhaps in the hope that this would make it easier for them to sell their material abroad. While we would not suggest any outside check on their activities, we would certainly appeal to them to keep in mind the fact that any adverse conclusion that may be drawn from their articles or photographs would be doubly harmful for the reason that it comes from an Indian source.

449. Contributions by Government officials.—We would like to mention in this connection the considerable differences in practice in the distribution to the Press of articles and features written by employees of the Government of India and high dignitaries of States. In some cases we find that these articles have been distributed free to all newspapers in the form of hand-outs and are published by the newspapers not as hand-outs but as articles appearing with a by-line. In other cases such contributions have been sent by the writers to Feature Syndicates for distribution and we were told that in certain cases the feature syndicates charged the newspapers for the publication rights even though they had themselves received the contributions free of charge.

450. Feature Services by News Agencies.—Some of the news agencies used to run feature syndicates in conjunction with their news service and some foreign news agencies are still running such syndicates abroad. We think it a particularly useful addition to the activities of a new agency; having the machinery for distribution and an established set of clients, and being in the main current of news collection they would be able to judge which subjects are topical and place them readily. It seems to us, therefore, a pity that neither of the major Indian news agencies has at present developed a feature service.

CHAPTER X

LIAISON WITH GOVERNMENT

451. **Government and the Press.**—With the ever increasing part that the state plays in the daily life of the people, newspapers today are concerned more and more with the functioning of the state and the policies that it follows. It is their responsibility to observe and report the activities of the state and to interpret them to the people; it is also their function to criticise, wherever they consider it necessary.

452. We find that there is some appreciation of this function of the Press in Government circles, and it is generally agreed that such appreciation of the duties and responsibilities of the Press is greater at the Centre than in the State Governments and in some State Governments more than in others. There is, however, an excessive tendency to consider the Press as a means of publicity for certain selected activities of the State or for certain individuals, and insufficient importance is attached to the functioning of the Press as reporter and interpreter acting for the people. This is evidenced by the continuing expansion of the scope and activities of Press Information and Public Relations organisations in the State Governments and the comparative neglect of machinery by which representatives of the Press could observe for themselves and report in their own way.

453. **Accreditation of Press Correspondents.**—The Central Government has laid down certain rules in respect of accreditation of correspondents. These rules, while generally satisfactory, require certain modifications in order to meet the difficulties that the Press has experienced and to avoid the complaints that have been made. The most important is with respect to the Committee that advises Government regarding accreditation. At present this Committee is nominated by the All India Newspaper Editors' Conference. Numerous complaints have been made regarding the lack of representative character of this Committee and its inability to sense the difficulties of working journalists. It would appear that some at least of this criticism is based on the fact that the associations of working journalists do not have any representation on the Committee. We would recommend the formation of a special Accreditation Committee in consultation with the different organisations of newspapermen, the committee to consist of six to eight members normally resident in Delhi, of whom 50 per cent. may be working editors, elected or nominated by the all-India organisations of Editors, and 50 per cent. correspondents and working journalists elected or nominated by the all-India organisations of working journalists, all being of at least five years standing.

454. The tests laid down in Rule 5 of the Central Accreditation Rules for accreditation appear to be adequate but the conditions prescribed as to minimum circulation of a paper entitling it to be considered for accreditation should be relaxed in the case of periodicals dealing with economic and political affairs. Rule 2 would require modification to substitute this Accreditation

Committee in place of the Central Press Advisory Committee. The decision to refuse or cancel accreditation should also be taken only in consultation with the Accreditation Committee, and rule 7(2) is required to be modified for this purpose. Rule 14 may also be modified to provide that no accreditation should be withdrawn or cancelled unless the editor of the paper concerned has been consulted in the matter.

455. We have heard a number of complaints regarding accreditation of individual papers forming part of a chain, group or multiple unit. We feel that newspapers which belong to a chain or group should not be given separate accreditation for each unit if this affects adversely the claims of single unit papers with the requisite qualifications. Where, however, there is no restriction on the total number that may be accredited, we see no objection to separate accreditation for each unit of a chain or group. In the case of multiple editions of the same paper, there appears to be no difficulty in one correspondent being accredited for all local editions, and we are not in favour of separate accreditation of a correspondent for each publication unit.

456. Accreditation is given to a correspondent only as representative of a particular newspaper. If there is a lapse on the part of the correspondent, he may be discredited after consultation with the editor concerned, but if there is a lapse on the part of the newspaper which he represents, the question whether the paper should be given accreditation at all would have to be discussed with the Committee before any action is taken to withdraw accreditation. Discreditation should not be utilised as a method of punishing habitual indulgence in scurrilous writing or persistently inaccurate reporting. The grounds on which a newspaper can be discredited should be wilful publication of false reports emanating from the centre where the correspondent is stationed, *mala fide* and incorrect reports and abuse of confidence.

457. In the case of State Governments, we found that the rules for accreditation, where they had been formulated, were not sufficiently comprehensive and left too much to the discretion of the officers responsible. We would suggest, in their case also, the formation of local committees to advise the Governments and the adoption of rules based on the Central Government rules to govern accreditation and discreditation.

458. **Access to official sources.**—Complaints have been made that access to official sources of information has been denied in some cases to accredited correspondents. The State Governments have explained to us the administrative difficulties that might arise in the case of unrestricted access to all offices and departments of Government. Having considered these difficulties, we recommend that press correspondents should have the right to meet Ministers, Chief Secretaries, Secretaries to Government and Heads of district administration. They should also be permitted free access to such centres as railway platforms and airports subject only to the requirements of security. Another of the difficulties of correspondents has been the multiplicity of permits and passes required for visiting various places. It should be the function of the Accreditation Committees, as soon as they are formed, to examine this point and suggest measures whereby one permit issued by the competent authority would be sufficient to ensure identification and admission of a press representative to all sources of news.

459. **Press Conferences.**—In the case of official press conferences, the practice has been to invite only accredited correspondents. It has been suggested that there should be no such restriction on admission. Having in

view the practical difficulties, we do not recommend any change in the present procedure. The question of off-the-record conferences dealing with high policy and any restriction on admission to such conferences even of accredited correspondents should be left to be decided by Government in consultation with professional organisations. In this connection, we would like to refer to the question of lavish parties held by foreign Information Services and other foreign organisations. An instance was mentioned in evidence of how all the correspondents in a particular theatre of war practised abstinence from alcoholic drinks for a number of days in order to guard against involuntary disclosure of any details of General Eisenhower's plan for invading Europe, in respect of which they had been taken into confidence. A former Director of Military Intelligence Services in another country has recently remarked that cocktail parties are the greatest headaches of security officers. While we see little danger of Indian correspondents losing their objectivity or being biased as a result of such parties, the danger does exist of their making incautious statements at such parties, and Government would be quite justified in excluding from such off-the-record conferences those correspondents who would be doubtful risks from the security point of view.

460. **Press facilities.**—The facilities placed at the disposal of the Press at Delhi by the Government of India are inadequate and should be improved. While we cannot say how they compare with similar provision in other countries, it is obvious that by themselves they are not sufficient to meet the needs of the press representatives. We are informed that the facilities at Madras and Lucknow are satisfactory, but that at Calcutta they are not. We were unable to inspect these facilities ourselves but would suggest that the local Accreditation Committees should pay special attention to this aspect.

461. In Parliament, the present Press Gallery facilities are satisfactory. At present the Speaker is advised in the matter of Press Gallery Tickets by an *ad hoc* committee appointed by him for this purpose. It would appear from the evidence placed before us that the Press Gallery Association, consisting as it does of the reporters who attend the session of Parliament, would perhaps be in a better position to help the Speaker in this matter if he consults them. Also such questions as seating in the Press Gallery, about which complaints have been made, can probably be settled quite satisfactorily by such consultation. The present rules for the issue of passes to the Central Hall and to the Lobby require that a correspondent, to be eligible, must have functioned in Delhi for a certain specified period. It has been represented to us that this rule would automatically exclude representatives of foreign newspapers and news agencies who are invariably engaged for service in India for a period shorter than that prescribed for eligibility. We are confident that if this difficulty is brought to the notice of the Speaker, some means could be found for removing their disability in this regard.

462. **Despatches of foreign correspondents.**—We have considered carefully and rejected the suggestion that despatches sent by cable or wireless by foreign correspondents located in India should be scrutinised in the first instance by some responsible authority and permitted to go out only if considered unobjectionable. Any scrutiny of this sort would amount to censorship which is not at all desirable.

463. Quite a great deal of what the correspondents send out does not get printed, and even if it does, it should be the responsibility of the Indian Missions abroad to keep a watch on what appears in the foreign Press and to correct or contradict any inaccurate presentation. We are not sure if this part of their duties has received sufficient attention. If they find it

necessary, they could always consult Delhi on the subject and arm themselves with authoritative information. In the majority of cases it should prove sufficient to appraise the correspondent of the actual position and leave it to him to correct in subsequent reports any false impression that he might have created. In extreme cases of tendentious or inaccurate reporting, it is always open to the Government of India to withdraw accreditation from the correspondent.

464. No set of conceivable measures can ensure that the foreign press would print only items which agree with the Indian viewpoint or are favourable to this country. There will always be some adverse reportage on India. It is the price paid for guaranteeing a free press, and we consider that our reputation for maintaining a free Press is worth all the harm caused by adverse reports that may be sent out. The value of this reputation is that news items emanating from India are not now questioned anywhere on the ground of government interference. Any suspicion of undue interference with reportage such as would be induced by any sort of restrictions, delays, or the like, would lose us this reputation. Reports emanating from India will then carry no conviction, as is now the position with reports from countries where dictatorial regimes exist. We are convinced that effective means exist for dealing with persistent tendentious reporting and that incorrect or tendentious reports can be effectively dealt with by the present system under which Indian Missions abroad cable such items to Delhi for information and obtain suitable guidance. We therefore recommend that there should be no change in the position as it exists today. It was a matter of pleasure to us to be told by representatives of the Foreign Correspondents Association that they have not encountered any difficulties in carrying out their work and that the Press in India is not less free than in any other country in the world.

465. **Government publicity organisations.**—The Government of India and practically all the Governments of the States have an organisation for the distribution of publicity material to the Press and to the public. Judging by the volume of material that the newspapers carry which originates from these organisations it would seem that they are amply vindicating their existence. We had attempted to assess the proportion of such material to the total contents of a newspaper, but found that in many cases the newspapers did not acknowledge the source. In a large number of instances they had attributed obvious press releases to their own correspondent, conscience apparently having been satisfied by rewriting the opening paragraph. Our impression is that while Government is big news, newspapers are publishing far too many handouts obviously because material is made available to them in ready form at no cost.

466. While from the point of view of the Government, these organisations may be considered to have achieved their purpose, the Press has not been equally satisfied. The major complaint is that the habit of issuing Press Notes in great detail and on almost every possible occasion takes away the initiative of the reporters and correspondents whose major activity now is to collect the releases and pass them on to their papers. The officials responsible who are called Information Officers, Public Relations Officers, Directors of Public Relations, Directors of Information, Directors of Publicity and so on, have argued, not without some justification, that the present procedure ensures that even the smallest paper with the most unenterprising correspondent gets the benefit of all information released by Government, while if matters were left to individual initiative, the papers who can have abler correspondents would have an advantage over those not so well placed. They

also feel that the present practice of putting everything down on paper and handing copies around works more reliably because there is very little risk of the correspondent making a mistake or omitting an essential point. This attitude has been extended to its logical conclusion in one part 'B' State where all newspapers have been told that they should either print the Government release *in extenso* or leave it out altogether but should not attempt any editing or rewriting.

467. We have referred earlier in this chapter to what we consider the essential right of reporters and correspondents to have access to the original source of news. In so far as certain State Governments had banned such direct approach and insisted that reporters should apply only to the Information Officer, we would consider the arrangement unsatisfactory from the point of view of the public. Even when a Press Note has been issued, it should be the duty of the correspondent to supplement the release by such clarification of other points as he feels is necessary for a proper appreciation of the subject matter. For this purpose he should be in a position to put questions and elicit answers. However thoroughly an Information Officer may be briefed, it would not be possible for him to anticipate every question that a correspondent would ask and to provide himself in advance with the answer. The evidence of special correspondents and reporters has been that in the general run of cases, the Information Officer is not in a position to interpret policy and that in a large number of cases, he does not even have all the facts which are relevant. Moreover, there are cases where an approach to the Head of the Department might be easier and quicker than contacting the Director of Public Relations, as for instance, in Cuttack, where all the newspaper offices and some of the Government offices are situated, while the Director has his office at Bhubaneswar. We consider it therefore essential that access of correspondents to the source of the news at authoritative level should be unrestricted and that the correspondents should also make the fullest use of such access.

468. In the matter of press releases, the procedure at the Centre is apparently that the Information Bureau acts only as an expert adviser on the presentation of material, and that the subject matter remains the sole responsibility of the Ministry or Department concerned. The Principal Information Officer has a number of deputies and Information Officers who work in close association with different Departments and are responsible for the preparation of material for release. It has been suggested to us that such material would be more effective if the officers concerned in its preparation were permanent officials of the Ministries rather than publicity men who are changed around from time to time. Even under the present arrangement, contradictions between releases from one Ministry and from another have not been obviated, and the degree of co-ordination brought about by centralisation of control under the Principal Information Officer has not been as high as we would have liked. In the circumstances, greater decentralisation may be accompanied by the risk of the public being faced with conflicting claims from different Ministries or with divergent appeals. The requirements of the Press would, in our opinion, be filled better by a system of centralised releases which also leaves the correspondents free to approach the administrative heads of the departments concerned.

469. **Government press releases.**—The complaint that the Information Directorates spoon-feed the Press with predigested material has not precluded the accusation that in many instances they have failed to prepare material sufficiently in advance. For instance, when the report of the Company Law

Amendment Committee, which was both lengthy and intricate, was released to the Public, the Press is reported to have been in difficulties because the review of the Committee's findings was not simultaneously ready but was released later. In the States there appear to have been instances where only the summary was made available but the main report was not released to the Press e.g. the report of the Committee on the separation of the executive and the judiciary in Madras. It would appear that at least in certain States the former practice was to furnish editors of responsible newspapers with an advance copy of the report, well ahead of the date of release to the public, so that the newspapers could prepare their own reviews for publication while respecting the deadline prescribed. We would recommend this procedure for adoption wherever possible.

470. A more serious complaint was that the summaries prepared for release to the Press were not always fair to the original report. Omission of certain features of the full report, or emphasis on certain others, may conceivably twist the views set out. Such complaints have been made mainly in the States and particularly with reference to reports on subjects in which the administration was directly concerned. We feel that the utility of Information Directorates would be greatly reduced if such practices are adopted or even if suspicion exists, and we would, therefore, commend the procedure of supplying, in advance, copies of full reports to editors.

471. A great deal of the material released to the Press through these Information Directorates has been described as unhelpful and even useless. The Information Bureau at the Centre acts as the agency for circulating quite a lot of material of negligible news value, and in some States also the proportion of newsworthy material thus circulated may be low. Even apart from considerations of the expenditure involved in such distribution, we would emphasise that the importance attached to a release from the Information Directorate depends greatly on its reputation for sending out only worthwhile material.

472. **Publicity Officers and Government advertisements.**—A very unsatisfactory feature of the organisation of these Directorates is the practice of entrusting to them the responsibility for distributing government advertisements. The volume of advertising handled by a State Government might not be large enough to justify the creation of a separate office for handling it, but we consider it undesirable that the Directorate responsible for securing publication of official releases should also have the powers of discriminating between one paper and another in the matter of advertisements. We would recommend that the distribution of advertisements should be taken away from the Information Directorates and entrusted to some other Directorate of the State Governments.

473. **Press photographs.**—The Information Bureau at the Centre has also a photographic section which distributes photographs to the Press. The complaint has been made to us that this is an extension of the States activities into a field which should appropriately be left to private enterprise. We accept the contention of the Information Bureau that many small papers which are now supplied with photographs free of charge by the Bureau would not be able to publish them in their papers if they had to pay for them. But if, as appears to have been the case, private news photographers are refused admission to certain public functions at which the photographers of the Bureau are present, it seems inevitable that the suspicion should be aroused that the Bureau is trying to justify the existence of its photographic section. We would, therefore, recommend that consistent with the requirement of

security and orderliness, there should be freer access to private press photographers and that no photographs should be distributed by the Bureau of any public function to which private photographers were refused admission.

474. Pressure on correspondents.—It has been represented to us that in addition to releasing material to the Press, the Information Officers attempt to exert influence through the editors of newspapers in order to ensure that reports sent in by the newspaper correspondents should be favourable to Government. It is no doubt the responsibility of the Information Officer to contradict an incorrect report or to provide essential facts if these are missed in the report, but any attempt to bring pressure on reporters through the editors would be undesirable. If a particular correspondent sends in *mala fide* incorrect reports, it is open to the Government to cancel his accreditation according to the procedure we have already discussed, but to suggest to the editor that he should "instruct" the correspondent to use "balanced language" as was reported in one case, is objectionable.

475 Publicity and "puffs".—The complaint has been general that a great deal of the material released by these Information Directorates is more in the nature of "puffs" for individual Ministers rather than straightforward publicity regarding the activities or achievements of Government. Some years back the Prime Minister had occasion to criticise very strongly the attitude of correspondents and reporters who attended public functions and then reported in the papers not so much the significance of the function or the achievement that it was meant to symbolise, but the speeches of the Ministers and public men who attended it. If a new power house was opened or a railway line brought into service, the newspaper reports dealt almost exclusively with what was said on the occasion and had little to add about what the power house meant to the local people by way of development of large-scale or cottage industries, or what the railways could do by facilitating transportation. Similarly, photographers turned in nicely posed pictures of the Minister pressing a button or cutting a piece of tape, but the newspapers rarely carried any photographs of the installation or institution that was thus inaugurated. While these remarks of the Prime Minister attracted some attention in newspaper circles, it would appear that they have not been kept in mind by the Information Directorates at the Centre or in the State Governments. We have scrutinised collections of photographs released by the Centre and by some State Governments and found that the tendency to ignore the fundamental achievement and to spotlight dignitaries who were present is far too prevalent. In the matter of press releases also, we found that too often the emphasis is on the persons and not on what they have done. The result, of course, is that the newspapers which print these releases convey little impression of solid achievement. The financially stronger newspapers are able to avoid this danger by employing their own reporters, but this remedy is beyond the resources of the smaller newspapers and, in their interest, we feel that Information Directorates should consciously avoid such a stultifying tendency.

476. Government periodicals.—In addition to the issue of material for publication in the Press, the Central and State Governments are engaged also in publishing periodicals of their own. These publications are of different types. Some of them are purely technical or specialist, such as, for instance, the journals brought out by the Indian Council of Agricultural Research, the Council of Scientific and Industrial Research, the Indian Standards Institute and All India Radio. Specialist magazines dealing with rural affairs, agricultural topics or Harijan welfare are also brought out by State Governments.

Formerly, the Central Government used to publish a periodical called "Indian Information" which served as a vehicle for a considerable amount of material normally issued as Press Notes and press releases but publication was discontinued some time back as a measure of economy. Such publications are even now being brought out by some State Governments.

477. The publication of specialist periodicals which serve as ancillaries to the functioning of technical departments would be a legitimate complement to the working of these departments. The justification is not equally apparent in the case of the Information magazines, but we see no objection to their publication so long as they confine themselves to publicising the activities and achievements of government and are not utilised for political propaganda. In their case too, as in the case of press releases we would repeat the advice that the aim should be to provide factual information regarding achievements and objectives and to eschew personal publicity for individuals. The Central Government publishes, in addition, some periodicals in English and Arabic intended primarily for distribution abroad. These journals are intended to promote goodwill and friendly relations and, as in the case of such publications brought out by foreign countries and distributed in India, we feel that they serve some useful purpose, however limited their achievements might be. Justification for three other journals which the Central Government publishes in Hindi is not, however, quite so clear. One of them is a serious magazine dealing with world affairs. Another is a lighter periodical carrying a number of stories, poems and articles on cultural subjects, and the third is a periodical for children. The complaint has been voiced by private publishers of similar periodicals that the entry of Government into this field results in unfair competition since the Government publications are run regardless of their remunerative character, and while they pay very much more to their staff and to the contributors, copies are sold at very low prices in the market. An attempt was made to explain that the function of these magazines was primarily publicity for government, but the instances that were quoted to justify that statement were mainly photographs of Ministers, generally of the nature that we have already declared unsatisfactory publicity.

478. **Foreign government publications.**—Foreign agencies operating in this country also bring out periodical publications. The Soviet Tass Agency publishes in several languages a monthly journal called "Soviet Land". The United States Information Service publishes a fortnightly called the "American Reporter" which is also published in English and several Indian languages. Our view is that as long as such publications do not attempt to disturb India's friendly relations with other countries or to interfere with domestic issues, no harm is likely to follow from their being published in this country.

479. **Press Advisory Committees.**—In addition to contact with the Press through the medium of press correspondents and reporters and through their Information Directorate, Government have additional machinery for liaison with the Press in the Press Advisory Committees and Press Consultative Committees in different States. A note on the genesis of these committees and their working is included in the Appendix XXXVI. The primary function of these committees was to provide an opportunity for government to discuss, with representatives of the Press, any action that was contemplated to be taken in respect of publications to which government had taken objection. There were, however, considerable differences in practice and in certain States even the advertising policy of government was discussed in the Committees.

480. Many objections have been raised before us to the existence of such machinery. Several units of the Federation of Working Journalists have objected to the fact that members of the committees were nominated by the President of the All India Newspaper Editors' Conference and working journalists did not get adequate representation. A more serious objection was that these committees provided an opportunity for Government to exercise pressure on individual members of the Press or on the Press as a whole.

481. The fact that a number of State Governments have expressed the view that the Committees have served a useful purpose while, at the same time, the Press and the journalists have objected to their existence may perhaps be taken as lending colour to the suspicion that these Committees have been utilised in order to influence the policy of the Press. Even though the All India Newspaper Editors' Conference was responsible for the creation of these Advisory Committees, we found that opinion among the representatives who appeared before us was not unanimous, and emphasis was laid more on subjects like accreditation, which we have discussed earlier, and less on the question of advising government about legal action against the Press.

482. We consider that in a democratic set-up there is no necessity for machinery like the Press Advisory Committees for advising Government on the administration of Press Laws or for Consultative Committees to regulate the relationship between the Press and the Government. Whatever purpose these Committees may have served in the past, their continued existence is not recommended under the new set-up. In view of this, we do not propose to go in detail into the past working of these Committees.

CHAPTER XI

EMPLOYMENT

483. **Working Journalists.**—One of the major terms of reference of the Commission is the condition of journalists employed in the Indian Press. Since no statistics were available of the total number so employed, we had called for figures from the owners of all daily newspapers and periodicals. We found, however, that in the case of the periodicals it was very difficult to collect statistics because a large number of them employed no journalistic staff; and even where they did the staff worked on the periodical for only part of the time. We have, therefore, confined ourselves here to an examination of the statistics in respect of employment in daily newspapers.

484. Out of a total of nearly 330 daily papers (including multiple units) 226 furnished us with details of their journalistic staff. Of these, 189 papers are in Indian languages, 36 in English, and one in Chinese. 37 daily papers have intimated that they do not employ any journalists at all; this is not surprising, since many of these papers are small daily sheets whose entire contents are written out by the person named the Editor. Figures in respect of 12 papers are still due. The papers that are covered by this study include, however, all the important papers and represent over 90 per cent. of the daily newspaper circulation.

485. **Senior and Junior Journalists.**—In our examination we have considered working journalists under two different categories, junior and senior journalists. The first consists of those people who would not be expected to have any administrative or executive responsibility, and it generally covers sub-editors, special representatives, reporters, correspondents, news photographers, etc. The second includes those members of the editorial staff who would have a certain measure of executive responsibility and also powers of supervision over some of their colleagues. This would normally include joint editors, assistant editors, and news editors. The declared editors and managing editors have not been included because they are both employers and employees. The classification is not based on the salaries drawn by the employee.

486. The total number of persons employed in daily newspapers is slightly above 2,000. (To arrive at the total number of full-time journalists whose regular employment depends on daily newspapers, we shall have to count also those who are in the service of the news agencies, who number about 420). Persons who contribute news items and articles to the papers but are not whole-time employees have not been included. It is possible that in the case of some of them, e.g. correspondents paid on a lineage basis, their earnings from journalism may form the bulk of their income, but having had no means of verifying how many such cases exist, we have had to exclude them from this examination.

487. The membership of associations of journalists can provide us an estimate of the number engaged in this profession, but unfortunately the figures are not comparable with one another since they adopt different cri-

teria. Some associations include proprietors and managerial staff; others have as members, literary or political men whose connection with journalism is not very close. There is also a considerable amount of duplication when members of one union or association are members of another body not affiliated to it. An estimate of the number of journalists would place it in the region of 3,000.

488. In the classification of journalists in one category or the other, we have followed generally the terminology used by each newspaper. We expect, however, that there are wide variations in the use of the different terms. For instance, we found that in many papers sub-editors of sufficient seniority are called assistant editors, though in other papers the latter term is applied only to leader-writers. Some Hindi papers had a number of "editors" who were only leader-writers, working under a person termed "chief editor". Certain anomalies in the statistics must be attributed to the lack of uniformity in the use of descriptive terms. Figures for the two categories are given side by side in Tables, I, IV and VII, and separately in the others.

489. **Number of Journalists per paper.**—The 189 newspapers in Indian languages employed 1,135 working journalists and the 36 English newspapers employed 684 journalists, the average number of journalists employed per paper being 6 and 19 respectively. The employment position in respect of newspapers in individual languages is set out in Table I. The figures show a high average for the number of journalists employed per paper in Bengali, Tamil and Telugu.

TABLE I
JOURNALISTS EMPLOYED IN INDIAN LANGUAGE, AND ENGLISH DAILY NEWSPAPERS.
Classified according to language.

Language	Number of newspapers	Number of		Average number per paper	
		Junior journalists	Senior journalists	Junior journalists	Senior journalists
Assamese	1	2	1	2.0	1.0
Bengali	6	157	31	26.2	5.2
Gujarati	17	99	13	5.8	0.8
Hindi	49	309	25	6.3	0.5
Kannada	13	51	6	3.9	0.5
Malayalam	20	81	19	4.0	0.9
Marathi	20	111	7	5.5	0.4
Oriya	3	14	5	4.7	1.7
Punjabi	4	10	..	2.5	..
Sindhi	3	8	..	2.7	..
Tamil	12	115	6	9.6	0.5
Telugu	4	59	1	14.7	0.3
Urdu	37	119	21	3.2	0.6
TOTAL	189	1,135	135	6.0	0.7
English	36	684	67	19.0	1.9
TOTAL	*225	1,819	202	8.1	0.9

Excluding one Chinese language Daily published from Calcutta

490. **Monthly emoluments.**—The average monthly emoluments (including allowances) paid per junior journalist varied considerably, and was generally higher in English papers than in Indian language papers. Details are set out in Table II.

TABLE II
SALARIES OF JUNIOR JOURNALISTS (INDIAN LANGUAGE AND ENGLISH DAILIES)
Classified according to emoluments

Average monthly salary paid by the newspaper	Number of newspapers	Number of junior journal lists thus employed
<i>Indian languages</i>		
Below Rs. 50	4	21
Rs. 50 to Rs. 100	71	211
Rs. 101 to Rs. 200	95	593
Rs. 201 to Rs. 350	17	290
Over Rs. 350	2	20
TOTAL .	189	1,135
<i>English</i>		
Rs. 50 to Rs. 100	1	4
Rs. 101 to Rs. 200	9	96
Rs. 201 to Rs. 350	14	277
Rs. 351 to Rs. 500	8	213
Rs. 501 to Rs. 750	2	62
Over Rs. 750	2	32
TOTAL .	36	684

It will be seen therefrom that the average emoluments of journalists employed in newspapers in Indian languages generally fell within the ranges Rs. 50—100, 101—200 and 201—350 the overall average being in the neighbourhood of Rs. 150. In English, however, we came across only a single paper in which the average monthly emoluments paid per journalist was below Rs. 100 and the number of those paying less than Rs. 200 on the average is also small. In most of the cases, average monthly emoluments fell within the range of Rs. 201—500 and the overall average was in the neighbourhood of Rs. 350. In the case of 2 editions of an English paper the average salary per journalist was as high as between Rs. 500—750. Another important point that would be noticeable from the figures is that

it is those papers that paid their journalists better that were also employing more journalists on their staff. This is generally true, both of English and Indian language newspapers.

491. **Variations between languages.**—These figures have been further classified for individual Indian languages and are shown in Table III (A and B).

TABLE III-A

EMOLUMENTS OF JUNIOR JOURNALISTS IN INDIAN LANGUAGE DAILY NEWSPAPERS

Classified according to languages

Language	(1) Number of newspapers where average emoluments are;					
	Rs. Below 50/-	Rs. 51-100	Rs. 101-200	Rs. 201-350	Rs. over 350	Rs. Total
Assamese . . . . .	..	..	1	..	..	1
Bengali	1	1	2	2	..	6
Gujarati . . . . .	..	..	13	3	1	17
Hindi . . . . .	..	17	29	2	1	49
Kannada	1	8	4	..	..	13
Malayalam . . . . .	..	13	7	..	..	20
Marathi . . . . .	..	7	10	3	..	20
Oriya . . . . .	..	2	1	..	..	3
Punjabi . . . . .	..	1	3	..	..	4
Sindhi . . . . .	..	2	..	1	..	3
Tamil . . . . .	..	4	6	2	..	12
Telugu . . . . .	..	..	2	2	..	4
Urdu	2	16	17	2	..	37
Total	4	71	95	17	2	189

Language	(2) Number of junior journalists employed in newspapers where average monthly emoluments are ;					
	Rs. Below 50/-	Rs. 51-100	Rs. 101-200	Rs. 201-350	Rs. over 350/-	Total
Assamese . . . . .	..	..	2	..	..	2
Bengali	18	18	40	81	..	157
Gujarati . . . . .	..	..	66	32	1	99
Hindi . . . . .	..	52	200	38	19	309
Kannada	1	21	29	..	..	51
Malayalam . . . . .	..	45	36	..	..	81
Marathi . . . . .	..	17	54	40	..	111
Oriya . . . . .	..	8	6	..	..	14
Punjabi . . . . .	..	1	9	..	..	10
Sindhi . . . . .	..	2	..	6	..	8
Tamil . . . . .	..	12	62	41	..	115
Telugu . . . . .	..	..	20	39	..	59
Urdu . . . . .	..	35	69	13	..	119
Total	21	211	593	290	20	1135

TABLE III-B

SALARIES OF SENIOR JOURNALISTS IN INDIAN LANGUAGES DAILY NEWSPAPERS
Classified accordingly to languages

Language	Total No. of newspapers	(1) Number of newspapers where average emoluments are					
		Rs. 50-100	Rs. 101-200	Rs. 201-350	Rs. 351-500	Rs. 501-750	Total
Assamese	1	..	1	..	..	..	1
Bengali	6	2	1	1	2	..	6
Gujarati	17	1	2	3	3	..	9
Hindi	49	3	7	5	..	..	15
Kannada	13	1	2	3	..	..	6
Malayalam	20	2	6	2	..	..	10
Marathi	20	..	4	1	1	..	6
Oriya	3	..	3	..	..	..	3
Punjabi	4	..	..	..	..	..	..
Sindhi	3	..	..	..	..	..	..
Tamil	12	1	2	1	..	2	6
Telugu	4	..	..	..	1	..	1
Urdu	37	4	5	4	..	..	13
TOTAL	189*	14	33	20	7	2	76*

*Out of 189 papers, only 76 employ senior journalists.

Language	(2) Number of senior journalists employed in newspapers where average monthly emoluments are ;					
	Rs. 50-100	Rs. 101-200	Rs. 201-350	Rs. 351-500	Rs. 501-750	Total ¹
Assamese . . . . .	..	1	..	..	..	1
Bengali	11	3	6	11	..	31
Gujarati	1	2	3	7	..	13
Hindi	3	15	7	..	..	25
Kannada	1	2	3	..	..	6
Malayalam	4	11	4	..	..	19
Marathi . . . . .	..	5	1	1	..	5
Oriya . . . . .	..	5	..	..	..	7
Punjabi . . . . .	..	..	..	..	..	..
Sindhi . . . . .	..	..	..	..	..	..
Tamil	1	2	1	..	2	6
Telugu . . . . .	..	..	..	1	..	1
Urdu	6	10	5	..	..	21
TOTAL	27	56	30	20	2	135

It would appear from the above table that the majority of junior journalists in Bengali and Telugu newspapers are employed on papers where the monthly emoluments fell within the highest range, namely Rs. 201-350. (The Sindhi papers have shown no senior journalists in their returns and some of the journalists drawing higher salaries may belong to this category.) In the case of Gujarati, Marathi and Tamil newspapers also, 30 to 40 per cent of the junior journalists work on papers where the monthly emoluments fell within this range. On the other hand a very large proportion of those employed on Kannada, Malayalam and Oriya newspapers serve on papers paying average emoluments in the range

Rs. 51-100. Further even in the case of individual languages, the number of journalists employed per paper tended to increase sharply with the rise in the average emoluments paid to journalists by the paper. In other words, a paper paying higher average salaries to its journalists than another paper, also employed more journalists.

492. **Variations with circulation.**—It was apparent from a preliminary examination of the figures that there were considerable differences in the emoluments paid between papers of large and small circulation. Instead of dismissing this as normal, we would like to emphasise that as far as the individual journalist is concerned, his work-load is the same in either case and there can be no justification for paying him less solely on grounds of small circulation. Details regarding total and average number of junior and senior journalists employed per paper in Indian languages and English are shown in Table IV classified according to circulation of the newspapers.

TABLE IV

NUMBER OF JUNIOR AND SENIOR JOURNALISTS EMPLOYED IN DAILY NEWSPAPERS
Classified according to circulation

	Circulation				Total
	Up to 5,000	5,000 to 15,000	15,000 to 35,000	Over 35,000	
<i>Newspapers in Indian languages</i>					
No. of newspapers	96	65	20	8	189
No. of junior journalists	325	433	187	190	1,135
No. of senior journalists	32	63	21	19	135
Average number of junior journalists per paper	3.4	6.5	10.4	23.8	
Average number of senior journalists per paper	0.3	1.0	1.2	2.4	
<i>Newspapers in English</i>					
No. of newspapers	10	14	5	7	36
No. of junior journalists	58	254	86	286	684
No. of senior journalists	5	21	6	35	67
Average number of junior journalists per paper	5.8	18.1	17.3	40.9	
Average number of senior journalists per paper	0.5	1.5	1.0	5.0	

Both in the case of English and Indian language papers, the average number of journalists employed per paper increased with the rise in the circulation of newspapers. Further, in each circulation group, the English newspapers employed on the average nearly twice as many journalists as the Indian language papers.

493. **Effect of circulation and language.**—Detailed breakdown of the figures separately for the Indian language newspapers and for the two categories of employees is given in Table V. (A & B).

TABLE V-A
JUNIOR JOURNALISTS—INDIAN LANGUAGE DAILY PAPERS
Classified according to circulation

	Circulation				Total
	Up to 5,000	5,000 to 15,000	15,000 to 35,000	Over 35,000	
<i>No. of newspapers where emoluments are</i>					
Below Rs. 50	3	1	..	..	4
Rs. 50—100	55	15	1	..	71
Rs. 101—200	38	41	14	2	95
Rs. 201—350 . . . . .	..	7	4	6	17
Over 350 . . . . .	..	1	1	..	2
TOAL	96	65	20	8	189
<i>Number of junior journalists employed on papers where emoluments are ;</i>					
Below Rs. 50	3	18	..	..	21
Rs. 50—100	145	63	3	..	211
Rs. 101—200	177	270	122	24	593
Rs. 201—350 . . . . .	..	81	43	166	290
Over Rs. 350 . . . . .	..	1	19	..	20
TOTAL	325	433	187	190	1,135

NOTE.—Figures in respect of papers which have not reported "net paid circulation" have been included in circulation "upto 5,000".

TABLE V—B
SENIOR JOURNALISTS IN INDIAN LANGUAGES DAILY NEWSPAPERS
Classified according to circulation

	Circulation				Total
	Upto 5,000	5,000 to 15,000	15,000 to 35,000	Over 35,000	
Total number of newspapers	96	65	20	8	189
<i>No. of newspapers where average emoluments are</i>					
Rs. 50—100	9	5	..	..	14
Rs. 101—200	13	16	3	1	33
Rs. 201—350	4	10	5	1	20
Rs. 351—500 . . . . .	..	2	3	2	7
Rs. 501—750 . . . . .	..	..	..	2	2
					76
<i>No. of senior journalists employed on papers where emoluments are</i>					
Rs. 50—100	9	18	..	..	27
Rs. 101—200	18	28	7	3	56
Rs. 201—350	4	13	7	6	30
Rs. 351—600 . . . . .	..	4	7	9	20
Rs. 501—750 . . . . .	..	..	..	2	2
TOTAL	31	63	21	20	135

NOTE.—Figures in respect of papers which have not reported “net paid circulation” have been included in circulation “upto 5,000”.

It will be noticed that generally the monthly emoluments of the journalists employed in the papers with small circulation was low, and as the circulation of papers increases, the salary paid to journalists employed therein also increases. In papers where circulation did not exceed 5,000, there was practically no paper paying salaries in the highest range, namely, Rs. 201—350. The proportion of newspapers paying a salary within this range, however, increases, generally as the circulation of the papers became larger. For the group of papers whose circulation was over 35,000, about 95 per cent. of the journalists employed therein received salary which fell within this range, viz. Rs. 201—350. (*Vide* Table V-A)

— 494. In Table VI (A & B) a similar analysis has been made, according to circulation, of newspapers in English, the number of journalists employed therein, and the salary paid to journalists in each case.

TABLE VI—A

JUNIOR JOURNALISTS IN ENGLISH DAILY NEWSPAPERS

Classified according to circulation

	Circulation				Total
	Upto 5,000	5,000 to 15,000	15,000 to 35,000	Over 35,000	
<i>No. of newspapers where average emoluments are :</i>					
Rs. 50—100	1	..	..	..	1
Rs. 101—200	4	4	..	1	9
Rs. 201—350	3	6	2	3	14
Rs. 351—500	2	4	1	1	8
Rs. 501—750 . . . .	..	..	1	1	2
Over Rs. 750 . . . .	..	..	1	1	2
TOTAL	10	14	5	7	36
<i>No. of junior journalists employed on papers where emoluments are :</i>					
Rs. 50—100	4	..	..	..	4
Rs. 101—200	21	35	..	40	96
Rs. 201—350	9	98	33	137	277
Rs. 351—500	24	121	26	42	213
Rs. 501—750 . . . .	..	..	12	50	62
Over Rs. 750 . . . .	..	..	15	17	32
TOTAL	58	254	86	286	684

NOTE.—Figures in respect of papers which have not reported “net paid circulation” have been included in circulation “upto 5,000”.

TABLE VI-B
SENIOR JOURNALISTS IN ENGLISH DAILY NEWSPAPERS
Classified according to circulation

	Circulation				Total
	Upto 5,000	5,000 to 15,000	15,000 to 35,000	Over 35,000	
Total No. of newspapers	10	14	5	7	36*
<i>No. of newspapers where average emoluments are—</i>					
Rs. 101—200	2	1	..	..	3
Rs. 201—350 . . . . .	..	2	..	..	2
Rs. 351—500 . . . . .	..	4	..	1	5
Rs. 501—750	1	3	1	1	6
Over Rs. 750	1	2	3	5	11
					27*

* Out of 36 papers only 27 papers employ senior journalists.

	Upto 5,000	5,000 to 15,000	15,000 to 35,000	Over 35,000	Total
<i>No. of senior journalists employed on papers where emoluments are—</i>					
Rs. 101—200	2	2	..		4
Rs. 201—350 . . . . .	..	3	..		3
Rs. 351—500 . . . . .	..	6	..	8	14
Rs. 501—750	2	6	2	4	14
Over Rs. 750	1	4	4	23	32
TOTAL	5	21	6	35	67

NOTE.—Papers which have not reported "net paid circulation" have been included in circulation "upto 5,000".

The table brings out another special aspect of employment in English newspapers. In contrast to the trend noticed in the case of the Indian language newspapers, here, even in papers in the lowest circulation group, a very high proportion of journalists employed therein are reported as drawing salary between Rs. 351 and 500. In the next and subsequent circulation groups, the proportion of journalists drawing a salary within the above range, showed actually a decline rather than an increase, due perhaps to the fact that people in the higher salary groups in English newspapers are given designations indicating a certain degree of executive responsibility and have therefore been excluded from these tables.

495. **Variations with location.**—In succeeding tables VII, VIII (A & B) and IX (A & B) the differences in number and salaries of journalists employed in daily newspapers have been studied according to the centre from which they are published, i.e. the four metropolitan centres, other capitals of Part A, B and C States and other towns of more and less than one lakh of population.

TABLE VII

NUMBER OF JOURNALISTS EMPLOYED IN INDIAN LANGUAGE AND ENGLISH DAILY NEWSPAPERS

Classified according to circulation

Place of publication	Newspapers in Indian languages			Newspapers in English		
	No. of newspapers	No. of junior journalists	No. of Senior journalists	No. of newspapers	No. of junior journalists	No. of senior journalists
1. Delhi	9	89	3	6	146	7
2. Bombay	17	110	9	5	138	12
3. Madras	9	116	7	4	139	10
4. Calcutta	18	218	45	4	98	18
	53	533	64	19	521	47
5. Other capitals of Part "A" States	18	107	17	6	74	10
6. Capitals of Part "B" States	26	125	11	2	18	1
7. Capitals of Part "C" States	8	10	..	..	..	...
8. Other towns of population of 1,00,000 and over .	64	303	30	4	42	4
9. Other towns of population less than 1,00,000 . . .	20	57	13	5	29	5
TOTAL	189	1,135	135	36	684	67

it will be seen from table VII that of the working journalists about whom figures are available, half of those working in Indian language papers and more than three-fourths of those employed in English papers are employed by the metropolitan papers. The number of journalists employed per paper is very small in the "district papers", among which must be counted the papers published at the capitals of Part "C" States, except of course Delhi.

496. Similarly, the breakdown, according to salary in relation to place of publication, Table VIII (A & B) shows that the higher salaries are paid mainly in the four metropolitan centres.

TABLE VIII-A

JUNIOR JOURNALISTS IN INDIAN LANGUAGE DAILY NEWSPAPERS

Classified according to location

	Place of publication									10 Total
	1 Delhi	2 Bombay	3 Madras	4 Calcutta	5 'A' States	6 'B' States	7 'C' States	8 1,00,000 & over	9 1,00,000	
<i>No. of newspapers where average emoluments are—</i>										
Below Rs. 50 . . . . .	..	1	..	1	1	..	..	1	..	4
Rs. 50—100	1	4	2	4	5	13	6	24	12	71
Rs. 101—200	3	4	4	11	12	13	2	38	8	95
Rs. 201—350	4	7	3	2	..	..	..	1	..	17
Over Rs. 350	1	1	..	..	..	..	..	..	..	2
TOTAL	9	17	9	18	18	26	8	64	20	189
<i>No. of junior journalists employed on papers where emoluments are—</i>										
Below Rs. 50 . . . . .	..	1	..	18	1	..	..	1	..	21
Rs. 50—100	1	10	6	25	19	47	8	62	33	211
Rs. 101—200	18	20	44	94	87	78	2	226	24	593
Rs. 201—350	51	78	66	81	..	..	..	14	..	290
Over Rs. 350	19	1	..	..	..	..	..	..	..	20
TOTAL	89	110	116	218	107	125	10	303	57	1135

TABLE VIII-B

SENIOR JOURNALISTS IN INDIAN LANGUAGE DAILY NEWSPAPERS

Classified according to location

	Place of publication									10 Total
	1 Delhi	2 Bombay	3 Madras	4 Calcutta	5 'A' States	6 'B' States	7 'C' States	8 1,00,000 & over	9 Less than	
Total No. of Newspapers .	9	17	9	18	18	26	8	64	2	189
<i>No. of newspapers where average emoluments are —</i>										
Rs. 50—100 . . . . .	..	..	..	4	3	2	..	2	3	14
Rs. 101—200 . . . . .	..	2	2	3	5	6	..	11	4	33
Rs. 201—350	2	2	2	1	4	1	..	7	1	20
Rs. 351—500 . . . . .	..	2	1	2	..	1	..	1	..	7
Rs. 501—750 . . . . .	..	..	2	..	..	..	..	..	..	2
Over Rs. 750 . . . . .	..	..	..	..	..	..	..	..	..	..
<i>No. of senior journalists employed on papers where emoluments are—</i>										
Rs. 50—100 . . . . .	..	..	..	13	5	2	..	2	5	27
Rs. 101—200 . . . . .	..	4	2	15	8	7	..	13	7	56
Rs. 201—350	3	2	2	6	4	1	..	11	1	30
Rs. 351—500 . . . . .	..	3	1	11	..	1	..	4	..	20
Rs. 501—750 . . . . .	..	..	2	..	..	..	..	..	..	2
Over Rs. 750 . . . . .	..	..	..	..	..	..	..	..	..	..
TOTAL	3	9	7	45	17	11	..	30	13	135

The smaller capitals and towns have no journalists in the salary (Rs. 201 250) whereas in the metropolitan centres, this accounts for a substantial proportion of the total number of journalists.

497. Table IX. (A & B) of the corresponding figures for English papers, shows that the salaries paid to working journalists are generally higher in the case of English papers, in towns of all sizes.

TABLE IX—A
JUNIOR JOURNALISTS IN ENGLISH PAPERS
Classified according to location.

	Place of publication.									10 Total
	1 Delhi	2 Bombay	3 Madras	4 Calcutta	5 'A' States	6 B' States	7 'C' States	8 1,00,000 & above	9 Less than 1,00,000	
<i>No. of newspapers where average emoluments are—</i>										
Rs. 50—100 . . . . .	..	..	..	..	..	..	..	..	1	1
Rs. 101—200 . . . . .	..	..	1	1	4	1	..	2	..	9
Rs. 201—350 . . . . .	..	2	2	2	2	1	..	2	3	14
Rs. 351—500	5	2	1	..	..	..	..	..	..	8
Rs. 501—750 . . . . .	..	1	..	..	..	..	..	..	1	2
Over Rs. 750	1	..	..	1	..	..	..	..	..	2
TOTAL	6	5	4	4	6	2	..	4	5	36
<i>No. of junior journalists employed. on papers where emoluments are—</i>										
Rs. 50—100 . . . . .	..	..	..	..	..	..	..	..	4	4
Rs. 101—200 . . . . .	..	..	14	40	35	2	..	5	..	96
Rs. 201—350 . . . . .	..	32	99	41	39	16	..	37	13	277
Rs. 351—500	131	56	26	..	..	..	..	..	..	213
Rs. 501—750 . . . . .	..	50	..	..	..	..	..	..	12	62
Over Rs. 750	15	..	..	17	..	..	..	..	..	32
TOTAL	146	138	139	98	74	18	..	42	26	684

TABAL IX—B
SENIOR JOURNALISTS IN ENGLISH PAPERS
Classified according to location.

	Place of publication									10 Total
	1 Delhi	2 Bombay	3 Madras	4 Calcutta	5 'A' States	6 'B' States	7 'C' States	8 1,00,000 & C	9 Less and 1,00,00	
Total No. of newspapers	6	5	4	4	6	2	..	4	5	36
No. of newspapers where average emoluments are—										
Rs. 101—200	..	..	..	..	1	..	..	1	1	3
Rs. 201—350	1	..	..	..	1	..	..	..	..	2
Rs. 351—500	..	..	..	1	1	1	..	1	1	5
Rs. 501—750	..	3	1	..	1	..	..	1	..	6
Over Rs. 750	3	2	2	2	1	..	..	..	1	11
No. of senior journalists employed on papers where emoluments are—										
Rs. 101—200	..	..	..	..	2	..	..	1	1	4
Rs. 201—350	2	..	..	..	1	..	..	..	..	3
Rs. 351—500	..	..	..	8	2	1	..	1	2	14
Rs. 501—750	..	6	4	..	2	..	..	2	..	14
Over Rs. 750	5	6	6	10	3	..	..	..	2	32
TOTAL	7	12	10	18	10	1	..	4	5	67

(The apparent anomaly of high salaries paid by a paper in a small town of less than one lakh population is because of the Tribune being located in Ambala rather than in, say, Jullundur).

498. Summary.—The information may be summarised as follows:—

1. Total.—There are over 2,000 journalists employed whole-time in daily newspapers: one-third of them work for English papers and two-thirds for all Indian language papers put together.
2. Language.—The average English paper employs more than twice as many senior journalists and 3 times as many junior journalists as the average Indian language paper. Individual employees are also paid much more in English papers than in Indian language papers; minimum and average emoluments are both higher in the English papers.

3. Location.—The metropolitan papers are providing employment for roughly half the number of those working for Indian language newspapers and about 80 per cent. of those working for English papers, (or 60 per cent. of all journalists), though the number of such metropolitan papers is only 20 per cent. of the total. The average metropolitan paper thus employs six times as many journalists as the average provincial or district paper. Emoluments are also higher in metropolitan papers, both in respect of minimum and average.

4. Size.—The average large circulation papers (over 35,000) employ, in the case of Indian languages, six times as many journalists as the smaller ones, and even in the case of English, five times as many as the smaller ones. Emoluments are higher in the large papers, both in respect of minimum and average.

499. Working days per week.—In all, 205 daily newspapers furnished information regarding the number of working days per week for the journalists (*viz.*, the news editors, sub-editors and full-time home correspondents) employed by them. All of them, except four, reported journalists' working week as six working days followed by a paid holiday and a full night's rest. Three Urdu papers reported that their journalists are kept employed all the seven days in a week with a full night's rest, while one Marathi paper prescribed six working days and unpaid holiday with full night rest. Two of the three Urdu papers referred to above were of small circulation and one of medium circulation. Two were located at Calcutta and one at Delhi.

500. Working hours per day.—On the whole 207 daily newspapers supplied particulars regarding hours of work of their journalists in day shift. Of these, 174 were in Indian languages, 32 in English and one in Chinese. About 43 per cent. of the reporting newspapers stated that the journalists employed therein worked between 7 and 8 hours a day, 41 per cent. stated that the journalists worked between 6 and 7 hours a day, 12 per cent reported the number of working hours to be between 5 and 6 hours a day and 4 per cent reported not more than 5 hours a day. The over-all average for journalists in all newspapers would thus appear to be in the neighbourhood of 7 hours per day.

501. Variations with language.—The position of reporting newspapers in individual languages is given in Table X below.

TABLE X

Language	Number of reporting newspapers	Not more than 6 hours	Between 6 and 7 hours	Between 7 and 8 hours
Bengali	6	..	5	1
Gujarati	14	..	7	7
Hindi	45	10	20	15
Kannada	10	3	2	5
Malayalam	18	1	3	14
Marathi	19	2	9	8
Oriya	1	1	..	..
Punjabi	3	1	..	2
Sindhi	3	..	1	2
Tamil	12	3	3	6
Telugu	4	1	..	3
Urdu	39	10	14	15
English]	32	4	17	11
Chinese	1	..	..	1
National (All India)	207	36	81	90

It will be seen from the above table that the number of working hours of journalists in majority of the newspapers was between 6 and 7 in Bengali, Marathi and English and between 7 and 8 hours in Gujarati, Kannada, Malayalam, Punjabi, Sindhi, Tamil and Telugu. In Hindi, 24 per cent of the newspapers kept their journalists employed not more than 6 hours per day, 43 per cent between 6 and 7 hours and 33 per cent between 7 and 8 hours. The corresponding percentages for Urdu papers were 21, 38 and 41 respectively.

502. **Variations with circulation.**—Table XI will show similar distribution of the reporting newspapers in English and Indian languages, according to size of circulation and working hours of journalists employed:—

TABLE XI

Circulation	Language	Number of reporting newspapers	Number of papers where working hours of journalists are :		
			Not more than 6 hours	Between 6 and 7 hours	Between 7 and 8 hours
				No.	No.
Up to 5,000.	Indian lang.	90	20	25	45
	English	9	1	4	4
5,000 to 15,000	Indian lang.	59	11	28	20
	English	14	3	8	3
15,000 to 35,000	Indian lang.	17	1	6	10
	English	3	..	2	1
Over 35,000	Indian lang.	8	..	5	3
	English	6	..	5	3

It will be seen from the above table that only in the case of some low circulation papers the working period of the journalists was reported as less than six hours a day. Within each circulation group, such papers were proportionately fewer among the English papers than among Indian language papers. On the other hand a smaller proportion of English newspapers kept their journalists engaged more than seven hours a day as compared with the Indian language papers.

503. **Variations with location.**—Table XII gives an indication of the distribution of English and Indian language papers at different places according to working hours of journalists employed:—

TABLE XII

Place of publication	Language.	Number of reporting newspapers	Number of papers where working hours of journalists are—		
			not more than 6 hours	not more than 7 hours	not more than 8 hours
Delhi	Indian lang. . .	9	1	3	5
	English	5	..	1	4
Bombay	Indian lang. . .	15	3	10	..
	English	5	..	3	2
Madras	Indian lang. . .	8	..	3	5
	English	4	..	1	3
Calcutta	Indian lang. . .	15	3	9	3
	English	3	..	3	..
Other Capitals of Part 'A' States.	Indian lang. . .	16	2	11	3
	English	6	3	3	..
Capitals of Part 'B' States.	Indian lang. . .	26	5	8	13
	English	2	1	1	..
Capitals of Part 'C' States.	Indian lang. . .	4	..	1	3
	English . . . .	..	..	..	..
Other towns of population 1,00,000 and over.	Indian lang. . .	61	16	16	29
	English	3	..	2	1
Other towns of population less than 1,00,000.	Indian lang. . .	20	2	3	15
	English	4	..	3	1

504. The figures suggest that it was mainly at Delhi and Madras that a large majority of newspapers, both in English and in Indian languages, reported working their journalists more than 7 hours a day. The majority of Indian newspapers published from the capitals of Part 'C' States and small towns with population less than 1,00,000 also kept their journalists engaged beyond 7 hours a day. In contrast, it will be noticeable that not even a single English newspaper published from Calcutta and the capitals of Part 'A' and Part 'B' States worked its journalists more than 7 hours a day.

CHAPTER XII

WORKING JOURNALISTS

Section I—General

505. "Working Journalist".—Clause (iv) of our terms of reference requires us to inquire into the method of recruitment, training, scales of remuneration, retirement benefits and other conditions of employment of working journalists, and settlement of disputes affecting them. For this purpose it has become necessary for us to have some clear idea as to what is exactly meant by the term "working journalist." A working journalist clearly does not mean any person who works in connection with the production of a journal—be it a daily newspaper or a periodical. There are three types of workers in a newspaper office:

- (1) The press workers, *i.e.*, those who are employed in connection with the composing and printing of a newspaper or a periodical;
- (2) The managerial staff employed in the establishment sections, advertisement sections, and circulation sections, and
- (3) The editorial staff working on a newspaper, comprising such categories of workers as editors, leader-writers, sub-editors, reporters, correspondents etc.

There can be little dispute that those falling under the first and the second categories cannot be regarded as working journalists. We consider that only those whose professed avocation and the principal means of livelihood is journalism should be regarded as working journalists. We have deliberately included the words "professed avocation" because we have come across cases where persons belonging to some other professions, such as law, medicine, education, have devoted part of their time to the supply of news to and writing articles for newspapers. It may be that in the case of some of them, particularly during the earlier years of their professional career, income arising from the contributions to the newspapers may be more than the income from the practice of their own profession. But it would not, on that account, be correct to classify them as working journalists, so long as their professed avocation is other than journalism. The managerial staff, administrative staff, staff engaged in printing and composing and allied processes, sales agents and advertising agents cannot come within this category, and only the staff employed in the editorial and reporting sections, including cartoonists and news photographers could, in our view, be regarded as working journalists. Mofussil correspondents, working on a retainer or lineage basis and free-lance journalists would come within this category, only if journalism is their main source of income.

506. **Proof-readers.**—There has been some difference of opinion in the evidence given before us as to whether proof-readers could be regarded as working journalists. Proof-readers as a class cannot be regarded as working

journalists, for there are proof-readers even in presses doing job work. In several newspaper offices the proof reading department is attached to the managerial wing of the establishment instead of to the editorial side. The question therefore is whether the proof-readers employed in connection with the printing of a newspaper or a periodical should be regarded as working journalists. The term "proof-reader" is not understood in the same sense everywhere. It is true that proof-reading is merely a mechanical process, depending for its efficiency on the proof-reader's knowledge of spelling, syntax, punctuation and grammar. On this account it has been said that they should not be regarded as falling within the category of "journalists". On the other hand it has been pointed out that an efficient sub-editor has to have a knowledge of proof-reading, and that in some offices, proof readers are attached to the editorial sections of the paper. It has been stated further that some capable proof-readers eventually came to occupy the posts of sub-editors. It was also said that in some papers, apprentice-journalists were first appointed as proof-readers. Whether, in any particular case, a proof-reader should be regarded as a working journalist must depend upon the duties assigned to him and the purpose for which he has been employed. If a person has been employed as a proof-reader only for the purpose of making him a more efficient sub-editor, then it is obvious that even while he is as a proof reader, he should be regarded as a working journalist. In all other instances, he would not be counted as a journalist but as a member of the press staff coming within the purview of the Factories Act.

507. Classification of employees.—We realise that the distinction between the managerial and the editorial staff becomes somewhat obscure in smaller newspapers where both editorial and managerial functions are performed by the same person. In such cases, we think that he should be entitled to be regarded as a working journalist. A person who would otherwise be a working journalist in the sense we have described above, should, however, be excluded from that category if his office involves responsibilities which are usually attributable to a proprietor. Where, however, the editorial side is controlled by the proprietor himself and there is no other employee under him, then he should be regarded as a working journalist in spite of his proprietorial interest.

508. There is a bewildering variety of designations employed in connection with staff doing different kinds of work in the newspaper office. On the managerial side, there are persons who are in over-all charge known as managing director, general manager, managing editor; on the editorial side, we have the editor, editor-in-charge, joint editor, associate editor, assistant editor, news editor, chief sub-editor, night editor, literary editor, sports editor, commercial editor, sub-editor, foreign correspondent, special correspondent, reporters, revisers, cartoonists; on the business side, manager, advertisement manager, circulation manager, accountant, superintendents, clerks and despatchers; and on the works side, works manager, works superintendent, press superintendent, foreman, proof-reader, katib, sangsaz etc. Some kind of standardization of designations based on duties and responsibilities would be very necessary, if scales of pay have to be prescribed for each category. We do not in this report propose to go into the details of pay scales, as the Commission is neither a labour Commission nor a court of industrial arbitration. The proper scales of pay for each category of employees must depend upon various circumstances, such as cost of living in

different parts of the country, the duties and responsibilities of each category of employees, the capacity of the various units of the industry to bear the financial burden, etc. All these will require a detailed and to some extent local investigation, and according to the proposals we are making later in this chapter for the application of the Industrial Disputes Act to working journalists, these points will have to be gone into, if and when necessity arises, according to the machinery set up under that Act or any other legislation that may take its place. The point that we are emphasising here is that there is necessity for some kind of standardization based on the duties and responsibilities of each category of employees. This classification would have meaning only in respect of bigger papers because in smaller papers, the duties appertaining to employees of different classes mentioned above may be combined in one and the same person.

509. By and large it may be said that the status and role of working journalists have undergone change in many directions. In former years most of the Indian Press, had only one objective in view and that was the political emancipation of the country. Most of the journalists of that era were actuated by fervent patriotism, a feeling that they had a mission to perform and a message to convey. They were prepared to undergo sacrifices for the cause. These sacrifices entailed loss of personal liberty in some cases, and financial loss in the case of a very large number. Political independence having been achieved, the emphasis has shifted. Newspapers are no longer run as a mission but have become mainly commercial ventures. The expansion of the newspapers as business units in many cases under the control of non-journalists, has tended to accentuate the situation. The journalists have, to some extent, ceased to assert their individuality and the high principles which should govern their conduct have been subordinated to the exigencies of the situation. The accent on the commercial aspect of newspapers has tended to attract to the profession persons who may not have the same intellectual equipment and the moral stature as journalists of former days. We have come across instances of journalists, who have served even as editors on papers of different political persuasions, regardless of what their own personal convictions might be, provided only that proprietors were prepared to pay an attractive remuneration for their services. We have also come across journalists who have acted with considerable sense of irresponsibility. News has been reported without the correspondent taking the slightest trouble to verify its correctness. One paper published news from its Delhi correspondent that Mr. Chester Bowles attended a secret conference of high ranking Indian military officers in the Cinema Hall of the Stadium Cinema and that Mr. Bowles gave advice on the modernisation of the Indian Army—when the fact was that Mr. Bowles and others attended a cinema show where secret matters of high military policy could not possibly have been discussed. There have been journalists serving on responsible papers who have knowingly published incorrect reports. Although the incorrectness was brought to their notice, they published it because they considered that the report was too sensational to be omitted. Other journalists have tended to submerge their individuality and have been content to play second fiddle to the proprietors and the managers. There have been others who have had no compunction in publishing obscene and frivolous matter because it pays to cater to the low taste among the people and thus makes popular in one case a journal, which admittedly contains 40 per cent. of vulgar matter, so long as they keep themselves within the law. Some other journalists admitted before us that some of their contributions were

in bad taste and they said that they were sorry they had given publicity to such matter. We have been told of reporters who have sometimes asked questions at Press Conferences at the instance of foreign Embassies. All this seems to indicate that moral and intellectual leadership which used to be associated with journalists of former days, is not being maintained at the same level particularly after the attainment of independence. This has been partly due to the fact that owing to the rapid expansion of the newspapers, wherever such expansion has taken place, the calibre of persons attracted to this profession has not been of the same high standard as in the past although there is growing social awareness among them. We have been told that in one case a typist of 3 years standing was accredited as special correspondent of a well-established newspaper. In other cases persons who had nothing to do with journalism in the past have become correspondents of newspapers merely because it enables them to obtain admission to the Press Gallery of Parliament. The aim and outlook of the employees themselves has undergone a radical change. Consequently the status of journalists and the esteem in which they used to be held has not been maintained at the same level which it had attained during pre-independence days.

510. The deterioration in the status and role of journalists may have been partly due to certain lowering in the standards of their working conditions. The war years had brought about considerable prosperity in the fortunes of the newspaper industry. There were also large-scale demands from Government publicity organisations and the Defence Services for qualified journalists. As a consequence, there was some improvement in the working conditions of journalists. But after the war these conditions have not continued. We have heard of numerous instances where increments have not been paid, where the dearness allowance has not been sufficient to neutralise the rise in the cost of living, and where, owing to the insufficient number of employees, the workload has increased. It is true that the salary scales offered in 1952 have been higher than those offered in 1939. But the real wages of the working journalists have actually gone down as the rise in the wages has not been commensurate with the rise in the cost of living. To some extent this has been attributed to the tendency of large concerns, who instead of ploughing back profits in the existing units in the industry, and utilising them to improve the conditions of journalists, have diverted the profits for the purpose of starting new units at different centres. These ventures at best made no profits and some times were highly speculative. It is true that in individual cases there has been improvement in the conditions of service particularly in the matter of emoluments. But quite often this improvement is noticeable only in the higher and more senior posts, and has only served to emphasise the disparity in the maximum and the minimum salaries. An analysis of the emoluments of working journalists has been given in Chapter XI.

511. But the most widespread complaint that we have received is in the matter of insecurity of the tenure. Such a feeling exists both among the highly paid journalists some of whom perhaps feel that they have sold away all their rights when they took up their appointments, and among the lower rungs of the ladder, where recruitment has been haphazard. Numerous instances have been brought to our notice where the services of the employees have been terminated either with no notice or with inadequate notice. In the present state of organisation of employees, it is an unequal battle between the proprietors on the one hand and the working journalists

on the other. We have been told at one centre that owing to the present state of unemployment if one journalist is dismissed, 10 others are waiting to fill the vacancy. The editor explained the point by saying that the few holding the jobs had no additional qualifications beyond those possessed by the hundreds who were unemployed. At another centre, we were told that the journalists were unwilling to form themselves into unions and demand amelioration in the conditions of their service because they were afraid that such a demand would afford a pretext to the proprietors of the papers to dispense with their services. This state of affairs must inevitably lead to demoralisation and lowering of the professional standards among the working journalists.

512. It is essential to realise in this connection that the work of a journalist demands a high degree of general education and some kind of specialised training. Newspapers are a vital instrument for the education of the masses and it is their business to protect the rights of the people, to reflect and guide public opinion and to criticise the wrong done by any individual or organization, however high-placed. They thus form an essential adjunct to democracy. The profession must, therefore, be manned by men of high intellectual and moral qualities. The journalists are in a sense creative artists and the public, rightly or wrongly, expect from them a general omniscience and a capacity to express opinion on any topic that may arise under the sun. Apart from the nature of their work the conditions under which that work is to be performed, are peculiar to this profession. Journalists have to work at very high pressure and as most of the papers come out in the morning, the journalists are required to work late in the night and round the clock. The edition must go to press by a particular time and all the news that breaks before that hour has got to find its place in that edition. Journalism thus becomes a highly specialised job and to handle it adequately a person should be well-read, have the ability to size up a situation and to arrive quickly at the correct conclusion, and have the capacity to stand the stress and strain of the work involved. His work cannot be measured, as in other industries, by the quantity of the output, for the quality of work is an essential element in measuring the capacity of the journalists. Moreover, insecurity of tenure is a peculiar feature of this profession. This is not to say that no insecurity exists in other professions but circumstances may arise in connection with profession of journalism which may lead to unemployment in this profession, which would not necessarily have that result in other professions. Their security depends to some extent on the whims and caprices of the proprietors. We have come across cases where a change in the ownership of the paper or a change in the editorial policy of the paper has resulted in considerable change of the editorial staff. In the case of other industries a change in the proprietorship does not normally entail a change in the staff. But as the essential purpose of a newspaper is not only to give news but to educate and guide public opinion, a change in the proprietorship or in the editorial policy of the paper may result and in some cases has resulted in a wholesale change of the staff on the editorial side. These circumstances, which are peculiar to journalism must be borne in mind in framing any scheme for improvement of the conditions of working journalists.

SECTION II—RECRUITMENT AND TRAINING

513. **Recruitment.**—We have been unable to find evidence of any well-defined system of recruitment to the editorial staff of the newspapers. In
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most cases the recruitment is made in haphazard fashion. Very often, even the departmental heads are not consulted in making appointments. Save in the case of a few well-established papers, no regular register is kept of the applicants for posts nor is there a Selection Committee appointed for selecting candidates. The appointments are often made on considerations other than merit. We have heard frequent complaints of appointments being made either because the person appointed happens to be a relative or a friend of the proprietor or of the heads of different sections in a newspaper office, or because of political considerations or even because the appointing authority thinks that making a certain appointments might result in an indirect benefit to the paper. We have heard of a case where the son and the son-in-law of a joint editor were said to have been appointed not strictly on consideration of merit. In another case the proprietor's younger brother was appointed as editor of the paper though he actually did not edit the paper and was merely a student still in college; even so he drew the salary as an editor. On another paper, which is a proprietorial concern, a very large number of the members of the staff belong to the family of the proprietors. In the case of another paper several relatives of the proprietor, including even ladies, are borne on the staff of the paper and receive their emoluments as such. At another place the appointments were often made not only on the basis of family relationship but also on parochial and regional considerations. In proprietorial concerns, the tendency to appoint relatives of the proprietor to responsible posts on the managerial side even though they may not have proper qualifications, is understandable though not defensible. But where such appointments are made also to posts on the editorial side, particularly noticeable where the proprietor is also the editor, the practice is reprehensible as it is bound to lead to a lowering in the standards of journalism. Even in non-proprietorial concerns the tendency is noticeable to appoint relatives of the managing editor to posts on the editorial and on the administrative side. We have also come across instances where appointments have been made of persons who were related to the political personalities of the land. We have also been told of a case where the appointments have been made on the recommendations of a person holding an important position in a political organisation of the State. It is true that in some cases the persons appointed have justified the choice by the manner in which they have made a success of the assignments given to them. But there can be no gainsaying that the original appointments were actuated by considerations other than those of merit.

514. All this, in our opinion, indicates that certain improvement is immediately called for in the manner in which recruitment is made. It is difficult to prescribe a system of recruitment which will be applicable both to large and small papers or will be equally suitable for papers in different languages or for application in all regions. But we think that whenever vacancies arise, they should be advertised and selection should be made on the recommendation of the editor assisted by a small Selection Committee. A proper register should be kept of all the applicants and of the candidates who have passed the selection test and appointments should be made in the order of priority as determined by the Selection Committee. This would, to a large extent, minimise the undesirable influences which might otherwise make themselves felt in making recruitment to the newspaper offices. These observations are applicable mainly to large establishments where the annual turnover of staff is appreciable and not to small district newspapers having only a few members on the staff.

515. It has to be recognised that the proprietorship of a newspaper is not on a par with ownership of factories in as much as journalism is a matter intimately affecting the public, and the formation and expression of opinion have vital public and social repercussions. So long as the proprietary form of ownership exists, the appointment will have to be sanctioned by the proprietor. But in practice, the conduct of the newspaper on its editorial side should be left to the editor. We think it would be of the utmost importance to emphasise that having selected the editor, the proprietor should give him the fullest autonomy to select candidates for appointments on the editorial side. It is also very necessary for the success of a newspaper that there should be a spirit of solidarity, camaraderie and harmony among the editorial staff. There should be a team spirit and this can be secured only if the editor has, working under him, persons who enjoy his confidence and who in turn have faith in his leadership and guidance. Moreover the technical requirements of men working on the editorial side would be better known and appreciated by the editor rather than by the proprietor where he himself is not a journalist. For these reasons, we think, that the proprietor should invariably make appointments and issue letters of appointment only on the recommendation of his editor—assisted, wherever possible, by a Committee or a Staff Council. In those rare cases where the proprietor is unable to accept the recommendation of the editor the matter would probably be settled by a personal discussion between the proprietor and the editor. We think it would be most undesirable that the proprietor should make appointments on the editorial side without the concurrence of the editor.

516. The same principle should apply to appointments made on the managerial side.

517. The senior members of the staff should, as far as possible, be appointed from the existing members of the staff in consultation with the heads of the managerial and the editorial sections as the case may be. We realise there can be no generalisation in this respect as there may be persons of outstanding merit who may be selected for direct appointment to senior posts. But even in making such appointments it is very necessary that the claims of the junior members of the staff should not be ignored, as such a procedure is likely to lead to dissatisfaction and demoralisation among the members of the staff.

518. **Education and training.**—In this country there is plenty of human material available to supply the needs of the journalistic profession, but it has got to be educated and trained along proper lines before it can be moulded and fitted into the profession. We have been somewhat pained to find that the educational standard and the intellectual equipment of some of the journalists who have entered the profession have been woefully unsatisfactory. One distinguished journalist told us that although they were trying to employ only first-class graduates, it had been a difficult matter to maintain high standards because the reporters, sub-editors, etc. were of a lower calibre. He attributed this to the fact that the standards of Universities had gone down. A Professor of Journalism in one of the Indian Universities also found that the intermediate students who took up the course in journalism for their University degree were not sufficiently equipped in general knowledge. As an instance he mentioned the case of a student of his who said that 'Ananda Bazar Patrika' was published in Kannada and was edited by Raja Ram Mohun Roy. In reporting that the swollen waters of the Chenab had washed away to Pakistan the sleepers stacked on its

bank, 20 miles from Jammu, a sub-editor of a Malayalam paper rendered the story by saying that two lakhs of persons had been carried away by the rising waters when they were asleep on the banks of the Chenab. The editor had to explain to his readers the next day that wooden sleepers and not slumbering men had been washed away to Pakistan and apologised by saying that he himself was asleep when the mistake occurred. This lack of general knowledge has been to some extent due to lop-sided specialisation which has been brought about in our University curricula. A Professor of Economics who also looks after the Department of Journalism in a University has told us that the pass students were on the whole more suitable because their knowledge was broad-based and their capacity to express themselves in English was better. The Honours graduates did not have the same general knowledge because of their specialised education. The Secretary to the Standing Committee for Journalism of another University was of the opinion that on the whole the persons admitted to the journalism course in the University were satisfactory but he added that they held an oral test to find out the aptitude of the candidate to take up the course.

519. It seems to us that general improvement can be brought about only if higher educational standards are maintained in schools and colleges, both in Indian languages and in English. The students should receive some preliminary training in (i) methods of journalism, (ii) general knowledge and world affairs, and (iii) writing in the particular language either English or the Indian language, before they could be regarded as qualified to enter any of the schools of journalism for a degree or a diploma course. It should be possible for our school and University authorities to have a course in world affairs, essay-writing and precis-writing not merely as a special qualification for those who want to enter journalism but as an intergral part of a sound and liberal education.

520. **Qualification for a journalistic career.**—It will obviously be impossible to prescribe standards of qualifications for different branches of the profession. But as we are suggesting elsewhere a provision being made for a minimum wage, it is obvious that in order to be entitled to that minimum wage the entrants to journalism should have some minimum qualifications also. This is a matter in which the assistance of a Press Council and an Institute of Journalists would be very valuable. We would consider a Degree with a good grounding in humanities as a satisfactory minimum. The qualification necessary need not, however, be confined to an academic Degree but should take into account also the psychological equipment of the candidate, his general aptitude for practising the profession of journalism, his flair for writing and nose for news. Many graduates from the Universities may be found wanting in this respect. We thus think that the re-orientation of higher education is as essential in respect of journalism as in the case of other professions. It is too early at present to insist that the new entrants to journalism should be persons who have obtained a journalistic qualification either by way of a degree or a diploma. We are examining presently the kind of education which is imparted in our University courses for a diploma or a degree in journalism. We do not think that the training imparted is in all respects satisfactory and we think it would not be desirable to insist at this stage that only those who hold a diploma or a degree in journalism should be permitted to enter the profession. But other things being equal persons having a journalistic qualification should have preferential claim in the matter of employment.

521. It is hardly necessary to emphasise that the correspondents on the staff of newspapers should not only be proficient in the regional languages but also in the language of the paper on which they serve and in the language in which the news is transmitted by teleprinter or telegraphy. Without this necessary equipment a correspondent would be greatly handicapped in his work.

522. **University courses in journalism.**—That brings us to the question of University courses in journalism. There is unanimity of opinion that a systematic and institutional education in journalism is necessary and that this education should be of a comprehensive character. It should cover all aspects of journalistic work from news-reporting and news editing to photography, short story writing, editorial writing, administration, newspaper management and production etc. In America a graduate in journalism is considered as equivalent to a journalist with two years experience in the profession, for evaluating comparative merits of candidates for employment.

523. **Mysore University.**—So far as we are aware there exist schools of journalism in the Universities of Punjab, Calcutta, Nagpur, Madras and Mysore and there are proposals for starting schools of journalism in three or four other Universities in India. (Gujarat, Agra, Osmania and Gauhati). Of these the Mysore University Course, and the University Certificate and the College Certificate courses in the Nagpur University give under-graduate training in journalism, whereas other Universities and one course in the Nagpur University give post-graduate training for diploma courses. The Mysore University course gives instructions in journalism as part of the B.A. degree course of the University. It trains students in history of journalism, journalistic practice and newspaper administration. The head of the Department of Journalism in the Mysore University told us that they employed no trained lecturers or professors. During the last year, 24 students joined the course electing journalism as one of their subjects and of these only 7 passed out. He said that the students took journalism as a part of their degree course because they thought it was an easy subject, and while he had started with 24 students, half of them had given up the course after a month or so, because they found that it was not as easy as they had imagined. This University has prescribed the course on journalism as part of a liberal education and does not aim at turning out students qualified straight away to take up journalism as a profession.

524. **Madras University Course.**—All the other Universities have provided very comprehensive curricula and little fault can be found with regard to the subjects in which education is imparted. But while Calcutta University has got a two years course, the Nagpur, Punjab and Madras Universities have provided for a course extending over one year only. It seems to us that it would be practically impossible for the students to have a proper understanding of the various subjects on which education is imparted within the brief period of one year. The Madras University has not got either a Department or a Professor of journalism; the Professor of Economics looks after the administrative side of the School of Journalism. The teaching is done in two groups, general subjects and technical subjects. The general subjects are taught by professors borrowed from different colleges while technical subjects are taught by journalists on the staff of the local papers. Each of the lecturers delivers 10 lectures. There are 110 lectures on technical subjects and 114 on general subjects, including Press laws. This course has been in existence since 1947 and they have been admitting about 12 students a year. About 50 students have gone through this course during these 5

or 6 years but not all of them have taken the diploma because one of the subjects in which the students have to pass is shorthand and typewriting, and 90 per cent. of the students failed to qualify in these two subjects. But having passed in the remaining groups of technical and general subjects, they were able to obtain employment without formally possessing a diploma of the University. Dr. Balkrishna frankly conceded that the course was a very big one and the teaching was essentially superficial. The teachers could only give general guidance but were not able to impart detailed instructions. Local newspapers have co-operated with the University in trying to give the students practical training. But once the students were sent to the newspaper offices for practical training the University did not keep a watch and find out what training was actually given in those offices. Fifteen students are selected every year by the Syndicate after an interview and the list of selected students is passed on to the various newspapers offices and the newspaper has to decide which particular candidates it would take up for practical training. In effect, therefore, unless a student was accepted by one newspaper or another for training, he could not be admitted to the course. The students complained that unless one has influence with a paper, he could not hope to join the course. One newspaper would select for training only such number of students as could be absorbed on the paper itself.

525. Nagpur University Course.—In the Nagpur University the post-graduate diploma course is of a comprehensive nature but the course is limited to one year. The University conducts this course at the Hislop College, Nagpur. The Professor in charge holds office for one year as Fulbright Scholar. The tenure of the Assistant Professor is sponsored by the World Literacy Organisation. We were informed that out of 30 students who were admitted to the course, about one-third were well-grounded in English, another one-third were of medium qualifications who could be brought up to the mark with a little coaching while the remaining third were not in a position to benefit by the course. The course has been in existence only for one year and out of 40 students who had appeared for the Diploma course, 25 had passed and of these 15 had found employment in newspapers or in radio stations. The Professor in charge admitted that in some cases American ideas of promotion of business were imparted to the students, and that some of these ideas may not suit Indian conditions. He also conceded that the text books used and the views expressed therein were essentially American and suited to American conditions although the lectures delivered in the University attempted to correct this particular drawback.

526. The Punjab University Course.—The Punjab University has also a very comprehensive curriculum for the diploma course and here again the difficulty lies in trying to compress too many things within a short space of time. The University tries to select students for admission to the course in journalism after a test of their aptitude for journalistic work.

527. Calcutta University Course.—The Calcutta University is the only University whose post-graduate course for diploma in journalism extends over a period of two years. There is a Standing Committee for Journalism formed by the Syndicate of the University which looks after the Department of Journalism. There are six part-time professors and lecturers and most of them are veteran journalists. The course was started in 1950. It admitted 60 students in the first year. Of these only 50 students continued in the second year when a new batch of 60 students was admitted for the first

year. As in the case of Madras University no watch is kept on the practical training given to the students in the newspaper offices. The University merely accepts a certificate given by the editor. The first batch of 24 diploma holders passed out in 1953 and half of them have found suitable jobs. Before admitting the students to the diploma course, there is an oral test for appraising the aptitude of the candidate. The University writes to different newspapers and they offer to take a certain number of students for practical training. The number of students admitted every year is dependent upon the possibility of giving them practical training. Here again the position is the same as in the Madras University.

528. **Our recommendation.**—On the whole it seems to us that the list of subjects laid down for study in most of the Universities is generally satisfactory but the time allotted for the study of these subjects is quite insufficient. We think that the diploma or the degree course should preferably be a post-graduate course. The experience at the Mysore University, where a provision is made for the study of journalism as part of the degree course in Arts is not encouraging. There is no objection to such a course being maintained as a part of the liberal University education. But such a course would be altogether inadequate for those who want to take up journalism as a career. If it is a post-graduate course, then it may be of a two years duration. But the modern tendency of the University education is to start specialisation after reaching the intermediate standard. If this is extended to a specialised degree or a diploma in journalism then the course should be of 3 and not 2 years. Of these 3 years the first year should be devoted to the study of general subjects such as History, Sociology, Economics and Politics. The actual instruction in journalism should be given in the second and third years. The curriculum should also include a study of the management of the newspapers and the technique of their production including instruction in printing and typography, press photography, radio journalism etc. It is understood that the Universities will shortly be required to prescribe one year's general training as a part of the intermediate course or as a preliminary to admission to the degree course in Arts and Science. Until such a preliminary course is initiated it may be necessary to have a year's course in general subjects referred to above followed by a test to ascertain the special aptitude of the students for journalism before permitting the students to proceed to specialised study of journalism in the second and third years.

529. Although this theoretical training would be good, as far as it goes, it needs to be supplemented by practical training in journalistic work in the newspaper offices. A class room schedule does not give the real feel of the hurry and the bustle, the strain and the pressure of a typical newspaper office. This experience is an essential part of the training of a journalist. It would be desirable for the University authorities to have periodical reports of the practical work done by the students in newspaper offices. Normally, the staff of a newspaper have little or no time to train an apprentice and consequently the training imparted may not be of the kind which is essential for an intending journalist. It would, therefore, be desirable for the Universities to start a campus paper as is done in the American Universities, and to run the paper for such periods of the year as may be found practicable. Alternatively some satisfactory arrangements should be made with other newspapers in the locality ensuring that the students derive a real benefit. As the future lies with Indian language journalism, a practical difficulty is created by the different regional languages of India. A Malayali student could not possibly get practical training at Nagpur, Bombay or Calcutta as there are no

Malayalam newspapers there. Organisations of newspapermen should advise the Press Council on the possibility of setting up an Institute of Journalism which can keep a watch on the methods of training in the Universities and also conduct refresher courses. Such an Institute should carry out research into the problems of the profession and, if necessary, conduct institutions of its own for training in journalism.

530. We think there are reasonable prospects for those who obtain degrees or diplomas in journalism to obtain employment in different walks of life. Apart from their finding positions in the newspaper industry itself, there are possibilities of their obtaining employment as Information Officers in Government service, in the News Division of All India Radio and as Information and Publicity Officers in Industry and Commerce. There are numerous commercial concerns who run trade journals, specialised periodicals and house organs and, for the production of these, training obtained in University courses in journalism would be quite useful. The news agencies also afford an avenue of employment for graduates in journalism. Allowing for normal wastage in the newspaper industry, for reasonable expansion of the industry following in the wake of growing literacy and for the possibility of graduates in journalism being fixed up in other walks of life, we estimate that the output of such trained graduates should normally not exceed about 300 a year during the course of next 10 years if we are to avoid the risk of unemployment and the consequent hardship to these graduates.

SECTION III

Apprenticeship and Maintenance of Efficiency

531. **Need for a regular system.**—There is no regular system of recruiting apprentices and of training them. We have been told of a practice which exists in some papers of entertaining apprentices purely or mainly with a view to effecting savings in wages, since the payment made to these apprentices is much lower than that made to regular employees. We consider the practice is wrong in principle and it is on the whole undesirable to recruit apprentices unless there is a reasonable chance of their being absorbed on the staff of the paper at the end of a specified period of satisfactory training. It should be an easy matter to estimate the probable requirement of a paper for filling vacancies on the regular staff every year; the number of people recruited should not normally exceed the number of vacancies that are likely to occur by more than one or two. In this way there would be a certain amount of competition among the apprentices to make good, in order to get one of the permanent posts on the paper. It would also enable the management to make a proper selection from among those recruited as apprentices. It is difficult to dogmatize as to what the period of training should be. This must depend in each case upon the training and the journalistic background of the apprentice concerned. A person who has already obtained a degree or a diploma in journalism and has acquired both practical and theoretical knowledge of newspaper work will require a shorter period of apprenticeship than one who is not so qualified. In no case should the period of apprenticeship exceed two years nor should free service be taken from these apprentices as a measure of economy for the paper. We think that those apprentices who have a diploma or a degree in journalism should be paid two-third of the basic minimum salary of a sub-editor and those who are not so qualified should get half the basic minimum salary of a sub-editor, during the period of apprenticeship.

532. Refresher Courses.—We think it is desirable that there should be a refresher course for those who are already engaged in journalism. The Institute of Journalists, as soon as such a body comes into being, would be the proper authority for conducting such courses. Some attempt has been made in this direction by the Southern India Journalists Federation. In recent years it has conducted special 3-day seminars for correspondents from the mofussil at which lectures have been delivered by the senior members of the daily newspaper staff on the various aspects of the work of correspondents. We have been informed that these seminars have been appreciated by them and one or two newspaper managements have made a contribution to the cost of organising these seminars. A similar attempt was made by the Marathi Patrikar Parishad. It is hardly necessary for us to emphasise the importance of having such refresher courses

533. Facilities for travel.—In order that the working journalists may be able to perform their duties efficiently, they must have first-hand knowledge of conditions as they prevail in different parts of India and we think it is desirable that the newspapers should, by turn give facilities to the members of their staff to pay visits to different parts of the country and to obtain first-hand knowledge of the degree of development, the progress made, and the trends of public opinion prevailing in those regions. Wherever practicable the bigger papers should send members of their staff to foreign countries also for training or at least encourage them to go at their own expense, by providing them necessary facilities such as leave, lien on their Indian posts, etc. If possible there should be a constant exchange between the members of the staff serving in India and those serving as foreign correspondents in different countries as such exchange will be beneficial to both categories of employees.

SECTION IV

CONDITIONS OF SERVICE

534. There should be a letter of appointment or a contract. Minimum notice periods recommended.—As a general rule the employees in the newspaper offices are not given any contract of employment and in a large majority of cases there is not even a letter of appointment. Generally the journalists prefer a letter of appointment to a contract of service; a contract usually stipulates a definite period of appointment, and this raises an apprehension in the mind of the employee that at the conclusion of the period, his services would be automatically terminated if the contract is not renewed, and that he would have to look for employment elsewhere. Some witnesses have preferred a contract covering a period of years, because this gives them a feeling of security at least for that period. But even such contracts provide for the termination of the employment before the expiry of its tenure by giving notice of a specified period and thus even the mention of a period of years in the contract of service is not by itself an adequate safeguard against the termination of the employee's services before the expiry of the period of contract. We think it advisable that the employee should receive either a letter of appointment or a contract as the employee may prefer. A standard form of contract should be devised by the organisations of employers and employees. We suggest a draft form on the lines of the letters of appointment (reproduced in Appendix No. XXXVII). It should also contain a clause stipulating that the appointee shall abide by the code of ethics prescribed for the profession. The draft form should specify the period of notice for the termination of services which should be based on the length of the service rendered and the nature

of the appointment. There can be no hard and fast rule as to what the notice period should be. The practice upheld by law or by collective bargaining varies from country to country. In England the practice established by some judicial decisions is that the editor is entitled to a year's notice and an Assistant Editor to six month's notice. In a recent Bombay case (Suit No. 735 of 1951 in the City Civil Court) the Judge held that in the circumstances of the particular case the plaintiff, an Assistant Editor, was entitled to a notice of four months although in normal times, he said, the rule adopted in England of six months should be the correct rule to adopt in India. We suggest the following minimum periods of notice for the termination of services:

<i>Editors</i>		<i>Joint Editors Asstt. Editors Leader Writers, News Editor and Chief Sub-Editor</i>		<i>Other Working Journalists.</i>	
Service	Notice	Service	Notice	Service	Notice
Less than 3 years.	*3 months	Less than 3 years.	*2 months	Less than 2 years.	*1 month.
Over 3 years	6 months	3 to 5 years	*3 months	2 to 5 years	*2 months
		Over 5 years	*4 months	5 to 10 years	*3 months
				Over 10 years	*4 months.

(*Unless his service in any other capacity in the same paper entitles him to a longer notice.)

We have suggested a longer period of notice for editors because it is comparatively much more difficult to secure another assignment for a journalist of that seniority and standing in the profession. The draft form of contract or the letter of appointment should mention the age of superannuation when the working journalists would be bound to retire.

535. **How and what punishments may be imposed.**—The authority competent to impose punishment should normally be the authority empowered to make appointments, acting on the advice of the editor on the editorial side and of the manager on the managerial side. But before any punishment is imposed, the rules of natural justice require that the employee concerned should be given a charge-sheet and afforded a reasonable opportunity to defend himself. The punishment which may be imposed upon the employee of a newspaper for proved inefficiency or gross negligence should be of the following types arranged in the ascending order of gravity:—

- (1) warning,
- (2) censure,
- (3) withholding of increment,
- (4) withholding of promotion,
- (5) forced leave,

- (6) suspension, and
- (7) termination of services.

The more severe punishment should not be resorted to unless the milder form of punishment appears to be inadequate. It has not always been possible for us to verify the truth of the various complaints made of improper or excessive punishments, because very often the complaints came to our notice after the proprietor concerned had been examined. In any case, we could only examine a limited number of proprietors and the complaints were made in respect of many other newspapers also. In several instances allegations were made that the services of the employees were terminated with or without cause assigned and sometimes without notice. It was impossible for us to examine the truth of the allegation in every case. But we are satisfied that in many of the cases services have been dispensed with with or without sufficient cause and sometimes with inadequate or no notice. It would not be appropriate for us in this report to go into the details of individual cases in support of the statement we have made

536. Allegations have also been made that a change in the proprietorship of a newspaper has led to the termination of employment of many members of the staff. To a certain extent a change in the proprietorship would make it inevitable that there would be changes at least amongst the holders of the senior posts on the editorial staff. The new proprietor would not necessarily be of the same views as his predecessor and would naturally want the paper to be run according to his own views and ideas. If those views happen to be radically different from those of his predecessor, the editor whose views coincided with the views of the predecessor would not be able to run the paper according to the views of the successor if he has to be true to his conscience. But certain cases have been brought to our notice where a change in the proprietorship and administration has led to a change not only in the editorship but also in the junior members of the editorial staff. When a certain paper changed hands and was taken over by management, having a different political complexion, several members of the editorial staff were replaced by members of that political persuasion. When the editor of a Delhi Hindi paper left, two other persons appointed by him had also to leave. Similar changes are said to have taken place when a Marathi journal of Poona changed hands in 1938, 1939 and in 1950.

SECTION V

MINIMUM WAGE AND DEARNESS ALLOWANCE

537. **Unsatisfactory emoluments.**—We have had overwhelming evidence before us that save in the case of some of the bigger papers, the emoluments received by the working journalists are on the whole unsatisfactory. An analysis of the position is given in chapter XI. The starting salary is low. There are no regular scales of pay providing for annual or periodical increments. Even where such scales of pay do exist, they are not declared to the employees as such declaration carries with it an implication that the increments would normally be given as promised. There have been cases where increments have been given to a chosen few and not to others. There are no regular grades making a provision for promotion from one grade to another. Numerous instances have been brought to our notice where the salaries have not been paid regularly at the beginning of every

month. Sometimes salaries have remained in arrears for three or four months at a time. There have been many complaints about a journalist having to do a variety of jobs owing to the fact that a sufficient number of working journalists have not been employed. For instance, we have been told that sub-editors had also in many cases to work as reporters and even as proof-readers. In other cases they were asked to contribute features or to cover sports items in addition to doing their own duties without getting any additional remuneration for such extra work. Some cases have been brought to our notice where a member of the staff had to perform the duties of a higher post but continued to receive the salary of the lower post. For instance, we were told that in some papers the editorials were regularly written not by the editor or the assistant editor but by the sub-editor. Very many cases have been cited to us in which it has been alleged that even where time scales of pay exist increments have been improperly withheld and sometimes granted as a matter of favour. We have not been able to examine each individual case where such allegations have been made. But many of the allegations were put to the proprietors or representatives of various papers when they came to give their evidence. Although the allegations may not have been justified in all cases, we think there is ground for believing that there has been arbitrary exercise of power by the proprietor in this matter.

538. **Scales to be settled by collective bargaining or adjudication.**—It has not been possible for us to examine in detail the adequacy of the scales of pay and the emoluments received by the working journalist having regard to the cost of living in the various centres where these papers are published and to the capacity of the paper to make adequate payment. Such an examination would have entailed an elaborate inquiry. As we have pointed out earlier, this Commission could not undertake a detailed investigation into the working conditions, having regard to the time at its disposal and the variety of other matters included in our terms of reference to which also attention had to be paid. In this connection it may be stated that the Federation of Working Journalists also agreed, when it was put to them, that apart from suggesting a minimum wage it would not be possible for the Commission to undertake standardisation of designations or to fix scales of pay or other conditions of service for the different categories of employees for different papers in different regions. They have stated that these details must be left to be settled by collective bargaining or where an agreement is not possible the dispute could be settled by reference to an industrial court or an adjudicator with the assistance of a Wage Board, if necessary. The All-India Newspaper Editors Conference and Indian Language Newspapers Association have also stated that it would not be possible to standardise designations and that any uniformity of salaries as between one newspaper and another would be impossible. The resources of different newspapers vary and the conditions of service are not the same. We agree in principle that there should be uniformity as far as possible, in the conditions of service in respect of working journalists serving in the same area or locality. But this can be achieved only by a settlement or an adjudication to which the employers and the employees collectively are parties.

539. We have also received complaints that in many cases the dearness allowance is not paid although there has been a considerable rise in the cost of living. It has also been stated that where dearness allowance is

paid it is entirely inadequate and not sufficient to neutralise the rise in the cost of living. It has been the contention of many witnesses who appeared before us that, as a result of this the real wages of the employees have gone down. This, again, is a matter which would require very detailed study of the rise in the index numbers of the cost of living for various places where the newspapers are published. We do not know of any case where a uniform rate has been prescribed for dearness allowance applicable all over the country irrespective of the economic conditions at different centres and the paying capacity of the various units. This must be a matter for mutual adjustment between the employers and the employees and if there is no agreement, some machinery must be provided by which disputes between the parties could be resolved. We have given indication later in this section as to what in our opinion should constitute minimum emoluments at the present day cost of living. With regard to the standardisation of designations and the fixation of scales of pay for different categories of employees, we must leave the matter for mutual negotiation between the employers and the employees, and provide for a suitable machinery for settlement of disputes by mutual agreement or if that cannot be brought about, by adjudication.

540. **Minimum wage.**—But it has been urged before us that we should give some indication of our opinion as to what would constitute a minimum wage for an employee in this profession. Here again the problem is beset with the same difficulty which we have mentioned in connection with the fixation of the scales of pay. All that we can do is to express our view as to what we consider should be the minimum wage of a journalist anywhere in India. A journalist occupies responsible position in life and has powers which he can wield for good or evil. It is he who reflects and moulds public opinion. He has to possess a certain amount of intellectual equipment and should have attained a certain educational standard without which it would be impossible for him to perform his duties efficiently. His wage and his conditions of service should therefore be such as to attract talent. He has to keep himself abreast of the developments in different fields of human activity—even in such technical subjects as law, and medicine. This must involve constant study, contact with personalities and a general acquaintance with world's problems. Further, as has been pointed out by the Delhi Union of Journalists, "the field in which a working journalist has to move has now increased tremendously both in ramification and requirement. In a place like Delhi where he has, of necessity, to meet several people holding high official positions, he has to dress himself better than an average middle-class man". It is, therefore, essential that there should be a certain minimum wage paid to a journalist. It is not unlikely that the fixation of such a minimum wage may make it impossible for smaller papers to continue to exist as such. But we think that if a newspaper cannot afford to pay the minimum wage to the employee which will enable him to live decently and with dignity, that newspaper has no business to exist. We put it to the various organisations of working journalists that the fixation of a minimum may mean closing down a certain number of papers with the result that there may be an increased unemployment. They were prepared to contemplate such a prospect with equanimity. But we feel confident no such consequences would follow—at least not on a very large scale—and even if they did the journalists would rather face the problem of unemployment than work under conditions which are unsatisfactory and humiliating.

We, therefore, proceed to consider what in our opinion, the minimum wage should be.

541. Application of Minimum Wages Act not recommended.—A suggestion has been made to us that the minimum wages for working journalists may be fixed under the Minimum Wages Act, 1948. At present that Act applies to employees in industries specified in the Schedule. But the appropriate Government has power, under Section 27 of the Act, to add other kinds of employment and if a notice to that effect is issued in the official gazette, the Schedule in its application to that particular State is to be deemed to be amended accordingly. Although under Section 3 of the Act, the appropriate Government is required to fix the minimum rates of wages in the case of employment specified in the Schedule, there is a proviso that the Government shall not be required to fix such minimum rates in respect of any scheduled employment in which there are in the whole Province less than one thousand employees engaged in such employment. (This would apply to working journalists since their number does not exceed 1,000 in any State of India.) In fixing the minimum wage discretion is left for fixing different minima for—

- (i) different kinds of scheduled employment;
- (ii) different classes of work in the same scheduled employment;
- (iii) adults, adolescents, children and apprentices; and
- (iv) different localities.

The Act prescribes the procedure for the fixation of minimum wages and for revision thereof and under Section 12 of the Act an obligation is cast upon the employer to pay every employee engaged in a scheduled employment, wages at a rate not less than the minimum rate of wages fixed by the appropriate Government. Under Section 22 of the Act any employer who pays to any employee less than the minimum rates of wages fixed for that class of employees or less than the amount due to him under the provisions of the Act, or infringes any order or rules thereunder, is punishable with imprisonment of either description for a term which may extend to six months or with fine which may extend to Rs. 500 or with both. Under Section 25 of the Act, any contract or agreement whether made before or after the commencement of the Act, whereby an employee either relinquishes or reduces his right to a minimum rate of wages shall be null and void in so far as it purports to reduce the minimum rates fixed under the Act. Finally, Section 26 of the Act gives power to the appropriate Government to direct that the Act shall not apply to all or any class of employees employed in any scheduled employment or to any locality where there is carried on a scheduled employment. We have been informed that the Minimum Wages Act was intended to apply to what are called sweated industries or to industries wherein labour is not properly organised, although the Act has now been extended to dock labour in the Port Trusts. Working journalists could not be regarded as coming within the category of sweated labour and with the formation of trade unions and associations all over India and with the coming into being of Federations of Journalists, it can hardly be said that the working journalists are not properly organised. It seems to us, therefore, that it would be inappropriate to extend the provisions of the Minimum Wages Act to working journalists. The expert advice that we have received also favours the same view. The Minister of Labour in Bombay told us that the wages under the Minimum Wages Act are usually fixed in those industries where there is exploitation and also where the workers are not

sufficiently organised to resist such exploitation. He was of the view that the Minimum Wages Act has, in practice, proved somewhat ineffective. It was difficult to get any employee to come and give evidence that the minimum wages had not been paid. The Act has been extended to workers in building construction, but it has been found impossible to appoint sufficient number of inspectors to detect offences. He thought that the fixation of minimum wages might be possible with regard to press workers but not with regard to the editorial staff. The Chief Labour Commissioner and the Union Minister of Labour were also of the view that working journalists should not be brought within the purview of the Minimum Wages Act. We agree with this view and are of the opinion that as the working journalists are now properly organised, it would not be desirable to bring them within the purview of the Minimum Wages Act by adding working journalists to the categories of employees enumerated in the Schedule to that Act.

542. **Classification of areas.**—In order to express any view as to what would constitute a reasonable minimum wage for working journalists all over India, it is obvious that we have to take into account the differential cost of living in different parts of India. The cost of living varies in different areas but it would be possible to suggest a uniform basic wage which would be applicable all over India and to supplement that wage by local allowance which would reflect the difference in the cost of living. But for this purpose, it is necessary to make a rough division of the areas of publication of newspapers into two or three categories. The latest scientific study in respect of lower middle classes with regard to conditions all over India is to be found in the Award given by the All-India Industrial Tribunal (Bank Disputes) in March 1953. The only suitable basis for such a division of localities was on the basis of the population as stated in paragraphs 73 and 74 of the Award. We ourselves have not had the time or the opportunity to study this matter in great detail. But we are satisfied that the classification adopted by the Bank Tribunal is, on the whole, fair. According to the Bank Award all places in India are classified into 3 areas:

Class III area consisting of all places with a population of less than one lakh according to the Census Report of 1951;

Class II area consisting of all places with a population of more than one lakh according to the Census of 1951 except the cities included in Class I area;

Class I area consisting of cities of Ahmedabad, Bombay, Calcutta, Delhi and Madras.

We think, however, that the gap between Class II and I areas is much too large. There would be some towns where the cost of living may not be as high as Class I cities but would be distinctly higher than any town of, say, two lakhs of population. Moreover throughout this Report we have treated the cities of Bombay, Calcutta, Delhi and Madras as metropolitan centres having a special importance of their own from the point of view of journalism and we think that that distinction should be maintained in the fixation of minimum wages also. We would, therefore, slightly modify the classification adopted by the Bank Award in the following manner so far as journalists are concerned:—

Class III area consisting of all places with a population of less than one lakh according to Census Report of 1951;

Class II area consisting of all places with a population of more than one lakh but less than 7 lakhs;

- Class IB area consisting of towns with a population of over 7 lakhs other than the towns falling in Class IA area. This would include cities of Ahmedabad, Bangalore, Hyderabad and Kanpur;
- Class IA area consisting of metropolitan cities of Bombay, Calcutta, Delhi and Madras.

543. **Concept of minimum wage.**—Having accepted this general classification we have next to proceed to determine what should be the reasonable minimum wage in respect of each area. The expressions ‘a living wage’, ‘a fair wage’ and ‘a minimum wage’ have got different connotations. The fair Wages Committee’s Report summarises the main principles in the following words:—

“While the lower limit of the fair wage must obviously be the minimum wage, the upper limit is equally set by what may broadly be called the capacity of the industry to pay. This will depend not only on the present economic position of the industry but on its future prospects. Between these two limits the actual wage will depend on a consideration of the following factors:—

- (i) the productivity of labour;
- (ii) the prevailing rates of wages in the same or similar occupations in the same or neighbouring localities;
- (iii) the level of national income and its distribution; and
- (iv) the place of the industry in the economy of the country.”

The Committee has laid down certain broad principles for the determination of fair wages. They stated in Chapter II of their Report: “Any attempt to evolve principles for governing the fixation of wages must be made against the background of the general economic conditions of the country and the level of the national income should not be used as an argument against the prescription, by law, of minimum standards below which, on social grounds, no one should be allowed to fall. But in adopting measures for the betterment of industrial workers, the interest of the community as a whole should not be overlooked. The present level of our national income does not permit the payment of a ‘living wage’ on standards prevalent in more advanced countries. But this should not preclude the fixation of fair wages on different and lower standards. At almost any level of the national income there should be a certain level of minimum wages which society can afford. What it cannot afford are minimum wages fixed at the level which would reduce employment itself and thereby diminish the national income.” In a later part of the same Report the Committee observes: “The living wage should enable the male earner to provide for himself and his family not merely the bare essentials of food, clothing and shelter but a measure of frugal comfort including education for the children, protection against ill-health, requirements of essential social needs, and a measure of insurance against the more important misfortunes including old age.” The Bank Award having considered these points proceeded to state as follows:—

“Though the living wage is the target, it has to be tempered, even in advanced countries, by other considerations, particularly the general level of wages in other industries and the capacity of the industry to pay. In India, however, the level of the national income is so low at present that it is generally accepted that the country cannot afford to prescribe a minimum wage

corresponding to the concept of a living wage. However, a minimum wage even here must provide not merely for the bare subsistence of living but for the efficiency of the worker. For this purpose, it must also provide for some measure of education, medical requirements and amenities. In fact, we are in agreement with the principles laid down but the difficulty lies in the application of the principles in particular cases."

544. **Position under the Bank Award and in some other employments.—** In the case of bank employees, the Tribunal divided the banks into 4 classes and according to the Award which they gave the minimum emoluments of an employee in Class 'D' bank in area No. III was Rs. 51 pay and Rs. 25 as the dearness allowance, total Rs. 76. In area No. II, it was Rs. 54 plus Rs. 30, total Rs. 84 and in area No. I it was Rs. 57 plus Rs. 35, plus Rs. 8 house rent, total Rs. 100. We think that the working journalists should not be equated in point of intellectual equipment and educational attainments to a person who enters the service of bank. His position is more analogous to a lecturer in a college. We were informed that in such private concerns as the Imperial Bank and Burmah-Shell, the basic wage for a graduate was Rs. 120 plus Rs. 50 as dearness allowance. The minimum wage for a secondary school teacher is said to be Rs. 90. The position of some categories of employees in Delhi is as stated in the table below:—

	Allowances for initial salary			Initial total emoluments
	D.A.	H.R.A.	C.C.A	
	Rs.	Rs.	Rs.	Rs.
<i>Govt. of India Secretariat Scales.</i>				
Assistant Rs. 160—10—300—EB—15—450	60	15	10	245
Stenographers Rs. 160—10—330	60	15	10	245
U. D. C. Rs. 80—5—120—8—200—10/2—220.	50	15	7	152
<i>Delhi Govt. Rates</i>				
Assistant Rs. 160—330	60	15	10	245
Stenographers Rs. 160—330	60	15	10	245
U. D. C. Rs. 80—220	50	15	7	152
<i>Delhi University Lecturers</i> Rs. 200—15—290—20—410—25—560	60	—	—	260

545. The Government of India have the same rates of Dearness Allowance all over India. House Rent Allowance is highest at Calcutta and Bombay. The employees in Madras, Delhi, Hyderabad, Ahmedabad, Nagpur, Lucknow, Kanpur, Bangalore and Poona get House Rent Allowance at lesser rates than the employees at Calcutta and Bombay. The employees in other cities which practically cover all the towns of population over one lakh get House Rent Allowance at lower rates than the towns mentioned above, 18 M. of I. & B.

while the employee in the towns not mentioned in the Schedule do not get any House Rent Allowance. Similarly the City Compensatory Allowance is granted at higher rates to employees in Bombay and Calcutta than to those in Madras, Delhi, Hyderabad, Ahmedabad, Nagpur, Lucknow, Kanpur, Bangalore and Poona. The employees in other cities do not get any City Compensatory Allowance. The figures given in the above table refer to the allowances granted in Delhi.

546. **Minimum Wage recommended.**—We are of the view that the basic minimum wage all over India for a working journalist should be Rs. 125 with Rs. 25 as dearness allowance making a total of Rs. 150. For those stationed in Class II areas (i.e. towns with a population of over one lakh) the emoluments should be Rs. 125 basic wage plus Rs. 50 as high cost of living and dearness allowance making a total of Rs. 175. In addition, those serving in Class IB towns should get a city allowance of Rs. 25 p.m. and those in the metropolitan cities of Bombay, Calcutta, Madras and Delhi should get Rs. 50 as city allowance. We suggest these emoluments at the present level of all India cost of living index for working class which stands at 146 for 1953 (1944—100). The resulting position is set out in the table below:—

Area	Basic wage	Dearness or High Cost of Living Allowance	City or Metropolitan Allowance	Total
	Rs.	Rs.	Rs.	Rs.
<i>Class III</i>				
Population less than one lakh	125	25	..	150
<i>Class II</i>				
Population over one lakh but less than 7 lakhs.	125	50	..	175
<i>Class I B</i>				
City Areas having a population of over 7 lakhs which should include the towns of Ahmedabad, Bangalore, Hyderabad and Kanpur.	125	50	25	200
<i>Class I A</i>				
Metropolitan areas Bombay, Calcutta, Delhi and Madras.	125	50	50	225

We further suggest that if there is a substantial increase in the cost of living computed not on working class budgets but on lower middle class budgets, dearness allowance should be increased to the appropriate extent.

547. We have not been able to prepare a similar table for the managerial side of the newspaper establishment. (Figures of number of persons employed in daily newspapers are given in Appendix XXXVIII). The statistics received by us show that the emoluments are unsatisfactory in many cases. Perhaps the basic pays suggested by the Bank Award might prove

a useful guide for the purpose. We recommend that provision should be made in the proposed Newspapers and Periodicals Act for prescribing a minimum emoluments in their case also. We do not think it is possible for us to accept the demand made by the Federation, namely, of a minimum wage of Rs. 250 for Class I towns, that is, Bombay, Calcutta, Madras and Delhi, Rs. 200 in Class II towns, that is, of these with a population of about 2 lakhs excluding the four cities and Rs. 150 in Class III towns, that is those which are not included in Class I and Class II. We have accepted the demand of the Federation for Rs. 150 in Class III towns and have made as near an approach as possible to the demand made by the Federation in respect of working journalists in Class I and Class II towns. We would have liked to accept the Federation's demand *in toto* but we think that the industry's capacity to pay and the present level of national income prevent us from making any higher recommendations. Mr. Jaipal Singh, Mr. T. N. Singh and Mr. Chalapathi Rau agree to the Federation's demand based on the Federation's classification of areas, which keeps a larger number of towns within the minimum range of Rs. 150 and brings a larger number of towns with a population of more than two lakhs within the minimum range of Rs. 200.

548. Qualifications for being entitled to minimum wage.—We think these minima should be applicable as a minimum wage to all working journalists who are graduates or holder of equivalent qualification including University Diploma in Journalism or have put in 5 years service (including period of apprenticeship) on one or more newspapers. Where the existing pays do not correspond with the minima we have suggested for those who are qualified to earn them, immediate steps should be taken by newspapers to bring their emoluments to the required level. We realise that there may be some anomalies arising as a result of the fixation of minimum wage, but we suggest that these anomalies could be resolved by settling each case, on its merit, by mutual negotiation. Mr. Chalapathi Rau would, make no distinction between graduates and University diploma holders on the one hand, and journalists not so qualified on the other, in respect of employees who are already engaged in journalism at present.

549. Comparison with recommendation of Uttar Pradesh and Madhya Pradesh Committees.—In this connection we may point out that the Madhya Pradesh Enquiry Committee recommended that the minimum pay for a sub-editor in Madhya Pradesh should be Rs. 100 and Rs. 35 as dearness allowance for Nagpur and Jabulpore and Rs. 25 elsewhere. That was in the year 1948 when the All India cost of living index for working classes was 134 (1944-100). It stood at 146 for 1953. The Uttar Pradesh Enquiry Committee recommended that the basic wage including dearness allowance for a sub-editor in 'C' class of papers should be Rs. 150, in 'B' class of papers Rs. 175 and in 'A' class of papers Rs. 200. But that was in the year 1950 when the All-India cost of living index for the working class stood 138 (1944-100). In 1953 the cost of living index was 146. The index number for Nagpur with 1939=100 has gone up from 372 in 1948 to 388 in 1953. Similarly for Kanpur the index No. with 1939=100 has gone up from 332 in 1950 to 358 in 1953. But we are only concerned with recommending a minimum wage. We think that our recommendations are fairly in line with the recommendations of the Madhya Pradesh and Uttar Pradesh Committees particularly having regard to the rise in the cost of living which has taken place since those reports were made.

550. **To whom these recommendations should be applied.**—These recommendations should be applied to the employees of daily, bi-weekly and tri-weekly news papers and to the employees of news agencies in the first instance. They may be extended by Government to cover other categories of periodicals publications run on Commercial lines. It is not intended that periodicals for the advancement of cultural, political, social or similar objectives or those conducted by the co-operative effort of a number of individuals should be handicapped or that difficulties should be placed in the way of those endeavouring to start periodicals at district centres.

551. It has however been urged by some of our colleagues that the minimum wage, recommended above, may cause hardship to some of the smaller units of the papers, especially to language papers. While appreciating the difficulties of these papers, we feel that our other recommendations if implemented should enable them to meet the expenditure involved in paying the minimum wages that we have suggested.

552. **No disparity in minimum wage between English and Indian language newspapers.**—We do not see why there should be any disparity in the minimum wage between the employees on English papers and those on Indian language papers. The standard of journalism expected from Indian language papers is in no sense inferior to that of the English papers and the suggested minimum is based on considerations of the dignity of the office, conditions of living and importance of the work done by journalists. It is, therefore, independent of the circumstance whether the journalist is employed on English or Indian language newspapers.

SECTION VI

Reporters and Correspondents

553. Special problems arise in connection with the reporters and staff correspondents. These journalists devote their full time to the service of the newspapers. Reporters work in the city where the paper is published and the staff correspondents are stationed outside the headquarters. We do not see why they should be treated in any way differently from the regular members of the staff. But as distinct from the editorial staff working in the office, the reporters and staff correspondents have to incur some additional and necessary expenditure in the performance of their duties in the shape of transport charges, postage, telephone and telegraph charges. They have also to spend a reasonable amount for the purpose of entertainment. This is a necessary part of the proper discharge of their duties. We think that these reporters and special correspondents should be fully reimbursed by the newspapers in respect of such expenditure.

554. Those correspondents who are not in full time service with the newspapers are variously remunerated. It is true that many of them have not the training required for efficient discharge of their duties. Their emoluments are low and journalistic work is not their main occupation. Some get a nominal retainer charge. Others are paid purely on the lineage basis according to the amount of material supplied by them and utilised by newspapers. In some papers, there is a combination of both these systems. In the case of some papers the only remuneration received by these part-time correspondents is a free copy of the newspaper and the prestige that goes with the position of a correspondent of a newspaper. In some

places this prestige is highly prized as it results in special consideration being shown to them by the local authorities. It is not possible for us to prescribe what the retainer fee should be. It depends upon the capacity and the status of the paper and also upon the nature and the difficulty of the work involved in different stations where the mofussil correspondents are posted. It is equally difficult to say what the rate on lineage basis should be. This is a matter for mutual adjustment between the proprietor and the correspondent. But we have received frequent complaints that prompt payment is not made to them and that in considerable number of cases even the out-of-pocket expenses were not paid. We have also received evidence that although material supplied by mofussil correspondents has not been paid for, on the grounds that it has not been printed, it is in fact utilised by the paper as background material or is utilised by other newspapers under the same ownership. We are satisfied that there is an element of truth in these complaints. It is obvious that irrespective of the use made of their material mofussil correspondents should be paid their out-of-pocket expenses such as transport, telephone and telegraph charges stationery and postage, etc. When the mofussil correspondents are engaged on lineage basis the amount paid necessarily depends on the quantum of material actually utilised. But if the contribution of the mofussil correspondents, though not printed, is used as background material by that newspaper or used by another paper of the same group, as has happened in some cases, it is only fair that some remuneration should be paid to them. Where, moreover, information is particularly asked for and supplied, it should be paid for irrespective of the consideration as to how much of it is actually utilised by the paper. When a mofussil correspondent engaged by a paper supplies material which will be utilised by other papers in the same group, it is only equitable that the basis of remuneration—whether it is a fixed monthly payment or payment made on lineage basis—should be re-fixed. The argument that the mofussil correspondent is engaged by the proprietor to supply information and that it matters little to him in how many papers the proprietor chooses to publish the material is not altogether convincing. The type of material, and the quantum of it would vary if a variety of newspapers are served. When a mofussil correspondent stationed in Delhi supplies news to one Tamil newspaper, he knows what would be of interest to the readers of that paper. If the proprietor also owns a Telugu paper, the correspondent has to cover a wider field. In such a case he has to supply items of news of interest to Telugu readers also. When at the time of engagement the mofussil correspondent knows the papers to whom he has to supply news, no difficulty arises and it is possible for the correspondent to make his own terms with the proprietor. When, however, new papers are added to the original list, the basis of payment should be re-fixed.

555. There is another class of correspondents who devote their whole time to journalism but serve not merely one paper but several papers under different proprietors. It is generally undesirable that the same individual should act as a mofussil correspondent for two or more newspapers at the same time. These papers may possibly have different and some times conflicting outlook on public affairs and the practice is likely to demand that the correspondent compromises his independence and objectivity in reporting. With the small remuneration that is being paid to the correspondents at present, it would not be fair to prevent them from taking up work for more than one paper. But in such cases the fact that the correspondent is serving two or more papers simultaneously should be made known to all the papers

concerned. Such correspondents are not exclusive-time correspondents of any particular paper and cannot, at present, claim the benefits of provident fund and gratuity which are open only to permanent and full-time members of the staff. We have been informed of cases where at the end of their journalistic career such correspondents find themselves without any provision for retirement in the shape of provident fund or gratuity. We think that the contract of employment even on a part-time basis should include a provision for these benefits on the basis of salary paid. Even where the remuneration is not on a monthly basis, it might be possible to determine its equivalent in terms of monthly salary for the purpose of calculating these benefits. These recommendations would also apply to special representatives appointed at the capitals.

556. We understand that in some cases, a practice prevails of relating the rate of payment to the number of copies sold in the area assigned to the mofussil correspondent. It should be the aim of the correspondent to make the newspaper popular in the area by sending contributions of local interest which would attract a readership in that area. But because circulation is the only test applied to gauge the value of the reports, it is quite conceivable that a mofussil correspondent would try to bring about increased circulation more by acting as a sales agent and by canvassing sales than by the proper performance of his legitimate duties as a correspondent. There would also be the temptation to make his despatches sensational in order to stimulate local sale of copies. We are not, therefore, in favour of relating the payment to a correspondent to the number of copies sold in that area. While there is no harm in a mofussil correspondent acting as sales agent in small places where there is not enough work in either capacity, the two functions should not, as far as possible, be entrusted to the same person. The practice of sales agents recommending persons for appointment as mofussil correspondents should, in any event, be discouraged.

557. **Non-nationals as special or foreign correspondents.**—One of the general questions which has been raised with regard to working journalists is the desirability or otherwise of the employment of non-nationals in responsible positions in Indian newspapers, whether at home, or abroad, as special or foreign correspondents. Article XII(6) of the Draft Convention on International Transmission of News and Right of Correction adopted by the General Assembly in 1949 recognises the right of a contracting State to reserve to its nationals the right to establish and direct newspapers in its territory. Although, in our opinion, it is generally undesirable to employ non-Indians in managerial or editorial posts on Indian Newspapers, there should, we think, be no legal or administrative bar against their employment. This recommendation of course does not apply to recruitment to posts of technical character or to posts for which no suitable Indian candidates are available. So far as special correspondents are concerned, we do not think that there is any dearth of talent among Indian journalists. For a special assignment of a particular type, it may be necessary to employ a non-Indian but the employment of such non-nationals should be an exception rather than the rule. Particular care is, in our opinion, necessary in the employment of non-nationals as foreign correspondents of Indian papers. As a general rule it is desirable to appoint only Indians to such posts.

558. A fear has been expressed that the despatches of non-Indian correspondents may be subtly biased in favour of the country to which these correspondents belong. But we realise that there are non-nationals of high qualifications and special experience both of India and the country in which

they reside, whose continued association would be of benefit to Indian newspapers. Although therefore there can be no hard and fast rule on the subject, the desirability of employing only Indian nationals in these posts needs hardly to be emphasized.

559. Remuneration and other facilities to foreign correspondents.—In our opinion, it is desirable that full time foreign correspondents of Indian newspapers should receive a definite remuneration regularly paid and that they should be given facilities, particularly where they are Indian nationals, to visit India at least once in three years and that they should have the same provident fund and gratuity benefits as are applicable to those in India. We have received some distressing reports of the circumstances in which some of these foreign correspondents have to work in foreign countries. In view of the specially responsible nature of the work done by these correspondents, the Indian newspapers should conduct a careful enquiry and issue accreditation only after being satisfied as to their reliability, their patriotism and their ability to maintain themselves properly in the place where they are posted. Unless the newspapers are in a position to make the foreign correspondents adequate payments to enable them to maintain themselves properly, it is not desirable to make any such appointment. It is conceivable that a foreign correspondent may have to work for two or three newspaper. In such cases the liability for benefits should be shared by the respective papers.

560. Foreign correspondents should not be business representatives.—In this connection a question has been raised whether it would be desirable to ask foreign correspondents also to perform the duties of business representatives of the papers. In our opinion, as a general rule the two functions should be kept apart. A foreign correspondent will obviously be able to do better work if he can concentrate his attention solely on the editorial duties. But it may be inevitable in some cases to ask foreign correspondents to perform duties of business representatives also, particularly where the volume of work involved in the performance of these duties is not very great. As a large part of business work abroad is in the matter of securing advertisements the volume of work of this nature will tend to diminish, as the advertisement business to a great extent now emanates from India through the Indian subsidiaries of foreign firms.

561. Indians in Foreign Information Service.—Another question which arises is with regard to the employment and working conditions of Indians in Foreign Information Services operating in this country. It is obvious that Government should have full information regarding Indians employed in Foreign Information Services. There is no objection to the labour laws being made applicable to the Indians employed in the Foreign Information Services if they are so applied to working journalists outside the Foreign Information Services. They should obviously get the same amenities and privileges which the employees get in other newspaper offices. But this point is somewhat academic because, so far as we are aware, the Indian employees of Foreign Information Services on the whole get comparatively higher wages and more amenities.

562. Free Lance Journalists.—We have also received representations with regard to the honorarium paid to freelance journalists. They are not attached to any particular paper and are willing to sell their material to any newspaper which is prepared to buy it. It is a fact, however, that many freelance journalists find that the material supplied by them is used either in the same or in a modified form without any payment being made to them. This is obviously unethical. We consider that freelance journalists should, when

sending their contribution, indicate whether they want to be paid if the material is printed and, if so, at what rate. This should form the basis of an agreement between the free-lance journalists and the newspapers as to the honorarium to be paid if the material supplied is utilised. The existence of chain newspapers has increased the difficulty of freelance journalists. Contributions which could have been sold individually to 5 or 6 newspapers controlled by different proprietors have now to be sold to one proprietor who utilises the same in all the 5 or 6 newspapers of his. Of course it is theoretically possible for a free-lance journalist to stipulate for higher payment on the basis of wider use made of his contribution. But, here, he has to face competition from syndicated material which is often available at a nominal cost.

SECTION VII

BONUS

563. Present practice.—We have received complaints from numerous quarters that working journalists have not been paid any bonus in a large number of cases even during those years in which the papers had made profits. From the replies that we have received to our Questionnaire, we find that the practice with regard to the payment of bonus has not been uniform. In some cases bonus equivalent to 3 months salary has been paid. In another paper it was restricted to one month's salary. In a certain paper when bonus equivalent to three months' salary is sanctioned, the payment is made in 3 instalments payable in the months of January, April and September. The result of this procedure is that although the employees have earned the right to receive bonus by working satisfactorily during the preceding year in respect of which the bonus has been sanctioned, they have to continue in service for 6 or 9 months before they become eligible to receive the full payment. But in an overwhelmingly large number of papers no bonus is paid.

564. Views of Association of Journalists.—It has been urged before us by the Indian Federation of Working Journalists that "where, at the time of employment, bonus has been assured as an inducement for accepting lower pay, the journalist should be entitled to get bonus irrespective of whether the concern makes a profit or not. In other concerns where there is no such condition precedent, bonus may be related to profit. In no case should bonus be less than one month's pay." They have, however, gone on to say that the principle for the payment of bonus applicable to industries with similar investment should be considered to hold good in the case of newspaper industry also. The All-India Newspaper Editors' Conference have merely stated that the provision for bonus should be the same as is permissible in other business undertakings. The Indian Languages Newspapers Association have stated that the payment of bonus to employees is a form of profit sharing. They feel that it would be "reasonable to distribute among all categories of employees 50 per cent. of the net profits arrived at after making provision for payment of wages inclusive of dearness allowance etc. a continuous yearly 5 per cent. tax-free return on all the capital employed in the newspaper unit, taxation, overhead expenses and reasonable reserves for the maintenance and expansion of the undertaking."

565. Real Character of Bonus.—The real character of bonus has been considered by several Industrial Tribunals. The claim that it is merely an *ex-gratia* payment depending upon the will of the proprietor has generally been negated. We would only refer in this connection to the Award of Labour Appellate Tribunal in Appeal No. I of 1950 filed by the Millowners'

Association at Bombay. In paragraph 20 of the report they observe as follows:

"Now, bonus is cash payment made to employees in addition to wages. It cannot any longer be regarded as *ex-gratia* payment, for, it has been recognised that a claim for bonus, if resisted, gives rise to an industrial dispute, which is to be settled by a duly constituted Industrial Court or Tribunal..... Where the goal of living wages has been attained, bonus like profit sharing would represent more as the cash incentive to greater efficiency and production. We cannot, therefore, accept the broad contention that a claim to bonus is not admissible where wages have been standardised at a figure lower than what is said to be the living wage. Where the industry has capacity to pay and has been so stabilised that its capacity to pay may be counted upon continuously, payment of living wage is desirable; but where the industry has not that capacity or its capacity varies or is expected to vary from year to year so that the industry cannot afford to pay living wages, bonus must be looked upon as the temporary satisfaction, wholly or in part, of the needs of the employee."

566. Views of the Labour Appellate Tribunal.—In view of this authoritative pronouncement a question arises on what principle bonus should be given. Obviously no claim for bonus arises where the industry has not made any profits in the particular year. But where a unit of the industry has made profits, the question, as to what portion of the profit should be regarded as available for a charge in the shape of bonus, has been considered by the Labour Appellate Tribunal in the case referred to above. They have pointed out that gross profits are arrived at after payment of wages and dearness allowance to the employees, and other items of expenditure. Investment necessarily implies the legitimate expectation of the investor to secure recurring returns on the money invested by him in the industrial undertaking. It is also essential that the plant and machinery should be kept continuously in good working order for the purpose of ensuring that return, and such maintenance of plant and machinery would also be to the advantage of labour, for the better the machinery the larger the earnings, and the better the chance of securing a good bonus. The first charge on the gross profits should therefore, be the amount of money that would be necessary for rehabilitation, replacement and modernisation of the machinery. As depreciation allowed by the income-tax authorities is only a percentage of the written down value, the fund set apart yearly for depreciation and designated under that head would not be sufficient for these purposes. An extra amount would have to be annually set apart under the heading of "reserves" to make up that deficit. The Tribunal have then gone on to state "that the paid up capital is entitled to a fair return. It should be computed at 6 per cent." So far as the reserves are concerned, they have stated that such reserves are not liable to normal trade risks and risks incidental to trade cycles and, therefore, the fair return on reserves should be much lower than the fair return on the paid up capital. They, therefore, took the gross profits for the particular year in question and deducted therefrom first the depreciation and the taxes payable on the profits. From the balance they set apart a portion for rehabilitation by dividing the amount of capital required for rehabilitation by the number of years during which it has to be accumulated. From the balance they allowed 6 per cent. on the paid up capital and 2 per cent. on the reserves employed as working capital. From the balance that was left they made a small provision for payment of bonus to clerks and other staff and found out

what amount was available for payment as bonus to the employees. After making all these deductions they asked themselves the question as to whether the employees were entitled to any and to what bonus and they proceeded to state as follows:—

“The answer to this issue is not easy for we have to consider in this context the needs of the employees, the claims of the shareholders and the requirements of the industry. The subject is not readily responsive to any rigid principle or precise formula and so far we have been unable to discover a general formula. This does not mean, however, that the answer to this issue is, in any way, fortuitous; nor are we in any doubt as to the considerations which must prevail in deciding what the amount of bonus should be. Essentially the quantum of bonus must depend upon the relative prosperity of the concern during the year under review and that prosperity is probably best reflected in the amount of the residuary surplus; the needs of labour at existing wages is also a consideration of importance; but we should make it plain that these are not necessarily the only considerations; for instance, no scheme of allocation of bonus could be complete if the amount out of which a bonus is to be paid is unrelated to employees’ efforts; and even when we have mentioned all these considerations we must not be deemed to have exhausted the subject. Our approach to this problem is motivated by the requirement that we should ensure and achieve industrial peace which is essential for the development and expansion of industry. This can be achieved by having a contented labour force on the one hand, and on the other hand an investing public who would be attracted to the industry by a steady and progressive return on capital which the industry may be able to offer. It goes without saying that if the residuary surplus is appreciably larger in any particular year it should be possible for the Company to give a more liberal bonus to the employees.”

567. Our recommendation.—Our suggestion is that the gross profits should be ascertained in the normal way by deducting the expenditure from the income. A provision should then be made for payment of taxes, for depreciation at the rate allowable under the Income-tax Act and for a return at $\frac{1}{2}$ per cent. more than the bank rate or 4 per cent. whichever is higher, on the invested share capital. The balance should be regarded as ‘clear profit.’ This should be divided into 3 portions. One-third should be available for payment of bonus, either immediately or if the amount is not large enough for making such payment, contingently, thus narrowing the gap between the existing unsatisfactory wage and the living wage. One-third should be reserved for ploughing back into the industry and for making a provision for meeting future losses, and the remaining one-third should be available to the unit for distribution to the shareholders. It would be seen that our scheme is a slight variation of the scheme adopted by the Labour Appellate Tribunal. In arriving at the clear profit we have made provision for the barest minimum necessary for carrying on the industry. The expenditure is calculated on the basis of the existing wages of the employees which are not in all cases adequate. Depreciation has been allowed at the rate permitted by the Income-tax Act, but this depreciation even when spread over a requisite number of years would not enable the machinery to be replaced with the amount available in the depreciation fund. No provision is made for obsolescence. This point has been recognised by the Labour Appellate Tribunal where they have not only provided for depreciation but also for reserves. We have only

allowed for a return on the share capital at 4 per cent. instead of 6 per cent. as under the scheme of the Labour Appellate Tribunal. We have made no provision for return on the reserves. It would thus be seen that the claims of all the three, namely, shareholders, the employees and of the industry are each met only in part. It is for this reason that we have suggested the division of the clear profits into three portions so that each of these three claims may be partially satisfied.

568. Analogy of Electricity (Supply) Act 1948.—This scheme is not altogether novel. Some variation of it appears under the Electricity (Supply) Act of 1948. The aim of that Act is to cast an obligation upon the Electricity Company to adjust its rates for the supply of electricity and other amenities to the public in such a way that its 'clear profits' should not exceed the 'reasonable return'. If 'clear profits' do exceed the reasonable return, (and that excess is limited to 30 per cent. of the reasonable return) then the excess is divisible as stated in the Act. The reasonable return under the Act means the amount found by applying the standard rate of 5 per cent. of the 'capital base'. The clear profit under the Act means the difference between the amount of income and the sum of expenditure plus specific appropriations as stated in the sixth Schedule to the Act. The allowable expenditure has been specified in the same Schedule and includes generation and purchase of energy, distribution and sale of energy and several other items which normally form part of the expenses of a commercial concern. It includes items concerning remuneration of and benefits to labour such as contributions to provident fund, staff pension, gratuity, apprentice and other training schemes; but there is no provision for bonus. The Labour Appellate Tribunal found in Appeal No. 294 of 1951 that bonus could not come out of "reasonable return". They held that it would be less than just if the reasonable return, limited as it was to 5 per cent. on the capital itself, should be saddled with the burden of bonus. If, therefore, bonus could not come either out of the allowable expenditure or out of reasonable return, the position was that either the bonus could not be paid at all or it had to come out of the clear profits. But under the scheme of the Act if the clear profits of a licensee in any year exceeded the amount of reasonable return, one-third of such excess is at the disposal of the undertaking, one-third is to be appropriated to a reserve to be called the Tariffs, Dividends and Control Reserve and the remaining one-third is to be distributed in the form of a proportional rebate on the amounts collected from the sale of electricity and meter rentals or carried forward in the accounts of the licensee for distribution to the consumers in future. The Industrial Court awarded bonus by stating that it could come out of the allowable expenditure under the head of "expenditure for management". The Labour Appellate Tribunal rejected this view and stated that all allowable expenditure had been itemised and bonus could not come out of the allowable expenditure. The Labour Appellate Tribunal, however, divided the surplus into four portions permitting the undertaking to distribute one-fourth share as bonus and the remaining three-fourth to be divided into three portions as laid down in the Act. However, it appears to us that even this procedure was not in strict conformity with the Act. Our Scheme is a slight variant of the scheme laid down in the Electricity (Supply) Act of 1948 of how the difference between the clear profits and reasonable return is to be divided. Following the scheme of the Act we reserve one-third of the nett profits for ploughing back into the industry. We reserve another one-third for the benefit of the undertaking which in practice means distribution to shareholders. The remaining one-third is not reserved in this case for readers of

newspapers as the Act does for future rebate to the consumers of electricity; we earmark it for the benefit of the employees thus eliminating the difficulty which the Labour Appellate Tribunal found in indicating the fund from which the bonus was to be paid.

569. The scheme of the Electricity (Supply) Act of 1948 has been praised by the Fiscal Commission as a piece of pioneer legislation on the electricity supply industry in this country which "attempted to draw up a standard financial code for this industry" (See page 176 of Volume I of the Report). We venture to think that the scheme that we have outlined will meet with general acceptance.

SECTION VIII

HOURS OF WORK

570. **Increased work load.**—There has been a general complaint that there are no fixed hours of work for working journalists on most of the papers. Where they have been prescribed, they are unsatisfactory. This has been largely due to the fact that offices of most newspapers are understaffed on the editorial side. It is also to be remembered that duties and responsibilities of working journalists have increased during the last few years and this has resulted in increased work load. During the British regime legislative and governmental activity to be covered in Delhi for example, was nothing like what we find today. There are about 700 Members of Parliament, 40 Central Ministers, the State Assembly and 3 State Ministers functioning in Delhi itself for very much longer duration in the year than used to be the case. There are large numbers of official publications and policy statements to be studied and summarised. All this has meant more work for journalists. But it is doubtful whether the strength of the staff has been correspondingly increased. Where the hours of work are fixed, the shifts are so arranged that they often cause inconvenience to journalists. In some cases the night shifts end at an awkward time. This may, to some extent, be inevitable in a newspaper office, but effort should be made to minimise the inconvenience as far as possible.

571. **Our recommendations.**—We agree with the view of the A.I.N.E.C. and the Federation that for day shifts the hours of work should be 42 hours in a 6 day week, that is, 7 hours a day including the recess period of one hour. This means 6 hours effective work. For night shifts there should be 36 hours in a 6 day week, that is, 6 hours per day with a recess for half an hour; which means 5½ hours of effective work. As we have suggested reduced hours of work for night shifts, we do not think that any special payment as night shift allowance is called for in their case. There is always the danger that employees would prefer to do night work in order to earn the special allowance, to the detriment of their health. Where any of the hours of work of the shift fall between the hours of 11 P.M. and 5 A.M. the shift should be regarded as night shift. No person should be employed on the night shift continuously for more than one week at a time or for more than one week in any period of 14 days. In view of the nature of the work on newspapers, strict adherence to the hours of work may not always be possible and if any employee has to work beyond fixed hours, he should be compensated, not by any overtime payment, but by giving him additional recess equal to the period of overtime work put in by him.

572. In the case of reporters, the nature of their work is such that it is impossible to lay down fixed hours of work. Most of the news breaks in the afternoons and in the evenings, and the suggestion that was made to us by one of the journalists associations was that the main body of reporters should work between 2 P.M. and 10 P.M. deserves consideration. Other reporters will of course have to be engaged for news that may break at other times of the day. But these should be few and the normal hours of work for the main body of the reporting staff should be between 2 P.M. and 10 P.M.

SECTION IX

Weekly rest and holidays

573. **Present practice regarding weekly rest.**—With rare exceptions it is the normal practice in newspapers to give a weekly period of rest to the editorial staff, consisting usually of a complete day and night. Where the paper comes out for six days in a week, it is comparatively an easy matter, and the day of rest is the day preceding the one on which the issue of the newspaper does not appear. But the situation is somewhat complicated by the fact that it is the practice of many newspapers to bring out newspapers on all the seven days of the week.

574. **Seven-day papers and objection thereto.**—This practice of seven-day issues was brought about partly at least by the change-over from evening papers. Formerly the largest issue was published on Saturday evenings and provided reading matter on Sundays. Since the fall of news on Sundays is generally light, it could be safely carried over to Monday evening's paper. But the change to morning editions left a blank on Monday morning. During the war this gap was felt by the readers. Newspapers first filled it up by a skeleton issue carrying more than the usual quota of reports from mofussil correspondents and left-over articles; but now the Monday issue is not much smaller than the rest.

575. Two objections have been raised against seven-day papers. The first is that all the staff cannot have a common day of rest on Sundays, since the weekly day of rest will be allotted to each person by rotation, and only a few members of the staff would be free on Sundays, the remainder having some other day of the week as their day of rest. While we grant the merits of a common day of rest, we must also admit that in some other public services, like the railways similar conditions exist. Moreover, in many industries in the private sector, the day of rest has had to be staggered round the week in order to meet shortages of power supply, and many industries work right round the week. While therefore observance of Sundays as the common day of rest may be desirable, it is by no means universal in other fields of employment and cannot be considered an absolute necessity in this field. The other objection to Sunday papers is based on the grounds that the magazine section provides a lot of reading matter and therefore robs the weeklies of their legitimate readership. While this point of view was put forward by some witnesses, others argued that the nature of the articles in the magazine section is essentially different from that of articles in weeklies of the type contemplated, and that these magazine sections serve a useful purpose in bringing to the notice of people, who never read anything beyond their daily paper, a selection of articles,

which though often superficial, at least drew the attention of the readers to developments going on around them.

576. There has been no development in India of "Sunday papers" as they are generally known elsewhere, papers which are brought out only on Sundays and which range all the way from the "Observer" to the "News of the World" in the United Kingdom. One or two publishers of dailies do bring out, on Sundays, papers which are quite close to some of the less praiseworthy examples in the United Kingdom. Others, who had adopted special names for the Sunday editions in order to get over certain limitations imposed by the Newsprint Control Order, have gradually brought them closer in line with their daily editions, and the Sunday edition is distinguishable only by the fact that it is accompanied by a magazine supplement. They have, however, continued to keep in force their separate declarations for the Sunday edition and even continue their separate membership of newspaper organisations which gives them an additional vote. In all these cases, the accounts are maintained in common with those of the daily edition, and the staff employed are also in common.

577. **No common solutions to those objections.**—The two objections that we have mentioned do not however permit of a common solution. If the intention is to leave readers free to peruse the weeklies without distraction from the magazine supplement, it would be necessary only to prescribe, in conjunction with the price-page schedule an absolute maximum to the number of pages that can be published on any one day, in addition to the total for the week. This would have the effect of compelling the publishers to distribute, over the six days of the week, any articles, features and photographs that they would normally concentrate in the Sunday edition. We are afraid, however, that on working days these articles and features would fail to attract the attention they deserve and would be gradually dropped. Witnesses were agreed that these features did fill a definite gap in the reading matter of the average citizen and it would be a pity to do away with them. On the other hand, the measure proposed might merely result in the Sunday edition coming out under a different name.

578. The other solution, of declaring Sunday a compulsory holiday for all working journalists would enable all of them to have their day of rest in company with many others, who work in factories and establishments. It would not in any way affect the production of Sunday editions; at the most they would go to press by the midnight of Saturday instead of two or three hours later as at present. What would happen is that there would be no edition of the paper on Monday morning. It would not in any case be possible for all working journalists to have their day of rest on Sunday because every paper of importance would need to maintain a skeleton staff at work on Sundays so that a brief supplement could be brought out in case anything very important happens on Sunday. The news agencies would in any case have to be manned on Sundays.

579. **Our recommendation.**—A consequence of such an arrangement may be a slight reduction in employment. At present we are informed that the practice in many large papers is to man the editorial offices at almost the same level and with the same number of shifts on Sundays as on other days. If this is generally the case, the reduction in employment might amount to 10 per cent or so. We would therefore recommend that if the professional bodies are of the opinion, after balancing the advantages

and drawbacks of six-day newspapers, that Sunday should be declared a compulsory day of rest for them, this provision should be included in the enactment for the industry that we are recommending elsewhere.

580. Holidays—Our recommendation.—The practice of giving holidays to the newspaper staff varies from region to region and even in the same region differs from paper to paper. It would be impossible to prescribe uniform holidays for newspapers on the whole of India as the festivals celebrated in one part of the country differ from those celebrated in another part. The maximum number of holidays given to newspapers staff is in Uttar Pradesh. All that we can suggest is that the total number of holidays for newspapers should not exceed 10 in number. How they should be distributed would depend upon the region in which the newspaper is published, the character of the newspaper concerned and composition of journalists employed on that paper. It may conceivably happen that a member of the staff may be required to attend on the day which has been declared to be a holiday. But in such a case a compensatory holiday should be given to the member of the staff on some other day chosen by him.

SECTION X

Leave

581. Existence of leave rules—Our suggestion.—Many of the newspapers have not adopted any leave rules applicable to the editorial staff. Some of the bigger newspapers do have a set of rules which are on the whole not unsatisfactory. We have received complaints that even though the rules exist, journalists have not been able to avail themselves of the leave facilities owing to the inadequate strength of the staff. It has also been represented to us that the sanction of the leave application depends to a large extent on the personal relations of the applicant with the manager. It has been alleged that cases of favouritism often occur *e.g.* where a point has been stretched in favour of the relatives of the manager. But it must be said that on the whole no serious cases of hardship caused by the non-observance of the existing rules have been brought to our notice. We think that all newspapers should draw up a set of leave rules applicable to their staff both on the editorial and managerial side and give a copy of these rules to each employee at the time of his first appointment.

582. No uniformity regarding quantum of leave.—There is little uniformity among newspapers with regard to the quantum of leave permissible to the employees. In many cases no provision is made for casual leave and where a provision is made, the maximum period of casual leave varies from 7 days to 15 days. The general rule with regard to privilege leave is one month's leave for every year of service. The rules regarding sick leave vary from paper to paper where such rules at all exist. The period up to which leave may be accumulated also differs from paper to paper. Where leave has been accumulated but not utilised at the time of the termination of the employment, the benefit in respect of that accumulation by payment of salary for that period is not always given to the employee, and has sometimes been withheld on the ground that such payment is dependent upon the employee's loyalty to the paper and could not be made to a journalist who seeks to quit the service of that paper.

583. Recommendation of Uttar Pradesh and Madhya Pradesh Committees and views of professional bodies.—The question of leave was considered by the Uttar Pradesh Newspaper Industry Enquiry Committee who recommended a grant of 15 days casual and 30 days earned leave in a year. They said that privilege leave could be accumulated up to a period of 60 days. With regard to leave on medical certificate, the Committee thought that a journalist should get such leave according to rules similar to those which apply in the case of Government servants. The Madhya Pradesh Newspaper Industry Enquiry Committee also recommended that a journalist should be entitled to 15 days casual leave and 30 days privilege leave in a year. They also thought that every employee should be entitled to 15 days leave on medical ground every year and that such leave should be on half pay. The A.I.N.E.C. have stated that earned leave, casual leave and sick leave should be given uniformly to all categories of working journalists on terms and conditions applicable to Government servants. They said that there should be a maximum limit to which earned leave may be accumulated, but the limit may be relaxed if a member of the staff is prevented from availing himself of leave when he applies for it, owing to the exigencies of service. They thought that an employee whose services were terminated or who relinquished his job on his own account should be paid compensation equivalent to and in respect of leave earned but not enjoyed in addition to being given the prescribed period of notice when his services are terminated; the leave and the notice period should not be made concurrent. The I.L.N.A. considers that casual leave for 12 days and privilege leave for one month is reasonable for the editorial and managerial employees and privilege leave may be allowed to be accumulated upto three months. If the Employees State Insurance Scheme is brought into operation then there would be no necessity to provide for sick leave to employees. With regard to the payment of compensation for leave earned but not availed of, the Association considered that compensation should be equivalent to the total emoluments per month multiplied by the period of leave earned but not availed of. The Federation have taken the view that 15 days casual leave, one month earned leave for every 11 months of service and one month sick leave should be granted. The privilege leave should be allowed to be accumulated to four months. But the employee should be paid for any period exceeding 4 months if he is prevented from enjoying that leave owing to the conditions beyond his control.

584. Our recommendation.—We are of the view that journalists should have casual leave for 15 days in a year and earned leave for one month for every 11 months of service. In addition, they should be given sick leave at the rate of 20 days for every year of completed service on half the salary, with option to the employee to convert it into half the period on full salary. Such sick leave should be admissible only on medical certificate and on return to duty the employee should produce a certificate of fitness, such certificate to be given by the doctor nominated by the newspaper office. Special leave rules for lingering illness like tuberculosis should be drawn up on the basis of such leave to which Government servants are eligible. Both the earned and the sick leave may be permitted to be accumulated up to a maximum period of three months in either case. The management should intimate to the employee the period during which leave is available and should do so by rotation as determined by ballot. When an employee voluntarily relinquishes his post, he should be

compensated in respect of leave earned but not availed of. Similarly at the time of retirement the employee should be entitled to get cash compensation for leave not availed of up to the full extent of accumulation. We think that the leave rules should be uniform for all categories of employees for the editorial and the managerial staff and in respect of different types of newspapers.

SECTION XI

585. Amenities and Facilities.—We made enquiries as to how many of the following amenities and aids to efficiency were provided by the newspapers in their respective offices:—

- (i) Libraries with Research and Reference Sections;
- (ii) Press Clubs, with Government aid (by way of grant of land or in other ways) or without Government aid;
- (iii) Adequate accommodation in office;
- (iv) Canteens and Tiffin rooms;
- (v) Telephones at office and at residence;
- (vi) Day and night rest rooms;
- (vii) Provision for transport during unusual hours and in emergencies;
- (viii) Games and recreation;
- (ix) Residential accommodation;
- (x) Facilities for travel;
- (xi) Insurance to cover hazardous assignment.

We also had the benefit of personal visits to certain newspaper offices in Madras, Bombay, Calcutta and Delhi. We find that in the bigger newspapers in the four metropolitan cities adequate provision is made for some of the amenities and aids to efficiency enumerated above. They have good libraries with Research Sections. One paper in Bombay provides a Club House. There is fairly adequate accommodation in the offices of the bigger papers, and some of them provide canteens for the staff, often run on a co-operative basis. Telephones are an essential amenity for working journalists and the senior editorial staff like editors and news editors are generally provided with telephones. It is possible that during the last few years when it was difficult to get any telephone connections, an adequate number of telephone could not be provided, but as the situation eases, it should be possible for the newspapers particularly the bigger ones to extend the telephone facility to other senior members of the staff such as assistant editor, chief sub-editor, etc. Night rest rooms are essential for journalists who go off duty at a time when transport is not easily available. Only some of the bigger papers have made provision for games and recreation. The housing problem presents some difficulty particularly in metropolitan towns. One paper in Delhi had made an attempt to provide flats for their staff. But we are informed that later on the rents for these flats in that building were fixed at such a high figure, that the staff could not afford to pay them and the building was let out to non-journalists who could pay. Facilities for travel are, in some cases, provided only to accredited correspondents when they go on a particular assignment.

586. **Our recommendation.**—Although all the amenities referred to above are desirable, we consider that the following are essential:—

- (i) Libraries with Research and Reference Sections;
- (ii) Provision for supply of drinking water and if possible cooling arrangements in hot weather;
- (iii) Day and night rest rooms;
- (iv) Transport during unusual hours and in emergencies at least by the bigger newspapers, that is, those having a circulation of about 50,000; and
- (v) Insurance to cover hazardous assignments.

If canteens and tiffin rooms are provided, they should be run on a co-operative basis wherever possible.

SECTION XII

Promotions

587. **Present practice—Our recommendation.**—In most newspapers there are no regular rules for making promotions to senior posts. These appointments have not always been made from amongst the holders of junior posts. Several cases have been brought to our notice where direct appointments of outsiders have been made, overlooking the claims of the holders of junior posts. Even when a selection has been made from amongst the holders of junior posts, it has been alleged that these promotions have not necessarily gone by merit and that other considerations have very often weighed with the authorities concerned. In one case we were told that the promotion was given to a junior member of the staff as a reward for his ceasing to be a member of the union! In other cases, suggestions were made that certain promotions were given because the persons concerned happened to belong to the same sub-caste as the managing director. It has been stated by one of the unions that efficient devotion and loyalty to work are not factors which govern promotions. Another union stated that independence of character and high qualifications were regarded as disqualifications. But the refrain of many of the representations made to us is that promotions are given to the friends of the general manager or according to the will of the proprietor. We have not been able to verify the correctness or otherwise of many of these allegations. It may be that some of these allegations had been made on account of the resentment felt by journalists whose claims were superseded. We are of the opinion that promotions should be made by the appointing authority on the advice of the editor or the manager as the case may be and in consultation with the senior members of the respective sections who would be competent to express an opinion on the fitness or otherwise of the candidate. The same principles which we have suggested for adoption in the case of recruitment should apply to promotions.

588. **Merit bonus.**—We have noticed that on some papers there is a practice of giving special increments for recognition of exceptional merit. We do not think that special merit should be recognised in this particular manner, as the practice is likely to lend itself to abuse. But we see no objection for specially meritorious work being recognised by the grant of a special merit bonus.

SECTION XII

Retirement Benefits

589. **Existing practice.**—There are several ways in which retirement benefits can be provided. They are pension, provident fund, gratuity, old age insurance, etc. There is a general consensus of opinion among those who replied to our Questionnaire and among those who gave evidence before us that a provident fund-cum-gratuity scheme is preferable to pension. Actually, there are only a few papers who have a provision for retirement benefit, but wherever there is a provision made, it is always in the shape of provident fund and/or gratuity. In one paper in Calcutta an employee contributes 10 per cent. of his salary and an equal amount is contributed by the management towards the provident fund. In addition to that there is a provision for gratuity under which after 7 years' service the employee gets one month's pay for every year of service. One news agency, two papers in Poona and two papers in Nagpur and Jabalpur have a provident fund to which the employee and the management contribute one anna in a rupee. One paper in Calcutta makes contribution to provident fund of the employees only if the nett profits in that year is more than Rs. 35,000. Some important papers in Madras have a provident fund to which both the employer and the employee contribute. But if the employee quits service before 10 years are over, only 10 per cent. of the employer's contribution is payable to the employee. The percentage of the employer's contribution rises as the completed years of service increase from 10 years to 20 years. After 20 years of service the employer's contribution is payable in full to the employee.

590. **Provident Fund-cum-gratuity scheme.**—We are in agreement with the view that provident fund-cum-gratuity is the best way of providing for retirement benefit and is preferable to a provision for pension. If the employee dies within a year or two after retirement on a pension, his family is left entirely unprovided for unless there is also a scheme by which the employee is entitled to commute a part of his pension and receive cash payment. We are of the opinion that the employee should contribute 8 1/3 per cent. of his emoluments in the shape of compulsory contribution and the employer's contribution should be of an equivalent amount. We think that the Employees' Provident Funds Act (XIX of 1952) should be made applicable to such a provident fund. That Act is at present applicable to certain industries specified in the Schedule to that Act. The newspaper industry is not one of them. But under Section 4 of the Act the Central Government has the power by notification in the Official Gazette to add to the Schedule any other industry in respect of the employees whereof it is of opinion that a provident fund scheme should be framed under the Act and, thereupon, the industry so added is to be deemed to be an industry specified in the Schedule. The advantage of the Act is that the contributions are separately funded and are not liable to attachment. Under Section 17 of the Act, the amount of accumulations in the provident fund is to be invested in such manner as the Central Government may direct and the amount of accumulations to the credit of an employee in the provident fund shall, where he leaves his employment and obtains re-employment in another factory to which the Act applies within such time as is specified by the Central Government, be transferred to the credit of his account in the Fund established under the scheme applicable to the factory. If the Act is applied to the newspaper industry it would not be within the power of the employer to withhold the whole or any percentage of his contribution merely because the employee has not put in the requisite number of years of service. But

we also recommend that the employee's contribution should be utilised for the purpose of effecting an insurance on the life of the employee. If the employee dies within a few years of service, the total amount to his credit in the provident fund may prove to be a totally inadequate provision for the members of his family. If, on the other hand, the employee's contribution is utilised towards the purchase of a policy this kind of contingency could be guarded against to some extent. There is, however, one difficulty which has to be faced. If the employee continues to remain in the service of the paper for a certain number of years, there is no difficulty. But if he quits the service of the paper after a year or two, then he will have to find ways and means for continuing to pay the premium on the policy which has been taken out. If he can meet these payments, and keep the policy alive, there would be no difficulty. But if he cannot, the policy may lapse. We, therefore, suggest that the contributions of the employer and the employees should be accumulated for a period of three years. At the end of three years the accumulation to his credit would amount to six months' wages on the basis of contribution of one month's pay for every year of service by the employer and the employee. This amount could be utilised for purchasing a single premium policy which would ensure some provision for his family in case of sudden death of the employee. But if the death occurs within a period of three years, then such amount as may stand to the credit of the employee in the provident fund would be payable to his family. This may involve some amendment of the Employees' Provident Fund Act. The point as to how best provision could be made for an insurance scheme was considered at some length in the Report of the Uttar Pradesh Newspaper Industry Enquiry Committee on pages 25 to 27 of their report and their conclusion is stated in the following words:—

“The Committee feels that it is difficult for it to prepare the outlines of a sound and ideal insurance scheme. That is the business of Government experts and other experts engaged in insurance work. While, therefore, recommending that provision should be made for compulsory life insurance of journalists, the Committee expresses the hope that Government will draw up a scheme with the help of the said experts and will include it.... in the law to be enacted in respect of the newspaper industry.”

They have examined two or three schemes and have not found any of them suitable to Indian conditions. This is a technical matter and we echo the opinion of the Uttar Pradesh Enquiry Committee that it should be possible for Government and the experts in insurance to work out some suitable scheme for this purpose.

591. **Gratuity.**—With regard to gratuity, the Indian Languages Newspapers' Association have suggested that when an employee leaves the paper after a service of between 3 to 10 years, he should get gratuity equal to one-fourth of the monthly pay last drawn multiplied by the number of years of service. For those who have served between 11 and 20 years, the gratuity should be one-third of the monthly pay last drawn multiplied by the number of years of service and for those who have put in 20 years of service, the gratuity should consist of half the monthly pay last drawn multiplied by the number of years of service. The Bombay Labour Tribunal have in one case prepared a scheme under which for those who have put in 10 or more years of service, the gratuity should be one month's pay last drawn multiplied by the number of years of service; for those who have put in 9 years of service, the gratuity should be 7 months' salary; for

those who have put in 8 years of service, the gratuity should be 5 months' salary; for those who have put in 5 years of service, the gratuity should be 4 months' salary and for those who have put in less than 5 years of service, the gratuity should be equivalent to 3 months' salary. We think that on the termination of service by retirement or for other reasons, gratuity should be paid on the basis of 15 days' pay for every year of service or any part thereof in excess of six months' calculated on the average emoluments during the last year of service. Gratuity shall be payable in all cases except where the termination of service is due to misconduct. We think that there should be uniformity in these matters of retirement benefits in all regions and in respect of all cases of papers. In case of death or of premature retirement for reasons other than misconduct, whatever the employee is entitled to should be paid to him, or his legal representative.

592. Provision for a legitimate part of expenses.—Provision should be made annually in every balance-sheet for gratuity and other purposes, and it should form a legitimate part of the expenses of the concern. The money so set apart should always be invested in approved securities.

SECTION XIV

Trade Unions

593. Differences of opinion among professional bodies.—There has been a cleavage of opinion as to the propriety or otherwise of working journalists organising themselves on trade union lines. Indeed on some papers and in some news agencies an attempt has been made to dissuade working journalists to form unions or associations. Such an attempt is of course contrary to Article 19 of the Constitution. The Indian Federation of Working Journalists are strong protagonists of the view that they should organise themselves as a trade union. There are a large number of Associations which have been registered as trade unions in various States and these Associations are affiliated to the All-India body. There are certain number of State Associations which have not finally made up their minds. But the tendency appears to be to form trade unions and get them affiliated to the All-India Federation of Working Journalists. The Southern India Journalists Federation represents the other point of view and it has a certain number of District Associations affiliated to it. Many journalists who were members of the Southern India Journalists Federation informed us during the course of their evidence that they had personally no objection to trade unionism among journalists and some of them said that they continued to be members of the Southern India Journalists Federation in the hope of converting others to their own point of view. This body strongly feels that journalism is a high and noble calling and it would be degrading itself if it descended to the level of other industries in which the labour is usually organised on trade union lines. The A.I.N.E.C. have not expressed any decided view in their reply to Question 64 in Section "T" of our Questionnaire. -

594. Arguments for and against: Our views.—The principal argument in favour of this view is that journalism is a creative art, proficiency in which is not to be measured by the quantitative output but qualitatively by the intellectual excellence of the performance. Such a profession, of essentially brain workers, does not lend itself to be organised as a trade union without causing grievous harm to the whole conception of the proper outlook of a true journalist, who considered his calling as a mission and who brought glory to Indian journalism during the course of a century. Supporters of this view would rather organise themselves as other learned

professions like law and medicine in which there is no element of trade unionism and which regulate themselves by setting up autonomous professional bodies charged with the duty of maintaining high standards of the professions. We appreciate this point of view but we see no valid ground in it for opposing trade unionism. It is true that in the past the journalists were actuated by missionary zeal and, even at considerable monetary sacrifice, they held the torch of Indian journalism high. The emphasis then was, not so much on their own economic advantage as on moral leadership and no sacrifice was considered too high to fight for the liberation of the country by giving a proper lead to it, which only a powerful Press can do. But things have altered now. The conduct of newspapers is no longer a mission nor even a profession but has become an industry. The control of newspapers having gone into the hands of persons not always possessing journalistic experience or even background, the bias is, not towards giving an intellectual lead, but to making it a financial success. It is true that there are some enlightened proprietors who give their editors considerable freedom but, so long the proprietary form of ownership continues, it is difficult, even with the best of intentions, to dissociate commercial interest when so much capital is at stake. One proprietor was brutally frank about it when he said that he turned to the newspaper industry because he considered it as a possible avenue of making money and acquiring prestige. Where the newspapers are, therefore, run as a commercial venture and the proprietors are not slow to exploit the situation in order to increase their circulation and to make money thereby, quite oblivious of journalistic ethics and the good of the people, it is idle to talk of journalism having retained its pristine glory. Further the analogy of organisations of medical and legal professions contains an element of fallacy. These learned professions are manned by people who are in every way independent and are their own masters. They are not employees. Journalism, on the other hand, is essentially a calling in which people have to work for employers and earn wages. This basic distinction differentiates journalism from other learned professions. Moreover we have in the course of our evidence come across persistent complaints, some of them having considerable justification, about deplorable conditions of service in certain papers. The salaries are low, often paid irregularly; recruitment and promotions are made in a haphazard manner; working hours and leave rules, where such rules at all exist, are unsatisfactory; the amenities provided are inadequate; retirement benefits are almost non-existent and above all there is a widespread feeling of insecurity of service. We have received innumerable complaints about the manner in which services of journalists have been dispensed with, sometimes at the sweet will of the manager or the proprietor. In order to bring about a betterment in these conditions, it may be necessary that the working journalists should organise themselves as trade unions under the Indian Trade Union Act of 1926 which confers certain rights and imposes certain obligations on members under Chapter III of the Act. We see no reason why organisation on these lines should interfere with journalistic efficiency or affect it adversely. We are, however, of the opinion that though the working journalists should organise themselves on trade union lines they should keep themselves aloof from any political bodies or movements in the country. The very nature of their calling is such that a development of this type would be inconsistent with the objectivity in the matter of reporting or editing which is a pre-requisite of every genuine journalist. Those responsible bodies who are in favour of development of trade unionism among the working journalists made it clear to us in the course of their evidence that they were also of the same opinion.

595. **Two kinds of organisations may co-exist.**—In view of the number of people who sincerely believe in keeping out of trade unionism on the score of the special characteristics of their profession, any attempt at “closed shop” should be opposed. Even the representatives of the Indian Federation of Working Journalists expressed themselves against a closed shop, but qualified the statement by saying that that was their present view. They said that they were not in favour of compelling every working journalist being member of a union or of insisting that no person who was not a member of the union should be employed. In England there is National Union of Journalists organised as a trade union which claims membership of about 80 per cent. of the journalists. But there is also the Institute of Journalists which is not incorporated as a trade union but whose Salaries and Conditions Board, from which employers are excluded, is empowered, on behalf of the Institute as a Certified Trade Union, to negotiate and to conclude agreements. Although we ourselves look with favour on journalists organising themselves as a trade union, we do not see why the two kinds of organisations should not exist side by side. The proposed Industrial Relations Bill, however, contemplates only registered trade unions as Industry Bargaining Agent or Recognised Unions for the purposes of representation and collective bargaining.

SECTION XV

Settlement of Disputes

596. **Disputes under the Industrial Disputes Act involving Working Journalists.**—We have not been supplied with complete statistics with regard to the disputes among the employees of newspapers which have arisen during the last 4 or 5 years. The Ministry of Labour, Government of India, consulted their Director of Labour Bureau, Simla, who compiles statistics relating to works stoppages. He has forwarded a statement giving statistics of industrial disputes resulting in works stoppages in the printing presses in India during 1952 (14) and January to August 1953 (17). In the first instance, it is not clear from the statement supplied to us as to how many of them relate to newspaper presses and how many to other printing presses. Information on the point whether the disputes involved editorial staff and whether the State Government concerned ordered adjudication in any of those disputes, was also not available from the statement supplied. The Bombay Government have furnished us figures from 1948 to 1952 of some of the disputes in the newspaper industry which were taken in conciliation or preferred to adjudication under the Industrial Disputes Act of 1947. They were 16 in number. There were 3 disputes during these 5 years which involved working journalists. In one case the dispute related to a claim for bonus for the editorial staff for 1950-51. Another dispute related to alleged wrongful discharge of some member of the editorial staff. Both these disputes were sponsored by the Bombay Union of Journalists. But both the claims were withdrawn on 22nd February 1952. The cases were therefore not taken in conciliation and the question of jurisdiction was not considered. The third dispute related to demand regarding pay scales etc. made on behalf of the workers of the ‘Times of India’ and the ‘Evening News’ including those in the editorial department and the press. As conciliation failed on 10th July, 1951, the dispute was referred to adjudication of Mr. Sen, President of the Bombay Industrial Court. He gave his award on 10th June, 1953. He has dealt with the

claims of the editorial department in paragraph 40 of Part II of his award published in the Bombay Government Gazette dated July 2, 1953. His observations with respect to them are as follows:—

“The demands in this department comprise the following categories: apprentices, juniors, generals, seniors, selection grade, librarian, assistant librarian and assistant. The union has also raised the question of the scales of the following: reporters, sub-editors, library staff, staff correspondents, selection grade assistant editor, news editor and city editor and the selection grades applicable to these. The company has submitted that the following categories of journalists in this department, not being “workmen”, should be excluded from the scope of these proceedings: apprentices, sub-editors, staff correspondents, reporters, assistant editors, city editor, news editor and sports editor. They number 85, 41 of them being in officers’ grades getting over Rs. 400 per mensem and 15 being members of the covenanted staff. The demands made for the editorial staff in the Jam-e-Jamshed Press were rejected by the learned Tribunal on the ground that they were not covered by the definition of workman and were, therefore, beyond the scope of the adjudication proceedings. Without prejudice to its contentions regarding jurisdiction, the company has submitted that the existing scales emolument and conditions of service applicable to the above mentioned categories are very much superior to those prevailing in the case of any other newspaper in Bombay in particular and in India in general. It opposes any alteration in the scales of the following categories:—

Apprentices	Rs. 100—20—200
Juniors	Rs. 200—25—300
General	Rs. 300—30—450
Seniors	Rs. 450—50—800
Selection Grade	Rs. 800—50—1000

The Company has further pointed out that the staff correspondents stationed at Poona, Sholapur, Gwalior, Delhi and Calcutta cannot all be put on one grade, that their emoluments being based on the importance of the stations to which they are assigned as well as on their individual abilities. The union has asked for a conveyance allowance of Rs. 150 per month for reporters of the Times of India and Evening News of India. With regard to this demand the company has contended that members of the editorial department whose duties call for outside contacts are receiving adequate conveyance allowances, while the reporters are entitled to charge the actual conveyance charges incurred by them every day according to the assignments they have covered during the day. I am not satisfied that any case for the revision of these scales of pay has been made out, and the demands are rejected”.

This decision does not decide the question as to the applicability of the Industrial Disputes Act to working journalists. The demand made on their behalf was rejected on merits.

597. **Applicability of the Factories Act and the Payment of Wages Act to the editorial side of newspaper.**—The question whether the working journalists are governed by the Factories Act, the Payment of Wages Act and the Industrial Disputes Act has given rise to various decisions of Courts and Tribunals. Under Section 1, sub-section (iv) of the Payment of Wages Act IV of 1936, it is provided that the Act applies in the first instance to the payment of wages to persons employed in a factory and to persons employed (otherwise than in a factory) upon any railway by a railway administration or, either directly or through some sub-contractor, by a person fulfilling a contract with a railway administration. The expression 'factory' is defined in Section 2, clause (i) as meaning a factory as defined in clause (j) of Section 2 of the Factories Act 1934. Section 2 of the Factories Act of 1934 defines "factory" as follows:—

"Factory means any premises including the precincts thereof where-
in 20 or more workers are working or were working on any
day of the preceeding 12 months and in any part of which a
manufacturing process is being carried on with the aid of
power or is ordinarily so carried on, but does not include a
mine subject to the operation of the Indian Mines Act 1923".

The question, therefore, arises whether the editorial side of a newspaper also becomes a factory within the meaning of the Factories Act by reason of the fact that the editorial side of the newspaper is run in conjunction with the printing press at which the paper is printed.

598. It has been the contention of the Indian Languages Newspapers Association that because the editorial side of a newspaper is situated within the precincts of the press, which is undoubtedly a factory under the Factories Act of 1948, even the editorial side becomes a factory. But the view which has been taken consistently by the Government of India is that the Factories Act does not apply to working journalists. The question of the coverage of newspaper establishments under the Factories Act has been examined by the Ministry of Labour. It was considered that in a newspaper office the "manufacturing process" which is the criterion for registration as a factory is the process of printing and not the preparation of the daily paper. An editor or a translator or a news agent is not required for the process of printing. Certain departments like the editorial department, advertisement department and translation department should not, therefore, be registered as factories. The Ministry of Law have concurred in that view. Only such persons in a newspaper establishment as are directly connected with the printing process will therefore be governed by the Act. The journalists who are mainly engaged in the preparation of the paper would be excluded from the scope of the Act.

599. The definition of a "manufacturing process" which is an essential element in the definition of a factory is somewhat different in the Factories Act of 1948 from that in the Factories Act of 1934. In the earlier Act, the manufacturing process meant any process (i) for making, altering, repairing, ornamenting, finishing or packing or otherwise treating any article or substance with a view to its use, sale, transport delivery or disposal or (ii) for pumping oil, water or sewage, or (iii) for generating, transforming or transmitting power. There is no reference in that definition to any work of printing or process of printing. Under the new Act LXIII of 1948 the expression 'manufacturing process' expressly includes in sub clause (iv) of clause

(k) of Section 2 "printing by letterpress, lithography, photogravure or other similar work or book-binding which is carried on by way of trade or for purposes of gain or incidentally to another business so carried on". As the Payment of Wages Act of 1936 defines 'factory' in terms of the definition of that word in the Factories Act of 1934, a question was raised before the High Court of Bombay in *Express Newspapers Limited vs. B. C. Patil* and another as to whether it was possible to read in the Payment of Wages Act the definition of manufacturing process as given in the Factories Act of 1948 (See *Labour Law Journal* October 1951). It was held by Mr. Justice Shah that the reference in the Payment of Wages Act to Factories Act of 1934 should be construed as a reference to the re-enacted Factories Act of 1948 and thus the Payment of Wages Act did apply to a factory as defined in the Factories Act of 1948 even though the establishment did not fall within the scope of the Act of 1934. Under the Act of 1948, manufacturing process undoubtedly includes printing by letter press, lithography, etc. which is carried on by way of trade or for purposes of gain. It was further contended in that case that the editorial and the news staff was not located within the precincts of the printing press and that, therefore, the editorial side could not be regarded as a factory within the meaning of the Factories Act. But there was a finding of the authority under the Payment of Wages Act that the reporter concerned was working in the premises within the precincts of the factory. This was a finding which was binding upon the High Court and it was not possible for the employer to contend that the employee was working outside the precincts of the factory. The court, therefore, declined to give permission for leading evidence in support of the contention that the place where the reporter worked, or was required or accustomed to work in the course of his duties as a reporter, was not within the precincts of factory, where the printing process of the petitioner was being carried on. The finding of the authority under the Payment of Wages Act was, therefore, binding upon the High Court and if that finding was accepted, the sub-editor concerned had to be regarded as a person employed in a factory and was therefore entitled to approach the authority under the Payment of Wages Act

600. We have, however, seen a newspaper report (*Times of India*, 16th April, 1954) of a case which came before the Gwalior Labour Court where the Labour Judge had to consider the applicability of the Payment of Wages Act in a claim filed by a dismissed sub-editor of 'Nav Prabhat' for the recovery of his unpaid salary amounting to Rs. 310. In this case also it was contended before the Labour Judge that the Payment of Wages Act does not apply because there is no manufacturing process carried on, on the editorial side of the paper 'Nav Prabhat' and the editorial side was, therefore, not a factory within the meaning of the Act 1948. The Judge, however, held that the teleprinter machine which was operated by electric power constituted "manufacturing process because sheets of news reels were constantly manufactured out of this machine and these reels were taken out of this machine, and the news printed therein was given a new heading and moulded into a new form and took a different shape". He, therefore, held that manufacturing process was carried on, on the editorial side of 'Nav Prabhat' with the aid of power. Even assuming that the teleprinter machine did not carry on any manufacturing process, the learned Judge held that 'Nav Prabhat' office came within the second definition of the word 'factory' because it employed 20 or more persons and a manufacturing process was carried on without the aid of power. In support of this conclusion the learned Judge held that the main work of the persons engaged in the office was to collect material for the

manuscript of the paper. "The news and articles received in 'Nav Prabhat' office either through the teleprinter machine or through any other source was a raw material for this factory. Some matter is received through post, some through reporters and some through telephone or radio. All this raw material was treated and adapted by the editorial staff and a new shape was given to it. The news was moulded or cast in a particular manner, attractive and exciting headings were given, suitable headlines were inserted and out of all this process a final product, the manuscript of 'Nav Prabhat' daily emerged and it was this manuscript which was used for printing in the press. Thus material in a raw stage was subjected to the process of treating or adapting and was finally rendered fit for printing in the press". Such a change would according to the Judge come within the meaning of the term "treating or adapting any article or substance with a view to its use" and thus it would constitute 'manufacturing process' as defined in the Act. We are not sure how far this view of the Labour Court would be upheld by higher tribunals and courts. Until the matter is finally decided by such courts, it cannot be said with certainty that the journalists working on the editorial side of the paper could be regarded as being governed by the Factories Act or by the Payment of Wages Act for the reason that (1) the presses where they worked were 'within the precincts' of the premises where manufacturing processes were carried on (which is a question of fact in each case), (2) the working of the teleprinter machines constituted manufacturing process, and (3) the manner in which the editorial side dealt with the raw material, namely, crude news on the teleprinter machines and the reports of the correspondents, itself constituted a manufacturing process.

601. Applicability of the Industrial Disputes Act to working journalists.— The question whether the Industrial Disputes Act of 1947 applied to working journalists or not has given rise to some controversy. Under the Industrial Disputes Act of 1947 "workman" has been defined as meaning any person employed (including an apprentice) in any industry to do any skilled or unskilled manual or clerical work for hire or reward and includes for the purposes of any proceedings under the Act in relation to an industrial dispute, a workman discharged during that dispute, but does not include any person employed in the naval, military or air service of the Government. An attempt has been made to contend in some cases that the work of a sub-editor or a reporter is really skilled clerical work and that, therefore, the working journalist is governed by the provisions of the Industrial Disputes Act. The question came up for consideration before the Industrial Tribunal at Bombay in connection with a dispute between 'Jam-e-Jamshed' and their workmen. It was contended on behalf of the members of the editorial department that the members of the editorial staff including the editors, sub-editors and the reporters were 'workmen' as defined by the Act and would, therefore, be covered by the Act. On the other hand, it was contended by the employers that the members of the editorial department were not occupied in doing work which was mainly skilled clerical work but they did journalistic work superior to and distinct from skilled clerical work done by the workmen in the press section. The Tribunal relied upon some of the admissions made by the Bombay Union of Journalists which seemed to indicate that they themselves regarded that the Industrial Disputes Act did not apply to working journalist. The learned Judge proceeded to observe as follows:—

"It will be clear from these two passages that journalists themselves admit that the Industrial Disputes Act does not apply to them. It is also clear from the constitution of the Bombay Union of

Journalists and the qualifications for membership thereof that the Union of Journalists itself makes a sharp distinction between journalists and Press workmen and I am, therefore, satisfied that the members of the editorial department including reporters are not covered by the definition of the word "workmen" under Sub-section 2 of Clause 'S' of the Act and that the Act does not apply to them. I, therefore, hold that it is not competent for me to adjudicate upon this demand".

602. The dispute between the Vishwamitra Karyalaya and the employees in 1951 related also to the editorial side of the newspaper. Among those whose cases were considered by the Tribunal were one editor and six sub-editors. The question whether the Industrial Disputes Act applied to the editorial staff or not does not appear to have been specifically raised, judging from the orders passed by the Industrial Tribunal, Allahabad, and by the Labour Appellate Tribunal, Calcutta. We are informed that when the matter was taken before the Supreme Court, an argument was advanced that the orders of the Industrial Tribunal and the Labour Appellate Tribunal dealt with the cases of the editorial staff also and to that extent the orders which were passed were without jurisdiction. But the judgment of the Supreme Court does not indicate that this particular point was urged before their Lordships. The Supreme Court judgment only deals with the argument about the validity of the award made after the expiry of the time originally fixed and subsequently extended. The judgment of the Supreme Court in the Vishwamitra case therefore does not decide the point one way or the other.

603. The issue, however, came up for direct decision before the Patna High Court in the case of Vinay Narayan Sinha vs. Bihar Journals Limited. It was specifically contended on behalf of the Bihar Journals Limited that Sri Vinay Narayan Sinha an assistant editor was not a workman within the meaning of the Act and the Conciliation Officer had, therefore, no jurisdiction to start the proceedings. The argument was that Section 2, Clause 'S' which defines "workman" to mean any person employed in any industry to do any skilled or unskilled manual or clerical work for hire or reward, did not include within its ambit the working journalist. Counsel on behalf of Vinay Narayan Sinha argued that the duties of Shri Sinha were generally to write editorial articles and notes and to read proofs thereof and that the articles and notes were subject to the approval of the editor. His work was, therefore, of a skilled clerical nature and, consequently he was a workman within the meaning of the Industrial Disputes Act. In rejecting his contention Mr. Justice Ramaswamy observed as follows:—

"In my opinion the duties assigned to petitioner No. 1 (Sri Sinha) a senior assistant editor, are not clerical. In doing his editorial work Petitioner No. 1 has to display qualities of initiative and independence and it is, I think, too far-fetched to argue that the duties of Petitioner No. 1 are of mechanical or routine description. I hold that Petitioner No. 1 is not a workman within the meaning of the Industrial Disputes Act".

The appeal against this judgment of the Patna High Court has been rejected by the Supreme Court. As the definition of workman stands in the Act at present, working journalists would not be eligible for the benefits accruing from the applicability of the Act.

604. An indirect attempt appears to have been made to bring working journalists within the scope of the Act by contending that those who are admittedly governed by the Act can raise a dispute with regard to those to whom the Act is not applicable. Such a contention was advanced in the case of N. K. Sen and others vs. Labour Appellate Tribunal of India before the Chief Justice and Mr. Justice Shah of the Bombay High Court, (Labour Law Journal 1953 page 6). In that case the question was whether the workmen of the Ford Motor Company could raise a dispute with regard to payment of wages and bonus not to themselves but to other employees of the Company such as foremen and divisional heads belonging to the supervisory category and such a dispute having been raised whether it was competent to the Labour Tribunals to adjudicate upon such a dispute. An industrial dispute is defined in the Act as any dispute or difference between employers and employers or between employers and workmen or between workmen and workmen which is connected with the employment or non-employment or the terms of employment or with the conditions of labour of any person, and the Court had to decide whether a dispute with regard to the terms of employment of *any person* whether he is a workman or not was an industrial dispute which could be referred to the Tribunal by Government under Section 10 and which could be adjudicated upon by the Tribunal. The High Court held that in order that a controversy between workmen and employers can become an industrial dispute two conditions were necessary. There must be a dispute and it must be an industrial dispute. A controversy which is connected with the employment or non-employment or the terms of employment or with the conditions of labour is an industrial controversy. But it is not enough that it should be an industrial controversy. It must be a dispute and in the opinion of the court it was not every controversy or every difference of opinion between workmen and employers which constituted a dispute or difference within the meaning of Section 2(k). The Court held that the dispute contemplated by that Section was a controversy in which the workman is directly and substantially interested. It must also be a grievance felt by the workman which the employer is in a position to remedy. Both the conditions must be present, it must be a grievance of the workman himself, and it must be a grievance which the employer as an employer is in a position to remedy or set right. The learned Chief Justice proceeded to observe as follows:—

“If the workmen have no direct or substantial interest in the employment or non-employment of a person or in his terms of employment or his conditions of labour, then an industrial dispute cannot arise with regard to such a person. It is clear that in this particular case it cannot be said that the workmen of the Ford Motor Company are interested in the scales of pay or the bonus to be given to divisional heads and foremen. They may strongly feel about the rights of these employees, they may have strong sympathy for their claims, they may even be oppressed by a sense of injustice, but these are all considerations foreign to the object of the Act. It is only primarily in their own employment, in their own terms of employment, in their own conditions of labour that workmen are interested and it is with regard to these that they are entitled to agitate by means of raising an industrial dispute and getting it referred to a Tribunal by Government under Section 10”.

605. It would thus be clear that the working journalists do not come within the definition of workman as it stands at present in the Industrial

Disputes Act. Nor can a question with regard to them be raised by some others who are admittedly governed by the Act.

606. Proposal to bring working journalists within the purview of the Industrial Disputes Act.—It has, therefore, been very strongly urged before us that the definition of the word “workman” as it stands at present in the Industrial Disputes Act should be amended and if possible brought into line with the definition of that word in the Trade Union Act of 1926. The revision of the Industrial Disputes Act of 1947 has been in the contemplation of the Government of India for some time. Actually, they introduced a Bill called the Labour Relations Bill in the budget session of Parliament in 1950. The object of the Bill was to enact a comprehensive labour legislation for the whole of India and a provision was made for the repeal of the Industrial Employment (Standing Order) Act of 1946, the Industrial Disputes Act of 1947, the Industrial Disputes (Banking and Insurance Companies Act of 1949, the Industrial Disputes (Appellate Tribunal) Act of 1950, and four other Industrial Relations Acts which were in operation in Bombay, Uttar Pradesh, Madhya Pradesh and Madras. The Bill was referred to the Select Committee and the Select Committee reported towards the end of 1950. The Bill, however, could not be proceeded with and lapsed on the dissolution of the Provisional Parliament.

607. The Bill was attacked in several directions. One of the serious objections was that the procedure contemplated by the Act was too complicated and cumbersome. It was also thought that in the Bill greater emphasis was placed on adjudication rather than on collective bargaining, which was likely to result in the weakening of the trade union organisation. As the new Labour Minister shared some of these views, the Labour Ministry issued a detailed questionnaire and the replies received were placed before the 12th session of the Indian Labour Conference at Nainital. The Conference set up a small Committee of 7 members which discussed the problem in December 1952. Thereafter a Conference of the Labour Ministers of the Centre and of the States was convened with a view to reviewing the results of the Indian Labour Conference and of the 7-man Committee and to suggest lines on which the Central Government might proceed to frame a new Industrial Relations Law.

608. An examination of the proposed Industrial Relations Law.—In order to enable the Commission to have some idea as to what was in the contemplation of Government with regard to Industrial Relations Bill, we requested the Hon'ble Minister for Labour to give us a short note of the lines on which it was the intention of the Ministry to frame the new legislation so that the Commission could consider how far the provisions contemplated in the new Bill could be usefully applied for the amelioration of the grievances of working journalists. We are greatly indebted to the Ministry of Labour for a very lucid note which gives us an outline of the framework of the new legislation.

609. It is proposed to follow the recommendation of the Planning Commission that while the endeavour of the State should be to encourage mutual settlement, collective bargaining and voluntary arbitration to the utmost extent, it is incumbent on the State, in view of the economic emergency through which the country is passing to arm itself with legal powers to refer disputes for settlement by arbitration or adjudication on failure of efforts to reach an agreement by other means. In implementation of this policy it is the intention of Government to suggest that the right of referring disputes for compulsory adjudication both in public utility services and in non-public

utility services contained in Section 10 of the Industrial Disputes Act, should continue to exist and that any steps taken to give greater impetus to the idea of collective bargaining should be without prejudice to the power of the appropriate Government as indicated in that Section.

610. With regard to representation of parties, it is proposed that the machinery for representation should be as simple as possible. The law on the subject of representation is capable of becoming quite complex. Collective bargaining generally takes place at two levels, namely, at the level of the industry in a local area and at the level of the unit. Collective bargaining at these levels must be facilitated and actively encouraged. It is, therefore, proposed to have two types of representative unions, one for collective bargaining on the level of the industry called the "industry bargaining agent" and the other on the level of the unit called the 'recognised union'. A registered trade union or a registered federation of trade unions of workers in an industry in a local area would be eligible for certification as the industry bargaining agent for that industry in that local area if the union or the federation represents (1) not less than 25 per cent. of the workers of all the establishments in that industry in that local area and (2) not less than 10 per cent. of the workers in each of not less than 75 per cent. of the units of that industry in that area. If two or more unions or federations fulfil these conditions, the one representing the largest total membership should be entitled to certification. A registered trade union with a membership of not less than 15 per cent. of the workers of an establishment would be eligible for certification as the 'recognised union' of that establishment. Where two or more unions so qualify, the one with the largest membership alone will be entitled to certification as the recognised union in preference to all others. The recognised union would be entitled to bargain collectively with the employer on behalf of all the workers of the unit. Where there is no recognised union attached to a unit, it will be open to the workers of the establishment as a whole to elect in the prescribed manner a fixed number, say, 5 of their representatives to represent the workers in their negotiations with the employer. These representatives will have all the rights and privileges of the recognised union. Such representatives will continue to function for a period of one year after which there will be fresh election.

611. Where an industry bargaining agent and a recognised union co-exist, their respective responsibility will be defined. The industry bargaining agent would be concerned with matters of general application to more than one unit of the industry in that area such as wages, dearness allowance, bonus, leave, norms, etc. The recognised union will, on the other hand, be concerned with disputes relating to the grievances of individual employees of the unit and also with matters of sole concern to their particular unit. Both the industry bargaining agent and the recognised union would be accorded specific rights and privileges such as those contained in Clause 35 of the Trade Union Bill of 1950 as amended by the Select Committee.

612. It is also proposed to have provisions which will enable employers also to form such associations and for getting them certified as the representatives of the employers in that industry in that area provided the association represents not less than 75 per cent. of the interests in that industry in that area.

613. Where no union or group of elected workers is entitled to act on behalf of the workers, provisions will be necessary to enable the *ad hoc* representation of workers in proceedings under the Act. A provision will also be made for certain office bearers of registered unions to act on behalf of all the members of the union.

614. Certification of 'industry bargaining agents' and 'registered unions' would be entrusted to the industrial tribunals.

615. With regard to the procedure for settlement of disputes, it is proposed that, if a party wants a change in the *status quo*, it should serve a notice of change on the opposite party. A change in the *status quo* is a very vague expression and it is proposed to define precisely the matters in respect of which notice of change *must* be given. As there will be elaborate provisions regarding standing orders, their periodical change, their interpretation and application, the matters which will require a notice of change would be those arising otherwise than under the standing orders. It is, therefore, suggested that a notice of change should be required to be given in respect of such matters as are contained in the Third Schedule to the Labour Relations Bill as amended by the Select Committee *viz.*, wages, compensatory and other allowances, hours of work, leave with pay, classification of grades, customary privileges, etc. With regard to other matters for which notice of change is not required to be given and a change has been brought about which is not acceptable to the other side, there is again a dispute for which one party may serve a notice and the other party is required to enter into negotiations with regard to it.

616. Where a party has served a notice of change or a notice to negotiate, the parties will be expected to enter into mutual negotiations. A period of 30 days will be prescribed which may be extended by mutual agreement. It is during this period that the Conciliation Officer's services will be found to be most effective. The Conciliation Officer will not keep an official record or submit a formal report because it is the experience of the Ministry that, under these circumstances parties are reluctant to reveal their cards or to make concessions lest they may be used against them.

617. If the matter is settled by mutual negotiations, the dispute ends. But where these negotiations, with or without the assistance of the Conciliation Officer, do not lead to a settlement, a Conciliation Board will be appointed in the case of collective disputes *i.e.*, those not pertaining to the grievances of individual employees. Each party would nominate one or two members of its choice and both the parties would make an agreement between themselves to nominate a Chairman to form the Conciliation Board. Government will prepare and revise every year a panel of persons considered fit to be appointed as Chairman of the Conciliation Board. But the parties will not be required to restrict their choice to the panel. If the parties do not agree upon a Chairman, the Conciliation Officer will nominate a person from among the panel. If one of the parties refuses to nominate its members or to negotiate for the choice of a Chairman or otherwise declines to participate *bona fide* in the conciliation proceedings before the Board, the other party would have a right to apply to the Conciliation Officer who will first try to persuade the defaulter to do his duty. If the Conciliation Officer fails in his efforts, he would give a certificate to the co-operating party. If the co-operating party produces such a certificate and asks for compulsory adjudication, adjudication would automatically be ordered by the appropriate Government irrespective of whether the industry is a public utility service or a non-public utility service. That will be the reward for co-operation and the penalty for non-co-operation.

618. At this or any earlier stage, the parties would of course be at liberty to submit their dispute to voluntary arbitration. There will be panels of arbitrators prepared and revised every year by Government. This will, however, not preclude the parties to make an arbitrator of their own choice. The decision in arbitration will be final and binding on the parties.

619. When the Conciliation Board has reported failure, or in cases in which such a Board does not have to be set up after mutual negotiations have been exhausted, the stage would be set for a decision whether the dispute should be referred to compulsory adjudication or not. If the dispute is one in a public utility service, the appropriate Government would, unless it considers that the notice has been frivolously or vexatiously given or that it would be inexpedient so to do, make a reference of the dispute to a Tribunal. If the dispute is one in a non-public utility service, the appropriate Government will exercise its discretion whether, or not to refer it for adjudication to a Tribunal bearing in mind the need to give the fullest possible encouragement for collective bargaining and mutual settlement of disputes and consequently to reduce the number of compulsory adjudications.

620. The proposed legislation will be of an All-India character but if a State Government wishes to enact supplementary legislation, there will be no objection to such a course so long as the State legislation is not inconsistent with or does not have the effect of superseding Central legislation. Under Clause 2(2) of the Labour Relations Bill as amended by the Select Committee the Central Government is the appropriate Government in relation to labour disputes in any of the following establishments, namely,

- (i) railways,
- (ii) major ports,
- (iii) any form of inland or coastal transport which maintains establishments and connected services in more than one State,
- (iv) mines,
- (v) oilfields,
- (vi) industries, the control of which by the Union has been declared by Parliament by law to be expedient in the public interest and which are notified in this behalf by the Central Government in the Official Gazette,
- (vii) banking companies having branches in more than one State,
- (viii) insurance companies having branches in more than one State,
- (ix) such corporations established by the authority of the Central Government as are notified in this behalf by that Government in the Official Gazette,
- (x) establishments carried on by or under the authority of the Central Government or in which not less than fifty per cent. of the total capital is provided by that Government,
- (xi) any other establishment or class of establishments, the objects or activities of which are not confined to one State and which, in consultation with the State Governments concerned, is notified in this behalf by the Central Government in the Official Gazette.

The State Government is the appropriate Government in relation to labour disputes in any other establishment, The Ministry of Labour desire to have, in the Central sphere, disputes relating to—

- (a) such corporations established by an Act of Parliament as are notified in this behalf by the Central Government, and
- (b) such establishments in which not less than 50 per cent. of the total capital is provided by the Central Government as are notified in this behalf by that Government.

They do not want any other addition to the Central responsibility.

621. "Industrial dispute" in the Industrial Disputes Act has been defined as any dispute or difference between employers and employees or between employers and workmen or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour of any person. It has been held that under the Industrial Disputes Act, a dispute which has arisen out of the grievances of an individual worker does not amount to an industrial dispute unless it is raised by a trade union or a substantial number of workers. In other words, the law does not provide a remedy in respect of individual disputes except where they are likely to lead to strife between labour and management. Under the Labour Relations Bill, the definition of "labour dispute" would have included a dispute raised by even one of the employees with regard to his grievance. As such a provision would lead to an unmanageably large number of individual disputes which are at present excluded from the machinery of the industrial relations law, the Labour Ministry suggest that the law should make it clear that the grievances of individuals will not be deemed to be industrial disputes unless they are raised by an industry bargaining agent or a recognised union, or, in the absence of both, by the representatives of the employees elected in the prescribed manner. Individuals will no doubt be entitled to seek redress under the standing orders.

622. As it is proposed to repeal the Industrial Employment (Standing Orders) Act of 1946, it is necessary to make a provision in the Industrial Relations law for the framing of Standing Orders. Under the Act of 1946, the certifying officer has to see that provision has been made therein for every matter included in the Schedule to that Act, such as, classification of workmen, the manner of intimating to workmen periods and hours of work, paid holidays, shifts, procedure for applying for leave, entrance to premises by certain gates, closing and reopening sections of the industrial establishment, termination of employment and notice thereof by the employer to the workmen, suspension or dismissal for misconduct, means of redress for workmen against unfair treatment by the employer etc. It is not the duty of the certifying officer to adjudicate upon the fairness or reasonableness of the provisions of the standing orders. Clauses 18 and 19 of the Labour Relations Bill made provisions for giving power to the certifying officer to give his opinion on the fairness or otherwise of the standing orders and also provided for an appeal to the Tribunal. It is also intended to give power to workers to ask for an amendment of the standing orders just as provision exists at present authorising the employer to take steps to modify the standing orders. It is also proposed to lay down that disputes with regard to the application and interpretation of standing orders should be taken directly before the Tribunal without the intervention of Government. In view of the elaborate provisions laid down in the standing orders it would be necessary to provide that matters which are capable of being dealt with in accordance

with those provisions should not otherwise be raised as industrial disputes and sent for adjudication. Model standing orders would be prepared and included within the new law.

623. The Industrial Disputes Act enumerates in clause (n) of Section 2 what public utility service means. Sub-clause (22) of Clause 2 of the Labour Relations Bill as approved by the Select Committee gives a more elaborate list of public utility services. The Planning Commission suggested that the power given in the Labour Relations Bill in sub-clause (j) of clause (22) of Section 2 to the appropriate Government to declare any other industry or establishment to be a public utility service should be removed and that Banks should be added to the list. The Labour Ministry recommend that the suggestions of the Planning Commission be accepted.

624. There will be only four authorities under the new law: (1) Works Committees or the Joint Committees; (2) Conciliation Officers; (3) Boards of Conciliation; and (4) Industrial Tribunals or Courts of Arbitration.

625. The Labour Ministry also suggest, following the view of most of the State Governments, that strikes and lockouts should be prohibited during the period of notice, negotiation, conciliation, arbitration and adjudication, whether the dispute be in a public utility service or in a non-public utility service and also during the period of operation of settlements, collective agreements and awards if the strike or lockout related to any of the matters covered by the settlement etc. It is not, however, proposed to ban strike during emergencies. These emergencies could be tackled as they arise. In any case when a dispute is referred for adjudication, strikes and lockouts will automatically become illegal and that would be sufficient for dealing with most of the emergencies.

626. As has been stated earlier, cases of dismissal will not be treated as industrial disputes unless they are raised by the industry bargaining agent, a recognised union or the elected representatives of workers.

627. With regard to the question of re-instatement or compensation in the case of wrongful dismissal, it has been held by the Federal Court in the Western India Automobile Association vs. the Industrial Tribunal Bombay (LI, Bombay Law Reporter, page 894) that the question of re-instatement of a dismissed servant could be a subject matter of industrial dispute within the meaning of Section 2(k) of the Industrial Disputes Act. Because of the conflicting views on the subject, it is proposed that the Tribunal should have a discretion either to order re-instatement or payment of compensation or both. That was the view which was accepted by the Select Committee on the Labour Relations Bill and it is proposed to embody this in the proposed legislation. It is also proposed, following the principle enunciated in the Labour Relations Bill, that when an employer proposes to introduce a scheme of rationalisation, standardisation or improvement of plant or technique which is likely to lead to retrenchment, he must give notice to the appropriate Government which may refer the matter for adjudication to a Tribunal. In other cases of retrenchment, there will be no such obligation. The provisions in the Labour Relations Bill also contemplate the giving of one month's notice and payment of gratuity at the rate of not less than 15 days average pay for every completed year of service. It is proposed to embody these provisions in the new law as they have been arrived at

after a very careful consideration by Government and the Select Committee. Wherever there is an agreement between the employer and the representatives of the employees in any establishment in respect of any scheme of rationalisation, it should not be necessary for the employer to make an application for reference of the matter to a Tribunal.

628. With regard to the modification or rejection of awards, the Industrial Disputes Act of 1947 gives very restricted powers to Government. They are confined to cases to which Government is a party and the powers are limited to placing the awards together with a statement of the reasons for not declaring it binding before the appropriate legislature. It was left to the legislature to confirm, modify or reject them. Later on it was felt that Government should have more powers and consequently a provision as provided in sub-section (1) of Section 15 of the Industrial Disputes (Appellate Tribunal) Act of 1950 was enacted under which the appropriate Government was empowered to reject or modify an award even in disputes to which it was not a party, the only limitation being that such action was to be reported to the legislature at the first available opportunity. The Select Committee on the Labour Relations Bill felt that the Government should not have the right to interfere with the awards pronounced by the Tribunals and that the original provision in the Industrial Disputes Act of 1947 should be restored. The Select Committee restricted the powers of Government to intervene only to awards to which it was a party. Government is required to submit the award to the legislature and to move a resolution for the consideration of the award. It is for the legislature to decide whether the award should be confirmed, modified or rejected. The Planning Commission had laid down in the Five-Year Plan that the power of the Government should be restricted to periods of emergency. The Labour Ministry propose to incorporate these provisions in the new law.

629. With regard to alteration of conditions of service during proceedings under the Act, Section 33 of the Industrial Disputes Act of 1947 provided that "no employer shall during the pendency of any conciliation proceedings before a Tribunal in respect of any industrial dispute, alter to the prejudice of the workmen concerned in such dispute, the conditions of service applicable to them immediately before the commencement of such proceedings nor, save with the express permission in writing of the Conciliation Officer, Board or Tribunal, as the case may be, shall he, during the pendency of such proceedings, discharge, dismiss or otherwise punish any such workman *except for misconduct not connected with the dispute.*" This section did not place any restriction on the right of the employer to discharge, dismiss or otherwise punish a workman concerned in the proceedings for misconduct not connected with the dispute constituting the subject matter of the proceedings. There were complaints that certain employers had taken advantage of that provision to victimize active trade union leaders under the plea that the action was taken for misconduct not connected with the dispute. As allegations of victimisation were made on a fairly large scale, an amendment was made in the year 1950 and the Section, as it stands at present, reads as follows:—

"During the pendency of any conciliation proceedings or proceedings before a Tribunal in respect of any industrial dispute, no employer shall—

- (a) alter, to the prejudice of the workmen concerned in such a dispute, the conditions of service applicable to them

immediately before the commencement of such proceedings;

- (b) discharge or punish whether by dismissal or otherwise, any workman concerned in such dispute save with the express permission in writing of the Conciliation Officer, Board or Tribunal as the case may be."

Employers have complained that, on account of the amended provision they have been unable to get rid even of employees guilty of gross misconduct or indiscipline for a long time after the commission of the offence. The permission to discharge could not be obtained in some cases for 6 to 9 months. All employers' organisations have, therefore, asked for removal of the restrictions that now so hamper their activities. The Ministry feels that reasonable relief should be afforded to the employer without, at the same time, exposing workers to vindictive punishment at the hands of unscrupulous employers. It is, therefore, proposed that the employer should not during the pendency of any conciliation proceedings or proceedings before a Court of Arbitration or Tribunal alter, to the prejudice of the workers concerned in the dispute, the conditions of service applicable to them. With regard to the dismissal of employees, it is felt that protection should be given to important office bearers of the union who would in the ordinary circumstances be the main target of attacks. It is, therefore, suggested that the President, the Vice-President, the Secretary, the seniormost Assistant to the Secretary and the Treasurer of the union should not be transferred, dismissed, discharged, suspended or in any way punished without the express permission in writing of the Conciliation Officer, Board, Court or Tribunal. If such an order is passed, it would be liable to cancellation without going into the merits of the decision. Where formal application is made for such dismissal, the authority concerned would grant permission only where the action proposed to be taken is justifiable on merits. In the case of other workers, it is suggested that the employer should give one month's wages to the worker which might be said to be in lieu of the notice and ask him not to attend. There will be no formal suspension of the worker. The employer will simultaneously file an application before the authority concerned seeking permission to dismiss, discharge or remove the worker. Priority would be given to the disposal of such applications. If the authority gives permission eventually, the employer will have no further liability. If, on the other hand, such permission is refused, the employer will be required to take back the worker on payment of wages for all the back period after making an allowance for one month's wages already paid.

630. With regard to the implementation of the agreements, settlements and awards, it is suggested that just as civil courts execute decrees, the Industrial Tribunals should be authorised to entertain applications for recovery of money due under settlements, agreements or awards and to pass orders on objections to such recovery, to compute the money value of benefits and to issue certificates of claims to the Collector for recovery as arrears of land revenue and to disburse payments to the claimants. In order to penalise recalcitrant employers, it is proposed to make a provision that if the amounts due under the agreements, settlements of awards are not paid on the due dates, the employees will be entitled to

such rate of interest as may be notified by the appropriate Government. It may even be provided that all expenses incurred by a worker or his organisation in recovery proceedings should be recoverable under the certificate of the Industrial Tribunal.

631. Finally, clauses 115 and 120 of the Labour Relations Bill provide for the exercise by the appropriate Government of control over industrial undertakings with a view to enforcing implementation of settlements, collective agreements and awards. There have been some instances of employers who, faced with the demand for the implementation of an agreement, settlement or awards involving payment of large sums, have preferred to close down their establishments. In some of these cases, the workers have complained that the object of the employer has been to coerce workers into foregoing the benefits to which they are entitled as an alternative to unemployment. It was suggested that Government should assume power to exercise control over recalcitrant undertakings. Employers' organisations have opposed such a move and have indicated that some provision exists already in the Industries (Development and Regulation) Act of 1951. The Planning Commission have stated in the Five-Year Plan that "if direction and control of an establishment becomes necessary for observance of awards and decisions of Tribunals, they may be exercised under special legislation to be undertaken for the regulation of industries." It is the view of the Labour Ministry that legislative sanctions are necessary and that the proper place to include them would be in the Industrial Relations law. A difficulty has been created in the way of such legislation by the decision of the Supreme Court in the case of Sholapur Spinning and Weaving Company and an amendment of Constitution may be necessary.

632. **Proposed legislation generally suitable for newspaper employees.—** We have carefully considered the provisions of the proposed Bill and, with respect, we are of the view that the proposed scheme is an admirable one and should provide a suitable machinery for resolving of disputes between the employers and the employees in the newspaper industry. We, therefore, recommend that the definition of the word "employee" in the proposed legislation should be wide enough to include within its purview working journalists as well as employees on the managerial side, or a provision may be inserted in the proposed Newspapers and Periodicals Act making the new industrial relations legislation applicable to newspaper employees.

633. There are, however, two or three suggestions which we would like to make in this connection. Although the Ministry of Labour is unwilling to extend the sphere of Central Government activity, we think that the newspaper industry is one which should come within the administrative control of the Central Government. In other words, the Central Government should be the 'appropriate Government' with regard to the newspaper industry. As in the case of Banks and Insurance Companies, the employees of some of the bigger concerns are scattered all over India and this is particularly so in the case of news agencies. As there should be some kind of uniformity among the conditions of service of different employees working under the same employer, it is desirable that any action that is required to be taken should be taken by the Central Government with the result that any award made or settlement arrived at may be applicable to the employees all over India. The difficulty of the type that arose in the recent case of Press Trust of India employees, will not arise in that case.

634. We would also suggest that, if possible some of the Conciliation Officers should be persons having journalistic experience. We have noted that the business of the Conciliation Officers would be to bring together the employers and the employees and assist in the settlement of their disputes. For this purpose it is not essential to have Conciliation Officers with journalistic experience; but we think it would be a distinct advantage if some of the Conciliation Officers at least have that experience. They could, in that case, be deputed to assist at the particular place where a dispute in the newspaper industry has arisen.

635. **No conflict between Press Council and Industrial Relations machinery regarding working journalists.**—Under the scheme that we have envisaged, the Press Council will be the body that will determine the lapse, if any, on the part of journalists from professional standards. That would be the body which will administer the code of ethics, and give its ruling when any newspaper or any particular journalist has been accused of unprofessional conduct. Having entrusted the professional side of the newspaper industry to the care of the Press Council, we think that the economic side of the newspaper, in so far as it affects the conditions of working journalists, should be regulated by the procedure envisaged under the proposed legislation. Most of the matters could be settled by the standing orders or by collective bargaining and ultimately by arbitration or adjudication. It is conceivable that in some cases an industrial dispute may also have involved pronouncement by the Press Council on the propriety or otherwise of professional conduct. It is not unlikely that the working journalist may be guilty of unprofessional conduct or grave journalistic lapse and this may have led to his dismissal. The dispute, if any, so far as dismissal is concerned, may in certain circumstances come up for conciliation, settlement or adjudication. Any expression of opinion by the Press Council is not likely to embarrass the Industrial Court, which will consist of persons with high judicial experience, in giving its decision. An expression of opinion by a body of the type of the Press Council presided over by a High Court Judge on a point of professional ethics is bound to be treated with respect by the Tribunal and we do not see that normally any case will arise where the Industrial Court may find itself embarrassed by the expression of opinion by the Press Council. Indeed any such opinion would be of great assistance to the Industrial Court in coming to its conclusion as to the propriety or otherwise of the dismissal arising out of unprofessional or unjournalistic conduct.

636. **Proposed legislation should embody certain of our recommendations.**—We suggest that the proposed legislation for the regulation of newspaper industry should embody our recommendations with regard to (1) notice period; (2) bonus; (3) minimum wages; (4) Sunday rest; (5) leave, and (6) provident fund and gratuity. Matters regarding classification of employees, hours of work, shift working, closing and reopening of certain sections and suspension or dismissal for misconduct would be dealt with under standing orders when the new legislation comes into force.

637. **Recommendation should apply to the employees of news agencies.**—Our recommendations with regard to working journalists employed in newspapers should apply *mutatis mutandis* to the employees of news agencies also.

CHAPTER XIII

ASSOCIATIONS OF NEWSPAPERMEN

638. In the section on History of Journalism, we have dealt with the origin, growth and development of the various newspaper associations and organisations of journalists. The Memoranda and Articles of Associations of these organisations are reproduced in full in Appendix XXXIX. We shall review here only the membership and representative character of the important organisations of editors and working journalists as well as of newspapers.

639. **The All-India Newspaper Editors' Conference.**—At present, the total membership of the A.I.N.E.C. is 188, out of which 85 are dailies and 103 weeklies and other periodicals. Out of the dailies, 29 are English newspapers and 56 are newspapers in Indian languages; among the periodicals, 38 are in English and 65 in Indian languages.

640. **The Indian Federation of Working Journalists.**—At present, there are 22 units affiliated to the Federation. The Federation claims a membership of over 1,500 distributed as under:—

1. Delhi	..	..	273
2. Calcutta	..	..	181
3. Bombay City	..	..	162
4. Travancore-Cochin	..	..	135
5. Bihar	..	..	152
6. Uttar Pradesh	..	..	307
7. Madhya Pradesh	..	..	55
8. Madhya Bharat	..	..	28
9. Pepsu	..	..	36
10. Saurashtra	..	..	30
11. Orissa	..	..	66
12. Maharashtra	..	..	17
13. Rajasthan	..	..	19
14. Hyderabad	..	..	48
15. Kashmir	..	..	7
16. Bhopal	..	..	16
17. Vindhya Pradesh	..	..	*
18. Gujarat	..	..	*

* Formed recently; lists not submitted.

641. **The Southern India Journalists' Federation.**—The total membership of the Federation is about 450. Seven District Journalists' Associations are affiliated to the Southern India Journalists' Federation. Each of these units is collectively represented on the executive of the Federation by one member provided it has got a membership of more than 10 members. The membership of the seven District associations is as follows:—

South Arcot	..	..	12
Coimbatore	..	..	12
Tanjore	..	..	*
Tirunelveli	..	..	17
Tiruchirapalli	..	..	15
Kurnool	..	..	10
South Kanara	..	..	13

Figures not available.

642. **The Indian and Eastern Newspaper Society.**—At present there are about 80 members of the Society of which 60 are dailies and the remaining are weeklies and other periodicals. Among the dailies, 25 are English newspapers and 35 are Indian language newspapers.

643. **The Indian Languages Newspapers' Association.**—About 80 newspapers and periodicals are members of the Association. (Apart from this, the Indian Newspapers Co-operative Society Ltd., with over 200 members is also a member of the Association. The Association has claimed a membership of about 240, including the shareholders of the Society, who do not pay any annual subscription, and act only through the Society). The effective strength of the Association is only about 80 that is confined to the newspapers and periodicals which are direct members of the Association.

644. **General.**—It would be seen that the All-India Newspaper Editor's Conference, Indian & Eastern Newspapers Society and Indian Languages Newspapers' Association are the organisations of the newspapers. The A.I.N.E.C. is primarily concerned with the editorial side of the newspapers while the other two are concerned with the business aspects of the newspaper industry. In all three organisations, the members are the newspapers themselves and not individuals. Many of the members are common to the two organisations A.I.N.E.C. and I.E.N.S. as can be seen from the following analysis:—

TABLE I

	No. of newspapers which are members of AINEC & IENS	No. of newspapers which are members only of AINEC	No. of newspapers which are members only of IENS
Dailies	47	38	13
Periodicals	10	93	10
	57	131	23

It will be seen that among the dailies, a majority are members of both the organisations whereas among the weeklies and other periodicals, the membership is mostly confined to A.I.N.E.C. This indicates that the weeklies and periodicals feel the necessity for organising more in respect of editorial matters than business matters. There have been certain occasions on which A.I.N.E.C. and I.E.N.S. took joint action as, for example, on the question of fixation of minimum wages for journalists, and recommendations were made to their members, though these recommendations were not mandatory. These two organisations also made common representations to the Government in respect of newsprint when it was not easily available in the market. The two organisations joined hands in opposing the proposals of the Bombay and Madras Governments to impose a tax on advertisements.

645. The I.E.N.S. and I.L.N.A. are the organisations of newspapers for promotion and safeguarding the business interests of the newspapers. Though the membership of both the organisations is about 80, the I.L.N.A. has mostly small papers and periodicals among its members while the bigger papers and periodicals are members of the I.E.N.S. This can be seen from the following tables:—

TABLE II

	Papers which are members only of ILNA	Papers which are members only of IENS (the No. of Indian language papers in each category is shown in brackets)	Papers which are members of ILNA and IENS
Dailies	20	53(28)	7
Other Periodicals	47	15(4)	5
	67	68(32)	12

TABLE III

	Circulation of papers which are members only of ILNA	Circulation of papers which are members only of IENS (the circulation of Indian language papers in each category is given in brackets)	Circulation of papers which are members of ILNA and IENS
Dailies	1.02 lakhs	13.78 lakhs (7.25)	1.11 lakhs
Weeklies	1.41 lakhs	5.42 lakhs (2.42)	Nil

646. Among Indian language papers which are members only of the I.E.N.S. but not of the I.L.N.A., there are 12 daily papers with a circulation of 4.35 lakhs and 2 weeklies with a circulation of 1.09 lakhs which are associated with English papers which are also members of the I.E.N.S.

647. The majority of members of the I.L.N.A. are not dailies while I.E.N.S. has a majority of members which are dailies. 75 per cent. of the members of the I.L.N.A. are from Bombay State, while the membership of the I.E.N.S. is more evenly distributed all over India.

648. The Indian Federation of Working Journalists and the Southern India Journalists' Federation are the organisations of the employees. The fundamental difference between these two organisations is that the I.F.W.J. is organised on trade union lines whereas the S.I.J.F. does not accept the principle of trade unions for working journalists.

649. There is no separate organisation of the editors of newspapers as such. The A.I.N.E.C. is essentially an organisation of the newspapers though they are generally represented by their editors. The editors are also members of the two associations of employees—I.F.W.J. and S.I.J.F. We have analysed the membership of A.I.N.E.C. and I.F.W.J. in order to find out the common element between these two organisations. The result is given in Table IV below:—

TABLE IV

	Editors who are members of IFWJ only	Editors who are members of AINEC only	Editors who are members of IFWJ and AINEC
Dailies	27	66	19
Periodicals	44	98	5
	71	164	24

CHAPTER XIV

NEWSPAPER CONTENT

650. **Quantum and proportions.**—We desired to have a general idea both of the absolute quantum and of the relative proportions of news of various categories, features, editorial articles and advertisements, carried in the newspapers, and for this purpose we had asked all daily newspapers to send us an analysis of the printed matter classified under a number of headings specified by us. The analysis and classification were to be carried out of the issues of certain dates, selected by us on the principles of random sampling to cover all days of the week as well as the four quarters of the year, so as to equalise any periodical variations that might exist. Many newspapers found considerable difficulty in carrying out the classification as desired by us, while others misunderstood some of the instructions that we had given. The result was that such figures as had been submitted by the papers concerned were not usable. We therefore decided to ignore these figures and to arrange for the classification to be conducted by our own staff. In view of the limitations of time and of personnel we confined our examination to certain selected papers. These were:

English

1. Advance
2. Amrita Bazar Patrika (Calcutta)
3. Assam Tribune
4. Hindu
5. Hindustan Times
6. Indian Express (Madras)
7. Statesman (Calcutta)
8. Times of India (Bombay)

Indian Language

1. Ananda Bazar Patrika
2. Swadhinata
3. Janmabhumi
4. Vandemataram
5. Nava Bharat Times (Delhi)
6. Vishwamitra (Calcutta)
7. Samyukta Karnataka

8. Malayala Manorama
9. Mathrubhumi (Kozhikode)
10. Lokasatta (Bombay)
11. Maharashtra
12. Sakal
13. Samaja
14. Dinamani
15. Swadesamitran
16. Tai Nadu
17. Andhra Patrika
18. Andhra Prabha
19. Milap (Urdu—Jullundur)
20. Pratap

These names were selected so as to include papers, both large and small, and to cover different parts of the country as well as different languages. They included papers of large and small circulation, and papers belonging to chains as well as individual units. Specimen papers were drawn from English as well as Bengali, Gujarati, Hindi, Kannada, Malayalam, Marathi, Tamil, Telugu and Urdu. Issues for fourteen dates selected at random within the first quarter of 1953 were analysed in this manner.

651. Our remarks below are based on the results of this examination. It must be stated that while the data cover a certain period falling within the course of inquiry, they should not be considered as valid for the whole intervening period, or for today. There have been some changes, as for instance in the number of pages in each week's issues of some papers. This would have the result of reducing the proportion of advertisements in the average issue. The additional material for these pages has in some cases been secured by more extensive coverage, and perhaps in some cases by less rigorous editing. The result might be to change the relative proportions of one type of news or the other. We have not come across any signs of a conscious attempt to remedy the defects we have pointed out or to improve the balance of news or comment. Because of errors possibly introduced by the sampling, the review below should be considered descriptive rather than quantitative.

652. **Variations in size.**—Daily newspapers in this country display considerable variety in size, but the majority of them are printed in what has come to be the standard size in India, i.e. demy size. Of the papers we have examined, "Pratap" and "Milap" were printed in a smaller size, double crown, but in the table below they have been classified according to the equivalent number of pages of standard size. The number of pages in each paper showed considerable variation. In order to allow for differences in the number of pages between certain days of the week and others, we give below the average number of pages per week for the different papers. Within each category, the papers have been arranged in the order of their size during the period studied.

TABLE I

Size of Newspapers

No. of pages per week	English papers	Indian language papers
I 88—74 . . .	1. Hindustan Times . . . 2. Times of India . . .	
II 72—62 . . .	1. Hindu 2. Statesman 3. Amrita Bazar Patrika 4. Indian Express	1. Vandemataram 2. Janmabhumi.
III 60—50 . . .	..	1. Ananda Bazar Patrika. 2. Navabharat Times., 3. Andhra Prabha 4. Vishwamitra
IV 48—38 . . .	1. Assam Tribune	1. Pratap 2. Andhra Patrika 3. Sakal 4. Samyukta Karnataka 5. Milap 6. Dinamani. 7. Lokasatta 8. Samaja 9. Swadesamitran 10. Mathrubhumi
V 36—26 . . .	1. Advance	1. Malayala Manorama 2. Tai Nadu 3. Maharashtra 4. Swadhinata.

653. Owing to these differences in the number of pages, there is correspondingly a great deal of variation in the area of paper allotted to news or comment in each paper, as well as in the space used for advertisements. A graph, Appendix XL, shows average space allotted to news and advertisements over the period surveyed in each of the papers that we have examined. It will be noticed that some of the papers of larger size, in spite of the high proportion of space devoted to advertisements, manage to provide a large amount of space for editorial matter, while some papers of small size in a similar position provide only a meagre service to readers.

654. **Effect of typography.**—Further differences in the quantum of material placed before the readers are caused by the size of type used and by the amount of spacing allowed between lines. In certain cases this spacing is achieved by casting type on bodies of larger size (e.g. 7 pt. type on 8 pt. body) while in others, lead has been used to space out the lines. We have had a comparison made of the average number of lines in a column of normal size, of the width of columns, and of the number of words per line. In the case of English papers of standard size, the pages are divided into 8 columns and the average number of lines per column ranges from 130 to 200. There is some variation in most cases between the

columns carrying editorials or feature articles and those carrying news. The figures below refer to news columns, particularly to the main body of news rather than the "intros".

1. Hindu	}	200 lines
2. Indian Express		

1. Amrita Bazar Patrika	}	170 lines
2. Bombay Chronicle		
3. Hindustan Times		
4. The Mail, Madras		
5. Statesman		
6. Tribune, Ambala		

1. Hitavada, Nagpur	}	150 lines.
2. Indian Nation, Patna		
3. Indian Republic, Madras		
4. Leader, Allahabad		
5. National Herald, Lucknow		
6. National Standard, Bombay		
7. Pioneer, Lucknow		
8. Searchlight, Patna		
9. Times of India (Bombay)		

Most other papers	.	.	130 lines.
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The columns are almost always of $11\frac{1}{2}$ to 12 ems. width and the number of words per line ranges from 7 to 5. The extremes in the number of words per column of 20" are therefore about 1400 words in the case of papers like the "Hindu" of Madras and the "Indian Express", and about 700 words in the case of papers like the "Deccan Herald" or the "Assam Tribune". In the case of Bengali script, newspapers that use machine composition have about 130 lines to the column, while those that use hand composition, have only about 110 lines which is also the figure for the Assamese paper. The latter figure is more or less common for other languages also, such as Malayalam, Tamil, Hindi, and Marathi (modern types only). In the case of papers in other languages where typographical design has not advanced, and in the case of some Hindi and Marathi papers also which use types of old design, the number of lines per column is only 90. Languages falling under this group include also Telugu, Kannada, Gujarati, Oriya and Punjabi. Comparison of the space allotted to each particular category of news or of editorial comment would, therefore, have to take into account the wide differences that exist in the number of words that can be compressed within the space.

655. It would be obvious from the foregoing that a direct comparison of the space allotted to different categories of news or comment would not really indicate the extent of disparity in the reading matter provided by one paper and the other. In the case of both Indian language papers and English papers, the variations due to typography are in each case in the ratio of 3:2 between maximum and minimum while the overall range is more than 2:1. It must be emphasised that subject to the limit of legibility a paper that uses modern type can offer its readers, within the same number of pages, much more reading matter than another which uses types of antiquated design. The limitations of printing also add to the difficulties

by reducing legibility in some cases thereby making it necessary to use larger type.

656. The analysis that we have made of the amount of space devoted to various categories of news, features, and comment, is reproduced in Appendix XLI. We review here briefly the trends indicated by the figures.

657. **Editorial Matter.**—In respect of total editorial space, the variation from one paper to another ranges from 450 column-inches in the case of some Indian language papers to 1500 column-inches in the case of the largest English papers. Classified according to the total amount of editorial matter carried, including news, features and comment, but excluding advertisements, the position was roughly as in Table II below.

TABLE II
Editorial Space in column-inches
(Average per day)

Editorial space	English papers	Indian language papers
I 1500—1200	1. Hindustan Times . . . 2. Times of India	1. Nav Bharat Times
II 1200—900	1. Hindu 2. Indian Express 3. Amrita Bazar Patrika 4. Statesman	1. Vandemataram 2. Ananda Bazar Patrika 3. Janmabhumi 4. Vishwamitra 5. Andhra Prabha
III 900—750	..	1. Andhra Patrika
IV 750—600	1. Assam Tribune 2. Advance	1. Dinamani 2. Samyukta Karnataka 3. Swadesamitran 4. Mathrubhumi 5. Pratap 6. Milap 7. Lokasatta 8. Samaja 9. Sakal
V 600—450	..	1. Tai Nadu 2. Swadhinata 3. Maharashtra 4. Malayala Manorama

658. **Advertising Matter.**—While in the amount of total editorial space the maximum range did not exceed $3\frac{1}{2}$ to 1 between the smallest paper and the largest paper, the variation in the case of advertisements was about 25 to 1. The space in column inches devoted by each paper to advertisements is indicated in Table II below. Within each category the papers have been arranged according to the volume of advertising they carried during the period examined.

TABLE III
Advertisement space in column-inches
 (Average per day)

Advertisement space	English papers	Indian language papers
I 750—600 .	1. Statesman 2. Times of India 3. Hindu	
II 600—450 .	1. Hindustan Times 2. Amrita Bazar Patrika	
III 450—300 .	Indian Express	1. Janmabhumi 2. Ananda Bazar Patrika 3. Vishwamitra 4. Sakal 5. Vandemataram
IV 300—200 .	Assam Tribune	1. Lokasatta 2. Malayala Manorama 3. Pratap 4. Andhra Prabha 5. Milap 6. Samyukta Karnataka 7. Dinamani
V 200—150 .	Advance	1. Swadesamitran 2. Mathrubhumi 3. Samaja 4. Nav Bharat Times
VI 150—100 .	..	1. Tai Nadu 2. Andhra Patrika 3. Maharashtra
VII Below 50 .	..	Swadhinata

659. **News Columns.**—Among the various sections of editorial matter, news naturally takes the largest proportion of space. Table IV below indicates the amount of space devoted to news of all kinds (including news photos and maps) in different newspapers.

TABLE IV
Total news—in column-inches
 (Average per day)

Advertisement space	English papers	Indian language papers
I 1200—750 .	1. Hindustan Times 2. Indian Express 3. Hindu 4. Times of India	1. Vishwamitra 2. Ananda Bazar Patrika 3. Vandemataram 4. Andhra Prabha 5. Navabharat Times 6. Andhra Patrika 7. Janmabhumi
II 750—600 .	1. Statesman 2. Amrita Bazar Patrika 3. Assam Tribune	1. Samyukta Karnataka 2. Swadesamitran 3. Dinamani 4. Mathrubhumi
III 600—450 .	1. Advance	1. Tai Nadu 2. Samaja 3. Swadhinata
IV 450—300 .		1. Malayala Manorama 2. Lokasatta 3. Pratap 4. Milap 5. Maharashtra 6. Sakal

660. **Categories of News.**—While by themselves these figures are significant, we considered it useful to examine separately the quantum of international news and news of national and local importance carried in each paper. For this purpose we adopted the following classification:—

TABLE V

Basis of classification of news coverage

(Columns of 20 inches—21 inches)

Minimum space for	Regional news	National news	International news
Grade A	20 cols.	12 cols.	8 cols.
Grade B	15 cols.	8 cols.	5 cols.
Grade C	7 cols.	4 cols.	3 cols.

Where coverage is less than the minima laid down above, it has been graded D.

661. It will be noticed that there is considerable difference in the criteria we have adopted in respect of international news, national news and local news in order that the service provided by a particular paper may be considered as falling under the categories 'A', 'B', 'C', or 'D'. In each case we have fixed a high quota in respect of State and local news, a slightly lower quota for National news, and a much lower quota for international news. We would consider as normal, that allocation of space which would provide the best possible coverage for State and local news, and the closest possible approximation thereto in the coverage of National news and then of International news. On the other hand, a paper whose coverage of State affairs is poorer than its coverage of National or International news cannot be considered to have discharged its responsibilities; it may be merely retailing to the subscribers what it gets from the news agencies, without employing an adequate number of correspondents for proper coverage of State or city news. The papers that we have examined have been classified according to their coverage of news, in Table VI below. English and Indian language papers have been shown separately, and in each of these sections the papers have been arranged according to their grading in the matter of coverage.

TABLE VI

Relative coverage of News

English	State and local news	National news	International news
<i>English—</i>			
1. Hindu	A	A	A
2. Indian Express	A	A	A
3. Hindustan Times	B	A	A
4. Times of India	C	A	A
5. Statesman	C	A	A
6. Amrita Bazar Patrika	C	A	A
7. Assam Tribune	C	B	B
8. Advance	D	C	A
<i>Indian language papers—</i>			
1. Ananda Bazar Patrika	A	A	B
2. Vishwamitra	A	A	B
3. Andhra Prabha	A	B	B
4. Nava Bharat Times	A	B	B
5. Andhra Patrika	A	B	C
6. Vandemataram	A	C	B
7. Janmabhumi	A	C	B
8. Dinamani	B	B	C
9. Swadesamitran	B	B	C
10. Mathrubhumi	B	C	B
11. Malayala Manorama	B	D	C
12. Samyukta Karnataka	C	A	B
13. Tai Nadu	C	C	C
14. Lokasatta	C	C	C
15. Milap	C	C	C
16. Pratap	C	C	C
17. Samaja	C	C	D
18. Swadhinata	C	D	B
19. Maharashtra	C	D	C
20. Sakal	C	D	D

662. **Balance in news coverage.**—Judged by the standards we have laid down, not all the papers we examined exhibit a proper balance in news coverage. Among those published in English, only two papers provided a coverage of State news comparable to their coverage of National and International news. In the case of a third paper, the fact that it is published from the union capital which is also the capital of a very small state may have been responsible for the apparent imbalance; its coverage of State and National news put together amply exceeded the combined quota we have laid down for these two classes of news. In the case of three other papers of large circulation which are published as multiple editions, we would ascribe the poor coverage of State news to the fact of such publication. Apparently in order to have the maximum of material in common, each edition of the multiple units falls short of what we consider to be proper coverage of State and local news. The position revealed by the analysis lends support to the argument that such papers fail to serve the areas where they are located. One provincial paper showed the weakness which follows from too great a dependence on news agency services while the other paper, published from a metropolitan centre, shows in addition what we consider an unbalanced selection in the editorial section which has given foreign news a far greater importance than Indian news.

663. **Indian language papers.**—The Indian language papers show some well-defined characteristics. The first of these is the reduction in the space allotted to International news as compared to English papers. The second is increased importance generally given to State news as compared to National news. There are however some exceptions to these trends. There are a few papers whose coverage of National news is poorer, proportionately, than their coverage of International news. We have examined the proportions of these two classes of news in the news agency service subscribed for by these papers and find that the excess of International news in the agency service has been reflected in the columns of the newspapers. We have discussed elsewhere the agency services, and would like only to say here that the editorial staff have adhered too closely to the agency's selection of news.

664. **Readers' preferences.**—In connection with the extent of news coverage, we have considered the findings of the Sample Survey of newspaper readership and the preferences as indicated by the readers in the matter of the news that they read first when they take up the paper. Detailed figures are given in the full report on the Survey (Appendix I). Taking these three major categories of news, international, national and State we found that 44 per cent. of the rural readers and 42 per cent. of the urban readers look first at the Indian news, i.e. national news and only 31 per cent. of rural readers and 23 per cent. of urban readers look first among the columns which carry local news. The corresponding percentage of readers who glance first at the foreign news was 10 per cent. both in the case of rural and urban readers. These figures refer only to the first interest of the readers themselves and not necessarily to the quantum of news that they would be prepared to read through or the adequacy of the coverage now provided. It is an interesting circumstance that though on academic grounds we may expect readers to show greater interest in local news, the fact remains that the reader's interest is greater in news of India as a whole than in local news. At present, Indian language newspapers are giving much more of local news than of national news. We are of the

opinion that this correct balance has to be preserved in all newspapers. The circumstances that readers have not evinced sufficient interest in local news can, in our view, be attributed to the fact that at present the selection of such news items is not done with any imagination nor is sufficient effort devoted to collecting news of the type which would really interest the reader. Moreover, the news agencies and the newspapers have not shown ability to present these items of local interest in an attractive fashion. It is no doubt an easy matter when an event is of national importance to put it in a form which would catch the public eye. It requires a high standard of journalism to put over successfully items of local importance.

665. **Foreign news.**—In the case of foreign news, there is apparently a substantial percentage (10 per cent.) of readers who look first for such items before even reading news of national or local importance. This is in excess of the number of readers who look first for sports news (6 per cent.) or for commercial news (6 per cent.) even though it is the practice of many newspapers to devote an entire page for sports news and another page for commercial items. While international news might not form the first interest of a large proportion of readers, it would appear that a much larger number of readers show great interest in such news. In the Readership Survey an attempt was made to check the preference of readers in the matter of different categories of news by asking them questions about the sections which they would not mind being curtailed in order to provide space for items which they liked, e.g. photographs. (92 per cent. of the total readership had said in answer to a query that they would like to have more photographs in their daily paper). They have responded to the question regarding news to be curtailed in the following manner:—

TABLE VII

1	2		3		4		5	
	Type of news preferred to be curtailed				Rural		Urban	
	No. of cases		% of total		No. of cases		% of total	
1. Sports news	351	20	564	20				
2. Local news	313	18	363	13				
3. Market reports	252	14	567	21				
4. Indian news	236	14	126	5				
5. Speeches and Statements	227	13	348	13				
6. Articles	192	11	472	17				
7. Foreign news	176	10	305	11				
Total	1,747	100	2,745	100				

666. It would be seen from the foregoing that even among rural readers the people who are prepared to give up the present coverage of foreign news are fewer than those who are prepared for a curtailment of the sports news, local news, market reports, or even of national news.

667. It might be argued that this interest in happenings abroad is purely artificial, having been fostered by the newspapers themselves in the earlier years when coverage of foreign events by world news agencies was much more comprehensive than coverage of Indian events, and, incidentally quite cheap to buy. There is also the fact that the leading Indian newspapers try to model themselves on the lines of the great national dailies of the U.K. and attempt to provide, in each issue, a global survey of current events. Papers in the Indian languages have inevitably copied the pattern set by the English papers and have been giving international news more space and prominence than they might otherwise have done. There is no doubt that both these factors had played a part in deciding not merely the news content of the papers but the interest of the readers also. What we are now concerned with is the question whether such emphasis on international events is likely to provide the readers with an unbalanced picture of world affairs. From the narrow point of view, one might favour a newspaper which deals mainly with local or national affairs devoting only casual mention to events abroad. Such a development is noticeable in the United States of America, for instance, where the majority of papers concern themselves predominantly with local affairs and to a much smaller extent with national affairs ignoring world events in a manner which has left readers ignorant of events of major significance abroad. The survey carried out by the International Press Institute brings out certain significant warnings of the consequences. On the question whether the demands for local and national news permit the newspapers to remedy the defects in foreign coverage, American editors could not agree, though they admit that there are many serious defects. In the United Kingdom there is a marked disparity between the coverage of foreign news provided in the "quality" papers and in the "popular" papers, the former showing greater awareness of the significance of foreign events than the latter. In India, the question apparently is not so much that of one category of news being crowded out by another, as in the case of the majority of papers in the U.S.A., or the popular papers in the U.K., but one of balancing news.

668. We have to keep in mind two modern developments. Firstly the political and economic policies of each country have a deep effect on the daily life of citizens of other countries, in a manner not dreamt of two or three decades ago. Secondly foreign policies are no longer the close preserve of career diplomats conducting their negotiations behind doors, but have to be explained, discussed and criticised where necessary in public. To enable every citizen to understand current world affairs and to form intelligent conclusions, it is necessary that he should be kept continuously informed of all significant events wherever they may occur. This is as important for citizens of materially advanced countries capable of doing great harm or good because of their vast resources, as for the peoples of countries like India who can contribute dispassionate views and disinterested advice in the Councils of the world. India is playing an increasing part in world affairs and is also being increasingly affected by world events. It would not therefore be good to encourage any indifference or apathy towards such events by ignoring their significance in the world context.

669. Judging however by the quantum of space allotted, it seems to us that there is some need for more careful editing of foreign news in order to ensure that while no news of significance is left out, the torrent of words that flows from the news agency teleprinters is not permitted to sweep away news of happenings in this country.

670. **Coverage of different subjects.**—A detailed analysis has been made in Appendix XLII of the news according to the subject matter such as politics, science, technology, art culture, etc. We tried to distinguish if possible, between news items that originated from agencies and others that came from correspondents or other sources. We found that unfortunately a very large proportion of the items in a day's paper carry no indication of their origin. It was not therefore possible for us to examine the extent to which a particular newspaper is dependent on one or the other news agency for filling up its pages. Reporting is not always free from comment, and it would be of great assistance to the readers if they could know where the comment originated. For this purpose we consider it useful if newspapers would invariably indicate the source of each item. It would be sufficient here to say that the contents of the news columns appear to have been dictated to a considerable extent by the nature of the service provided by news agencies. We have mentioned in the case of some newspapers how this dependence on news agencies has set more or less the pattern of distribution of space between news from the state, the country, and the rest of the world. It has also determined the proportion in each case, of news about different subjects, such as politics, economics, science, art or industry. We have given our comments on the present coverage in the chapter on News Agencies.

671. **Editorial comment.**—The space devoted to editorial comment and the expression of views was generally two columns (of 20"-21") in each issue. There were, however, instances where three columns had been devoted to these subjects, and of many Indian language papers where only 1½ columns had been set apart. In one paper, editorial comment was confined to one column. Details of the space allowed are given in the Appendix XLIII which includes also an analysis of the space allotted to various categories of subjects. The position indicated by these figures is briefly reviewed below.

672. Most of the English papers have allotted a substantial proportion of their leading articles to comment on international events; items of national interest take the next place, while in the majority of papers examined, affairs of the State or region take only the third place; this may be attributed to the fact that these papers circulated in more than one state.

673. In the case of Indian language papers, which circulate generally over a more restricted area, the proportion of space devoted to local affairs was higher (25 per cent. of the total) than in the case of English papers (15 per cent. of the total). It was however noticeable that taking all the papers as a whole, the space devoted to international affairs was very high (27 per cent. of the total) and comparable with English papers (34 per cent. of the total). This was because a number of papers paid more attention to international affairs than to national affairs. Some of them were associated with English papers but others were not. Various factors have been mentioned as responsible for this readiness to deal with international affairs rather than with national affairs. One of them is that the supply of reference material is much more ample on world affairs than on Indian affairs; another is that commenting on the former is less ticklish and there is less risk of offending readers by taking a particular line, and so on. Whatever the reasons, we would prefer Indian language newspapers to observe a fairer balance in the selection of subjects for comment instead of following too closely the pattern of the English papers.

674. The value of a study of this nature would be greatly enhanced if it could be extended to a large proportion of the newspapers in this country and could also be extended over longer periods. Owing to certain limitations, we had to confine our study to a few selected papers though an attempt was made to include papers of various categories. We would suggest that it should be one of the functions of the Press Institute to conduct a continuing study of the contents of the daily newspapers, not merely with reference to the limited number of heads under which we have discussed it here, but under all the heads set out in the Appendices XL to XLIII and others that may suggest themselves. This study should be conducted over the whole year so as to even out the variations that might be brought about by intensive activity in the regional, national or international spheres. We would recommend that the data thus collected and the comments of the Press Council thereon should be published for the benefit of everyone interested.

CHAPTER XV

OWNERSHIP AND CONTROL

675. **Newspaper ownership.**—Before proceeding to describe and discuss the various types of ownership prevalent among Indian newspapers and the kinds of control that follow, we think it desirable to refer to some of the fundamental features pertaining to the newspaper industry in their relevance to the institution of ownership itself in that industry. To begin with, news and views, which newspapers sell, serve not only an informative aspect, but also an educational and a propagandist aspect. They influence opinion, conduct, and action; and this is done not only in the political but also in the social, economic and cultural fields. Just as the public have a vital interest in the purity of their water supply, so have they an equally vital interest in the accurate presentation of news and fair presentation of views. In other words, the news and views which newspapers purvey carry with them a vital public interest that needs to be safeguarded. At the same time, the profit motive which governs the exercise of ownership in industry in general, including the newspaper industry, can have an adverse effect on the quality of the product in the case of the newspaper industry. What sells most or what yields the maximum profit has in other industries a definite connection with quality of the product; but in the case of newspapers, unfortunately, sensationalism, extravagance, vulgarity and the like have a good sales appeal. Whereas, therefore, the profit motive may operate in the public interest in the case of other industries, it may require regulation in the case of the newspaper industry. Moreover, the number of units in the industry is not large, even taking the country as a whole; the number becomes still smaller and does not reach double figures if we take into account any city or town. The competition that exists among newspapers, therefore, is highly imperfect in character; there is, therefore, no automatic restraint exercised by the forces of free competition or stimulus given to better the quality of product. Taking these factors together, there can be no doubt that the newspaper is essentially a public utility and whatever be the precise form that ownership takes, the exercise of ownership rights may have to be subject to some measure of restraint and regulation. In fact, a newspaper is analogous to a college or a university. It is true that it costs money and has to exact fees; but the motivation is other than of profit; and public interest is the criterion that regulates its activity. We feel that somewhat similar considerations also prevail in the case of newspapers.

676. **Forms of ownership.**—The following forms of ownership are at present found among the newspapers and periodicals:—

- (i) Individual;
- (ii) Partnership;

- (iii) Joint Stock Company, public or private;
- (iv) Trust;
- (v) Society registered under various Acts; and
- (vi) Co-operative ownership.

The extent of capital invested in the daily press under the different forms of ownership has been estimated in Chapter III. While it cannot be said that different types of ownership are peculiar to different classes of newspapers or to different areas or languages, the same forms of ownership are not found in every case. The district and weekly press is predominantly owned by individuals or, in certain cases, by partnerships. Metropolitan newspapers are almost invariably published by concerns incorporated under the Companies Act either as public companies or as private companies. Chains, groups and multiple units exist in almost all the languages in which journalism has developed, the only exception being Malayalam. The question does not arise so far as Oriya, Assamese, and Punjabi are concerned which have only a few small papers with a very limited circulation. Two other interesting facts came to our notice. In Malayalam there was evidence that ownership and, to a certain extent, readership are distributed according to religious communities and sects. It is also worthy of note that there have been several instances of persons not belonging to a particular linguistic group or region who have been able to start and run successfully newspapers in a language or region with which they have no connection.

677. It would appear that in recent years, there has been a growing tendency, already referred to in the case of metropolitan areas, for the conversion, into Joint Stock companies, of what had earlier been individually owned or family concerns. An exact comparison is, however, not possible of the number of individually owned papers then and now because of lack of reliable statistics about the earlier periods. There has been also a tendency towards increase of the number of papers under the control of each individual concern as, for example, the papers controlled by Messrs. Bennett Coleman and Co. Ltd. or the Express Newspapers Ltd. There has also been considerable increase in the capital and resources, commanded by the industry, though it is not possible to say to what extent this has been assisted by the change in forms of ownership or the tendency towards concentration.

678. **Exercise of control.**—With the expansion of the press, the control and management are naturally more complex than some 15 or 20 years ago. In the matter of control, it would appear that in the earlier days, a considerable measure of managerial control was left to the editor, while today the tendency is towards transfer of even editorial control to the management. While this trend is noticeable in the exercise of control, there has been no ostensible change in the forms of control except by way of increasing adoption of the institution of "Managing Editors" who, exercise on behalf of the owners the functions of managerial control, while acting in many cases only as nominal editors. The drawbacks of this arrangement are discussed in the Chapter on "Editorial Control."

679. Without subscribing to the tendency to consider the past as having been in every respect, more glorious than the present, we have come to the conclusion, on the basis of the evidence of people who have been in the

profession for decades, that there was formerly a widespread prevalence of the idealistic and missionary spirit while today there is a greater emphasis on the profit motive. There are, however, some papers which have managed to retain their traditions irrespective of changes in the form of ownership. Unfortunately these are not numerous enough to provide a solid core for the future expansion of the press in this country. There have been instances where traditions of general objectivity and of a high standard of journalism (whatever the political policy might have been) were, after a change of ownership, no longer maintained at the same level.

680. Effect of control.—The effect of ownership and the control of the proprietor are apparent not merely in such general aspects as tradition or journalistic standards but in the matter of policy which the paper sets out to serve. It is, perhaps, inevitable that a paper that is owned by business men or industrialists, whether directly or through the control of Joint Stock Companies, should adopt editorial policies which advance directly or indirectly the interests of the business community as a whole, or the particular business interests or commitments of the proprietors. To the extent that such policies are openly espoused in the editorial columns of the papers concerned, we can have no cause to complain. Where, however, the effect of such allegiance to a particular business interest extends beyond the editorial columns and affects the fairness, objectivity, accuracy or comprehensiveness of news reporting, the community is justified in protesting. A man's opinions are his own, but if he claims to purvey news, the buyer is entitled to insist that it shall be untainted, unadulterated and undiluted. It is from this aspect that we are most concerned with the effect of ownership and the control that it exercises on the quality of the service provided to the public. The different aspects of bias, whether among owners or among workers, are examined in a succeeding chapter, but we are here concerned mainly with the form in which such bias, on the part of the owners, is communicated to the editorial staff of the newspaper, to be reflected in its contents.

681. Dictation of policy.—Instances have been reported to us of the news policy of a paper having been dictated by the proprietors. One instance was given where a particular paper had been directed to support certain named candidates at the elections. In another, the proprietor had given instructions that no photographs or life-sketches of any candidate standing for elections at Delhi should be published. We are discussing in Chapter XVIII the manner and the extent of permissible interference in policy matters by the proprietor. But subject to those reservations we are prepared to grant to the proprietor the right of laying down overall policy as far as the opinion columns are concerned. We are, for this reason, inclined to overlook the cases where proprietors had given instructions to the editor to support, in his leading articles, a particular fiscal policy which was likely to benefit industrial ventures of the proprietor. The safeguard in such matters would be for the paper to publish periodically a complete statement of the names of the proprietors and responsible executives on the newspaper so that the public could judge for themselves the extent to which the views expressed in the paper may have to be rejected as being possibly biased.

682. It would be rather naive to expect a newspaper or periodical run by a leading light of a Chamber of Commerce to advocate communism or support a proposal for expropriation of capital. It is, however, legitimate

to demand that in reporting news of happenings it should not over-emphasise one side of a picture or black out another or otherwise distort a despatch so as to mislead the reader.

683. **Boosting of the proprietor.**—The most obnoxious form in which the influence of the proprietor is visible in the news columns of a paper is the blatant boost of the activities of the proprietor or of the concerns in which he is interested. The objection to such boosting arises from the fact that excessive prominence in the news columns of a paper is likely to give the readers an incorrect and exaggerated idea of the importance of the activities reported. In some cases, we find that editors have taken a firm stand against requests from the proprietor for such puffs but in a large number of instances, we find that the proprietors have managed to occupy very much more space than they deserve. We have before us a collection of cuttings of a Calcutta paper which offends regularly and inexcusably in this manner. Publicity is given to the most trivial activities of the proprietor and his family and is reinforced by photographs of such doings. In attempting excessive publicity of this nature, the paper has displayed a deplorable lapse from the canons of good taste and propriety. In contrast, another paper in Madras studiously keeps out of its columns any reference to the proprietor or his movements.

684. Publicity is given in the offending papers not merely to movements and doings but to speeches made and statements issued by the proprietors on subjects on which their personal views could not be of the slightest interest to the public. By getting these published in the news columns, the proprietors no doubt manage to get more attention for these views than they would get if published as leading articles as they sometimes aim to be, or as advertisements which most of them are in reality.

685. **Writing up business activities.**—While boosting in the news columns may be merely offensive without being harmful to the public, this cannot be said of special write-ups which cover activities connected with the business and industrial interests of the proprietors. We have seen instructions, given to the editor in the name of the proprietor, directing him to give special prominence to an interview on a subject of economic controversy, and another which calls for full publicity to statements issued by the President of the Sugar Merchants' Association. At the time when the Indian airlines were nationalised, one newspaper carried, without any indication of the source, material which had been issued by the proprietor. Even worse are boosts in the financial columns of a newspaper. In a cutting given to us from one newspaper which is owned and controlled by an industrial magnate, it has been reported that there was special activity in the stock market in the shares of a particular concern which received strong support from buyers. An examination of other papers of that date which carried even more extensive reports of stock exchange activities fails to reveal any reference to the alleged interest in these shares. Since the other papers are not financially interested, either in boosting or depressing the shares, we are compelled to conclude that the report in the business magnate's paper was inspired. Again, with reference to a Bombay paper, witnesses from business circles have told us that there is strong suspicion of the news in the financial columns having been manipulated in order to assist the stock market operations of the proprietor though we could not get specific instances. We cannot sufficiently condemn such practices wherever they may exist.

686. **Biassed reporting and editing of news.**—Unfairness in reporting may arise from many causes and some of these can exist even in the case where the editor is independent. Political prejudices or ambitions are not the exclusive weakness of proprietors, and editors are not immune. We may expect however that in the case of the editor, long training in journalism and contact with others imbued with a spirit of public service will create in him a regard for certain standards of objectivity and fairness. To that extent, we are convinced that the public can expect a better deal from an editor who is free to act independently and is governed by the ethics of the profession than from another who has to dance to the tune the proprietor plays.

687. In one chain operating from Bombay instructions were apparently issued, at the time of the last general elections, to play down or not to report the activities of one political leader on the ground that the proprietor did not want them printed. In another case, the editor of one of the papers drew the attention of the staff to criticism voiced by the proprietor on another occasion and says "... (the proprietor) has taken particular objection to the thing that the story regarding election situation in the constituency of the Prime Minister, Nehru, has not been given in full and in displaying manner as this has been done in the..... today. (The proprietor) had particularly sent a special representative to Allahabad for sending the story and wanted it to go in both the newspapers. The gentleman concerned had to take a warning not to repeat such mistakes. This defect should be amended by giving the deleted portion of the story in the coming edition of....." In another directive issued to every member of the editorial staff, and referring to "the criticism (the proprietor) had chance to make regarding the news and articles published on Princes" he says "however strongly one may dislike the Princes, it is a hard fact that the rights of Princes are popular in Rajasthan like anything. All friends should keep these things in view."

688. When the Calcutta unit of a chain was closed down discontinuing publication of three papers from that centre, this was not reported in the Bombay and Delhi editions. The matter was of such great importance in the journalistic world that there was a discussion in Parliament, particularly about the large number of people who had been suddenly thrown out of employment as a consequence of the closure. There was a fairly extensive debate of the various issues, and newspapers all over the country reported the proceedings, but papers belonging to this chain blacked out the proceedings completely. The General Manager of the chain told us that the news was blacked out because the statements in Parliament had been expressions of opinion, had been based on sentiment, and that printing "these questions and answers in the form in which they were put and given would be to malign our own paper." When asked, the Editor of the English paper of this chain was fair enough to admit that in spite of this, as far as the principle is concerned, he should have published the item. Such an admission to us does not, however, alter the fact that the readers of the papers belonging to this chain had been kept in ignorance of this important development in the newspaper world.

689. The manner in which the proprietor effectively controls the news content in his paper may not always be by means of a written or oral directive referred to earlier. In certain cases, periodical conferences held by the management with the editors and the editorial staff, in the course

of which the views of the proprietor are elaborated, might serve the same purpose as specific directions in individual cases. Sometimes the fact that the owner has got an office in the same building as the newspaper and scrutinised the page-proofs, acts as a source of pressure on the staff responsible for news editing. In extreme cases, even the dominating personality of the proprietor, coupled with the knowledge of his definite views on certain topics, serves to influence the presentation of news.

690. Interests of the owner.—Such interference with professional standards is most objectionable when it arises from financial and economic interests of the proprietor. These interests may be divided into two categories; the first is the hope of greater profits from the newspaper itself, and the second is the expectation of advantage to the other financial interests of the proprietor. As long as the institution of private property exists, the desire to add to one's holding or to safeguard them from diminution would also exist. Measures have, therefore, to be sought, in this as in some quite different fields, to safeguard the public against manifestations of desires that are contrary to public interest.

691. Sensationalism to raise circulation.—The anxiety to earn greater profits can also have a very deleterious effect on the contents of a newspaper. Revenues go up with increasing circulation while the cost per unit goes down. The temptation is, therefore, to build up the circulation to as high a figure as possible. We have dealt elsewhere with the existence of unfair practices aimed at snatching circulation from other papers, and have suggested measures for curbing such practices. We are here concerned with the efforts to pander to the weakness of the readers and to secure by this means an increase in circulation. Sensationalism in the selection of news and in their display is a common defect of newspapers where the desire for circulation is predominant. We have seen how during the disturbances in Calcutta in July 1953, newspapers vied with one another in turning out issues with screaming headlines set in poster type, more likely to inflame the public than to inform them. In evidence, the proprietors defended themselves by saying firstly that they did not wish to interfere with the editors if they chose to be sensational, and secondly that if their own paper had not been sensational it would have lost in extra sales of copies; all advertised the fact that sales were higher during the period than normally. We have seen in Bombay an instance of a paper, with a great tradition behind it, which is now faced with a declining circulation and is publishing cheap features comprising the usual mixture of sex and crime which proprietors all over the world have taken to as the tonic for failing sales. Whether it is sensationalism or pornography, the question is "whom does it benefit?" and the answer is—the proprietor.

692. Control, proper and improper.—We may now review the conclusions arrived at:

- (i) the right of the owner to lay down in advance the editorial policy of a paper cannot be taken away but this does not give him the right to dictate what news should be printed or what news should not be; or even the manner of presentation of the news.
- (ii) a definite danger exists of news being twisted to serve the personal interests of the owners;

- (iii) there is also the danger that a paper, in order to increase its circulation and thereby securing greater profits, may adopt sensational, indecent, or scurrilous writing and indulging in unethical practices.

We now proceed to the remedies for avoiding the prejudicial consequences that may follow from this position.

693. Regimentation of news and views.—Having granted the owner the right to express his opinion in the newspaper, we must also stress the fact that diversity in the expression of opinion is the very essence of freedom of expression. In our review of the Press Chapter II, we have stressed the need for a large number of papers to set forth diverse views. We examine in another chapter the extent to which free competition and monopolies exist in the newspaper world. While we are satisfied that in the present stage of development of the industry, no monopoly as such of public opinion exists, we foresee the possibility of regimentation coming in. Wherever a newspaper has tried to build up a mass circulation, it has met with competition from undertakings expressing other points of view and such competition is by itself the best corrective to the acquisition of any monopoly of public opinion. In order, however, to meet the contingency that a newspaper enterprise might seek to eliminate competition by unfair practice, we have recommended in Chapter IV that, in the law regulating the industry, provision should be made to prevent unfair practices. If even under such restrictions it is found that there is any appreciable degree of concentration, the procedure we recommend for dealing with it is set out in Chapter XVI.

694. Individual ownership.—It has come to our notice that some of the persons, at present owning or controlling papers, have had no previous connection with or training in journalism. There are others who while conducting newspapers are primarily interested in other activities. There are some who are generally reputed to have indulged in anti-social activities. The proprietor of one of the biggest newspapers in this country volunteered the statement that he had committed every crime short of murder! Not knowing whether to take this as an attempt at humour, we put to him the specific question whether he had committed dacoity. His answer was more or less to the effect that the spirit was willing, but the flesh was weak! While we would not like to make too much of such statements, we must admit our concern at the possibility of unscrupulous men entering the field of journalism. We have rejected suggestions that any one who wishes to start a paper should first secure the approval of a board or committee. Other suggestions were that certain limitations should be placed on forms of ownership either by legislation or by convention, so that whatever may be the caprices of an individual, he will be restrained by a structure of ownership or of control in which others will be associated whose opinions he cannot lightly set aside.

695. Defects not invariably linked to form of ownership.—We agree that the shortcomings to which we have drawn attention are not peculiar to any particular type of ownership. There have been distressing cases where, though there has been no great change in the form of ownership, papers have embarked on a pursuit of circulation by any means, (even though the means might involve distortion of news and presentation of prejudiced views) and instead of courageously giving a lead to the people, pandered to the whims of the public in times of great excitement. There has also been evidence about newspapers whose ownership was vested in a political party,

where the profit motive was not the dominant one, which indulged in misrepresentation of political opponents. There have been cases of small newspapers, owned by individuals or groups or partnerships indulging in scurrilous and offensive publications. There have also been instances where, though the form of ownership permitted close control, editors have defied proprietors and followed policies not manifestly in public interest. There has also been evidence about a newspaper, whose ownership is kept within a family, which has set up high traditions of stability and objectivity in journalism. Whatever the forms of ownership, the character of a newspaper will depend on the character of the editor and the proprietors and not on the form of ownership. There may be enlightened proprietors and editors, and newspapers controlled by them will be enlightened examples to the country. There may also be cases where trustees of newspapers become tyrants, or co-operative ownership may become coercive particularly if those in control do not have a proper sense of values. We agree that in the final analysis, character and conduct will determine the performance of the Press. In the course of a debate on the Press in Parliament, the Prime Minister said that "ultimately this problem, as any other problem, depends upon the quality of human beings and the community at large". Nevertheless, there is no doubt that exercise, by the individual owner, of the right of control does carry with it the very real danger of misuse of the Press for personal or purely commercial purposes, and the evidence before us compels us to suggest changes in the present structure of ownership of individual newspapers. We are, therefore, examining later in this chapter the means by which the exercise of control arising out of ownership could be tempered by diffusion of the owner's rights.

696. Foreign nationals as owners.—Another question that must be considered in this connection is the ownership of newspapers and periodicals by nationals of other countries and even by foreign governments. We consider it highly desirable that proprietorial interests in daily and weekly newspapers should vest predominantly in Indian hands. We consider the "Statesman" a notable exception, which has for long been associated with Indian journalism and has become more or less an Indian institution. Even so, on general principles, we consider it desirable that there should be Indianisation both of capital and of the staff, especially at the higher levels. This would apply also to commercial and economic weeklies such as "Capital", "Commerce", etc. Similarly, we would view with disfavour any attempt to bring out Indian editions of foreign periodicals which deal mainly with news and current affairs. On the other hand, we see no objection to the publication of local editions of technical and specialist periodicals, with the participation of Indian capital and labour.

697. Foreign governments as publishers.—We do not consider it desirable that any foreign government should publish a newspaper or periodical in India devoted to the presentation of Indian news and views. We are aware that a great deal of material publicising the activities in foreign countries is produced locally instead of being imported in ready form, and, we have no objection to this procedure subject to the overall requirement that they say nothing which is likely to undermine India's friendly relations with foreign countries. These observations would not apply to publications covered by diplomatic privilege. But when such publications touch upon Indian news, there is always the risk that they may be deemed to have taken sides in matters of local controversy. We were assured by the U.S.I.S. that in their references to Indian news, they confine themselves to publicising the results of Indo-U.S. co-operation and the Five Year Plan and that they exercise the greatest care to avoid reference in their publications to any topic that is the

subject of local controversy. If they keep themselves strictly to these two subjects, there would be no objection to their publishing Indian news.

698. In this connection, we would like to stress our view that we would consider it improper for the Central or State Governments to publish a newspaper of their own or to participate in its publication. We have discussed in another chapter the types of periodicals that governments might bring out, but a daily or weekly publication, dealing mainly with news and current events, would not be one of these.

699. **Control exercised to suit other interests.**—The risk of news being twisted to suit the personal interests of the owner, is greatest where the owner has other interests than journalism. There are, of course, instances where the owner has pronounced views on general issues such as tariff reforms, or he takes up, for advocacy, a particular public cause. The exercise of the owner's control in such matters is not, in our view, so objectionable or calling for remedial action as, for instance, where the owner pleads for, say, decontrol of sugar or reductions in the prices fixed for cane and is also the owner of many sugar mills. This kind of pressure which has been noticed quite frequently in India is not, however, unique to this country, nor is it always only the owner who is to blame. In a recent incident in the United Kingdom, it was reported that the editor of the "Daily Sketch" altered the contents of an article without the permission of the author and, after the alteration, published it over the author's name. Material changes in the manuscript had been made on the grounds that the criticism had not done justice to a film, in the making of which the editor's firm and the editor himself, had been associated. The author had a legitimate grievance but attempts to have this ventilated in the Press had been unsuccessful. The "World Press News" had declined to publish the complaint, allegedly mentioning, among other reasons, the family relationship between its proprietor and the high command of the paper which had published the distorted article, though the World Press News since denied that this fact had influenced their decision. The "New Statesman and Nation", which had also declined to publish the complaint from the author of the article, came out subsequently with the explanation that, if it had had full information about the circumstances, it would have certainly taken up the cause of the writer. We were glad to learn recently that the Press Council in the United Kingdom, which is a voluntary association of representatives of the Press, censured the editor of the Daily Sketch.

700. It would be ideal if the proprietor of a newspaper has no other interests. But it would not be a practical possibility to insist that anybody who starts a newspaper should divest himself in advance of all other business or property interests and should subsequently also refrain from investing in any business or property. We therefore feel that the remedy lies in diffusion of effective control, or in order to bring this about, diffusion of ownership among a large number of persons so that the chances of any dominant interests among the group of owners could be eliminated or cancelled mutually.

701. **Diffusion of control.**—One method of providing diffusion of control without making any change in the ownership of the paper would be to transfer the management to a Public Trust. In our view, judged against the background of legislation relating to death duties and the high rate of income-tax, the pressure of circumstances might induce individual owners of large newspaper undertakings to seek a form of ownership by public Trusts as the best

way of ensuring that the enterprise which they have started would be carried on with strength and stability as an efficient public service. A proposal was put before us that all newspapers, big and small, should be compelled by legislation, to come under the Trust form of ownership or control. While we do not recommend any compulsion of the type suggested, we do regard the Trust form of ownership as the most desirable of the alternatives we have considered for effective diffusion of ownership and control. We would welcome in India this trend which the Royal Commission on the Press in the United Kingdom has described as one of the most interesting developments of the last 25 years: the voluntary agreements of owners to limit their own sovereignty in the public interest. These limitations of sovereignty have taken two forms:

- (1) the transfer of ownership to a Trust; and
- (2) the operation of the undertaking under a deed of trust;

The objects of these arrangements are one or more of the following:

- (1) To maintain the character and policy of a paper;
- (2) To avoid the crippling effect of death duty; and
- (3) To ensure, through the limitation or the ploughing back of the profits, the preservation or expansion of the undertakings.

Having paid special attention to the possibility of the constitution of Trusts as an advisable form of ownership and having examined the various forms of Trusts (Vide Appendix XLIV), we are alive to the difficulty of drawing up a model Deed of Trust which will ensure that a paper retains a particular character in perpetuity; even if this were possible, it would be undesirable. Further, the success of a Trust depends greatly on the individuals who compose it and the creation of a Trust would not by itself guarantee continuity of tradition or maintenance of journalistic standards or ensure diffusion of control. We have come across instances where the trustees have shown a lack of adaptation to changing circumstances and an inability to display initiative. There has been evidence too of a desire to cling on to the trusteeship for personal reasons. So, while we strongly commend the Trust form of control, and of ownership too, we shall not here recommend any specific form of Trust or suggest criteria for the selection of trustees. We would also suggest that where any particular type of Trusts exist and are functioning properly, no change in the form of ownership need be made, though we would urge that even in respect of newspapers owned or controlled by Trusts, steps should be taken to associate employees of the paper with the management and control.

702. Effective control with diffused ownership.—Turning now to diffusion of ownership, as distinct from diffusion of control in a Trust, we find that one of the usual consequences of such diffusion in other fields has been the lack of effective control by those who share the ownership. The apathy of the small investor has been so pronounced that it has left the way open for a great deal of mismanagement in the case of other joint stock enterprises. We are, therefore, of the opinion that even after the passing of the proposed Company Law, which aims at remedying some of the present defects, effective diffusion of ownership of a newspaper, with the aim of diffusion of control, can be secured best if shares are distributed among the employees who function in the undertaking itself and are in constant touch with all its activities.

703. **Co-operative societies.**—One form of such diffused ownership would be the co-operative society wherein the paper is owned by the subscribers, or, alternatively, by the persons who participate in its production. We are not aware of any experiment that has been made in this country of such co-operative ownership. Attempts have been made to transfer the management of existing papers to co-operative societies of employees, but these have not brought success, partly because, at the time of such transfer, the papers were in such difficult circumstances that they could have been extricated only by managements which could command ample financial resources. This is not to shut out the possibility of such co-operative newspapers being started in the future, but, viewing the general resources of the small investor and the sums required to start a daily newspaper, we consider it very unlikely that such forms of ownership could provide the way out of the difficulties of proprietorial control.

704. **Diffusion of ownership among employees.**—In view of this difficulty, we recommend that diffusion be brought about by the gradual distribution of shares to the employees, and to a small extent to the public, both in existing undertakings and in those to be started in future. Such transfer will guard against control of the undertaking passing to strangers, and the employees, sharing in the success which they help to create, would have an interest in securing the continuance of the undertaking which provides them with employment.

705. Where a newspaper decides to bring about such diffusion of ownership, we would suggest that the payment of bonus to the employees should be effected in the form of shares of the company, the employee having a right to hold them only as long as he continues in the service of the paper. It would be necessary first to convert the newspapers into public joint stock companies, where it is not already of that form, and to fix a par value for each share which would be small enough to permit the purchase of at least one share in a year by the lowest paid employee. We are suggesting elsewhere that after the payment of a small return on the capital investment, 1/3 of the surplus remaining should be applied to the payment of a bonus for the staff. The staff should be permitted to take over shares to the full value of such bonus. The total pay-roll of the newspaper industry amounts to about Rs. 4 crores a year, and if the bonus works out at even one month's wage bill on the average, the extent of capital transferred to the employees would be substantial, amounting to roughly 5 per cent. of the total capital invested in the industry. In the course of ten years, half the capital in the industry would have been provided by the employees. In addition, each member of the staff should also be permitted to purchase shares to the maximum extent that he is entitled to against payment in cash.

706. We have recommended above that the employee should hold a share in the concern only as long as he is in its service. In order to ensure that such holdings are not turned into property that can be accumulated and passed on, it is essential to provide machinery by which the shares could be re-acquired whenever an employee leaves the service of the newspaper either on retirement or for any other reasons, and could be transferred to other employees as and when they become entitled to it. Since companies are not permitted under the law to buy back shares in their own concerns, it would be necessary also to form a separate Investment Trust constituted mainly from the employees, which holds the shares available for transfer to employees and can also buy back any shares which employees are compelled to sell, and hold them till they can be transferred to another employee. There might

also be cases where, owing to domestic circumstances, an employee would like to realise the value of the shares he holds. In such cases, he may be permitted to sell the shares, not directly to other employees but through the Investment Trust. It would be essential for the Investment Trust to appoint a Director to the Board of the newspaper in order to safeguard the interest of the employee shareholders. The Investment Trust may have to raise a loan to accelerate the process of diffusion of ownership. In this connection, our attention has been drawn to the fact that educational institutions in India receive interest-free loans from Government for the construction of their hostels. While we are not prepared to recommend the grant of such loans directly by Government to the proposed Investment Trusts, we would like the Press Council to explore the possibility of such loans being channelled through banks to Investment Trusts so that they can get the funds they require for bringing about effective diffusion of ownership in newspapers, and there would be no chance of Government interference or influence in the matter. We feel that some such measure would be helpful in bringing about an early implementation of the recommendation that we have made for diffusion of ownership in Indian newspapers.

707. The scheme we have suggested above has been tried in a newspaper in the United States of America and reports are agreed that it has worked very satisfactorily. After the death in 1935 of Mr. Harry J. Grant, the founder and principal shareholder, of the "Milwaukee Journal", it was resolved (1) that the control of the company should not pass to strangers, and (2) the employees should share in the success which they had helped to create. The shares in the concern were first offered in 1937 to those employees who had five years or more of service in the Milwaukee Journal. Of these employees, 558 bought shares which were paid for by a bonus of \$250,000 declared by the Company, or by loans which were granted on 3 per cent. interest by a specially created Corporation called the Journal Shares Corporation, which financed the purchases of shares. In 1938, a further allotment of shares brought up the employees' holdings to 40 per cent. of the total capital. A further 133 employees became shareholders in this year. Local banks then undertook to finance purchase by employees of the shares in the concern. In 1947, a third allocation brought employees' holdings up to 55 per cent. of the total capital. By this time, out of 683 eligible employees, 669 had participated in the scheme. No pressure was or is brought to bear on employees to buy shares.

708. Under this scheme, each employee who must have put in three years of service with the company can vote according to his holding in a shareholders' meeting. He is also entitled to all dividends paid to shareholders. If, however, he wishes to sell his shares, he must offer them through the Trustees of the Scheme to other eligible employees. When he ceases to be an employee of the Journal or reaches the age of 65, he must return his shares for resale. Any employee may, however, offer his shares or any part of them for resale at any time earlier.

709. In this scheme which is based on a "point" basis, long service, responsibility, leadership, etc., are recognised, those qualifying under these headings enjoying opportunities for acquiring a greater allotment of shares subject, however, to a fixed maximum. Members of unions are allotted shares on a group basis. The purpose of this and of the maximum prescribed is to ensure that control of the company does not pass into the hands of any one group. It was their experience that, in addition to leading to greater co-ordination, efficiency and production, the scheme has enabled employees to build up

larger financial reserves than they could have managed by savings from salaries. Benefits accruing to them and to their families have included greater funds for house purchase, bigger insurance, better provision against sickness, accident or death, wider facilities for travel and higher education.

710. We lay great stress on the provisions for controlling transfer of shares since without such a provision, the scheme would not succeed. The Filenes Department Store in Boston, Mass. (United States of America) adopted at one time a scheme for returning the profits of the enterprise to its employees in the form of negotiable shares with full voting rights. Unfortunately the workers preferred to sell their shares for cash rather than use their voting rights in order to exercise democratic control. In time, an outside group bought the majority of shares from the employees, took over the firm, wound up the whole profit-sharing scheme and thus killed the experiment. As against this experience, we may mention the John Lewis group of companies which operate 21 Department Stores and 40 other shops in the United Kingdom. They introduced a scheme by which all the employees became partners in the firm, while the Chairman, Mr. J. S. Lewis still retained in his hands a certain measure of control. In 1929, he established a Trust in favour of his employees. The keystone of the Trust is the John Lewis Partnership Ltd. which owns 3,00,000 ordinary shares and to which Mr. Lewis has assigned his interest in 6,00,000 ordinary shares and his one-fifth interest in the dividends of these shares. Dividends on ordinary shares are, therefore, payable to the Partnership. The residue of profits, after paying dividends on capital, is distributed to the partners in the form of negotiable shares and as contribution to the pension fund. Through the years since its inception, the Partnership has paid to its members a sum just short of £3½ million. This Partnership brought responsibilities and burdens to be shared in hard times, as well as benefits in good times. In June 1952, the Partnership had to cut costs to meet a decline in sales. This was achieved by a percentage cut in wages and salaries, ranging from 20 per cent. on higher salaries to nothing on wages below a certain minimum, though some of the "Partners" objected to the cuts. These cuts were since restored and a bonus added. The constitution of the partnership includes a system of checks and balances. According to the Chairman's definition, the laws of Partnership require of each partner a certain efficiency, a certain compliance not only with the letter but with the spirit of the partnership. He has reserved to himself the right to decide who could be admitted into the Partnership, and has expressed himself in favour of eliminating people who appear to be persistently and seriously dissatisfied. His powers of dismissal are used rarely and even then the employees, through a council of which two-thirds of the seats are filled by direct election, can award large sums by way of compensation, if they feel the Chairman's decision has been unjust.

711. The scheme has been criticised as undemocratic on the grounds that the emergence of a vigorous opposition is unthinkable in such a self-contained commercial enterprise, and that democracy is more nearly achieved where the employees are not partners but a strong trade union acting through outside negotiators on major issues. Our aim in recommending this form of ownership is not so much to provide an arena for conflict or opportunity for intervention but to ensure the development of a team spirit and the emergence of a coordinated purpose, which we consider essential for the success of a newspaper. We do not particularly favour the John Lewis scheme where the Chairman is the sole arbiter in the matter of admission into cooperative ownership and would prefer an arrangement wherein the holding Trust is managed by an independent board; whenever an objection is raised by any of

the shareholders, the board can hear all points of view and decide on the eligibility of any employee for admission to part ownership.

712. It must be stated that the form of ownership that we suggest has not been tried in India and that, as a measure of caution, it should be understood that this suggested form of ownership will succeed only where there is a general agreement among the employees of a paper about the policy which the newspaper should pursue. If there is disagreement, and in the absence of machinery for release of the persons who are in disagreement, the efforts of the section which is in a majority to influence the management and to overrule the minority opinion may result in serious loss of efficiency. This should be avoided at any cost, and, it is necessary for the employees of each paper to realise that the success of any such scheme depends entirely on their unity on matters of policy. Where the newspaper is organised as a joint stock company, the Memorandum of Association should indicate, to the extent possible, its overall policy.

713. Where the present owners of a newspaper feel that the tradition of the paper and its policy may not be maintained after such devolution of ownership, in spite of the safeguards suggested, it would be open to them to choose one of the forms of Trust ownership and control that we have mentioned earlier.

714. It is necessary to define the type of enterprise which should come within the scope of future measures regulating ownership and control. Since the difficulties experienced and the dangers envisaged are in respect of newspapers and periodicals serving as vehicles of opinion and purveyors of news, these measures should obviously be restricted in their application to such newspapers and periodicals, to be defined suitably. We realise the practical difficulties in the way of diffusion of ownership in the case of very small newspapers, quite apart from the very definite possibility that a small newspaper, if handicapped also with the multiplicity of voices in control of its policy and management, is likely to fail. A distinction based mainly on circulation would not be logical in its application since an arbitrary figure of say, 15,000 would bring within the scope of the Act what would really be a very small paper in Bombay, and exclude practically every paper however important or influential in other States, *e.g.*, Uttar Pradesh, Rajasthan, or Madhya Pradesh. We would, therefore, recommend that, while we have suggested certain forms of Trusts for the devolution of control and, in the alternative, machinery for the devolution of ownership, the requirements of each paper will have to be judged separately.

715. **The profit motive.**—The expectation of a return on capital is inherent in the present business structure of the country, and this aspect of the newspaper industry cannot be ignored. We would, however, like to stress that a reasonable return on capital should not be confused with the quest for large-scale profits. If such a quest becomes a dominant or exclusive character of a newspaper management, it may lead to commercialisation, vulgarisation, or sensationalism, on the part of that paper.

716. The danger of a paper indulging in sensationalism or exaggeration, or of adopting an indecent or scurrilous style of writing in order to promote its circulation, or of adopting unethical practices for the dominant purpose of securing profits would not be shut out completely even by the type of diffusion that we have recommended above. We, therefore, recommend that the initial return on capital might be limited in the case of every newspaper to a figure of $\frac{1}{2}$ per cent. above the bank rate or 4 per cent. whichever is

higher, irrespective of whether that paper has adopted the system of gradual diffusion of ownership among its employees or not. This would ensure that the management, whether appointed by the proprietor or elected by the body of employee-shareholders, would not be motivated primarily by the search for profit. In addition, transfer of the shares from the proprietor to an employee or subsequently from one employee to another, should always be on the basis of a fixed par value so that the temptation of capital appreciation should not play a part in the editorial conduct of the paper.

717. We realise that in the case of certain periodicals, where the employees are even now members of a family or close associates of the proprietor, a substantial change in the character of the publication may not be brought about by the process of devolution of ownership. We look in these cases to the measures we have suggested in a later chapter for the establishment of a Press Council as well as to the effective exercise of public opinion for much of the reform that is needed.

718. We have suggested earlier that each newspaper should publish periodically a statement showing the names of the persons who own it and of those responsible for its management. This would enable the public to judge the extent to which the opinions of the newspaper can be taken as un-biased. The form in which the declaration should be published in the paper should be prescribed by the Press Registrar who would also review in his annual reports, the extent of ownership of newspapers by individuals, holding companies or corporations. Further, the Press Council in its annual review of the performance of the Press would pay special attention to the existence of any bias, and spotlight any instance where such bias has arisen from financial interests of the proprietor. In the case of corporate ownership by the employees, the Press Council would draw attention to deviations from the standard of ethics and censure the journalists who are partly responsible for the ownership and control.

719. We have suggested elsewhere that the newspaper industry should be declared as one of those coming under the control of the Central Government. We would at the same time urge on all newspapers to adopt within a period of five years the system of gradual devolution of ownership to the employees that we have outlined above. Big newspaper enterprises should, in particular alter their structure of ownership and make provision for Trust management of newspapers or the distribution of shares to employees so that the latter might participate in the conduct of the paper.

720. It shall be the responsibility of the Press Council to review at the end of five years all the consequences of newspaper ownership in the light of circumstances then existing, including an examination of the effectiveness of the association of employees with the ownership, the consequences of such a structure on the performance of the Press, the flow of fresh capital for the expansion of the industry, and the extent to which the conduct of papers has been motivated by a spirit of organised public service. The inquiry will also cover the manner in which the Trust form of management or employee-ownership should be extended to other units of the Press. It will be open to the Press Council, at the conclusion of this inquiry, to make appropriate recommendations, including the setting up of a fact finding inquiry, if they consider it necessary.

CHAPTER XVI

COMPETITION AND MONOPOLIES

Position in 1952

721. **Introductory.**—*The analysis below covers all the newspapers whose existence had been reported to us by the State Governments at the time the survey was commenced. Papers that had been in existence in 1952 but which had discontinued publication before 1st January 1953 have however been omitted from the study. The circulation data refers to the first half of 1952, the latest period for which detailed figures could be collected by the Commission. In certain cases we have not been able to get the figures for this period and have used the figures for the next period. In the matter of total circulation, we have had no means of directly ascertaining the figures and cannot, therefore, vouch for their accuracy. We have used the audited figures, wherever available, or the figures returned by the publishers, if lower. For the figures of sales in particular towns we have had to depend solely on the returns of the publishers.*

722. An examination has been made of the circulation of daily newspapers in the country in order to ascertain the nature and extent of competition among them and to find out if monopolies exist. The term "monopoly" is used here to signify sales of one particular newspaper in a preponderating majority of the total sales of all papers and to the practical exclusion of other papers. Such a monopoly may exist locally, in a particular city or town, in that a single newspaper may hold a predominant position while all the others have negligible circulation. Similarly, an extensive monopoly may exist in a particular language where one paper, though not holding a local monopoly in particular towns, might still command such a large proportion of sales that it may be considered to have a monopoly. An examination has been made of the circulation of each daily paper to ascertain the position with regard to local and extensive monopolies, and in each section, the change in pattern brought about by common ownership of more than one paper has been examined separately.

723. Monopolies can arise also from the concentration of ownership of and control of a number of newspapers in the hands of one owner or group. A list of owners controlling more than one newspaper is given in Appendix XLV. In examining monopoly in the expression of views and presentation of news herein our general assumption, when we have clubbed together all newspapers under common ownership and control, is that all of them might follow a common policy in their news and views. All such newspapers under common ownership, whether published in different languages or from different centres, have been considered together. The evidence before the Commission would indicate that this assumption is only partially correct. In multiple units of the same paper, the editorial policy is generally identical. A considerable degree of latitude has, we found, been permitted to the editors of individual units belonging to groups, chains and combines, and often the

greatest uniformity was in matters of personal or business interest to the owners. We have however, been concerned not merely with present practice but also with future potentialities for the regimentation of opinion and consequently have taken into consideration the undeniable facts of ownership and control rather than the degree of individual freedom in units which, in any case, varies from time to time and from editor to editor even in the same group or chain.

724. In the review below, papers published from Bombay, Calcutta, Delhi and Madras and circulating generally in more than one State have been called "metropolitan" papers. Those which circulate over a number of districts or over a substantial part of a State are termed "provincial" papers. Those that have the bulk of their circulation limited to the district of publication are termed "district" papers.

725. A distinction has been made between papers published in English and in each of the Indian languages on the general assumption that such papers reach different sections of the population. The general consequence of combined ownership of papers in English and Indian languages has, however, been examined in a later part of this chapter.

726. One obvious difficulty in the course of comparison of circulation arises from the fact that the newspapers in themselves are not strictly comparable. For instance, a large paper published from Bombay or from Delhi cannot be considered as offering no more, in the way of news or other services, than a small paper published in, say, Kanpur or Poona. The primary function of this examination is, however, to ascertain the extent to which particular sets of *views*, rather than news or services, are distributed to different sections of the population, and for this purpose each paper has been assumed to be as well entitled to separate consideration as another. Factors which affect circulation in particular areas, such as the facilities of rapid transport, have also been included in the examination. Other factors as price and size which can be taken as indirectly indicating the volume and nature of the news and other services provided by the paper, have been indicated in the table reproduced in Appendix XLVI.

727. **Local monopolies.**—The examination below covers 93 cities and towns. These include all towns having a population of over one lakh. Certain capitals of Part B and C States whose population falls short of this figure have still been included in the analysis on the basis of their political importance; in addition, every town where a daily newspaper is published has been included in the list for examination. The choice of these towns for examination is based on the presumption that each of them would provide readership sufficient to support a local paper. Of the total circulation of all daily newspapers in the country 55 per cent. is confined to these cities and towns and their suburbs. The review below sets out the general position in each State and examines the extent of competition in each of the selected towns. (In the case of rural areas, it has not been possible to secure figures of circulation for each inhabited locality. The position has, however, been examined according to languages of publication, in the study of extensive monopolies.)

728. **Assam.**—Only two daily papers are published in this State, the 'Assam Tribune' in English and 'Naton Assamiya' in Assamese, both from Gauhati. Circulation both in Gauhati, and in Shillong, the capital, have been examined.

729. In *Assamese*, 'Naton Assamiya' is the only paper in the country and so it enjoys local monopoly both in Shillong and in Gauhati.

730. The circulation of *English* papers in Gauhati and Shillong towns are as under:—

	Gauhati	Shillong
Assam Tribune	1400	900
Hindustan Standard	415	578
Statesman	195	325
Amrita Bazar Patrika	127	340

In Gauhati, the metropolitan papers together account for a little more than one-third of the total, thus reducing the concentration of circulation in the local paper, which still holds the major portion of the readership. The Calcutta papers reach Gauhati rather late in the morning by air. At Shillong, however, both Gauhati and Calcutta papers reach too late for reading before the day's work commences, and all of them serve mainly as afternoon papers. The *Assam Tribune*, therefore loses at Shillong the advantage that it has at Gauhati.

731. The two towns contain substantial sections of Bengali-speaking population, which, in addition to such preference as is shown for Calcutta papers in English, also provides substantial readership for *Bengali* papers:—

	Gauhati	Shillong
Ananda Bazar Patrika	871	279
Jugantar	402	285
Satyayug	*	59

(*less than 50 copies).

732. Common ownership has not brought about any appreciable concentration in either town, the biggest circulation commanded by any group (from Calcutta) being less than the circulation of individual local papers.

733. Bihar.—There are 5 towns in Bihar with a population over one lakh, but daily papers are published only from Patna. There are two English dailies 'Searchlight' and 'Indian Nation', the former being owned by the Birla combine and the latter by a local group, Newspapers and Publications Ltd. Each of them publishes in addition one Hindi paper 'Pradeep' and 'Aryavarta' respectively. There is further a local edition of the 'Vishwamitra' and two single unit papers 'Rashtravani' and 'Navrashtra'. There are also two Urdu dailies 'Sada-e-Aam' and 'Sathi', which are single unit papers. Thus there are 9 daily papers published in Patna, two in English, five in Hindi and two in Urdu.

734. In Patna City the readership in the English language is about 11,000 out of which the 'Indian Nation' accounts for 74 per cent., the 'Searchlight' for 16 per cent. and three papers from Calcutta for 10 per cent. Competition from metropolitan papers is thus very small. Concentration of circulation in the 'Indian Nation' is reduced by the existence of the rival paper, the 'Searchlight'.

735. In Hindi there is no such concentration of circulation in a single paper. The 'Aryavarta' and 'Navrashtra' each claim about one-third of the total circulation of Hindi papers in this town, which is about 16,500, the balance being shared by 'Pradeep', 'Vishwamitra' and 'Rashtravani'. The readers in Hindi have thus the choice of a fair number of competing papers.

736. Taking the factor of ownership into consideration, the following table gives the circulation of dailies in Patna City grouped according to ownership and expressed as percentages of the total number of copies sold in the city. Owners of papers having less than 3 per cent. of the total circulation have not been included in the Table I.

TABLE I

Owner	Percentage of the total English language papers circulation (estimated 11,000)	Percentage of the total Indian language paper circulation (estimated 21,000)	Percentage of the total circulation of all the papers estimated 32,000
1. Darbhanga Group (Indian Nation and Aryavarta).	74	32	46
2. The Navarashtra Publishing Company Ltd., Patna (Navarashtra)	..	31	20
3. Birla Combine (Searchlight and Pradeep)	16	5	9
4. Gulam Sarwar and others (Sathi)	..	14	9
5. Navashakti Publishing Company Ltd., Patna (Rashtravani)	..	8	5

It would be seen that about 90 per cent. of the total circulation is distributed between 5 owners. The Darbhanga Group claims 46 per cent. while the Birla Combine claims 9 per cent. of the total circulation.

737. The papers published from Patna circulate also in the other towns of Bihar and in each case readers have at least two English and five Hindi papers to choose from. The circulation of 'Searchlight', 'Pradeep' and 'Rashtravani' are comparatively greater outside Patna City than in it, and there is more competitive distribution of papers in the other towns of Bihar. Further the metropolitan papers from Calcutta circulate more widely in these towns and this further reduces the concentration. The Patna papers predominate in Gaya and Bhagalpur, and Calcutta papers in Jamshedpur. Ranchi is nearer to Patna (220 miles) than to Calcutta (251 miles), but papers leaving at 9 P.M. from Patna reach Ranchi at 10 A.M. by bus from the railhead at Ranchi Road while the train leaving Calcutta at 9 P.M. reaches Ranchi at 9 A.M. Papers from Calcutta thus reach Ranchi an hour or so earlier.

738. The following table sets out the position:—

TABLE II

Language	Name of paper	Place of publication	No. of copies circulating in the towns			
			Jamshedpur	Gaya	Ranchi	Bhagalpur
English	Indian Nation . .	Patna	110	786	236	800
"	Searchlight . . .	"	160	450	140	250
"	Amrita Bazar Patri- ka Statesman . . .	Calcutta	646	185	265	197
"	Hindustan Standard	"	665		380	
"	Hindu	"	652		421	123
Hindi	Aryavarta	Madras	175			
"	Pradeep	Patna	*	374	70	370
"	Navrashtra	"	110	350	*	162
"	Vishwamitra . . .	"	*	439	264	121
"	Sanmarg	Calcutta	375	*	177	325
"		"	250	*	*	200

(*less than 50 copies).

739. Thus Bihar's is a provincial Press located at Patna. Competition from metropolitan papers published at Calcutta is effective only outside Patna. There has been no development of district papers in this province. Though the total readership of Jamshedpur is 9,000, it is shared by papers in English, Hindi, Bengali, Oriya, Malayalam, and Urdu and, therefore, the readership in no one language is at present large enough to support a local paper. The position in the other towns is also similar, though the variety of languages is not so great.

740. **Bombay.**—This State is served by the largest number of papers, a total number of sixty-nine, out of which eight are in English, seventeen in Gujerati, twenty-four in Marathi, ten in Urdu, four in Kannada, two in Hindi and four in Sindhi. Thirty-two papers are published from Bombay City, nine from Poona, four from Surat, five from Ahmedabad, three from Baroda, four from Hubli, three from Kolhapur, two from Sholapur, Nasik and Ahmednagar, and three from Kalyan. Every town with a population over one lakh in this State has at least two local papers. Nasik, Ahmednagar and Kalyan have local papers even though their population is less than one lakh in each case.

741. There are seven *English* papers in Bombay City out of which three are evening papers. Out of the four morning papers 'Times of India' belongs to the Dalmia Chain, 'National Standard' to the Goenka Chain, 'Free Press Journal' to a local Group and 'Bombay Chronicle' to the Cama Combine. The Dalmia Chain, the Free Press Group and the Cama Combine each publishes one evening English paper in addition to the morning paper. The total circulation of the morning English papers in the city is about 83,000. Out of this, the 'Times of India' accounts for 62 per cent., 'Free Press Journal' for 21 per cent., 'National Standard' (now Indian Express), for 12 per cent. and the 'Bombay Chronicle' for 5 per cent. The 'Times of India' holds a dominant position in circulation, but concentration of English readership is reduced by the papers from Free Press Group and the Goenka Chain.

742. There are seven *Marathi* papers in Bombay, including an evening paper. Out of the five morning papers 'Loksatta' belongs to the Goenka Chain, 'Navashakti' to the Free Press Group and 'Lokmanya' to a group

owned by the Saurashtra Trust. 'Chitra' and 'Sayam Chitra' (evening) form a separate group, as do 'Navakal' and its evening version 'Sandhyakal'. The total readership of the morning Marathi papers in the town is about 70,000, out of which 'Lokasatta' accounts for 38 per cent., 'Navashakti' for 28 per cent., 'Chitra' 21 per cent., 'Lokmanya' 11 per cent. and 'Navakal' less than 2 per cent.

743. In Gujarati there are 5 papers, out of which 'Bombay Samachar' belongs to the Cama Combine, 'Janmabhoomi' belongs to Saurashtra Trust Group and 'Janashakti' belongs to the Free Press Group. The remaining two papers 'Vandemataram' and 'Jam-e-Jamshed' are single unit papers. Though 'Janmabhoomi' and 'Vandemataram' are published in the evening, they can be considered along with the morning paper as they are of the same type. All the Gujarati papers, whether morning or evening, belong to different owners. Out of the total readership of about 44,000 'Bombay Samachar' accounts for 54 per cent., 'Janmabhoomi' 20 per cent., 'Vandemataram' 11 per cent., 'Jam-e-Jamshed' 8 per cent. and 'Janashakti' 7 per cent.

744. There are Chains, Combines and Groups operating in Bombay, competing with one another and providing the readers a wide choice of newspapers in each of the major languages.

745. All paper in Urdu (ten papers) and Sindhi (one paper), are single units. They have very small circulation. Out of the two Hindi papers, 'Navbharat Times' belongs to the Dalmia Chain and 'Vishwamitra' belongs to a Combine operating from Calcutta. Thus readers in Hindi have got a choice of two papers.

746. The circulation breakdown in the Bombay City according to ownership is as under:—

TABLE III

Owner	Percentage of the total English language paper circulation (estimated 1,07,000)	Percentage of the total Indian language paper circulation (estimated 1,38,000)	Percentage of the total circulation of all the papers (estimated 2,45,000)
1. Dalmia Chain (Times of India, Evening News of India and Navbharat Times)	57	5	28
2. Free Press Group (Free Press Journal, Free Press Bulletin, Navashakti and Janashakt)	28	16	21
3. Goenka Chain (Indian Express and Lokasatta).	9	19	15
4. Cama Combine (Bombay Chronicle, Bombay Sentinel and Bombay Samachar)	5	17	12
5. Saurashtra Trust Group (Janmabhoomi and Lokmanya)	..	12	7
6. Bharati Newspapers Ltd. (Chitra)	..	11	6

747. It would be seen that about 90 per cent. of the total circulation is distributed between six owners. The Dalmia Chain claims 28 per cent. in total circulation and over 55 per cent. in the English language. (Recently due to a reduction in the selling prices of the papers belonging to Free Press Group and Goenka Chain, both these percentages have gone down.)

748. Of the other towns in the State, only Poona publishes an English newspaper. It has only a local circulation in that city, and faces competition from the Bombay papers which (in addition to being larger and better produced) can reach Poona in about 3 hours by road or rail. Though Ahmedabad has got a total readership of about 3,700 in English (which can possibly be increased if a local paper is published) it has no local English paper at present. Throughout the State the 'Times of India' and 'Free Press Journal' compete with one another, though the 'Times of India' accounts for a much larger share. A few copies of 'National Standard' (Indian Express) also circulate in these towns. The following table sets out the circulation of English papers in the important towns:—

TABLE IV

Name of paper	No. of copies circulating in the towns						
	Poona	Sholapur	Kolhapur	Hubli	Ahmedabad	Surat	Baroda
'Times of India, Bombay.	4,434	523	456	450	2,829	682	876
Free Press Journal, Bombay.	786	198	385	88	755	225	560
National Standard Bombay (Indian Express).	490	*	*	..	77	*	51
Poona Daily News, Poona.	1,150	..	..	..	..	..	..

(*less than 50 copies).

749. Marathi papers are published from Poona, Sholapur, Kolhapur, Ahmednagar and Nasik. 'Prabhat' a Marathi paper from Poona belongs to the same owner as the local English daily 'Poona Daily News'. The other Marathi papers of Poona 'Manvantar', 'Sakal', 'Dainik Bharat', 'Kal', 'Lokshakti', 'Sandhya' and 'Daily Lokrajya' are single unit papers. Some of the Poona papers like 'Sakal' circulate in other towns and districts such as Sholapur, Kolhapur, Satara and Ahmednagar. These papers provide competition

for the metropolitan papers from Bombay such as 'Loksatta' as can be seen from the following tables:—

TABLE V

Name of the paper	Copies circulating in the towns			
	Sholapur	Kolhapur	Ahmednagar	Nasik
Loksatta, Bombay	475	556	662	763
Navshakti, Bombay	285			
Chitra, Bombay	100			300
Lokmanya, Bombay	102			202
Sakal, Poona	1,400	800	960	
Manvantar, Poona	350	600		
Divyashakti, Sholapur	300			
Sholapur Samachar, Sholapur	1,400			
Pudhari, Kolhapur		2,180		
Satyawadi, Kolhapur		800		
Azad Hind, Ahmednagar			370	
Gavkari, Nasik				1,300

750. It will be seen that the Marathi papers from Bombay circulate over a wider field than the Poona papers. Bombay City is linked directly by rail with Nasik, Khandesh and Berar, and so papers from Bombay can reach these places quicker than Poona papers, while in the Desh area served by Poona papers, the Bombay papers are under no handicap. In Poona City itself, the competition offered by Bombay papers is negligible. Out of the Marathi readership in Poona City totalling about 24,000, Bombay papers account for less than 1,000 while the rest is divided between the Poona papers, of which 'Sakal' leads having a readership of 12,300. Thus if Poona papers are affected by competition from Bombay papers, it is not so much competition in Poona City itself, but the competition for readership which both Bombay and Poona papers seek in the southern Marathi districts. 'Sakal' among the Poona papers, is able to sell in competition with the metropolitan papers from Bombay which, with their offer of more pages for the same price, may be able to give as much news coverage of the southern Marathi districts as the Poona papers without having to reduce their news coverage of the northern Marathi districts and Berar.

751. District papers from Kolhapur and Sholapur have to face strong competition from both Bombay and Poona papers. In Sholapur town the local papers 'Sholapur Samachar' and 'Divyashakti' sell only 1,400 and 300 copies respectively, whereas 'Sakal' and 'Manvantar' from Poona sell 1,400 and 350 copies respectively and 'Loksatta' from Bombay sells 475 copies. The position is similar in Kolhapur though the competition from Poona and Bombay papers in this town is not so keen as in Sholapur. In Nasik the local paper, 'Gavkari', sells in competition with 'Loksatta' and other papers from Bombay. In Ahmednagar the local paper has only one-fifth of the combined circulation of 'Loksatta' and 'Sakal'. Thus, while the papers from

Bombay and Poona have afforded a wide choice to the readers of district towns, the ability of the local paper to sell in competition with Bombay and Poona papers varies from one paper to another.

752. There are five *Gujarati* papers in Ahmedabad out of which two are evening papers. 'Sandesh' (morning) and 'Sevak' (evening) belong to one owner. 'Gujerat Samachar' (morning) and 'Loknad' (evening) have similarly a common owner. 'Prabhat' is a single unit paper. 'Gujerat Samachar' and 'Sandesh' have secured almost equal readership in the town, the circulation of each of them being of the order of 8,000 copies. Of the Bombay papers the 'Bombay Samachar' sells 1,172 copies and 'Loksatta' sells 402 copies. Thus the local papers do not have much competition from the metropolitan papers or the papers from neighbouring towns like Baroda, but readers have ample choice. In Baroda there are three Gujarati papers all of which are single unit papers. Amongst them 'Loksatta' and 'Sayyaji Vijaya' compete with each other for a large share of the readership. The circulation of Bombay and Ahmedabad papers is not large in this town and may in all account for about 1,000 copies out of the total circulation of 7,500 copies for all Gujarati papers. In Surat there are 4 Gujarati papers which are all single unit papers and the readers have wide choice. The competition afforded by Bombay and Ahmedabad papers is, however, very small. In both these towns the local Gujarati Press has developed well and metropolitan papers from Bombay have not made much headway even though Bombay is well connected with these towns by fast rail service. Each town has a good number of dailies published locally, and there is no concentration of readership.

753. All the four Kannada papers in the State are published from Hubli. There is no competition from the metropolis or from outside the State. In circulation in Hubli town, 'Samyukta Karnataka' accounts for over 50 per cent. of the total readership in Kannada. However, readers have also three other papers to choose from.

754. Kalyan, near Bombay, has a colony for displaced persons and three Sindhi papers are published locally, selling in competition with another Sindhi paper published from Bombay City.

755. Taking into consideration the effect of concentration of ownership, the position in the major cities of Bombay is roughly as follows:—

TABLE VI

	Bombay	Poona	Ahmedabad
Dalmia	28%	14%	9%
Free Press	21%	3%	2%
Goenka	15%	3%	1%
Saurashtra Trust	7%	1%	1%
Cama	12%	1%	4%
Bodiwalla	Nil	Nil	42%
Lokprakashan	Nil	Nil	36%
Others	17%	78%	5%

756. It would appear that the fact of common ownership of papers in more than one language has not tended to increase the degree of concentration as compared to what exists in the case of individual language. In other words the leading paper in one language does not belong to the same owner as the leading paper in another language, as far as Bombay State is concerned.

757. **Madhya Pradesh.**—There are eleven papers published in Madhya Pradesh, two in English, seven in Hindi, and two in Marathi. The distribution of papers according to towns is Nagpur (seven), Jabalpur (three) and Raipur (one). Only Nagpur and Jabalpur have got a population of over one lakh. In Nagpur there are two English papers, three Hindi papers and two Marathi papers. The Marathi paper 'Tarun Bharat' and the Hindi paper 'Yugadharma' are under common ownership. The Hindi paper 'Navbharat' is a multiple unit being published both from Nagpur and Jabalpur. 'Lokmanya' at Nagpur is a multiple unit, the other unit being at Calcutta. The remaining papers in the State are single unit papers.

758. The *English* papers 'Hitavada' and 'Nagpur Times' can be said to be provincial papers, their circulation extending all over the State. At Jabalpur they meet competition from Allahabad papers as well as from Bombay papers. Jabalpur being linked by a good rail service to Allahabad, papers from that town share the major portion of circulation. Next in order are the Bombay papers which also benefit by fast train service and then come the Nagpur papers. At Raipur the Nagpur papers share the major portion of circulation in English, though 'Amrita Bazar Patrika' and 'Times of India' afford some competition. In the town of Nagpur the provincial papers account for the major portion of the circulation, though the papers from Bombay, Delhi and Madras which arrive by air are sold in fair numbers. The following table illustrates the position of various papers:—

TABLE VII

Name of paper	Copies circulating in the towns		
	Nagpur	Jabalpur	Raipur
Hitavada, Nagpur	1,56	221	238
Nagpur Times, Nagpur	2,083	480	324
Amrit Bazar Patrika,	142	1,077	127
Leader, Allahabad . . . . .	..	408	..
Times of India, Bombay	902	315	96
Free Press Journal, Bombay	400	473	..
Hindustan Times, Delhi . . . . .	..	95	..
Hindu Madras	327	108	..
Indian Express, Madras	*		

(*below 50 copies)

759. The *Hindi* papers in Nagpur share the bulk of the Hindi readership in the town though the Bombay paper 'Navbharat Times' also sells in fair numbers (about 500). In Jabalpur the local Hindi papers claim almost the entire circulation. Nagpur papers do not find much sale in this town, because of the poor train service. About 300 copies of 'Bharat' from Allahabad are, however, sold in this town. 'Navbharat' has, however, attempted

an extensive coverage by having simultaneous publications in Nagpur and Jabalpur but there are two other papers in each of these towns to compete with it. In Raipur the 'Navbharat' of Nagpur sells about 500 copies and thus reduces to some extent the concentration of circulation which would otherwise have gone to the local paper 'Mahakoshal'.

760. In Nagpur there are only two *Marathi* papers and of them 'Tarun Bharat' claims about 77 per cent. of the total Marathi readership (about 5,000) of the town and 'Maharashtra' accounts for 16 per cent. Further, very little competition is afforded in the city itself by Marathi papers from Bombay. The 'Maharashtra' sells a higher proportion of its copies outside Nagpur. In the districts the two Marathi provincial papers are thus evenly matched in sales. Some Bombay papers also are sold in these districts:—

TABLE VIII

Districts of Berar	Nagpur papers		Bombay papers	
	Tarun Bharat	Maharashtra	Loksatta	Lokmanya
	Copies	Copies	Copies	Copies
Akola	480	486	423	115
Amraoti	530	525	290	129
Buldhana	290	800	425	80
Yeotmal	430	548	177	26

Thus there is no concentration of circulation in this part of the State, and the metropolitan papers from Bombay have extended the choice available to the readers.

761. According to ownership the circulation breakdown in the Nagpur City is as under:—

TABLE IX

Owner	Percentage of total English circulation (estimated 7,500)	Percentage of total Indian language circulation (estimated 9,500)	Percentage of total circulation of all papers (estimated 17,000)
1. Narakesari Prakashan Ltd. Group (Tarunbharat and Yugadharna)	..	51	28
2. Servants of India Society (Hitavada)	42	..	19
3. Nava Samaj Ltd. (Nagpur Times)	28	..	12
4. Maheswari Multiple Unit (Navbharat)	..	21	11
5. Dalmia Chain (Times of India and Navbharat Times)	12	5	8
6. Shivraj Prakashan (Maharashtra)	..	8	5

762. Six different owners share over 80 per cent. of total circulation. Narkesari Prakashan group claims the largest share (28 per cent.) in total readership. It also claims half the total circulation of Indian language papers. The Dalmia chain which has no local paper claims 8 per cent. of the total readership.

763. Madras.—There are twenty-five papers published in the Madras State, out of which four are in English (one of them has since closed down), ten in Tamil, five in Telugu, four in Malayalam, and one each in Kannada and Urdu. There are thirteen papers published from Madras, four from Kozhikode, three from Madurai, two from Kakinada and one each from Coimbatore, Mangalore and Vijayada. All these towns except Kakinada have a population of more than one lakh. There are seven towns in this State which have population of more than one lakh but have no local paper.

764. There are thirteen papers in Madras City, four in English, six in Tamil, two in Telugu and one in Urdu. The Goenka Chain owns three papers 'Indian Express', 'Dinamani' and 'Andhra Prabha' in English, Tamil and Telugu respectively. Of these, 'Dinamani' is also published from Madurai. 'Thanthi', a Tamil daily is a multiple unit, the other unit being at Madurai. The other 9 papers in the town are single unit papers. Three English papers, 'Hindu', 'Indian Express' and 'Mail' compete with one another and account for 42 per cent., 28 per cent. and 21 per cent. respectively of the total readership of about 38,500 in English. In Tamil the papers 'Thanthi', 'Dinamani', 'Swadesamitran' and 'Bharatadevi' compete and afford a wider choice for the readers. In Telugu, 'Andhra Patrika' and 'Andhra Prabha' compete with each other.

765. According to ownership the breakdown of circulation in the Madras City is as under:—

TABLE X

Owner	Percentage of the total English language paper circulation (estimated 38,500)	Percentage of the total Indian language paper circulation (estimated 31,500)	Percentage of the total circulation of all the papers (estimated 70,000)
1 Goenka Chain (Indian Express, Dinamani and Andhra Prabha)	28	29	29
2 Kasturi and Sons Ltd., (Hindu)	42	..	23
3 Adityan Multiple Unit (Thanthi) . . . . .	..	29	13
4 Associated Publishers (Madras) Ltd. (Mail)	21	..	11
5 Swadesamitran Ltd. (Swadesamitran) . . . . .	..	9	4
6 Syamala Industries Corporation Ltd. (Indian Republic)	7	..	4
7 Free Press Journals (Madras) Ltd (Bhartha Devi) . . . . .	..	8	3
8 Syed Sahib and Co. (Musalman) . . . . .	..	8	3

It will be seen that eight different owners share 90 per cent. of the total circulation. The Goenka Chain claims the highest portion (29 per cent.) of the total readership.

766. There are no English papers published from any of the other towns of Madras State, and the three major English papers from Madras compete in circulation in these towns. These three papers do not have any measure of competition in this area from any English paper from other States.

767. The circulations of the various Tamil papers in the Tamil speaking towns of Madras State are as under:—

TABLE XI

Name of the paper	Madurai	Tiruchi-rapally	Salem	Coimba-tore	Vellore	Tanjore
Dinamani (Madras and Madurai)	2,618	1,550	1,496	1,570	416	661
Thanthi, Madras, (Madurai unit has not supplied the breakdown)		850	500	250	500	80
Swadesamitran, Madras,	1,593	335	560	710	174	500
Bharata Devi Madras.	200	950	..	900	400	500
Muslim, Madras.	178	308	86	135	..	330
Viduthalai, Madras.	130	557	334	111	101	239
Tamil Nadu, Madurai	562	95	*	105	..	*
Nava India, Coimbatore	624	914	607	2,856	..	*

(*less than 50 copies)

It will be noticed that the Tamil press is predominantly metropolitan press, Madurai and Coimbatore being the only other towns having local papers. In the towns where no local papers are published the metropolitan papers compete among each other and in some of these towns Nava India from Coimbatore has also a fair circulation. Thus the readers get a wide selection of papers.

768. In Madurai the local editions of 'Dinamani' and 'Thanthi' compete with each other and with the local paper 'Tamil Nadu'. They also meet competition from 'Swadesamitran' from Madras, 'Nava India' of Coimbatore has also a fair circulation in Madurai. Thus Tamil readers have a fair choice of papers in this town. In Coimbatore the local paper 'Nava India' meets competition from metropolitan papers but retains its supremacy of circulation in the town accounting for about 40 per cent. of Tamil readership.

769. In Vijayawada the local Telugu paper 'Vishala Andhra' meets competition from the metropolitan papers 'Andhra Prabha' and 'Andhra Patrika' from Madras which have circulation of about 2,000 and 1,500 copies respectively in this town. Kakinada claims two small Telugu papers competing

with each other as well as with the two metropolitan papers in Telugu. In the towns, where Telugu is predominant and no local papers exist, the two metropolitan papers and 'Vishalandhra' from Vijayawada compete amongst each other. 'Nava Bharat' a *Kannada* paper published from Mangalore holds about 70 per cent. of the *Kannada* readership in the town. The remaining is mostly held by 'Samyukta Karnataka' from Hubli. In Kozhikode there are four local Malayalam papers and the readers have wide choice. The leading paper 'Mathrubhumi' accounts for about 45 per cent. of the total language circulation.

770. *Orissa*.—This State has only one city of over one lakh population, Cuttack, the former Capital. All the four papers published in this State come from this city, one in English and three in Oriya. The English paper 'Eastern Times' and one Oriya paper 'Praja Tantra' are owned by the Prajatantra Prachar Samiti. 'Samaja', an Oriya paper, is owned by a Trust. The third Oriya paper, 'Mathrubhumi', has a small circulation.

771. 'Eastern Times' claims 60 per cent. of the total *English* readership of the town which is about 3,300. The three papers from Calcutta, 'Hindustan Standard', 'Amrita Bazar Patrika' and 'Statesman' account for 15 per cent., 13 per cent. and 11 per cent. respectively. Thus the metropolitan papers have added to the choice available to local readers. 'Samaja' accounts for 61 per cent. of the total readership in Oriya which is about 7,700. 'Prajantra' comes next, accounting for 26 per cent. and 'Mathrubhoomi' accounts only for 13 per cent.

772. Even though the Prajatantra Prachar Samiti owns two papers in this town, it accounts for only 33 per cent. of the total readership, while 'Samaja' accounts for 38 per cent. and the other papers including those from Calcutta for 29 per cent.

773. *Punjab*.—There are twenty-one papers published in the Punjab, out of which one is in English, one in Hindi, five in Punjabi, and fourteen in Urdu. The English paper 'Tribune' is published from Ambala. There are no other papers published in this town. In Amritsar, there are two Punjabi papers 'Khalsa Sevak' and 'Sikh' and one Urdu paper 'Vir Bharat', which is a multiple unit published also from Delhi. In Jullundur there are six Urdu papers out of which 'Milap' is part of a chain, 'Pratap' is a multiple unit paper and 'Prabhat', with 'Akali', a Punjabi paper, forms a group; the others in the town are single unit papers. There is also one Hindi paper, 'Hindi Milap' which also belongs to the Milap chain of papers. There are only two Punjabi papers, 'Akali' and 'Akali Patrika', latter of which is a single unit paper. In Ludhiana, there are seven Urdu papers all of them single unit papers another Urdu paper and one in Punjabi which have temporarily ceased publication are proposed to be revived. Thus the three towns in Punjab with a population of more than one lakh, Amritsar, Jullundur, and Ludhiana, have each of them a good number of papers. Apart from these, there is one Punjabi paper in Khanna.

774. 'Tribune' from Ambala is a provincial paper and it has the largest circulation not only in Ambala but also in other cities of Punjab and PEPSU, such as Amritsar, Jullundur, Ludhiana, and Patiala. In all these towns, including Ambala, the 'Tribune' meets competition from Delhi papers, which offer alternatives to this paper. Yet it has by far the largest circulation in these towns except in Amritsar where, assisted by an air service from Delhi, 'Hindustan Times' has comparable circulation. Even in Simla, where the

'Hindustan Times' brings out a special supplement, its circulation is only 483 copies as against 1,300 copies of 'Tribune' and 238 copies of the 'Statesman'. The following table sets out the position:—

TABLE XII

Name of the papers	Number of copies circulating in the towns					
	Ambala	Patiala	Amritsar	Simla	Jullundur	Ludhiana
Tribune, Ambala	1,420	815	1,300	1,300	1,685	1,160
Statesman, Delhi. . . .	120	90	175	238	165	70
Times of India, Delhi. . .	*	*	111	75	78	*
Hindustan Times, Delhi . .	144	136	1,039	483	*	142
Hindustan Standard, Delhi .	58	62		66	*	*

(*less than 50 copies)

775. In the Indian languages, each of the towns publishes a number of papers and therefore there is wide choice for the readers. Even in the town of Khanna, where there is only one local paper being published, there are papers circulating from Delhi and Jullundur. Some of the papers in Jullundur such as 'Pratap' and 'Milap' have acquired a provincial character and they circulate in quite adequate numbers in other towns such as Amritsar, Ludhiana and Ambala to provide the readers a wide choice.

776. Uttar Pradesh.—There are 49 papers published in this State, six of them in English, thirty-three in Hindi and ten in Urdu. Two English papers, 'Pioneer' and 'National Herald' each belonging to a separate group are published from Lucknow. Two English papers are published from Allahabad. They are 'Leader' and 'Amrita Bazar Patrika', belonging to Birla and Amrita Bazar Patrika combines. A single unit paper is published from Kanpur; another is reported to be published from Agra but we have been unable to get any particulars. Among the Hindi papers, eight are published from Kanpur, three from Lucknow, five from Agra, seven from Banaras, three from Aligarh, two from Allahabad, and one each from Meerut, Jhansi, Etawah, Mathura and Hathras. Out of the eight papers in Kanpur, 'Jagran' belongs to an Associated Unit operating only in Uttar Pradesh (the other unit being the only paper at Jhansi), and 'Vishwamitra' belongs to a combine operating from Calcutta. The other Hindi dailies are single unit papers. Two papers in Lucknow, 'Swatantra Bharat' and 'Navjivan' belong respectively to groups owning 'Pioneer' and 'National Herald'; the third is a single unit paper. The five papers at Agra are single unit papers. In Banaras all papers (except 'Sanmarg' which is a paper belonging to an Associated Unit) are single unit papers. The two papers at Allahabad, 'Bharat' and 'Amrita Patrika' belong respectively to Birla and Amrita Bazar Patrika combines. The papers at Meerut, Etawah, Mathura and Hathras are single unit papers. Among the Urdu papers, four are at Lucknow, one of them belonging to the group owning 'National Herald' while the others are single unit papers. The other Urdu papers are at Rampur, Banaras, Kanpur, Agra, Amroha and Moradabad each of them being a single unit paper.

777. As far as the *English* language Press is concerned, the papers at Lucknow and Allahabad are provincial papers in the sense that their circulation extends over a large portion of the State. The 'Daily Telegraph' at Kanpur is a local paper. The provincial papers compete among each other in the towns of their publication, very little competition being afforded by outside papers. Out of the total English readership in Lucknow of about 9,000, the 'Pioneer' claims 56 per cent. and the 'National Herald' 31 per cent. Similarly, at Allahabad, 'Amrita Bazar Patrika' accounts for 50 per cent. of the total English readership of about 8,000 and the 'Leader' for 43 per cent. At Kanpur there is keen competition between the local paper, the provincial papers and the metropolitan papers from Delhi. 'Hindustan Times' issues a special supplement at Kanpur along with the paper published from Delhi. Out of the total English readership of about 13,000, 27 per cent. is claimed by the local paper. The Lucknow papers, 'National Herald' and 'Pioneer' account for 24 per cent. and 18 per cent. respectively while the Allahabad papers 'Amrita Bazar Patrika' and 'Leader' account for 14 per cent. and 3 per cent. respectively. Of the Delhi papers, 'Hindustan Times' even with a local supplement accounts for only 7 per cent. and the 'Statesman' for 3 per cent. In the other towns of Uttar Pradesh keen competition exists between the provincial papers from Lucknow and Allahabad and the metropolitan papers from Delhi. This is shown by the following table:—

TABLE XIII

Towns	No. of copies circulating of							
	Pioneer, Lucknow	National Herald, Lucknow	Amrit Bazar Patrika, Allahabad	Leader, Allahabad	Hindustan Times, Delhi	Statesman, Delhi	Times of India, Delhi	Searchlight, Patna
<i>Western Uttar Pradesh</i>								
Agra	182	*	162	*	1,098	290	158	
Meerut	*		110	*	1,497	245	116	
Bareilly	250	190	185	*	457	105	* 56	
Moradabad	200	120	170	*	371	85	*	
Saharanpur		*	91	*	392	110	*	
Dehra Dun	50	*	*	*	1,515	450	106	
Aligarh	*	*	119	*	328	222	*	
Rampur	74	72	*	*	162		*	
Mathura			82	*	334	*	* 70	
Shahjahanpur	50	103	72	*	118	*	*	
<i>Eastern Uttar Pradesh</i>								
Banaras	126	73	1,753	1,390	92	135	*	175
Gorakhpur	200	245	525	459	*	*		60
<i>Southern Uttar Pradesh</i>								
Jhansi	50	107	196	*	287	67	63	

(*less than 50 copies)

778. In Eastern Uttar Pradesh i.e. in Banaras and Gorakhpur, the provincial papers dominate the field, while in Western Uttar Pradesh i.e., in Agra, Meerut, Mathura, Saharanpur and Dehra Dun, the metropolitan papers from Delhi particularly the 'Hindustan Times', dominate the circulation. Instances of factors affecting the range of competition between metropolitan papers from Delhi and provincial papers from Lucknow is afforded by Bareilly and Moradabad. Bareilly is 156 miles from Delhi and 146 miles from Lucknow. The Lucknow Express leaves Lucknow at about 9 P.M. and reaches Bareilly at about 1-30 A.M., while the corresponding train leaves Delhi at about 9 P.M. and reaches Bareilly at 3 A.M. Moradabad is 100 miles from Delhi and 202 miles from Lucknow. The Express which leaves Delhi at 9 P.M. reaches Moradabad at about 1 A.M. and the Express leaving Lucknow at 9 A.M. reaches Moradabad at 4 A.M. Thus at both these places *dak* editions printed at about the same time at Delhi as well as at Lucknow should be available in the morning in time for distribution. The table shows that at both these places the combined circulation of all Delhi papers is more than the combined circulation of all Lucknow papers. Taking the papers individually, 'Hindustan Times', Delhi, has the highest circulation. Then come 'Pioneer' and 'National Herald' which have more circulation than the Delhi papers, 'Statesman' and 'Times of India'. The readers of the towns have a fair choice of papers.

779. In Uttar Pradesh the circulation of the Hindi papers is mostly limited to the district of publication and only a few copies go to the near about districts. For example, in Kanpur 278 copies of 'Navjiwan' and 135 of 'Swatantra Bharat', both of Lucknow, are sold, and the 'Hindustan', a metropolitan Hindi paper from Delhi, sells 316 copies. As against this, 4,105 copies are sold of the local paper 'Jagran', and 5,300 of another local paper 'Pratap'. Similarly, in Lucknow, the local papers 'Swatantra Bharat' and 'Navjiwan' sell 3,128 and 945 copies as against 223 and 250 of 'Jagran' and 'Pratap' from Kanpur. The distance between Kanpur and Lucknow is 45 miles and the cities are well connected by rail and road, but still the circulation of Kanpur Hindi papers in Lucknow and Lucknow Hindi papers in Kanpur is small. Hindi readers have eight local papers to choose from at Kanpur and only three in Lucknow. In Agra, 'Amar Ujala', 'Sainik' and 'Ujala' claim practically equal circulation of about 2,500 copies in the town, and the metropolitan paper 'Hindustan' sells only 337 copies. In Banaras, though there are seven Hindi papers, 'Aj' leads in circulation by a large margin, selling 3,412 copies as against 374 by 'Sansar'. There are two competing papers in Allahabad 'Bharat' and 'Amrita Patrika'. In Meerut, there is only one Hindi paper 'Prabhat' and it accounts for about 64 per cent. of the total circulation of about 4,000 copies of Hindi papers in the city, even though the other papers circulating in the town are the metropolitan papers 'Hindustan' and 'Navbharat Times' coming from Delhi less than 50 miles away. In Jhansi also there is only one local paper, 'Jagran', accounting for about 65 per cent. of the total Hindi readership of about 2,800. Papers from Agra and Delhi account for remaining 35 per cent. In Hathras where there is only one local paper, 'Nagrik' published in Hindi, the papers from Agra, 'Amar Ujala', 'Sainik' and 'Ujala' are also sold and the local paper accounts for only a little over 50 per cent. of the total readership of about 1,200 for Hindi in this town. In towns like Moradabad and Rampur where only one local paper exists in Urdu, circulation of metropolitan papers such as 'Aljamiat', 'Tej', and 'Milap', in fair number adds to the variety of choice. In other towns also where no Urdu paper

is published locally, the metropolitan papers, and to some extent the Urdu papers from Lucknow share the readership. In Lucknow, the local papers compete with each other. In Banaras where only one Urdu paper is published, the readers also get Urdu papers from Lucknow, Delhi and Patna, though the local paper leads in circulation.

780. There are many towns in Uttar Pradesh with a population exceeding one lakh, such as Bareilly, Saharanpur, Dehra Dun, Gorakhpur, and Shahjahanpur where no papers are published. In Gorakhpur, 'Aj' from Banaras, and, to a little extent, other Hindi papers from Kanpur and Allahabad are sold. In the other towns, metropolitan papers circulate largely and in Bareilly, papers from Agra are also sold in competition.

781. It will be noticed that in Allahabad and Lucknow, the largest share in circulation is held by two rival combines and groups. In Allahabad, the two rival combines Amrit Bazar Patrika, and Birla claim about 55 per cent. and 35 per cent. of total circulation in the city while in Lucknow the two rival groups Pioneer Ltd. and Associated Journals Ltd. claim 51 per cent. and 30 per cent. of the total circulation respectively.

782. **West Bengal.**—There are 26 papers published from this province all of them from Calcutta and its suburbs. There are four English papers 'Statesman', 'Amrita Bazar Patrika', 'Hindustan Standard', and 'Advance', each belonging to different chain, combine or multiple unit. The seven Bengali papers are also owned by different owners. Among them 'Jugantar' and 'Ananda Bazar Patrika', belong to a combine and a chain respectively which also own English papers in Calcutta and Satyayug is owned by the Dalmia chain which also owns a Hindi paper in the city. (Dalmia chain has stopped publication of the papers in this city from 1st September, 1953.) The remaining four papers, 'Basumati', 'Loksevak', 'Jansevak' and 'Swodhinata' are single unit papers. Out of the five Hindi papers, four 'Vishwamitra', 'Navbharat Times', 'Sanmarg' and 'Lokmanya' belong to combines, chains or multiple units each under different ownership. The remaining paper 'Jagriti' is a single unit paper. Among Urdu papers 'Asrejadid' and 'Imroz' belong to a group while the remaining seven papers are single unit papers. There are also two in Punjabi and one Chinese paper; these too are single unit papers.

783. There is only one town besides Calcutta which has a population of over one lakh and that is Kharagpur. This town is very near Calcutta (72 miles), and no local paper has come up in competition to the Calcutta papers.

784. The readers in Calcutta have a fair choice of papers in English, Bengali, Hindi and Urdu languages. Out of the total readership of about 96,000 in English, 43 per cent. are claimed by 'Amrita Bazar Patrika', 28 per cent. by the 'Statesman' and 23 per cent. by the 'Hindustan Standard'. Similarly, out of the total readership of 1,70,000 in Bengali, 'Jugantar' claims 36 per cent. 'Ananda Bazar Patrika' 34 per cent. and 'Basumati' accounts

for 10 per cent. The distribution of circulation according to ownership is as under:—

TABLE XIV

Owner	Percentage of total English circulation (estimated 96,000)	Percentage of total Indian language circulation (estimated 2,04,000)	Percentage of total circulation of all papers (estimated 3,00,000)
1 Amrita Bazar Patrika combine (Amrita Bazar Patrika and Jugantar)	43	30	34
2 Ananda Bazar Patrika chain (Ananda Bazar Patrika and Hindustan Stanadr)	23	28	27
3 Statesman Multiple unit (Statesman)	28	..	9
4 Agarwal Combine (Vishwamitra and Advance)	5	7	6
5 Late S. C. Mukherjee (Basumati) . . . . .	..	8	5
6 Shramik Trust Society (Loksevak)	..	5	3

Eight different owners share about 84 per cent. of total circulation. The largest share (34 per cent.) is claimed by the Amrita Bazar Patrika Combine, and the next largest (27 per cent.) by the Ananda Bazar Patrika Chain. Calcutta papers circulate in the other towns of Bengal and adjoining States. The three English papers 'Amrita Bazar Patrika', 'Statesman' and 'Hindustan Standard' compete among each other. Similarly, the three major Bengali papers, 'Ananda Bazar Patrika', 'Jugantar' and 'Basumati' compete among each other. Thus the readers in the towns of Bengal have a fair choice. In Kharagpur the three English papers 'Amrita Bazar Patrika', 'Statesman' and 'Hindustan Standard' sell 186, 290 and 313 copies respectively, and the three Bengali papers 'Ananda Bazar Patrika', 'Jugantar' and 'Basumati' sell 421, 155, and 85 copies respectively.

785. In Bengal the metropolitan Press is well developed. Though chains, combines and multiple units exist in this metropolis these compete with each other. There has been no development of the district press.

786. **Hyderabad.**—There are seventeen papers in this State. All of them are published in the city of Hyderabad (including Secunderabad). Out of these, four in English, eleven in Urdu, one in Hindi and one in Telugu. There is common ownership of 'Milap', an Urdu daily, and 'Hindi Milap' a Hindi daily. The others are single unit papers. There is only one other town, Warangal, having a population of over one lakh, but no paper is published from there.

787. The *English* papers from Hyderabad have to face severe competition from 'Hindu', Madras, and 'Times of India', Bombay which reach the city by air. The two local English papers, 'Deccan Chronicle' and 'Daily

News' account for 27 per cent. and 14 per cent. of the total English readership, (about 10,500) while 'Hindu' accounts for 20 per cent. and 'Times of India' for 14 per cent. Four other papers from Madras and Bombay also circulate to some extent. In Urdu there are many local papers. In Telugu, readers have shown greater preference for the metropolitan papers from Madras than for the local paper 'Golkonda Patrika'. The circulation of the latter in the city of Hyderabad is 350 copies as against 1,479 for 'Andhra Prabha' and 350 for 'Andhra Patrika'. In Warangal, the Hyderabad papers as well as Madras papers circulate, both in English and in Telugu.

788. **Madhya Bharat.**—There are nine papers published in Madhya Bharat, all of them in Hindi. Five are published from Indore, three from Gwalior and one from Ujjain, all these towns having a population of over one lakh. The 'Nava Prabhat', a multiple unit paper published from Indore and Gwalior, has attempted to develop extensive coverage in this area by publishing also special editions for Ujjain and Bhopal. The other papers, all single units, however, afford good competition to 'Nava Prabhat'. For example, in Gwalior, 'Nav Prabhat' sells 3,570 copies as against 3,400 sold of 'Madhya Bharat Prakash', and 900 of 'Indore Samachar'. In Indore, 'Indore Samachar' sells 2,200 copies, 'Nai Dunia' 933, 'Nav Prabhat' 1,854 and 'Jagran' 1,659; all of them published locally. In Ujjain 'Nav Prabhat' claims a circulation of 1,000 copies in the town but the two papers from Indore 'Nai Dunia' and 'Indore Samachar' also sell 415 and 450 copies respectively.

789. No English papers are published in this State or in the adjoining States of Rajasthan and Bhopal. Metropolitan papers circulate in the towns and afford a good choice to readers as illustrated by the following table:—

TABLE XV

Name of paper	No. of copies circulating in towns						
	Indore	Gwalior	Ujjain	Bhopal	Jodhpur	Jaipur	Bikaner
<i>English</i>							
Times of India, Bombay and Delhi .	678	254	184	186	197	331	59
Free Press Journal, Bombay .	633	225	190	..	..	..	..
Hindustan Times, Delhi .		694	89	185	562	848	325
Statesman, Delhi .	90	..	..	..	138	180	..
Hindustan Standard, Delhi .		110	..	..	..	..	..

790. **Mysore.**—There are twenty-five papers published in Mysore State, two in English, twenty in Kannada, and three in Urdu. There are ten papers published from Bangalore, two in English, five in Kannada and three in Urdu. The English paper, 'Deccan Herald' and Kannada paper 'Prajavani' are under common ownership. Among the local English papers, 'Daily Post'

has very small circulation of about 500 copies. Therefore, the only English paper which offers competition to metropolitan papers from Madras 200 miles away is the 'Deccan Herald' which accounts for about 44 per cent. of the total English readership of about 16,000 in the town. The 'Hindu' accounts for 25 per cent., 'Indian Express' 16 per cent. and 'Mail' 9 per cent. Thus the metropolitan papers serve to provide readers with alternatives to the local paper. In Kannada, there is good competition between 'Prajavani' and 'Tai Nadu', while 'Vishwa Karnatak' and 'Janawani' also have fair circulation in the city. Kannada readers have thus ample choice.

791. In Mysore city, 'Deccan Herald' sells 1,670 copies as against 635 of 'Hindu', 332 of 'Indian Express' and 139 of 'Mail'. In the Kannada language there are ten papers published in this town. Two of these papers 'Mysore Patrika' (evening) and 'Prabhat' (Morning) are owned by Shri T. Narayana, but the total circulation claimed by these papers is only 2,000. The other Kannada papers are single unit papers. In Devangere, which has a population of less than one lakh, four papers in Kannada are published. One Kannada paper is published from Hassan. Kolar Gold Fields has no local paper even though the population is about one and a half lakhs, probably because many languages go to make up this total.

792. The breakdown of circulation according to the ownership in Bangalore city is as under:--

TABLE XVI

Owner	Percentage of total English circulation (estimated 16,000)	Percentage of total Indian languages circulation (estimated 14,000)	Percentage of the total circulation of all papers (estimated 30,000)
1. Printers Ltd. (Deccan Herald and Prajavani)	44	23	34
2. Goenka Chain (Indian Express, Dinamani and Andhra Prabha)	16	10	13
3. Kasturi and Sons (Hindu)	25	..	13
4. P. R. Ramaiya (Tainadu)	..	18	8
5. Mohd Abdul Bari (Azad)	..	12	6
6. Associated Publishers (Mail)	9	..	5
7. H. M. Ismail Tabish (Pasban)	..	7	3
8. Mysore Press (Janavani)	..	7	3

It will be noticed that eight owners share between them 85 per cent. of the total circulation. The local group, Printers Ltd. claims the largest portion (34 per cent.) of the total circulation while the next in order are the Goenka Chain and a single unit paper from Madras. The local single unit papers rank lower.

793. **Patiala and East Punjab States Union.**—There is no town having population of more than one lakh in this State. In Patiala, the capital, two Punjabi papers are published, 'Prakash' and 'Ranjit' which are single unit papers. The English papers from Ambala and Delhi and Urdu papers from Jullundur and Delhi circulate in this town.

794. **Rajasthan.**—There are six papers published in Rajasthan, five in Hindi and one in Urdu. All are single unit papers. All papers are published from Jaipur. Jaipur is the capital town and has a population of about three lakhs. Jodhpur and Bikaner, though having population of more than one lakh, have no local papers.

795. In *English*, the papers from Delhi and Bombay circulate in these towns. (The position has been discussed along with the towns of Madhya Bharat). In Hindi there are at least 3 papers which compete with one another in Jaipur city. They are 'Jagrit', 'Lokvani' and 'Rashradoot', and together account for more than 80 per cent. of Hindi readership. These provincial papers also circulate in Bikaner and Jodhpur and even in Ajmer and meet the competition of metropolitan papers 'Hindustan' and 'Navbharat Times' from Delhi. The Ajmer paper 'Navjyoti' also circulates in Bikaner, Jodhpur and Jaipur.

796. **Saurashtra.**—There are three papers published in Saurashtra, all in Gujarati. (One paper in English has been started recently.) All the papers are published from Rajkot, the capital of the State. The other two towns which have population of over one lakh, Bhavnagar and Jamnagar have no local paper. One Gujarati paper, 'Jai Hind' owns the new English paper of the same name, and another Gujarati paper 'Phoolchhab', is financially connected with the Saurashtra Trust of Bombay. The remaining Gujarati paper 'Nutan Saurashtra' is a single unit paper.

797. The *English* paper in Rajkot has been started only recently, but earlier the readership was shared by the 'Times of India' and the 'Free Press Journal', from Bombay, selling 662 and 332 copies respectively in the town. The three *Gujarati* papers compete with one another and the readers have a fair choice. The competition from Bombay or Ahmedabad papers is almost negligible. In the other two towns of Saurashtra, Bhavnagar and Jamnagar, the three Gujarati papers from Rajkot share the circulation, and the Bombay and Ahmedabad papers do not offer any appreciable competition.

798. **Travancore-Cochin.**—There are nineteen papers published in this State, seventeen in Malayalam and two in Tamil. Out of the towns exceeding one lakh in population, five papers are published from Trivandrum, the capital, and none from Alleppey, which is only a few miles from Kottayam. Among other towns, four papers come out from Ernakulam, five from Kottayam, two from Trichur, two from Quilon and one from Nagercoil. No English papers are published in the State and English readership is distributed between 'Hindu', 'Indian Express' and 'Mail' of Madras. Some Malayalam papers carry some columns in English. In Malayalam almost every publishing town has more than one paper and papers from neighbouring towns also circulate to some extent. The readers have thus a wide choice and no monopolies can be said to exist. Shri K. M. Chacko owned two Malayalam dailies, 'Powradhwani' at Kottayam, and 'Powrakahalam' (now ceased) at Trivandrum. In both these towns there are many other local papers and some of these have more circulation than the Chacko papers. In Tamil the paper published in Nagercoil has to face competition from 'Dinamalar' another Tamil paper from Trivandrum.

799. Ajmer.—There are six papers published in this State, of which five are from Ajmer, two in Hindi and three in Sindhi, all being single unit papers. 'Navajyoti', a Hindi paper has the leading circulation in the city, selling about 1,400 copies as against 750 of 'Daily Jagrit' from Jaipur. The readers have, therefore, some choice of papers. In Beawar one Hindi paper 'Vir Rajasthan' published locally shares the readership with papers from Ajmer, Jaipur and Delhi.

800. Bhopal.—Bhopal, the capital, which has a population of more than one lakh, has two papers in Urdu and one in Hindi. In Hindi, 'Navaprabhat' a multiple unit paper with headquarters in Gwalior, accounts for about three-fourths of the Hindi readership in the town, and 'Navabharat' from Nagpur accounts for most of the remainder.

801. Delhi.—In Delhi, there are nineteen papers, six in English, four in Hindi, and nine in Urdu. Out of the six English papers, five are morning papers of which 'Hindustan Times' belongs to the Birla combine, 'Times of India' to the Dalmia chain operating from Bombay, Delhi Express (now 'Indian Express') to the Goenka chain operating from Madras, 'Hindustan Standard' to Ananda Bazar combine operating from Calcutta, and 'Statesman' to the multiple unit operating from Calcutta. The evening paper belongs to the Birla combine. In Hindi 'Navbharat Times' belongs to the Dalmia chain, 'Hindustan' to the Birla combine, 'Jansatta' (since closed down) to the Goenka chain, and 'Vishwamitra' to the Vishwamitra combine operating from Calcutta. Among the Urdu papers, 'Milap' is a chain paper and 'Pratap', and 'Vir Bharat' are multiple unit papers belonging to different owners. The remaining Urdu papers, are single unit papers of whom 'Bandemataram of Lahore' has since ceased publication.

802. Out of the total readership of about 43,500 for *English* morning papers, 'Hindustan Times' claims 46 per cent., 'Hindustan Standard' 21 per cent., 'Statesman' 16 per cent., 'Times of India' 7 per cent., 'Delhi Express' 4 per cent. All the English papers belong to different chains, combines or multiple units and all of them except 'Hindustan Times' belong to chains, combines and multiple units from other cities, who share local readership with the 'Hindustan Times'. In *Hindi* also, all the four papers belong to different combines and chains, the 'Hindustan' accounting for more than 1/3rd of the total readership of about 12,000, and 'Navbharat Times' accounting for about 1/5th. In *Urdu* also, the readers have many competing papers to choose from, such as 'Daily Tej', 'Milap', 'Pratap', 'Al Jamiat' and 'Vir Bharat'. In Delhi, seven different owners share between them about 83 per cent. of the total circulation, the Birla Combine claiming 38 per cent. About one third of the total circulation is claimed by chains and multiple units operating from other cities and these have afforded a wide choice to readers.

803. Kutch.—There are only three papers in the capital town, Bhuj, which has a population under one lakh. All the three papers are in Gujarati and belong to separate owners. Two of them have comparable circulation.

804. Manipur.—Two daily papers are published in Manipur from the capital of the State. 'Prajatantra and 'Ngashi', both single unit papers.

805. In other Part 'C' States, such as Bilaspur, Coorg, Himachal Pradesh, Tripura, and Vindhya Pradesh, no papers are published and there are no towns having population over one lakh.

806. Conclusions on nature of competition and concentration of readership.—The figure given above would lead to the following conclusions:—

- (1) Every metropolis is served by at least two or three big papers in each of the major languages of the area. The effect of a number of chains, combines and groups operating from different metropolitan centres has been to provide a considerable choice to the readers. These metropolitan papers compete with one another throughout the area they serve. As a result, even in the towns where no papers are published locally, a wide choice is provided.
- (2) Generally, in any town where a provincial or district paper of some standing is published, it is able to secure the largest share in the total readership notwithstanding competition from the metropolitan or provincial papers and regardless of disparities in size, production standards and news services. The effect of circulation of the metropolitan papers has, however, been to obviate the local monopoly that such provincial or district papers might otherwise have enjoyed.
- (3) Outside the towns of publication, both provincial and metropolitan papers compete with one another.
- (4) Even in the towns where no paper is published, the readers have a wide range of papers to choose from because of (1) and (3) above.
- (5) There are no large scale monopolies in any town or city. In some States like Assam, where journalism has not yet fully developed, the present degree of monopoly may be expected to be reduced with the further growth of the Press.

807. On the whole our inquiry establishes that there is freedom of choice for the reader.

808. Generally language papers have a stronger hold on local readership than English papers and, as a consequence, in provincial and district centres competition from metropolitan papers is less pronounced in the case of language papers than in the case of English papers.

809. Extensive monopolies.—The first examination of the total circulation of each newspaper is to ascertain the existence of any extensive monopolies held by individual daily newspapers, and takes the whole of the Union territory (excluding Jammu and Kashmir) as one unit.

810. In Table XVII all the newspapers have been arranged in the order of decreasing circulation. All papers having an average circulation over 1 per cent. of the total readership have been included in the list. The table gives the approximate percentage which this circulation bears to the total circulation of all newspapers.

TABLE XVII
Distribution of total Circulation in Dailies

Name	Place of Publication	Language
Between 4% and 3% of the total		
1. Times of India	Bombay and Delhi	English
2. Ananda Bazar Patrika	Calcutta	Bengali
3. Jugantar	Calcutta	Bengali
(Between 3% and 2% of the total)		
4. Amrit Bazar Patrika	Calcutta and Allahabad	English
5. Hindu	Madras	English
6. Statesman	Calcutta and Delhi	English
7. Dinamani	Madras and Madurai	Tamil
8. Andhra Prabha	Madras	Telugu
9. Hindustan Standard	Calcutta and Delhi	English
(Between 2% and 1% of the total)		
10. Vishwamitra	Calcutta, Bombay, Delhi Patna, and Kanpur.	Hindi
11. Hindustan Times	Delhi	English
12. Lokasatta	Bombay	Marathi
13. Indian Express	Madras	English
14. Swadesamitran	Madras	Tamil
15. Free Press Journal	Bombay	English
16. Mail	Madras	English
17. Thanthi	Madras and Madurai	Tamil
18. Bombay Samachar	Bombay	Gujarati
19. Sakal	Poona	Marathi
20. Navshakti	Bombay	Marathi
21. Mathrubhoomi	Kozhikode	Malayalam
22. Navbharat Times	Bombay, Delhi and Calcutta.	Hindi.

811. As would be evident from the above table, no single paper commanded a circulation exceeding 4 per cent. of the total for the whole country. In view, however, of the large area covered the multiplicity of languages, and the time involved in distribution from one part to another, this result is perhaps to be expected. What is really more important is the position with regard to the different languages. A detailed analysis on the lines of Table XVII is given in the Appendix XLVII. Table XVIII below sets out the number of papers in each language that together account for 50 per cent. of the total circulation in that language. Since in many cases the papers account for more than 50 per cent. the actual percentage of circulation of these papers to the total is also given in the last column.

TABLE XVIII

Distribution of Language Circulation

I Language	2 Total No. of papers	3 No. of papers accounting for circulation of 50% and over	4 Percentage of circulation relating to column 3
Bengali	7	2	71
English	37	5	50
Gujarati	23	5	50
Hindi	64	10	50
Kannada	25	4	52
Malayalam	21	6	54
Marathi	26	3	52
Oriya	3	1	52
Punjabi	9	4	60
Sindhi	7	2	71
Tamil	10	2	62
Telugu	6	1	55
Urdu	66	7	53

812. In assessing the position, the following two points must however be borne in mind: firstly that the development of journalism in each language has been different resulting in wide variations between one language and another, and secondly, that in some languages such as English, Hindi and Urdu, newspaper readership is spread out over a very large area while in certain other languages they are concentrated within the confines of the particular linguistic area, which may not be very extensive. In the former case, because of the time factor or of geographical reasons affecting the distribution of newspapers, a much larger number of them would be needed in each language and these would have to be widely distributed over the territory if regional monopolies are to be avoided. In a compact area, even a few papers, each covering the entire territory, would suffice to obviate such regional monopolies.

813. It will be seen from the table that the individual share of the bigger papers is markedly greater where a language is spoken in a compact area, e.g. Bengali and Tamil, than where it is distributed over a large area, e.g. English or Hindi.

814. **Concentration of ownership.**—Table XIX sets out the position in the country as a whole taking into consideration the extent of common ownership. All the owners of dailies have been arranged in descending order of the combined circulation of all the newspapers owned by them. The list covers all the owners having dailies of total circulation exceeding 1 per cent. of the combined circulation of all papers in the country, and the percentage of circulation controlled by them to the combined circulation is also given. Thus this table gives the degree of concentration of ownership in the Dailies.

815. The effect brought about by common ownership of newspapers in different languages has also been indicated in the table. The manner in which concentration has been brought about, i.e. by formation of chains, groups, multiple units or combines has also been indicated. A detailed note on such combinations of newspapers is given as Appendix XLVIII.

TABLE XIX

Concentration of ownership in dailies

Serial No.	Name	Form of ownership	Type of ownership	No. of papers	Percentage of total circulation in all languages	Percentage of total circulation in									
						English	Bengali	Gujarati	Hindi	Malayalam	Marathi	Oriya	Tamil	Telugu	Urdu
1	Goenka	Co.	Ch	8	9.2	8			3		23		39	55	
2	Amrita Bazar Patrika	Co.	C	4	6.6	11	34		3						
3	Dalmia	Co.	Ch	7	5.7	15	5		7						
4	Ananda Bazar Patrika	Co.	Ch	3	5.6	8	37								
5	Birla	Co.	C	7	4.1	10			9						
6	Free Press	Co.	G	4	3.1	7		3		14					
7	Kasturi and Sons	Co.	S	1	2.6	9									
8	Statesman	Co.	MU	2	2.6	9									

9	Agarwal	P&Co.	C	6	2.1	1		13					
10	Swadesamitran	Co.	S	1	1.6							23	
11	Newspapers and Publications	Co.	G	2	1.5	3		5					
12	Saurashtra Trust	TS & Co	C	3	1.5		13			7			
13	Cama	Co.	C	3	1.4	1	16						
14	Associated Publishers	Co.	S	1	1.3	5							
15	Adityan	I	MU	2	1.2							19	
16	Sandesh	Co.	G	2	1.1		15						
17	Sakal	Co.	S	1	1.1								
18	Milap Newspaper Co.	P	Ch	5	1.4			1		15			12
19	Prajatantra Prachar Samiti	TS	G	2	1.1	1					43		
20	Mathrubhumi Papers	Co.	S	1	1.0				13				

Note: Form of ownership. Papers like Times of India which are published from two centres are counted as two papers.

Co: Company

P: Partnership

I: Individual

TS: Trust and Societies

C: Combine

Ch: Chain

G: Group

MU: Multiple Unit

S: Single

816. **Present degree of concentration.**—From these tables, the following observations may be made:—

- (a) One organisation controls more than 8 per cent. but less than 10 per cent. of the total circulation;
- (b) four other organisations individually control more than 4 per cent. each of the circulation;
- (c) all the five mentioned above publish more than one newspaper and operate from more than one centre and in more than one language;
- (d) other multiple newspaper publishers do not command a total circulation larger than individual papers belonging to one or the other of these five, and there are many single unit papers which command a bigger circulation than the total of most multiple newspaper publishers.

817. The pattern of concentration achieved by building up of large circulations (Table XVII and that by ownership of more than one paper (Table XIX may be compared as under.

TABLE XX

I Pattern	2 Percentage of circulation controlled		4 No. of papers owned as per Table XIX
	Table XVII Individual papers	3 Table XIX individual publishers	
<i>Pattern A</i>			
First 5	16·0	31·2	29
Next 5	11·2	12·0	14
Next 5	8·3	6·9	11
Next 5	5·8	5·4	11
Next 5	4·8	4·4	7
Next 5	4·3	4·1	8
<i>Pattern B (Cumulative figures)</i>			
First 5	16·0	31·2	29
First 10	27·2	43·2	43
First 15	35·5	50·1	54
First 20	41·3	55·5	65
First 25	46·1	59·9	72
First 30	50·4	64·0	80

Pattern A shows that apart from the first five owners, such concentrations as are achieved by multiple newspapers ownership can be brought about also by building up a large circulation for a single paper, on in other words, the concentration achieved by owners of multiple newspapers has been achieved by some individual papers also. *Pattern B* shows the cumulative effect on concentration by ownership of more than one paper.

818. It will be seen that out of a total of three hundred and thirty dailies, five owners control twenty-nine papers and 31·2 per cent. of the circulation, while fifteen owners control fifty-four newspapers and 50·1 per cent. of the circulation. There can, therefore, be no denying the fact that there already exists in the Indian newspaper industry a considerable degree of concentration. We feel that there is a danger that this tendency might further develop in the future. We are of the opinion that it would not be desirable in the interest of freedom of choice that this tendency should be accentuated. (The position in respect of each language is examined separately in Appendix XLIX).

819. **Concentration in individual languages.**—From the above analysis certain general points emerge. In most languages, particularly in all those in which journalism has developed satisfactorily, the first 50 per cent. of circulation is divided between half a dozen or so newspapers and an equal number of owners. The position of any one owner in this category has been achieved by the building up of the circulation of the individual newspapers rather than by the ownership of more than one newspaper with small circulation. This distribution of half the circulation over six owners would normally indicate too high a degree of concentration in those languages which are current over large areas such as English, Urdu and Hindi, but these are the particular languages in which multiple units are most common and because of this the degree of local concentration of readership in one publisher would appear to have been reduced. The common ownership of morning and evening papers that exists in English, Gujarati and Marathi languages does not make any appreciable change in the pattern of control of circulation. (The higher concentration of circulation indicated in Table XIX as compared to Table XVII is due mainly to common ownership of papers in different languages by the same person). In the case of those languages such as Marathi and Kannada, where the area to be covered is widespread or poorly served by communications, the distribution of control over the first 50 per cent. of circulation does not appear to be sufficiently diffused. In the case of Bengali and Tamil, new papers to challenge the grip of the leaders have come up only in recent years. No such development has yet taken place in Telugu.

In Punjabi, Oriya, Assamese and Sindhi where newspaper readership has not sufficiently developed in proportion to the size of the population speaking the particular language, a very high degree of concentration does exist, but, as pointed out earlier, the papers that at present dominate the field are in themselves very small and none of them is owned by any of the big multiple publishers.

820. **Concentration due to economic causes.**—As we have already said, we have been unable to confirm whether the Indian Press has shown in recent years any pronounced tendency towards concentration of newspaper circulation in a few hands, and this is mainly because authoritative statistics are not available of the number of newspapers in existence at any past period and their individual circulation. Observers of the Press in other countries

have, however, been struck by such tendencies in their countries. Mr. Felix Frankfurter, a Judge of the Supreme Court of the United States, remarks that the fact that the shrinkage in the number of newspaper owners is not the product of evil design but largely attributable to economic and technological influences does not lessen the implications of the trend. "Concentration of press ownership", he says, "is a world-wide trend, which attests the complexity of the problem and the obduracy of its solution."

821. Effect of local competition.—Considering the position as above, we find that competition plays a very great part in ensuring that generally in any locality or language no particular paper occupies a predominant position to the exclusion of others. This has been brought about by the enterprise of the smaller publishers who have ventured to start daily papers in opposition to powerful rivals, as well as by the competition between the larger publishers. In the chapter on economics of newspapers, we have made certain recommendations which would have the effect of placing the smaller newspaper in a more competitive position. The recommendations for eliminating unfair competition and restrictive practices would, in conjunction with the price-page schedule enable small newspapers and new comers to the field to have reasonable chance of competing on even terms with established newspapers of large circulation. Similarly, our recommendations in respect of advertisements including the maximum space that may be devoted to them and our suggestion of a telescopic tariff would also have the same effect of evening out the differences that exist between large and small papers and also encourage the starting of many more papers in those languages and areas where scope exists.

822. Diversity of opinion should be promoted.—We realise that notwithstanding these measures for equalising the conditions under which newspapers compete with one another for the support of the public, circumstances may bring about a situation where one newspaper comes to hold a position of virtual monopoly in a particular area or a given language. The success of the paper may have been well deserved and it might have achieved its position solely on the merit of the service it offers to its readers. It has been urged before us that though a monopoly in such a case may not be objectionable, it would still be undesirable and that the essence of the process of formation of opinion is that the public must have an opportunity of studying various points of view and that the exclusive and continuous advocacy of one point of view through the medium of a newspaper which holds a monopolistic position is not conducive to the formation of healthy opinion. We are of the view that diversity of opinion should be promoted in the interest of free discussion of public affairs.

823. We have considered in this connection the findings of the Sample Survey of Readership with particular reference to the question of attention paid to editorial opinion. The data are set out in full in the Appendix I, and show that the regularity with which readers peruse the opinion columns is both flattering to the newspapers and disquieting to those who have examined the manner in which policy is being laid down in many cases. We found that while several people, including newspapermen, were inclined to minimise the effect of newspaper editorials, the public was apparently paying them very regular attention, and this was so whether the individual reader liked the views of the paper or disliked them. The need for discouraging monopolies is emphasised by these findings.

824. Concentration of readership may be brought about in many ways. A person might own only one paper, and this may have a very large share of the readership, or he might be the proprietor of a group or combine or chain of newspapers, which together serve to concentrate influence in his hands. (The practice of utilising holding companies and managing agencies should also be taken into consideration when deciding whether a monopoly exists or is sought to be brought about.) We feel that this power of the holder of a monopoly to influence his public in any way he chooses should be regulated and restrained.

825. **What constitutes monopoly.**—We have already mentioned in the chapter on ownership the difficulty of deciding the point at which a particular newspaper can be considered large enough to deserve special attention. In the case of monopolies, the position is much easier, since the question is not one of absolute size but of relative position among a number of papers. In this connection, we have examined the recommendations of the Royal Commission on the Press in the United Kingdom for dealing with monopolies. In the United Kingdom, the Monopolies and Restrictive Practices (Inquiry and Control) Act, 1948, which was passed after the Royal Commission had concluded its hearings provides an instrument which the Commission have considered appropriate for these cases. A condition of monopoly is deemed to prevail in so far as the sections of the Act are relevant to the ownership or supply of newspapers "if at least one-third of all the goods of a particular description which are supplied in the United Kingdom or a substantial part of it are supplied by one person, or by one group of inter-connected companies, or by two or more persons who so conduct their respective affairs as to prevent or restrict competition in the supply of goods of that description....." We are of the opinion that a monopoly should be deemed to prevail if a predominant part of all the newspapers sold in the whole country or a substantial part of it is supplied by one person or by one group of inter-connected companies. Herein a substantial part may be regarded as equivalent to a State or, if it is a composite province, a linguistic area in that State.

826. In this connection, it should be kept in mind that in a number of households in the country more than one paper is read,—usually one in English and another in an Indian language. In deciding on the percentage of circulation that should be deemed to result in a monopoly, some allowance will have to be made for this factor. Similarly, in the Survey of Readership, we have found that a considerable number of homes which take a newspaper have also access to the news on the radio, and in such a case the monopoly that exists would be confined more to the opinion, expressed by the newspaper than to the reporting of news.

827. We realise it will not be possible to apply this criterion mechanically in all cases because in undeveloped areas there may be one newspaper with a small circulation, and the fact of its being the only newspaper in that area should not be the ground for bringing the newspaper concerned under investigation. In such areas it will take time for competition to emerge and we have no desire to suggest restrictions on the free development of newspapers in areas where their services are badly needed.

828. **Procedure for dealing with monopolies.**—We recommend that the Press Registrar should keep a close watch on the circulation of newspapers and if he comes to the conclusion that in a particular area or in a language a monopoly has developed he should bring it to the attention of the Press

Council, who should conduct an investigation into the existence of a monopoly. It will be useful if the inquiry is conducted on the following lines:—

- (1) Does a monopoly exist?
- (2) Has the newspaper which holds a monopolistic position acted against public interest?
- (3) Has the newspaper employed practices which though technically not coming within the category of unfair practices, still tended to eliminate competition?
- (4) What measures if any are necessary to deal with the monopoly?

It is expected that when an investigation of this character is conducted, adequate opportunities to the newspaper concerned as well as to the public will be given to state their views on the subject.

829. In deciding whether a monopoly exists, our remarks earlier in this connection should be borne in mind. In a matter of this kind, the character of public service which the newspaper renders to the public will obviously be one of the important points which will weigh with the Press Council. In this connection we would commend to the proprietors the suggestions which we have made elsewhere in this Report regarding the desirability of newspapers being owned by Trusts or through some structure of ownership in which there will be diffused control and adequate opportunities for employees to participate in the capital. If a newspaper which holds a monopoly is owned by a Trust or through a diffused form of ownership, this would, in addition to enhancing its prestige in the eyes of the public, weigh with the Press Council when deciding whether the monopoly is detrimental to public interest.

830. In our view, an investigation of this character, besides helping the Press Council to come to definite conclusions on the subject will serve to educate public opinion on the monopoly. If a monopoly is to be discouraged, the public must realise the implications of a monopoly. An investigation will also throw light on unfair practices, if any, in which the newspaper might have indulged.

831. We expect that an investigation of this nature and the publication of the findings of the Press Council would have the direct effect of breaking the monopoly by drawing public attention to it. Members of the public who realise the danger may change to another paper, and the starting of rival papers would also be stimulated. The figures in the Readership Survey already show that a considerable percentage of the readers of many papers today dislike the views expressed therein and would welcome the starting of rival papers. It should be open to the Press Council to suggest specific measures for encouraging competition in such areas. We might state, however, that we are strongly opposed to the subsidising of such competition in any manner by Government.

832. According to the figures that we have examined of the circulation of newspapers in 1952, it appears to us that such a condition of monopoly exists in the case of two newspapers in Bengali, one newspaper in Telugu and one newspaper in Tamil. If the Press Council on an examination of the position finds that the monopoly still exists, we would recommend that these cases which we have cited may be taken up for investigation.

CHAPTER XVII

BIAS AND EXTERNAL PRESSURE

833. **External pressures.**—We have referred in another chapter to the extent to which the contents of a newspaper are affected by the influence of the proprietor. We are examining here the effect of such pressure as are brought to bear on the newspaper as a whole, through the medium of the proprietor or even the editor, the manager, the staff or the correspondent.

834. To the extent that a newspaper should be responsive to the trend of events and should reflect the activities and opinions of the people among whom it circulates, far from remaining unaffected by these, it would be legitimate for the newspaper to be influenced by such external factors. We have been concerned about the extent to which external influences result in preventing the adequate and accurate presentation of news or the fair and adequate presentation of views which would serve to focus public opinion in the direction of social and general betterment.

835. **Reasons for susceptibility.**—Various reasons have been attributed to account for this susceptibility of newspapers and periodicals to such external influences which tend to prevent them from fulfilling their legitimate functions. One of these is, of course, the financial weakness of individual newspapers. It cannot be denied that such financial weakness exists, in great measure, in the Indian Press but this is not to imply that financial need can be any justification or even an extenuating circumstance when a newspaper yields to external pressure against the interests of the people it serves. Another predisposing factor is the organisational weakness of the newspaper press. By this, we mean not merely the structural weakness inside each newspaper organisation which lays it open to influences and pressures, but, the lack of a coherent body of opinion in the industry backed up by a powerful organisation of the industry itself, which would not merely resist any attempts at influence but would disclose and denounce such attempts. Lack of a reasonably high standard of integrity, whether in the editorial staff or in the news-reporting staff, would also lay the newspapers open to a great deal of influence. Public suspicion of external influences is the greatest where advertisers are concerned. The Press in India, as elsewhere, depends to the extent of half its revenue on the advertisers, and, the contents of a newspaper would, in the normal course of circumstances, be most susceptible to the influence of advertisers. The Association of Advertising Agencies claim credit for their contribution to the improving appearance and presentability of the modern newspaper or periodical by their insistence on a consistently high standard of production and of their own constant effort to achieve this end, and, this claim is supported by the views of the State Governments also on this subject. But suspicion and even accusation are not with regard to their influence on the technical standards of presentation but their attempts to secure (a) editorial support, (b) publication of news items which are not objective pieces of reporting or (c) suppression of items whose publication

may be in the interests of the public but not in the interests of the advertisers.

836. **Pressure from advertisers.**—It has been suggested that the basis on which advertisers select their media will itself act as a source of pressure on newspapers, if the policy of the newspaper is also one of the considerations in the selection. Leading advertisers and advertising agencies have assured us that the main considerations in the selection of media are the circulation of the paper, the area over which it is distributed, the class of readership, and the cost of advertising. They have asserted that the editorial policy of a newspaper has no bearing on the selection, though it would be easy to conceive of cases where there may be an obvious conflict between the product advertised and the policy of the paper, e.g., advertisements of liquor and a policy advocating prohibition. The advertisers generally consider that the political or other opinions of the newspaper do not affect their choice.

837. It is difficult to envisage that a single advertiser can act as a source of pressure on the general policy of a paper. We have naturally been anxious to ascertain whether it would be possible, even for any group of advertisers, to hold a paper to ransom or to force it to change its general policy. We find that out of a total estimated revenue of Rs. 5 crores to the daily newspapers, about 60% reaches them through the Advertising Agencies and the balance is placed directly by small individual advertisers in the form of local or classified advertisements, each of which, by itself, would be of very small value. Taking the big advertisers who generally operate through agencies, we do not consider it likely that pressure would be exercised through the agencies, since the interests of one group might differ from the interests of another group handled by the same agency.

An approximate analysis of the business placed by 34 major agencies and covering business of the value of over two crores is given below:—

Cosmetics etc.	17%
Drugs, proprietary medicines, surgical instruments	15%
Food products, biscuits, chocolates and drinks	9%
Motor tyres, accessories, petroleum products, batteries, etc.	9%
Industrial machinery and equipments, trucks, trailers, contractors' equipment, etc.	7%
Refrigerators, washing machines, domestic air-conditioning equipments, fans, radio sets, cameras	6%

838. Even assuming that such a combination of advertisers was possible, we find that the biggest single section of advertisements comes from the manufacturers and distributors of cosmetics, including soaps and hair oils, which account for only one-sixth of the total. The keenest competition exists among the different advertisers. They are further divided by the conflict of interests between indigenous manufacturers, others affiliated to foreign firms and carrying on some of the final stages of manufacture in this country, and concerns interested in the import and distribution of goods made abroad.

839. We have not come across any instance where an advertiser or an advertising agency had threatened a newspaper that advertising would be withdrawn, if the paper carried on a policy to which objection was taken by the advertiser or offered to place advertisements, if the paper would change its policy. Obviously, the change of policy demanded should be such as could

be adopted by the paper without estranging its readers, and, could not, in consequence, be the change of any aspect of its general policy but only of its attitude in a particular context. There is, however, another aspect to this matter. Though not immediately aimed at influencing or changing the policy of a paper, withdrawal of advertisements on the grounds of policy might possibly have the effect of inducing the paper to change it or deterring other papers from pursuing such a policy. On this point, a representative of the Advertising Agencies' Association said:

"If there is an advertiser who has seen his advertisements appearing— shall we say—in a Socialist paper, when the advertiser discovers that the Socialist paper, has become rather a Communist paper, it is then rather human nature that the advertiser would withdraw from a newspaper which is against his taste".

It seems doubtful, however, whether such withdrawal has acted as a source of pressure to bring about a change in policy. No editor or proprietor would risk losing his readership for the doubtful possibility of getting the advertising back, for, if he loses his circulation, he loses also the scope for advertisement revenue. In the particular case that was put to us as typical, where a number of advertisers had withdrawn their support, and in other cases which we came across in the course of evidence, where the papers had never been utilised by the advertisers, there was no suggestion from the editors or proprietors that they had ever contemplated any change of policy in order to win over the advertisers. While we have discussed, elsewhere, the fairness or otherwise of taking editorial policy into consideration when placing advertisements, we must record our conclusion that the withdrawal or the threat of withdrawal of advertisements has not resulted in influencing the general policy of newspapers. We are of the opinion that newspapers have not been and it is not likely that they would be forced into changing their editorial policy, in the hope of getting advertisements or for fear of losing advertisements. But this is not to imply that a paper's attitude on individual subjects or incidents would not be influenced by the views, known or conjectured, of the advertisers. It has been mentioned to us that attempts had been made to influence the attitude of a paper by placing advertisements at a particular time. For instance, it was mentioned that, at the time when there was considerable public controversy regarding the possible harmful effects of *vanaspati*, leading manufacturers of this product placed large-scale advertisements in the Press. The suggestion was that these advertisements were placed with a view to influence the newspapers favourably towards the point of view of the manufacturers. On the other hand, an advertising representative of one important manufacturer of *vanaspati* said, in the course of his evidence, that this fact of large-scale advertising was with a view to counter the propaganda being carried on against the product, and, the very fact that these advertisements were placed in newspapers which had taken up an attitude against the product served to prove the lack of any prejudice on the part of the advertiser on the basis of a newspaper's policy. Whatever the merits of the course of action pursued in this case by the advertisers, it seems to us that though large papers might have remained uninfluenced thereby, the smaller papers might have been tempted to say what they considered would be pleasing to the advertisers.

840. It was also mentioned to us that, at a time when restrictions were contemplated on the import of pharmaceutical products made abroad, a circular was sent to many newspapers drawing attention to the dangers that might arise from the use of impure drugs, if imports were restricted, and,

expressing the hope that the newspaper would consider all aspects of the matter when formulating its policy. Here too, the complaint is based on the fact that such a circular was addressed to newspapers from leading advertisers. It happened so long ago that we could not investigate it further, but, we presume it would be argued in defence that it was addressed to the editors of the papers only as an argument for their consideration, and it was for the editors to come to their own conclusions after considering it.

841. A recent instance reported to us was that of a business weekly that had taken a particular standpoint in a controversy regarding the soap industry in this country. The complaint was that a leading Indian manufacturer had withdrawn his advertisements. The matter came to our notice after we had concluded the hearing of evidence and we could not ask the manufacturer about the incident. Even if proved, this may be considered a border-line case of a straight conflict of policy, like the case of liquor advertisement in a paper which advocates publication, but for the fact that the manufacturer is reported to have discontinued also advertisements of other commodities.

842. We have mentioned these instances in order to draw attention to the danger of such pressure being exercised on the views expressed by newspapers on particular topics and recommend that any attempts at the exercise of such pressure should be reported to the Press Council (which we are suggesting later in this report) who, if satisfied regarding the correctness of the allegations, should publish the results of the investigation and if necessary recommend the disaccreditation of the advertising agent found guilty.

843. **Editorial support to advertisers.**—We found that, generally speaking, the term “editorial support” was used not so much for support in the editorial opinion columns as for matter published in the news or feature columns of a newspaper or special supplements. (The insertion of a write-up about a proprietary brand of aspirin in the leader-columns of an obscure Urdu weekly was, we trust, an exception). Pressure from advertisers generally is applied to securing publication of laudatory material or suppression of unfavourable news. It is the practice of advertisers to issue to newspapers items of “news”, having the specific purpose of bringing before the eye of the reader the name of the advertiser or of his products. These range from short snippets or notes to fairly well-written articles of technical interest in which the publicity which the advertiser seeks is brought about in some form or other. At the other extreme, we have seen the unabashed puffs about forthcoming films which are supplied to the newspapers for being printed, presumably, as a guide to the reader in the selection of his entertainment. Theoretically, the discretion in the matter of publishing these items rests with the editor of the paper and it is open to him, theoretically again to discard the item if he does not consider it suitable. We consider it, however, objectionable in the extreme where such items are sent to the Advertising Manager direct and he, in turn, arranges for their publication.

844. The advertisers have objected to any attempt to distinguish such puffs or news items by adding the word “advertisement” or its abbreviation. Their argument, which has some justification, is that the matter is sent to the editor for publication, and, if he accepts it as being of interest to his readers, he should not disclaim responsibility by calling it an advertisement.

We have not come across any instances where refusal on the part of newspapers to print such matter has resulted in their losing any advertisement. The Advertising Agencies Association and the Indian Society of Advertisers have assured us that the discretion in the matter of publication is always left to the editor, and, that they would not have any complaint if, purely on its merits, a news item or a feature article sent by them, fails to secure space for publication. The fear has, however, been expressed that, even if an editor rejects such a contribution, he or the Advertising Manager would have a lurking fear that the advertiser in question would take note of such rejection and bear it in mind when planning his advertisements. Advertising agencies have said that such a feeling is not justified. It is, naturally, difficult to prove or to disprove the existence of such a fear or the justification for it. In our view, it is essential that all advertisers and advertising agencies rigidly adhere to the convention that such material, if any, should be sent only to the editor and not to any other employee on the staff of the paper. This may not always ensure that the public is not confronted, in the news columns of the paper, with obvious puffs having more than a little bias. In fact, one editor of a leading newspaper admitted, in his evidence, that his paper carried, on Fridays, the "puffs" sent out by film producers and distributors, and that critical reviews of the films appeared only two days later in a separate collection by themselves. It is possible that readers would gradually come to realise the significance (or the lack of it) in the Friday publication of producers' blurbs and come to look upon them, purely as part of the advertisements appearing side by side in the same paper. In such a case, the only effect is as if the newspaper had reduced its rates for advertisement or published it twice over, once paid for and the other time without payment. While this may happen in the case of recurring features like film "puffs", there is always the danger of stray items tending to mislead the reader.

845. The publication of flattering or one-sided material at the instance of advertisers or in order to please them, is not confined solely to the cinema columns of the daily newspaper. In the sports and entertainment columns, descriptive notes intended mainly to present a glowing picture of forthcoming entertainments or commercialised sports have come to our notice. While the general run of sports writing is of a fairly good standard, it seems to us a pity that a paper's reputation for objectivity and integrity should be damaged by the publication of such puffs. In the case of entertainments, only a few papers have been able to secure the services of competent critics who can place before the public a balanced review, but, the habit of indiscriminately printing publicity material issued by the promoters should be discontinued.

846. In the case of financial columns, criticism of the notes that appear regularly has been more serious. We are prepared to grant the practice, as long as it is widely known, of reviewing as a matter of routine, in the financial notes, the balance-sheets and annual reports of the companies which advertise regularly in the paper, or do so at least, on the occasion of their annual general meeting. We shall only say that the practice of reviewing the balance-sheets should be extended as a matter of principle even to the firms that do not advertise regularly or even occasionally, and, the business public should appreciate and accept the financial notes as an objective presentation of business events and trends just as the other news columns are of current events. Allegations have been made that, in certain

instances, newspapers which are associated with operators on the Stock Exchange have utilised the columns in order to favour their speculations. Apart from the fact that such practices tend to defeat their purpose once the readers learn that their faith has been misplaced, we would condemn them as unjournalistic and unethical.

847. Newspaper supplements.—The worst instances of the printing of publicity material in the reading-matter columns of a newspaper occur in the case of “supplements” which are brought out from time to time by newspapers to celebrate anniversaries, occasions, or events, and, in some cases, with not even that justification. We have dealt, in the chapter on Advertisements, with the utility of these supplements from the point of view of the advertiser. We are, here, concerned mainly with the possible deception that may be caused by the printing of brief notes and “technical” articles of varying competence, sponsored, if not supplied in their entirety, by the advertisers. We had asked several witnesses connected with advertising whether they would have any objection, if the journalistic profession insisted that every such article should be accompanied by a clear indication of the business house from which it originates, and, in every case, they have objected to the suggestion. One or two, however, agreed that it was open to the editor to insist that no insidious advertising should be permitted in such articles and to eliminate them or reject the article, if necessary. It is true that both in the case of the regular space allotted, say weekly, for particular activities such as engineering or shipping and in the special supplements brought out for such industries, a considerable amount of useful material may be printed which is not otherwise available to the public. The utility of these special columns and of the supplements is, however, vitiated by the large amount of space devoted to puffs and, if there was no other choice, we would recommend to the newspapers to drop these features than to run them in an unsatisfactory manner.

848. Suppression of news items.—Many instances have been reported of news items having been suppressed in order not to offend advertisers, or of advertisers having complained about the publication of particular items. In one which had been brought to our notice, big businessmen had been involved in a criminal case but, even when the news was reported by the news agencies, the papers did not publish the report. In another, a newspaper in the Uttar Pradesh had specifically asked for reports regarding the trial of local business magnates which was going on in Bombay, but, in spite of the specific request from the paper, the news agency failed to cover the court proceedings. In another instance, answering an interpellation in Parliament, it had been stated on behalf of the Government that 36 wagons of some material had been diverted improperly by a well-known industrial concern, but, the news agency which first reported the item, later “killed” it, promising a further report which never materialised. In another case, a mill-owner from Ahmedabad was stated to have been arrested in a prohibition case in Bombay. A report was carried in the services of two news agencies but was kept out of the Ahmedabad papers. Another interpellation in Parliament regarding grant of import licence for articles of stationery to a newspaper concern was published in a few papers and was kept out of all the other papers. Many such instances have been mentioned to us in several parts of the country.

849. In this connection, we would like to quote from the evidence of the Managing Editor of one of the prominent English dailies of this country. He said:—

“When some friend or some businessman who advertises in the paper, let us say, meets with some misfortune or something else happens which does not suit him, I have had occasions when the question has arisen as to what we are going to do about it in our paper, whether we are going to publish it or not...there are occasions when the best of papers has got to take an accommodating attitude but a senior editor will, as far as possible, see to it that the news requirement is not made to suffer because of considerations of loyalty to a friend”.

850. Our view is that, once the editor feels that there is a conflict between his loyalty to his “friends” (including advertisers) and his duty to the public, there is a risk of his falling short of the high standards of his profession. It may be argued that, in certain cases, public interest was not harmed by the suppression of news, but, in others, there can be no doubt that the public had a right to know about the happenings. In the case of such “negative” offences such as omission of a news report, it is difficult to prescribe any universal remedy, but we are confident that, if some newspapers in the country would persist in publishing details of such disclosures of definitely anti-social offences, the others would very soon be forced to follow at the risk of losing the confidence of their readers.

851. The threat of withdrawal of advertisements or the actual withdrawal, may also be used after the publication of an item which displeases the advertiser. A complaint was made to us about the case of an English weekly which had published a report of interpellations in Parliament regarding the Indianisation of the staff of foreign concerns operating in this country, which, it was stated, had lost a considerable volume of advertising in consequence of such publication. The evidence before us tends to show that some advertisers, including Indian firms, had discontinued advertising in that paper quite some time before the incident and that others, including some European firms, had continued to advertise even after the publication. While in this case it was not proved conclusively that the action complained of followed directly from the publication of news, we may quote another instance that has come to our notice where the advertiser intervened in a more positive fashion. A certain district newspaper published an item, circulated by a news agency, that a particular film producer had been sued by some creditors. When the item appeared in the paper, it happened that a film made by this producer was running in the local cinemas. The advertisements of the film, which had formerly been given to that particular paper, were discontinued. Two days later, the gentleman, who was in charge of the night shift of the paper on the day the item was published, was dismissed from service in the paper and, it is reported, advertisements were subsequently resumed. The paper was a small one and we have heard no complaint of threats or approaches made to any large papers that had published the item. The Federation of Working Journalists observes in this connection:

“If newspapers join together and decline to be browbeaten by advertisers then the latter may be expected to deal with newspapers on a strictly business basis”.

852. As a step towards strengthening their hands, we recommend that all such instances should be reported promptly to the Press Council and a sufficient body of public opinion built up against such practices.

853. **Influence of advertising interests.**—It has been stated that newspapers may, of their own accord, follow a certain policy about news and views, in order not to offend advertising interests. On this subject, the Indian Society of Advertisers have said that the statement is only “partially correct”. Many newspapers hesitate to publish certain kinds of news, and, when they do, avoid naming individual advertisers. This happens not only in respect of advertisers but covers also people of eminence and generally in the public eye. The AINEC have stated that, while any major adjustments of editorial policy to suit an advertiser’s interest is to be deprecated, no newspaper would wish to offend the advertiser “who deserves the consideration due to a customer”. They, however, express the view that instances of this kind must be negligibly few in Indian journalism. The remedy suggested by the Orissa Government is that the newspapers should themselves maintain a high standard of integrity and moral sense, and should regard the guardianship of liberty their main justification for existence. The Government of Madras have suggested that public opinion will have to assert itself to remedy such a situation. Here too, we consider that the exercise of supervision by the Press Council and prompt investigation of instances brought to their notice would assist the newspapers in setting right the position into which some of them have slipped, perhaps unconsciously.

854. Another point for consideration was the possibility of news of labour unrest being played down or even shut out where such unrest occurs in concerns which are big advertisers. The AINEC, while admitting the possibility of such a suppression of news, consider it increasingly remote under present conditions. While it is true that reporters in the newspapers and in the news agencies have been displaying a greater sense of social awareness, justifying the confidence placed in them by the AINEC, there is still the danger that, in some instances, labour’s case does not get a fair presentation before the public. The growing use made of the legal machinery tends, however, to bring to the public view the details of industrial disputes and we may express the hope that the proceedings of such tribunals will manage to secure some of the space which at present seems to be reserved exclusively for crime reports from the police courts.

855. **Government as advertisers.**—Like other advertisers, Governments can and do exert a great deal of pressure on newspapers which tends to affect fair presentation of news or free expression of views. In this respect, the position of Governments is quite different from that of other advertisers. The selection of media is made by the Governments themselves and no advice is sought or taken from Advertising Agencies or professional publicity experts, as is done by large commercial concerns. Further, governments do not look for, nor are they guided, by the plain issue of returns per rupee spent, as advertisers are. Moreover, the effect of an unwise or mistaken policy cannot be assessed by those responsible for the selection, as they can in the case of purely commercial advertisements. In respect of certain categories of advertisement now being distributed to the Press, any returns by way of direct publicity among the readership would be purely imaginary.

856. The manner in which Government advertisements are placed or withheld may influence newspapers and periodicals. There is an element of patronage that enters into the selection of the media and should be eliminated, if the pressure is to be removed from the Press. There is less evidence of such an element entering into the selection of media by the Central Government than in the case of State Governments.

857. It is not merely by the process of denying advertisements that patronage has been exercised. We have come across instances in Hyderabad, and in many other States too, of newspapers with very small circulations which have been favoured with government advertisements. An extreme case would be the instance quoted from Rajasthan where a paper appeared with a whole page of government advertisements in one of its earliest issues. Patronage is also discernible in the matter of rates. In West Bengal, we came across the anomaly of a paper recently started and claiming 13,000 circulation being entrusted with advertisements, even though it charged government at a rate proportionately very much higher than that charged by papers of much longer standing and large circulation.

858. In their evidence before the Commission, the representatives of the Central and State Governments have claimed the right to object to the tone of a paper, as well as to two broad aspects of policy: communism and communalism. In the matter of "tone", witnesses have not always been consistent in their definition of the term and many instances quoted by them of what they considered "objectionable" have left us with the impression that they were, perhaps, over-sensitive in respect of certain aspects of their policies. The areas of sensitivity differ from State to State. While a prompt reaction to what is published in the Press may be considered a healthy sign in any Government, it would appear that there has not been on occasions sufficient realisation of that need for toleration essential for the development of a democratic society. In the matter of withholding advertisements from papers which have been avowedly Communist in their politics, or rankly communal in their outlook, it has, apparently, been the view of the State Governments that, tending as they do to encourage violence or disturb public order respectively, proper grounds exist for disqualifying such papers from receiving Government advertisements. While there could be no objection to advertisements being withheld from papers advocating persistently a policy of violence or inciting animosity between different racial or other groups within the country, we are of the definite opinion that there ought to be no discrimination between papers merely on the ground of their belonging to a communist or communal party.

859. We have gone into the question whether there has been any visible correlation between the issue of Government advertisements to any paper and a change in its tone or policy and would like to mention only two instances. The first is the assurance by a State Government, in the course of negotiations started by the newspaper concerned, to resume advertisements if its tone improved within a period of six months. The second is the performance of a certain paper in that State which, having been included in the preferential list for advertisements, did support government's action in the controversy in a somewhat vehement manner.

860. We agree that advertisements cannot be claimed by newspapers as a matter of right. We also agree that Government would be justified in withholding advertisements from papers which habitually indulge in journalism which is obscene, scurrilous—which includes elements of coarseness, abusiveness and vulgarity—gives incitement to violence or endangers the security of the State. Two of our members, Sri A. D. Mani and Sri M. Chalapathi Rau, feel that the newspapers should, on request, be informed of the reasons for withholding advertisements. In any case, withdrawal of advertisements cannot be and should not be made a substitute for or alternative to legal action. We also hold that the liberty and freedom to place advertisements wherever he likes which a private advertiser enjoys cannot be conceded to government

which is a trustee of public funds and, therefore, bound to utilise them, without discrimination, to the best advantage of the public. Bearing this in mind and subject to what has been said above, government should place advertisements having due regard to the following consideration: (1) circulation of the paper and the rates charged by that paper; and (2) readership designed to be reached for the purpose of the particular advertisement. That is to say, they should distribute advertisements on the basis of the widest practicable circulation that can be achieved with the funds available amongst the categories of persons designed to be reached by the advertisements. It would be advantageous, in this connection, from every point of view that these advertisements should not be confined to a single paper but should be distributed to as many suitable papers as satisfy the above criteria either individually or collectively. In this process, claims of the language and district papers and of periodicals should always be kept in mind.

861. Any other method of placing advertisements is likely to carry with it two defects. It would be an unfair use of public funds. It would also render the government open to the charge that the power of placing advertisements is being exercised against papers whose editorial policy is against the government for the time being, or as a patronage to those papers which support it. Even if, in respect of government's responsibility for the use of public funds, the legislature, which is its ultimate custodian, takes no objection to such expenditure, the danger involved in the latter is so overwhelming that, from the point of view of maintaining independent journalism, we consider that advertisements should be issued by government only in conformity with the principles enunciated above. We look forward to the adoption of the same principles by private advertisers also.

862. In the case of papers which form parts of groups, multiple units and chains, government should make separate arrangements in respect of each separate unit or language. Any other arrangement may lead to wasteful expenditure. For example, we have come across advertisements published by the Government of Uttar Pradesh in a Delhi paper, reproduced, at the cost of Government, in its Bombay edition, and carrying exhortations to "grow more vegetables" and to "rear livestock of good breed". Whatever little justification there might have existed for the insertion of such advertisements in an English daily circulating predominantly in metropolitan Delhi and very little in Uttar Pradesh the repetition of the advertisement in the Bombay edition would not secure any return at all for the money spent. In the selection of media, government should assess the rates, not with reference to the total circulation of the paper, but with reference to the circulation in the area which they intend to reach. If particular newspapers are unable or unwilling to quote special rates for individual editions, we would only draw the attention of the governments concerned to the fact that there are other newspapers circulating in the particular areas which would provide a more positive return for the expenditure involved.

863. The aim in placing advertisements should be to distribute them over as large a number of newspapers as the funds permit. We have discussed, elsewhere, the disparities in tariffs between metropolitan and district papers in English and in Indian languages. While we would not like to suggest to newspapers what rates they should charge, we would recommend to Government the adoption of a telescopic rate of charges which should allow for the difference in the cost of production between small and large newspapers and take advantage of the progressive reduction in cost as the circulation of a newspaper rises.

864. **Advertisements from public bodies.**—What we have said earlier with respect to government advertisements would apply with equal force to advertisements issued by Railways, State Transport authorities and Public Corporations. As for Court and Legal Notices, we have come across some district papers which publish an issue only when they have accumulated enough notices to make it worth their while. Obviously, publication of a notice in such a paper would not serve the intended purpose of bringing the matter to the attention of the public, and, we would suggest a review of the instructions issued by various High Courts in this matter, particularly, with a view to including certain criteria of regularity of publication and minimum circulation.

865. **Employment advertisements.**—In the extremely unsatisfactory position of employment today, it is undoubtedly true that many people purchase newspapers for the sake of advertisements calling for applications for employment, issued by the Public Service Commissions of the Centre and of the State Governments as well as by public corporations and local bodies. It would, of course, be ideal if these notices could be published only in the official gazette, leaving it to newspapers to reproduce them. We understand that in Travancore-Cochin the newspapers willingly publish, free of charge, such notices. We are afraid, however, that in the present condition of the newspaper industry it may be hard on the newspapers particularly those in the smaller State Capitals to deprive them of this source of revenue, and the present practice may be permitted to continue. But, as a rule, governments and public bodies should not issue, as advertisements, any material which is sure to be published even if issued as a Press Note. They should exercise care in the classification of material to decide what should go out as a Press Note and what as paid-for advertisements. Within the amount available, the distribution of government advertisements should be as equitable as possible and no discrimination of any kind should be exercised in this regard. Employment advertisements should be given to the papers which circulate among the classes expected to be reached, *i.e.* the people from whom recruitment is sought. We consider that in many cases the rates for employment advertisements are excessive and should be reduced.

866. **Pressure on news agencies.**—In the case of News Agencies, pressure from Government can be exercised through the subscriptions they pay for the news service provided by the agencies. We have found such wide differences in the subscription paid by State Governments that there is danger of the agencies being susceptible to pressure from Governments where the subscription paid is far in excess of the average, or considerably more than what even a newspaper would pay for the right of resale to the public. An instance in point is the case of the agency known as the Hindusthan Samachar, to whom the Government of Bihar is paying Rs. 4,000 per annum for a service at Patna while newspapers in the same city pay from Rs. 600 to Rs. 1,000 per year. The Hyderabad Government pays to the PTI Rs. 2,500 per month while the Government of Madras pay only Rs. 500 per month. A more objectionable feature that has come to our notice is the tendency to look upon these payments as "subsidies" to the news agencies. The Minister of a State Government, in a speech reported in newspapers, referred to these payments as "subsidies", and proceeded to discuss what the news agencies should do with these "subsidies".

867. **Pressure of political parties.**—On the question of pressure exercised on newspapers by political parties in this country, the AINEC has alleged that there had been quite a few instances in which newspapers had been

subjected to pressure in order to persuade them to toe the line of a political or communal party or organisation. It is difficult to explain certain changes in policy that are reported to have occurred in the case of some newspapers. For instance, we were told that in Poona, one paper which had formerly supported the formation of linguistic States and United Maharashtra has now become very critical of the demand, while, on the other hand, another paper, which had formerly seized almost every opportunity to criticise linguistic States had now become an enthusiastic champion of the cause. Since this subject in one form or another, has been on the active list of all major political parties it seems permissible to infer that the newspapers had changed their views not on the basis of facts, since no fresh facts had been published, but because of pressure from political groups.

868. Though there have been allegations that in one or two cases editors of newspapers had been sent for to discuss the policy of their papers, we have received no confirmation of this.

869. **Pressure from foreign governments.**—Political pressure is more serious when papers adopt policies to suit the views of foreign governments or when those governments exert political pressure. The General Manager of a prominent Bengali paper, which has since discontinued publication said that nearly 75 per cent. of his circulation was in East Pakistan, due to the fact that other papers had been banned. Asked whether the authorities there had no objection to the policy of his paper, he answered that it had always maintained an independent (*sic*) editorial policy "which might have suited the East Pakistan Government". In elucidation of this point he said "suited in the sense that the other two papers were almost always abusing the Pakistan Government for all their acts of omission and commission". It is strange that the policy adopted by a particular newspaper published in India was such as to secure for it in Pakistan a circulation three times of what it had in India.

870. We learnt that one Bombay paper had acquiesced in an order of the Government of Goa that every issue should be carefully scrutinised by the local news agent on receipt within their territory and distributed to the public only after all passages likely to be objected to by that government had been carefully excised. We asked the newspaper for confirmation and were told that the responsibility for what appears in newspapers selling in Goa has to be borne by the vendor himself, and that, to be on the safe side, the vendor shows every copy of the newspaper containing the slightest reference to Goa to the District Administrator and obtains a clearance. This we consider to be precensorship of a highly objectionable type. The paper has not confirmed or denied whether passages were cut out of each copy before it was sold, but mentions the present practice of the Goa authorities of issuing their own version of each event simultaneously with the sale of the Bombay paper, the latter being held up till the Goa Government's release is ready. We are surprised that this newspaper, which had been very vehement in another context in its demands for editorial freedom to criticise, was willing to acquiesce in an arrangement which denies even the right to publish factual items of news.

871. **Pressure from Foreign Information Services.**—There have been many references to the influence of Foreign Information Services operating in this country, on the Indian press. Two channels have been mentioned for the exercise of such influence. The first is the open practice of distributing a great deal of informative material to the newspapers and to

individual members of their staff, and may also take the form of the sale of "source material" and books at very low prices. The other is the indirect method, and in this connection, accusations have been made ranging all the way from references to parties where alcohol is freely served, to contracts for printing, and invitations to trips abroad.

872. In the matter of information supplied, the Commission have made a survey of the activities of the various Information Services. Details of the material they distribute are set out in detail in Appendix L. The case may be summed up briefly in the words of the Federation of Working Journalists:

"(Such material is) supplied on request. They give mainly full texts of pronouncements of their countries or Heads of States, press comments from their countries and special articles explaining their countries' view-points on selected topics. There is a tendency on the part of some of these Information Services to utilise Indian soil for carrying on mutual recrimination but the more objectionable—though occasional and exceptional—is the attempt of one or two of them to spread anti-Indian propaganda through such material especially among foreign Press correspondents stationed in this country".

We have gone through a great deal of such material and find that it is mainly intended to promote goodwill and does achieve, to some extent, the purpose in view. There has also been some attempt to influence public opinion in India with respect to foreign countries. In a few stray instances, the material issued by the Foreign Information Services have overstepped their functions by touching on controversial subjects. In such cases, it would obviously be the responsibility of the Government of India to take up the matter with them. We understand that this is being attended to and suitable action is taken by Government wherever necessary.

873. There does not appear to be any general tendency to print whatever material is received from Foreign Information Services nor has such material had any prejudicial effect on the presentation of news and views in the Indian Press. We may quote in this connection the experience of the United States Information Services which undertook a survey, over a period of five weeks towards the end of 1952, of the quantum and nature of material that had been published in the Indian Press from the material issued by them. The survey covered 878 newspapers and periodicals selected from all areas in India and included all shades of opinion, the Congress Party, the Socialist Party, the Hindu Mahasabha, the Muslim League, and so on. A total of 213 English, 80 Hindi, 50 Urdu, 72 Bengali, 55 Tamil, 30 Telugu, 20 Malayalam, 53 Kannada, 105 Gujarati, 150 Marathi, 3 Oriya, and 3 Punjabi periodicals of varying frequencies, dailies, bi-weeklies, tri-weeklies, fortnightlies, monthlies and quarterlies were included in the survey and the material published therein from USIS sources was analysed according to subject. They found that news items about medical, agricultural and scientific progress had attracted the editors' attention and that even among those dealing with science, news stories about new inventions were more acceptable than stories reporting only progress. Among the agricultural news, items about irrigation seem to have the most interest. On the medical side not only news of discoveries but items about new techniques were found of particular interest. It was the time of the

election in the United States and items about General Eisenhower which had been distributed, along with sketches about Governor Stevenson, well in advance of the elections, were utilised by a number of newspapers. Stories dealing directly with Indo-American relations came lower down in priority. The Point Four programme and private investment got rather limited attention; a story directly telling about American aid and investment in India would be picked up but if it was general and not specific about India, it would not be used. Stories with good human interest and with Indo-American background were acceptable, but again whenever the topic was exclusively American rather than having specific Indian interest, it did not attract any attention from the editors. There was a definite preference for stories emanating from U.N. sources dealing with non-political aspects rather than political issues. Stories about Human Rights always caught the eye of the editor. It was noteworthy that on the whole the papers scrupulously avoided printing any story which seemed to condemn the other side. Even some statements in the U.N. about regimentation of information were not used because they said that information was regimented in Russia, and other stories of that type such as stories contradicting the propaganda about germ warfare did not get published. The person who conducted the survey was reported to have been surprised at the degree of unanimity shown in the rejection of certain categories of stories.

874. We have quoted at length from the survey not merely because it was the only factual analysis which was made available to us but also because it more or less confirms the impression that we have ourselves formed from the perusal of a large number of newspapers and periodicals. We tried to analyse the contents of newspapers, on the basis of credit-lines, to determine the source of each item published and to assess the proportion of material reproduced from foreign Information Services. We could not, however, carry it out, partly because we did not have the advantage that the Information Services had, of knowing exactly what they had sent out to particular categories of newspapers, and also partly because the source of such material was not indicated by a credit-line.

875. **Acknowledgement of sources.**—There is considerable difference in practice between newspapers in acknowledging the source of such material. Even the Information Services do not pursue a uniform policy in the matter and while some would welcome acknowledgment of the source, others are rather unwilling that the source should be disclosed. We have considered the suggestion that it should be made compulsory for all newspapers to indicate the source of such material when printing it, but have decided against it for the practical reason that where an editor wishes to circumvent the rule, he could quite easily do so by rewriting the material slightly, and the public would be more liable to be misled thereby. We would, however, recommend to the editors that it would be only fair to the public to indicate the source of such material in the same way as material received from news agencies, correspondents or other sources is clearly marked with an indication of its source.

876. It has been brought to our notice that the Information Services are interested not only in that fraction of their material that is reproduced in the Indian Press but also in the use of the bulk of it as a source of information for future reference. Newspapermen in England have confirmed

that they make such use of the material distributed by our own Information Services. One of our leading editors said that he got the material for a powerful denunciation of conditions in another country from the material distributed by its Information Service.

877. If our Press is run by persons who are ready to utilise every source of information about topics of public interest but refuse to be misled by one-sided statements or special pleading, we see no reason to suggest any interference with the free flow of information. Obviously, it would not be possible to make any assessment of the extent of the influence exercised by these services from the tons of ink and paper they expend.

878. An indirect method by which it is feared that Information Services managed to plant their material in Indian newspapers is to get articles written by Indian writers to their own dictation and offered as a contribution to newspapers in the name of the putative author. We are of the view that any such attempts are undesirable and would generally fail of their purpose.

879. With regard to the complaint of the Federation of Working Journalists that the Information Services of certain foreign countries carry on anti-Indian propaganda by circulating objectionable material to foreign correspondents of other countries stationed in India, we can only say that we did not come across such material and are confident that the Government, which has shown itself vigilant in protesting against objectionable attacks on other countries would be effective in putting a stop to anti-Indian propaganda being carried on under diplomatic privilege.

880. **Printing contracts.**—It has been brought to our notice that the considerable sums spent on the printing of material in India for distribution by the Information Services might serve as a large source of profit to the organizations thus benefited, and where these happen to be engaged in the publication of newspapers, it might act as a source of pressure on the editorial policy of the papers. We have examined the accounts of those newspaper concerns which had undertaken such printing work on behalf of the Information Services and found that in one or two cases the turnover of such printing was a considerable proportion of the turnover of all job-work. It is no doubt true that some work, particularly the publication of periodicals printed on newsprint and turned out in very large numbers could be undertaken only by presses equipped for newspaper production and further that newspaper presses can undertake only such jobs and not the general run of high quality job printing. These two causes would legitimately account for the high proportion of revenue from this source to revenue from all job sources. In spite of this, we would recommend to the newspapers that they should not undertake such jobs on behalf of foreign government organisations. We understand that the production of such news periodicals had been greatly curtailed in recent months but we would suggest to the Information Services also that if large scale production is undertaken again, the work should be entrusted to presses in which no newspaper is printed.

881. **Entertainment at parties.**—Several journalists have urged for our serious notice the fact that Embassies and Information Services throw lavish parties at which alcoholic drinks are freely served and which are attended by Indian journalists in large numbers, the implication being

that the integrity or objectivity of the journalists would be sapped in consequence. On the other hand, the view has also been expressed that the lack of such lavish hospitality on the part of the Indian Government, both in India and abroad, has resulted in inadequate presentation of the Indian point of view. We shall confine ourselves to expressing the hope that journalists of any nationality, even if willing to accept hospitality when it is offered to them, would not let themselves be tempted thereby to be disloyal to the ideals of their profession.

882. Invitations to visit foreign countries.—Much has been said, and a great deal written, about invitations extended by the United States Government to journalists in this country to visit the United States. These invitations are extended under a law which authorises the U. S. Government “to provide for interchanges on a reciprocal basis between the United States and other countries, of students, trainees, teachers, guest instructors, professors, and leaders in fields of specialised knowledge or skill, and shall, wherever possible, provide these interchanges by using the services of existing reputable agencies which are successfully engaged in such activity.” Journalists and others invited under this scheme have travelled to the United States and around the country there as guests of the United States Government. Criticism is based on the assumption that such hospitality, even if it is not directly a source of pecuniary advantage to the invitee, might still leave him under a sense of obligation, and his objectivity would be affected. Emphasis has also been laid on what we may describe as an unhappy choice in one or two instances. The governments of certain other countries also have similarly played hosts to Indian journalists. We are of the opinion that if in all these cases the invitations had been extended through the various organizations of newspapermen in this country, the practice would not have been open to so much objection. We were told that the difficulty in the way of such consultations was that there were many organisations in this country and they could not consult all of them, but we are not convinced that this is an insuperable objection. The alternative that such invitations should be extended only through the Government of India does not appear very satisfactory for the reason that it might place patronage in the hands of Government and further there would be an undeniable implication of censorship by the Government of India. Still where use has not been made of the services of existing organisations we would prefer that Government should be consulted before invitations are issued.

883. It follows that whenever the Government of India invites journalist from other countries to visit India as their guests, the visit should be arranged through the organisations of newspapermen in those countries, or where this is not feasible, in consultation with the governments concerned.

884. Bias in news presentation.—Another important factor which affects the presentation of news and views in a fair manner in the newspapers is the existence of bias in one or more of the persons associated with its production. Such bias is generally political or economic but can also extend into other aspects.

885. The most obvious instance of bias that has been stressed before us in evidence is that the bulk of the persons who own and publish newspapers are persons who believe strongly in the institution of private property and who in consequence, encourage the expression of views and

news which favour the continuance of the present order, while discouraging contrary views and blacking out news from the other side. This is an aspect which has been considered in other countries also. It is bound up with the fact that the production of a modern newspaper requires such a large investment of capital that the enterprise can more easily be taken up by capitalists than by have-nots. No satisfactory solution has so far been found to get over this very real difficulty, and while it is reported that in Holland two newspapers of very different views are being printed and published from the same press and with the aid of the same technical facilities, the Royal Commission on the Press in the United Kingdom were not very hopeful about adopting the same idea. The proposal is attractive on the face of it, but the evidence before us has also been very sceptical about its possibilities here. We note, however, that in India quite a number of newspapers with a different point of view have come into existence and have established themselves, and we do not feel that any special measures are called for on this account. In the matter of political bias it has been said that before 1947, all that a newspaper required in order to serve the country was to oppose British domination but that after the advent of the new Constitution there has not been a re-orientation of approach from the critical to the constructive, nor has there been a sufficient variety of approach to the political problems of the country, and that far too many newspapers have an approach almost identical with that of the Congress Party. It is probably true that in India, as in other countries, the number of newspapers or their combined circulation, if classified according to political views, would present a different picture from that shown by electoral returns. It is also true that a number of newspapers that came into existence at the time of the general elections, which probably were able to assist in the success of the candidates they sponsored, have however been unable to stabilize themselves and have now gone out of existence. The system of parties with well-defined and comprehensive programmes is still to develop in this country and we are confident that with such development the alignments of the policies of newspapers would be such as to ensure that each side gets a fair hearing.

886. Reader's faith in the news.—Bias in the matter of views presented is, to a certain extent, inevitable, and even to be considered as natural since the newspaper is, to a large extent, the vehicle for the expression of opinion. But we consider it essential that bias should not be permitted to affect prejudicially the presentation of news. In our Readership Survey, we tried to ascertain the views of the sample households on the question of faith to be placed in the news as printed. The high proportion of respondents who have expressed such faith is not interpreted so much as a scientific assessment of accuracy (which, in any case, the respondents were in no position to make) but as an expression of the desire for reliability. Similarly, when a substantial proportion of the respondents answered that they do not place full faith in the news that is printed, we do not take it as their finding that the news reporters, sub-editors, and editors are unobservant or ignorant, but infer that readers suspect the part that bias has played in the presentation of the news.

887. Sources of bias in news.—Such bias in presentation of news may arise from numerous causes. There is first of all the nationality of the reporter. We have referred to this in greater detail in discussing news agencies of foreign countries and the employment of Indian and foreign

nationals in such news agencies. Our view is that if such bias cannot be avoided, it should not in any case be anti-Indian. Another reason arises from the cultural background of the reporters or the editorial staff. It has been mentioned in the course of the evidence that reporters, including reporters employed in the news agencies, have a strong political background which unconsciously makes them emphasise and play up political happenings to the detriment of fair reporting of cultural and social events. It is not as if the right type of reporter is difficult to obtain. In their evidence before us, one association of writers emphasised that nowadays newspapers have been able to secure competent writers on social and cultural subjects and that such improvement as has taken place in the reporting of such events is attributable to the recruitment of the right type of persons. A cause that most directly influences reporting is, of course, the environment in which the correspondent or reporter works, which can and does tend to colour the presentation of news. Without being unkind to the witnesses who have appeared before us we might say that at least in some instances their presentation of facts to the Commission had been affected by the environment in which they worked.

888. While the political or economic bias of the owner and the editor might be taken to form part of the make up of the paper itself, we find that in a number of cases there is lack of consistency due to the divergence of bias between the people at the top and those engaged in the other activities of production. Such divergences might take the form merely of a piece of tendentious reporting which might slip in unnoticed in a newspaper otherwise objective in outlook. At the other extreme we have seen examples of papers, nominally of the Congress persuasion, presenting highly coloured reports of civil disturbances in Calcutta which could barely be distinguished from similar and equally coloured reports appearing in Communist papers. When asked about such happenings, the proprietors said in evidence that quite a number of junior journalists employed in their papers were Leftist and that the colouring and presentation may be attributed to their individual bias. The management of one newspaper agreed that some at least of the writings were objectionable and should have been obviated by greater vigilance on the part of the senior editorial staff. In other instances which included some bigger papers, the disavowal by the management of any responsibility for such biased writing distressed us. We are convinced that the only effective remedy against biased re-writing of news is adequate and competent editorial control. When discussing the responsibility of the editor and the right of management to interfere, we have said in another chapter that every contract of employment should secure to the editor the absolute freedom in the fair and objective presentation of news, however stringently the policy may be laid down in the matter of views and opinions. Such independence of the editor would be justified only if it is exercised continuously and effectively to secure fair presentation of news in a manner free from any bias.

889. **Bias in agency reports.**—In the matter of news, most papers are dependent, to a considerable extent, on the news agencies. They can draw upon the services of their own correspondents only in the major cities, and for the bulk of national news they depend upon one or other of the major Indian news agencies. A responsible employee of a news agency said that there was considerable Communist influence among the reporting staff, mainly among those entertained recently in service. According to him, the main consequence was that activities of the Communist Party would get automatically covered in the news services. He said: "I don't know whether they get any undue publicity. If politically they are active, they deserve to be

publicised. It is not a question of charity. It all depends upon the men; if they are really doing something, they deserve to be taken notice of". To this extent we are in agreement that if certain political parties are active, it is the duty of the news agency to report their activities, and further, no objection can be taken to the political views of junior employees as long as bias does not prejudicially affect the fairness of reporting. In the course of their evidence, almost every association of journalists has stressed the view that while it would be very improper for the editor to work for a paper if he holds views divergent from the policy of the paper, no objection need be taken in the case of junior staff particularly where they are not engaged on the writing of leading articles and the expression of views. Such an attitude would perhaps be under-estimating the possibilities of bias. We have expressed our view that bias in the presentation of news is more reprehensible than bias in the expression of views. While, therefore, we are prepared to accept the contention that junior journalists should not be penalised for the political views that they hold, we also expect the editor to exercise adequate vigilance to ensure that news is not coloured.

890. **Bias in editing.**—It was suggested to us that in addition to bias in reporting, a certain measure of "slanting" of the news may be brought about while it is being edited for publication. This slanting could be done either by the selection of material which is favourable to the policy of the paper and rejection of material which is adverse, or by the re-writing of news despatches in the office of the paper. With regard to selection of items, we have already mentioned how certain categories of news have been withheld from publication. Such selection extends even to the omission of certain portions from a despatch. In the course of evidence on "slanting", the representative of an American news agency said that under the rules governing the editing of despatches from correspondents, the editor in the agency's head-office could not change facts, but they could incorporate "background material" into the story. In the case of a French news agency it was said that the editors could not add material to a despatch though they might suppress items which they consider of little interest. The representative of a British news agency said that while no interpolation was permitted, a certain amount of rearrangement of the despatch, is permitted and such rearrangement might give it a slant or a different interpretation. He said, "Suppose the same story goes.....to a Socialist paper and also to a Conservative paper. The Socialist paper perhaps finds in the fourth para. something which interests it most and then it bases the headline on the part. But this is an embarrassing thing, very often, for a correspondent who thinks very carefully about the phraseology and the order of importance of what he is going to say in the article, but when it reaches the newspaper, the whole interpretation of the article might get changed by a clever rearrangement of the paragraphs". He admitted that this reflected on the correspondent, that it sometimes comes near to sensationalism and that he knew of newspapers which picked out such bits from the whole story and published them, making them look like a report coming from the news agency.

891. In our examination of the reporting in Indian papers of particular subjects of a controversial nature, we did come across a few instances where some sentences had been interposed or unpalatable references omitted. We must say, however, that we were glad to find such instances were rare. Indian newspapers depend almost exclusively on the news agencies for the coverage of national and international news, and there is no evidence of bias in the reporting beyond whatever is brought in by the news agency itself. The

position is therefore not comparable with what exists in other countries where the majority of the contents of the newspapers is based on the despatches of their own correspondents who might share a common bias with the editorial staff. We have gone through certain random issues of papers published by a party which has violent differences in ideological matters with the rest of the papers in the country, and were glad to find that there was very little of rewriting carried out by the editorial staff. One editor of such a paper said that it was only in purely local matters that they drew upon the services of correspondents who were also partymen. We expect that because of the economic difficulties of the Press in this country, dependence on news agencies for the reporting of all major events would continue to exist for quite some time to come, and that the shortage of editorial staff on the newspapers themselves would limit the extent of slanting practised there. This makes it all the more necessary that the news agencies which serve the press should be as free from bias as could be practically ensured.

CHAPTER XVIII

EDITORIAL CONTROL

892. **Decline in Editor's Status.**—There has been a general decline in the status and independence of the editor, and this decline is noticeable particularly in the case of daily newspapers. In the past, it was quite usual for the majority of the readers to be both aware and conscious of the role played by the editor in the formulation of the views set out in a paper, and it was quite usual to refer to the paper not merely by its name but by the name of the editor. Such was the impress of the personality of the editor on the contents of the newspaper that it could be sensed not merely in the leading articles and opinion columns but even in the news columns. The position has changed today and we feel that bulk of the newspaper readers today may be even unaware of who is the editor of their newspaper and indifferent to the name that appears in small print on the last page.

893. This decline is not entirely associated with the form of ownership. The gradual extinction of the individuality of the editor can be correlated, however, to the growth in the size of the newspaper and the volume and variety of its contents. The modern newspaper is such a complex production that it is not possible for anyone individual to be personally responsible for every item that goes into it and to which he has given a special shape or form which would be distinctly his own.

894. **Editor's sphere of influence.**—While it may not be physically practicable to ask that any editor of a large newspaper should personally supervise all the pages of every edition, we are also not in favour of that scattering of responsibility that we have noticed in certain large papers whereby the editor has no control over more than four columns on the leader page. We consider it essential that if a newspaper is to fulfil its function in society, it should have a certain unity of purpose which could be ensured only by the concentration of ultimate responsibility in one particular person and by the development of a spirit of co-operative enterprise whereby all members of the editorial staff realise they are working towards a common goal under the leadership of the editor. We have referred, in another connection, to the need for consulting the editor in making any appointment to the editorial section and we have also stressed the need for investing the editor with administrative control over his staff. These two by themselves cannot bring about the reform that we hope for, and it is essential that the editor should be able to inspire all members of his team with his journalistic ability as well as his absolute integrity.

895. The newspaper of today calls not merely for co-operative effort of a very large number of individuals but also for the investment of substantial sums and the employment of expensive machinery, and this, in turn, invests the managerial side with a greater responsibility in respect of the economic aspect than ever existed before. This growing importance of the economics of production has also contributed to bring about the gradual eclipse of the editor by the manager.

896. Editors of chain papers.—It has been mentioned to us that this decline of the status of the editor has nowhere been greater than in the case of certain chain papers. While this statement may be factually correct, we are not convinced that the reduction in status flows inevitably from the fact that the owner controls more than one paper. It may be granted that since generally the chain paper is a large paper, the effect of the complexity and the heavy investment in contributing to the decline of the editor's status would be more pronounced. We have found that, in almost every instance we have come across, the editors of individual papers of a group or chain have been allowed considerable latitude in respect of their individual policies, and only when the personal or group interests of the management are directly affected, they are all instructed to conform to a particular opinion. Such cases would come under the category of interference by the proprietor, and there is not much to differentiate the editor in a group from the editor of a single unit. The picturesque remark was also made that the editor's position in such cases was comparable to that of an inmate of a harem. If the intention of the witness was to suggest that the different editors vie with one another in order to seek favours of the proprietor, we would only say that such an attitude is to be condemned and would be the negation of the independence of the editor which we are trying so hard to establish.

897. Managing editors.—One development which has arisen from the growing complexity of the daily newspaper and the large investment that it represents has been the institution of Managing Editors, i.e., executives who combine in themselves the overall responsibility both for the contents of the newspaper and the economics of its production. In our view an editor is one who is charged with and exercises the responsibility for editing and supervising the contents of the paper and devotes his attention primarily to the discharge of such responsibility. The status of the editor is inseparable from a high standard of journalistic capacity as well as moral authority. We find that many Managing Editors do not conform to these standards, and that their attention is often devoted to the managerial side of the paper. There are some Managing Editors who, though they may not write editorials themselves, do perform other editorial functions including, in particular, supervision of the contents of the paper. There are, however, other Managing Editors who do not undertake even this responsibility. We are aware that in the case of small papers, where the offices of Manager and Editor are combined in the same person, it will not be possible to apply this criterion of sole and undivided attention to editorial responsibilities. We feel that in their case, because of the limited range of contents, the editorial supervision and effort called for would still leave sufficient time for the editor to hold charge also of the management of the paper. But in the case of larger newspapers, we would recommend the separation of the functions of the manager from those of the editor and the employment of separate individuals. The Indian Federation of Working Journalists have said that they would not mind the employment, as manager, of a person who is qualified to be an editor and who is, in consequence, fully aware of how the editor is expected to function free of interference from the managerial side. The objection to the employment, as Managing Editors, even of persons who are fully qualified to be editors, is solely on grounds that this combination of functions is likely to lead to the subordination of editorial standards to the requirements of the management. Where, however, the Managing Editor is more a Manager than an Editor, he is not merely liable to let managerial considerations override the editorial aspects, but obviously stands in the way of promotion of the editorial staff to the top executive post in their own line.

898. When we refer to the separation of executive responsibility between the editor and the manager, we should also emphasise the necessity for a team spirit to exist between these two sections. We have heard of several instances where lack of understanding of one another's requirements has affected the paper adversely, but it seems to us very important that the editor should have general supervisory control over the whole paper, so that there would be no instance where editorial requirements are subordinated to the convenience of the management.

899. **Undivided responsibility of the Editor.**—We are convinced that unless the contents of a newspaper are directed primarily by the person who is solely responsible for such contents and for little else, it would be impossible to bring about an improvement in the standard of newspapers. We, therefore, feel that the independence of the editor, which has declined both in respect of general editorial policy and of day to day policy, should be re-established. We have examined elsewhere the effects of pressure brought to bear upon a newspaper, be it by the owner or his deputy or by external factors, with a view to modifying its contents. Unless the editor is solely responsible for all that is printed and is also placed in a position to act independently, it would not be possible for him to resist such pressure which generally act contrary to public interest. It is possible for such pressure to be exercised directly on the editor as, for instance, in the case of political pressure. But, in the majority of cases, the root causes are economic, and, we are, therefore, of the opinion that the editor has to be made independent of the persons responsible for the economic administration of the paper, i.e., the proprietor or his agent or representative, the Managing Director or the General Manager.

900. **The Owner and the Editor.**—We do not deny to the owner or proprietor his basic right to have his point of view expressed through the paper. This right has been admitted by almost all the journalists to whom we have addressed the question and, needless to say, has been emphasised by the proprietors also. What we are anxious to avoid is, however, the transformation of the editor into the "literary agent of the proprietor", as one political leader is reported to have phrased it. Presuming, as we do, that the person who is appointed as the editor has, in addition to the background knowledge and experience required of every journalist, a certain amount of experience of work as a journalist and, in addition, integrity of thought and purpose in a high degree, we consider that when the proprietor chooses him for appointment, he should also delegate to him a measure of individual authority which would enable him not merely to carry out the policies of the proprietor in the most effective manner but also to resist any attempt to divert the policy of the paper in anti-social directions, however well calculated to serve the individual advantage of the proprietor.

901. We consider it, therefore, natural that before they take up their duties, the editors should be enjoined to follow the general policy of the paper. Where the paper has been in existence for a considerable number of years, the editor would be well aware not merely of the policy but also of the traditions of the paper which it would be his responsibility to maintain. With a view to stabilise and define the editor's ultimate responsibility in the conduct of a newspaper, we recommend that the appointment of an editor should invariably be attended with the execution of a contract of employment or letter of appointment laying down the general policy of the paper in as precise terms as possible. The contract should also make provision for the determination of editorial policy on such matters as have not

been covered specifically by the contract and for the settlement of any differences arising therefrom. In any event, the Editor, in discharging his responsibility, shall be bound by the generally accepted code of journalistic ethics and practice. If a difference of opinion arises on a question of policy within the general statement of policy embodied in the contract of appointment, and such difference is considered by either party to be so vital as to necessitate severance of employment, the liability for damages and the extent thereof, up to the limit specified in the contract, should be determined by some outside authority. We recommend that the Press Council, whose establishment we are suggesting in another chapter, would be the proper authority to whom the matter should be referred for arbitration on this point.

902. Change of policy.—Instances in which changes of policy had been suggested by the proprietors in order that they may benefit by a turn of events have been mentioned to us in several cases. In one such instance, one of the partners in the newspaper concern had the impression that the chances of one particular political party at the elections were very bright, and the policy of the paper, which theretofore had been supporting another party, was switched over and a prominent leader of the party in favour was brought on to the editorial staff. After the elections, where that party did not fare as well as the proprietor was reported to have hoped for, the policy was changed again and the political leader was dropped from the staff. In another case it was mentioned that in a paper in Bombay which had written critically about the defeat at the elections of a former Minister, the editor was asked by the proprietor to change his policy to one of support to Government, in the hope of getting advertisements from them. In another paper, also at Bombay, we were told that on one occasion, alternative editorials, one by the proprietor and one by the editor, were kept ready up to a late hour at night until the proprietor could decide whether he was going to attack or support a particular party in local politics. In the case of a paper in Calcutta we were told by a former editor that he had to relinquish his appointment because the paper which had formerly been supporting one political party had decided to support a different one. It was said by the management that this could not have been the reason for the resignation of the editor as the latter had participated in campaigns conducted by the party they were then supporting. We feel that we have said enough about the need for laying down the policy in as clear terms as possible at the time of appointment of the editor and to provide for machinery for assessing the quantum of compensation that would be payable to the editor if he finds himself unable to accept any subsequent changes in such policy.

903. Differences of opinion.—It is not always on issues of political significance that differences arise between the editor and his employer. Many instances have been mentioned to us to illustrate the insecurity of the services of the editor which, though arising from other causes than political differences, still serve to take away from the editor's independence. In one case of an editor of a Tamil paper, we found that severance of employment had followed upon a difference of opinion regarding payment of dearness allowance to the editorial staff. In another case, the allegation was that there had been a difference between the proprietor and the editor on the question of support to the advertising policy of a particular State Government. The Editor told us that after he had published an editorial criticising the State Government he was told that the policy was to support that Government, and that a few days later he received a letter from the proprietor saying, "It seems we differ with each other. So I put this question to you:

what should we do" He said he "caught the meaning of the letter" and wrote back "I understand your meaning. We differ. So I am not going to your office," and left the services of the paper. The proprietor, in his evidence, denied that the Editor left on grounds of difference about advertising policy but on grounds of difference regarding simplification of the language used in the paper, a matter on which there had been a prior understanding before the editor was engaged. The Managing Director of the chain, however, told the Commission that he had spoken to the editor and told him that the policy was to support the State Government. The final result was however that the editor relinquished his post.

904. **Security of employment.**—We have been told of a number of cases where the editor had to relinquish his appointment owing to differences between the management and himself on questions of policy. One editor, who has served in that capacity on a number of papers and is one of the veteran journalists of this country, stated how, when differences arose between him and the proprietors on details of policy, he was sent away without any reasons being assigned. His contract of appointment stated that services could be terminated by three months' notice on either side, and while the management completely met the terms of the agreement in respect of notice and leave due, he was sent away without any reason being assigned therefor and without payment of any special compensation. Another editor of considerable experience, who had also suffered the experience of having to relinquish his appointment on grounds of differences on details, said, "I am losing a specialised job. Secondly, I am not guilty of any act of disloyalty or moral turpitude....." We recommend that the period of notice in the case of editors should not be less than three months during the first three years of service and not less than six months thereafter. In addition, the editor should be entitled to compensation for involuntary unemployment, the measure of such compensation, if any, being determined by an independent authority.

905. **Presentation of News.**—What we have discussed so far is with regard to the expression of views in a paper, where the proprietor can lay down the general policy provided this is done in advance before the editor takes on his duties. In the matter of presentation of news, there can, however, be no question of favouring a particular policy or trimming the news to suit that policy. It should be the responsibility of the editor, as a professional man, to decide finally what items of news should go in a paper, and the owner should not be in a position to order a blacking-out of any item of news unless, of course, its publication would offend against the law. Journalists who appeared before us had rightly claimed the privilege of the editor in this matter, and we were glad to find among them even some editors who were being criticised as being too subservient to the proprietors.

906. **Editor's other activities.**—We feel that the editor should devote his time exclusively to his paper though he should not be precluded from taking part in public activities not inconsistent with the avowed policy of his paper. We were told of an instance in Bombay where an editor's service had been terminated, because he took part in a public meeting held under auspices not approved by the proprietor. We were unable to investigate this further. But, in another instance, this time at Calcutta, we were told that the services of an editor had been dispensed with because of his participation in public activities. From what we could ascertain, the reasons quoted by the management were that the editor was not able to attend regularly to his

duties in the newspaper. We heard also of another instance where the name of an editor had been removed from a newspaper and another substituted. But it transpired that the editor had been unable to devote the necessary time to the paper and that his removal from the paper on these grounds had already been agreed upon some months earlier. On the general issue, we feel that, where the public activity absorbs a major part of the time of the editor and he is not able to devote enough time to his editorial duties, it would be desirable that he should hand over his editorial functions to some one else. If he continue to hold supervisory charge, however nominally, over the policy of a paper, there should be no objection to his name appearing on the paper, but along with the name of the *de facto* editor.

907. We have made these recommendations as we believe that the future of the Press depends on the independence of the editor. In an era in which the Press is becoming increasingly commercialised it is necessary that the editor should be independent of the control of a proprietor in the day to day conduct of a newspaper. The independence of the editor by itself would not ensure a high level of performance by the newspaper. The integrity of the editor and his scrupulous adherence to the code of ethics of the profession are equally important factors. An independent editor, who does not adhere to his code of ethics, may damage the prestige of his newspaper as much as an editor who is merely an agent of the proprietor. If editors are to maintain their position of independence, it is their duty to ensure that, in the conduct of their newspapers, they are not influenced by prejudices or personal interests. We confidently expect that newspaper editors would, in the new role which we have suggested for them, set an inspiring example of disinterested public service.

CHAPTER XIX

STANDARDS AND PERFORMANCE

908. The Press is a responsible part of a democratic society. It should provide the public with an intelligent narration of the day's events, set in a context which gives them meaning. It must also clarify the values of society and present a clear picture of its goal.

909. In their memorandum to us, the All-India Newspaper Editors' Conference have said that journalism should strive to inform the people of current events and trends of opinion, to create and sustain an ever widening range of interest, and to encourage discussion of current problems with due regard to all points of view, all of which involve accurate and impartial presentation of news and views and dispassionate evaluation of conflicting ideals. The Indian Federation of Working Journalists have emphasized the need for constant and conscious striving to distinguish between fact and comment, to present objectively and fully "all the news that is fit to print", to give impartially news of interest to all sections of the community, to maintain high standards of public taste and national culture, to support and promote public causes and to foster a due sense of the rights and responsibilities of citizenship.

910. **The goal in view.**—In both these enunciations of principle, there has been sufficient stress on the need for maintenance of professional standards with regard to accuracy, comprehensiveness and objectivity, but there has not been quite enough emphasis on the objective towards which journalism should strive. In our view, it is only a clear perception of the objective which can give a meaning and significance to the vocation of journalism.

911. The ultimate goal of Indian society has been very clearly defined in the directive principles embodied in the Constitution. This is to secure and protect a social order in which justice, social, economic and political, shall inform all the institutions of national life. Only the ever-present consciousness of such a definite purpose can give the journalist a criterion to judge what he writes. Without the background of some social philosophy, it would not be possible for him to correlate and interpret the multitudinous variety of events that take place every hour.

912. **Freedom of expression.**—Democratic society lives and grows by accepting ideas, by experimenting with them, and where necessary, rejecting them. It is necessary, therefore, that as many as possible of these ideas which its members hold are freely put before the public. We would, however, emphasise that the right of free expression is derived from the responsibility for the common good. Acceptance of that responsibility is the only basis for this right which has been accepted as fundamental. Freedom of the Press does not mean freedom from responsibility for its exercise. Democratic freedom in India, and the freedom of the Press, can have meaning only if this background is properly understood. In any modern democratic

society, freedom of the Press from political restrictions is as vital as before, and it is generally taken for granted. But there are other pressures, which we have discussed elsewhere, which have become more restrictive and inhibitive than political pressure, and which have also to be fought with vigilance and courage. We would emphasise further that the right of free expression is essentially as an appeal to reason, and its accent should, therefore, be tolerant and friendly. One cannot in the name of free speech give vent to malice or prejudice.

913. **The need today.**—The need for truthful, objective and comprehensive presentation of news from all corners of the world was never more urgent. Hundreds of millions of our people have been enfranchised. A large number of them may yet be illiterate, but they have also shown considerable shrewdness and understanding of political events. The man behind the plough is eager to understand the world community of which he has become a part. He wants to know all that is happening around him, and he reads the newspaper eagerly or listens to it being read out. The future of the country depends on him, and it is his choice that is going to decide questions of peace or war. He wants facts, but also expects his newspaper to give him the truth about the facts.

914. **Accuracy and Fairness.**—In order to ascertain how far the daily press in this country has been accurate in the presentation of news and fair in the expression of views, we had an examination carried out of the manner in which a number of newspapers had reported certain items and commented thereupon. The journalists engaged in the examination were asked to note and report:

- (a) divergences in published matter from essential facts of the event reported;
- (b) prominence given to some facts at the cost of others particularly if it was likely to lead to a distorted impression of the event in the mind of the reader;
- (c) importance given to the event by the newspaper concerned in the context of the general news of the day.

They were directed to estimate (a), (b) and (c) above by comparing the items as published, against a standard version of the item supplied to them. Similarly fairness of comment was to be judged by the following criteria:—

- (a) comment which suppresses or distorts the basic and indisputable facts underlying a controversy should be considered unfair;
- (b) comment is fair if it seeks to propagate a point of view by marshalling facts or argument deduced from facts or by logical processes of inference or by deductions from any political, economic or other theory or set of ideas; it is unfair if it contains personal attacks on individuals or groups of individuals unsupported by facts or based on happenings in the past which have no relevancy to the incident commented upon, and obviously exceeding the rather wide limits of criticism which persons or groups of persons who wield public authority or responsibility, or seek it, should normally be prepared for;

- (c) comment couched in vulgar or abusive language is unfair; critical or strong language need not be regarded as abusive;
- (d) comment which disparages a group of people because of their religion, region or language is unfair.

915. **Selection of newspapers for examination.**—Since it was obviously not possible to check all the 330 daily newspapers in this country in respect of accuracy of reporting or fairness of comment, a short list was prepared, and in this were included:—

- (1) all newspapers with a circulation of over 15,000 copies;
- (2) not less than half the number and representing three-fourths of the total circulation of daily newspapers, taking all languages together;
- (3) three-fourths of the total circulation in each language;
- (4) a representative selection from all regions of the country.

The short list was prepared in consultation with the Central Statistical Organisation after discussion of the above mentioned criteria with reference to all newspapers in this country. After the newspapers had been classified into various categories, the method of random sampling was employed in all cases where the entire category was not to be scrutinised. The list, as finalised, included over 200 newspapers which represented over 60 per cent. of the total number of current dailies and over 80 per cent. of their circulation. Similarly, in the list of items to be scrutinised, a certain number was selected on the basis of their interest to all readers in the country, while others were chosen as being of interest to particular regions. In each case the item selected was one which had been the subject of considerable differences of opinion among the public. The reason for selecting such subjects of controversy was, of course, to ensure that any inaccuracies or unfairness caused by partisanship would be shown up prominently.

916. An analysis in respect of five topics of all-India interest, and 18 topics of regional interest covering the manner in which they were reported or commented upon in the Press cannot be taken as a complete index of the performance of the Press in India. Apart from the element of uncertainty introduced by the method of sampling (of items as well as of newspapers to be studied) the value of the analysis is slightly reduced by the gaps because certain issues of a number of newspapers were not available for scrutiny. It gives us a general indication of the accuracy and fairness with which the selected items had been presented to the public but it may not be permissible to deduce therefrom that presentation of every other item has also been characterised by the same fairness and accuracy, or lack of it.

917. **Report on the Findings.**—A detailed report of the examination thus carried out and the results in the case of each language is to be found in Appendix LI. The general conclusions are summarised below. The analysis shows that inaccuracies, mistakes and slips are more numerous in the Indian language newspapers, than in those published in English. Instances are not many of the essential facts being deliberately omitted or suppressed to suit the editorial policy of the newspaper. In most cases, the mistakes are unintentional and can be attributed to

many causes: the newsprint situation, inadequate and not highly skilled staff, hurried handling and translation of news reports, and economic and general conditions of working journalists obtaining in different language sectors of the newspaper industry. These factors have to be considered at some length.

918. **Limitations on news coverage.**—The extent of coverage of news and features in all newspapers during the post-war period has been considerably influenced by the acute shortage and high price of newsprint which reduced the newspapers to a fraction of their pre-war size. Whereas before the Second World War, the first rank newspapers in India ran from 16 to 24 pages per day on six days of the week and 24 to 48 pages on Sundays, their size began to thin down after 1940 and was reduced to six pages from 1941 when the newsprint supply dropped to its lowest limit, and Government had promulgated the Newsprint Control Order restricting the maximum number of pages per week. In order to print the maximum of news in the minimum of space, English newspapers took recourse to using smaller types which were set solid. The effect of the newsprint famine on smaller newspapers was worse; in most cases such newspapers were able to print only two to four pages a day. During this critical period, it became necessary for newspapers to limit their coverage of news to such events as were considered absolutely essential from the readers' point of view and write them up in the most compact and space-saving style. Descriptive phraseology and explanatory details were ruled out; news stories were boiled down to bare facts. It became requisite for a newspaper at that period to avoid all verbiage or introductory matter and come straight to the point. Although the newsprint situation has improved in recent years, Indian newspapers have not yet returned to their pre-war size.

919. Newspapers cannot, therefore do justice to the news services they receive and many of them condense even such items as they print. On account of their smaller size and limitations of space, newspapers may have to 'kill' a large proportion of news items which they would otherwise have printed. One consequence of this factor is that it would accentuate the preference likely to be given to such items, among those of secondary importance, as would support the particular policy of the newspaper.

920. In the case of language newspapers, there is the additional difficulty of translation from English into another language. All the incoming news services and background material, except perhaps stories filed by their own correspondents and reporters, are received in English. The editorial staff race against time in all newspapers, but in the Indian language papers they also face the additional task of translation. This handicap is further accentuated by the difference in the quality of the staff employed by an English and a language newspaper, as also the differences obtaining in the working conditions in the two offices.

921. It may be argued that since in almost all newspapers, the items we examined had been printed from agency reports, the extent to which bias could have been introduced would be limited to editorial bias. This is quite true but as we have said elsewhere, newspapers in India depend a great deal on agency reports. Further, we are here concerned with the performance of the press itself, and the effect of any bias on the part of

a paper would be most clearly brought out when we see what each of them made out of a report common to all.

922. **Presentation of news.**—In the very large number of newspapers studied and the variety of topics in respect of which the study was carried out, there have been very few instances where a report has been twisted and only some cases where the comment has been, to some extent, unfair in the light of our definition above. Even in a few instances where there had been omissions of significant facts in the published reports, there are reasons for extending to the editors the benefit of doubt. For instance, in some cases, reports of certain allegations about atrocities said to have been committed, had been left out of the papers along with report of their refutation in subsequent discussion. Allegations made against industrial concerns had in some cases been omitted, along with later replies to these allegations.

923. **Presentation of views.**—In their comments also on the particular items selected, the newspapers have been quite fair. We were surprised at the number of instances where a newspaper had failed to comment on one or the other of the subjects that we had selected, but we do not feel that we should attribute this to any desire on their part to "sit on the fence" till they knew which way the wind was blowing. On the whole we might say that we were satisfied generally with the position disclosed by the study.

924. **Chain Papers.**—Though in the matter of accurate presentation of news and fair comment thereon, the chain papers have behaved as well as the best individual units and though they have been free from defamatory or obscene writings and in most cases, of writings liable to create tension between one section of the population and another, both have, in our opinion, failed in two important matters to set an example to the smaller papers. The first is in the matter of headlines. It is true that the use of apt headlines is most frequently found in the chain papers, perhaps because they are able to command the services of very capable journalists. At the same time, instances of misleading headlines have been frequent in the case of some of these papers and we are afraid that this is also one of those characteristics which the smaller papers are trying to copy in order to compete with their bigger rivals. More serious is the absence of a pervading sense of social purpose which we have mentioned at the beginning of this chapter as one of the essentials of good journalism. It would seem as if, in their anxiety to please as large a section as possible of the population, these papers prefer to run behind the crowd instead of giving it a lead. Moreover, it is difficult to judge from a perusal of leading articles for six months or more, to define what exactly is the policy of the paper. This lack of a well-defined policy detracts from the value of the paper.

925. **What the Public Wants.**—In this connection, we must mention the opinion that has been expressed by quite a number of journalists as well as by others that in order to succeed, a paper must be extremely critical of what the Government does. This, they say, is a legacy of the past when every good nationalist paper would criticise the Government all the time. The readers, they complain, have got so used to "blood and thunder" editorials that a sober appraisal is looked upon by the public with disfavour, and praise of Government activities is suspect. Judging

from the behaviour of many papers, we are driven to the conclusion that whether the public want it or not, the newspapers themselves have come to believe that blind criticism of those in authority will sell their paper much better than a rational policy or critical judgment. The result of this widespread conviction is that even papers which are generally in support of the party in power feel called upon, when they criticise its actions, to use more violent expressions than the situation calls for. We would say that if the newspapers have brought up the public to expect such an attitude on their part, it is now their responsibility, after India has become independent, to re-orient the public and educate them to look for balanced criticism and to value it.

926. Responsibility in news reporting.—We consider it the primary duty of newspapers to publish reports of events as they occur, having regard to the limitations of space and time. The limited space available makes a certain degree of selection inevitable. We consider it essential that in making such a selection the journalist should be alive not only to the news value of an item but also to its significance. The limitations of time make it difficult to check the accuracy of a report even where some doubt exists. Journalists are in constant fear that if they hold back an item they would find themselves beaten by a rival who did not bother to verify it. Moreover when a journalist says that a certain event is news, he does not mean that it is important in itself. It might be, or it might not. What the journalist means is that something that has happened which will attract the interest of his readers. The criteria are therefore recency in time, proximity, novelty, human interest and also an element of conflict. Many journalists, both reporters and editorial staff, are guided by these criteria and hence the pages of newspapers emphasise what is exceptional rather than what is representative. Sensational news attracts more attention than significant news. As a result, many activities of the utmost social consequence lie hidden from the public eye. We consider it essential that the citizen should be supplied with the information and discussion which he needs for the discharge of his responsibilities to society. This is especially required in modern India, where economic and social problems are so dominant in public affairs and he is called upon to take a decision on questions of economic and social policy affecting his future. Similarly, background material and explanatory comment is required in respect of news relating to international affairs.

927. Responsibility in Comment.—In the matter of comment also papers sometimes behave as if convinced that people seldom want to read or hear what does not please them, and that they seldom want others to read or hear what disagrees with their own convictions or what presents an unfavourable picture of groups to which they belong. We consider it essential that the newspaper should publish facts and comment even though unpopular. It is true that such prejudices on the part of the public against something which displeases them or wounds their vanity have had a lasting effect on the progress of certain newspapers which dared to oppose public trends. But editors in the past have had the courage to express their views, however unpopular. The paper, "New India", published by Dr. Annie Besant lost the bulk of its circulation immediately after the publication of a very unpopular editorial upholding the right of Government to put down with force any violence on the part

of the public (Opinion in this matter has veered round considerably). That paper died, but it is still remembered with great regard by those who knew it, while many other papers, which prospered by pandering to public sentiment or prejudice but have gone out of existence in spite of such policies, have been forgotten. We have been told by leading journalists in Bengal that they would not dare to write an editorial which criticised public sentiment or advocated an unpopular course of action. Such a development is not new; we were told of a paper of very great reputation which, three decades ago, was compelled to yield to popular opinion and changed its policy. From what we have seen and heard, some editors today do not so much consider whether they are in the right or in the wrong but whether they are with the crowd. Crowds have been right but they have also been wrong. We are convinced that there is no significance in the Press being free if it is not at the same time independent. A newspaper should, as far as possible, reflect the opinions of as large a sector of the community as it can, but it should also seek to educate and influence the public. The extent to which it succeeds in such efforts would depend upon the local circumstances, the paper's own policy and the personal capacity of its editorial staff, but it is essential all the same that they should be striving every day to lead as well as to mould public opinion.

928. Limitations of our Study.—Our examination of accuracy and fairness had only a limited scope and a restricted objective. It showed that, by and large, the Press of this country is generally fair and accurate. But a survey of this nature cannot indicate whether the Press is doing anything to provide that intelligent picture of current events that we consider very essential. It would not be possible for a Commission of this nature to conduct a continuing survey of the Press or review and appraise the extent to which it is performing its duties. We recommend that the continual review of the content of Indian newspapers and the publication of an annual report on the manner in which they have discharged their responsibilities should be one of the duties of the Press Institute which we are recommending to be set up.

929. Yellow Journalism.—We have so far considered what the Press should do and the extent to which it is doing it. There is also the other aspect what the Press should not do. There is no doubt that some of the journals in this country are of the type commonly termed "yellow journalism". It is not easy to define what yellow journalism is. We would classify under this category any malicious and wilful publication of reports which are known to be false or are not believed to be true, as well as the building up of a body of falsehood around a core of fact. It would include also the lurid exposure, unrelated to public interest, of the personal lives of individuals or even unwarranted intrusion into their private lives. Such publications are made, with or without intention to levy blackmail directly or indirectly, and sometimes only to cause pain or humiliation. We would also include therein indulgence in the obscene or in language suggestive of the obscene with deliberate intent to debase public taste. There is also the use of abusive language and writings offending against public decency. Yellow journalism of one type or another is increasing in this country. It is not confined to any particular area or language but is perhaps more discernible in some

than in others. It was a matter of grave concern to us to find that while instances of such yellow journalism are to be found everywhere, the majority of the journalists, who appeared before us, had little to say about it except, of course, to condemn it in general terms. Such condemnation too was restricted to a paragraph or two in the memoranda and had not appeared in any of their writings in the Press. None of the professional organisations gave us much material on the nature of yellow journalism in this country or the measures, if any, that they had adopted to check it. We were, therefore, compelled to address the Central and State Governments to call for cuttings of what they considered to be objectionable writing or yellow journalism falling within any of the categories mentioned above. The instances that we examined were brought to our notice by the local governments and it is our duty to add that even these instances were neither comprehensive nor exhaustive. Numerous as these instances are, they are mostly culled from a few newspapers which by no means represent the general tendency of the majority of the Press.

930. In order to promote the sales of newspapers and periodicals, publishers and editors adopt many practices, some which we consider undesirable even if they do not fall within the definition of 'yellow' journalism. We have discussed in the chapter on economics those methods which are really extraneous to journalism, such as the offer of bonuses or the publication of coupons for entry to competitions, and have also suggested measures to deal with them. We are here mainly concerned with the contents of the newspaper and the extent to which they are modified in order to attract sales.

931. **Sensationalism.**—The commonest among such measures is the use of sensational headlines. In our survey of newspaper readership we found that a very large proportion of readers appreciate the convenience that headlines afforded, of indicating at a glance, the main events of the day and assisting the readers to pick out the items in which they are interested. Quite a number of readers have however complained about the fact that in some cases the headlines did not have any relevance to the reports that followed, and served only to mislead. We cannot sufficiently condemn this practice of sensationalism in headlines. The worst instances that we came across were at Calcutta where, during the disturbances in connection with the enhancement of tram fares, papers vied with one another in seeking to catch the eye of the reader. One English paper had come out with misleading headlines that had no basis in fact, and all the newspapers in Bengali had headlines in bad taste, set in bold poster type and painting the situation in the most fantastic terms. It was obvious that this indulgence in scare headlines was made only for boosting the sales and no paper wished to be out-done in the matter by another. Where the headlines infringe the law, the remedy is quite simple; the paper ought to be prosecuted. However, in a number of cases the impression given was no doubt false but it would have been difficult to secure conviction in a court of law when the details that followed, however, luridly set out, did not offend against legal enactments. The remedy in such cases would be for the journalists themselves to exercise some sort of control on their erring colleagues, and the Press Council which we are recommending should enable them to bring about a reform.

932. Sensationalism is not confined only to headlines and we have come across instances where news items strongly suspected to be false, if not known to be false, have been published only in order to increase circulation. We were told of an instance of an English paper which published an alarming report about the happenings in East Pakistan although it had been informed authoritatively that the item was false. Asked why such an item was published in spite of the warning that it was false, the publisher told us that its editorial staff considered it "so sensational that it would be a pity to leave it out." Such an attitude disowns what we consider to be the responsibility of the Press to the public. In another case, one newspaper had published a fantastic story accusing a number of people in responsible positions in this country of culpability in the assassination of Gandhiji, since according to the paper, they could well have anticipated the attack and forestalled it. The paper did not, in our opinion, observe the standards of fairness which we have laid down earlier in this chapter. Comment and report are sometimes given under misleading datelines or headings. Where something has been disclosed to a reporter in confidence and an assurance taken that it would not be published before a specified date, certain newspapers are alleged to have published the items with a different dateline pretending that the item reached them from some other source. Such breach of confidence has been committed purely in order to secure a scoop and profit by it. Reviews of happenings in other countries are given under a heading which would imply, though it does not say so, that the commentator is in that country. (We would commend to such papers the example of the "Economist" of London which clearly indicates which portion of their review of affairs in the United States has been written in the United Kingdom.) We have found that newspapers have not hesitated even to invent reports which would support their particular point of view. One paper published an alleged photograph of a destitute who had died in the streets of Calcutta and whose body had been picked up at a specified place. Inquiries by the State Government failed to find any trace of a body having been picked up from the streets either at the place indicated or anywhere nearby, on the dates specified or immediately before. In fact, police inquiries failed to locate even the studio which had been given a credit line in the newspaper.

933. Recently one Calcutta paper published what was stated to be the question paper for one of the tests in the forthcoming school Final Examination in Bengal. It transpired that the newspaper had really got hold of the questions by some means. We shall not go into the ethics of their action in publishing them instead of placing the matter before the Board of Examination. Later they published another set of questions purporting to be those set for a second test in the same series. Not one of the questions published on the second occasion actually found place in the paper as handed to the students. About 56,000 students sat for the examination and we can imagine the number of copies of the paper that would have been sold as a consequence of this cruel hoax on the readers.

934. **Astrological Predictions.**—We would refer in this context to the tendency in certain sections of the Press to publish astrological predictions. We wish to say nothing against astrology as such. We feel, however, that spread of the habit of consultation of and reliance upon astrological predictions particularly of the nature and in the manner they

are published at present is certain to produce an unsettling effect on the minds of readers. We would describe the practice of publishing such predictions as undesirable. These predictions do not confine themselves to vague assurances of prosperity, or classification of days into lucky and unlucky ones for those born under particular signs of the zodiac. Sometimes, the predictions extend to political events of grave significance, to the future of the country and even to the likelihood of wars or other calamities. They tend to create alarm, despondency or undue optimism in the minds of the people. They give room for unfounded fears, apprehensions or hopes of the most dangerous character which can have serious consequences on public order and public welfare. In such cases we feel that Government should step in and take action against such publications.

935. Cartoon Strips.—Some witnesses have suggested that the practice of publishing cartoon strips can also be harmful and should be stopped. We have discussed elsewhere the merits of the cartoon strip in presenting a series of ideas at one glance. The fact that many advertisers have adopted this technique goes to prove its effectiveness as a method of presentation. Not all cartoon strips are objectionable and if any complaint can be made, it is against those serialised stories, generally originating from abroad, but now being prepared in this country also, which are wholly out of tune with our culture and which exploit horror, crime and sex, and which cannot but have a deleterious effect on the minds of young persons. We would condemn a cartoon strip on its contents and not because it is a cartoon strip. Here too, the law as it stands may not be available for putting down undesirable cartoon strips and it would be for the Press Council to admonish the offenders from time to time, or, in aggravated cases, to name them in their annual report.

936. Malicious and irresponsible attacks.—Another favourite device to promote circulation is to exploit the desire of the public to read something which is likely to bring down in estimation the reputation of well known persons whether they are statesman, politicians, men in public life or film stars. Instances have come to our notice when financial concerns and other institutions have been subjected to false and malicious attack. Some papers, not dailies, appear to devote their pages exclusively to the publication of such matter. The plea of the publishers is always that they want to expose evil in high places. Many of the stories thus published are vaguely worded, and while they throw a lot of mud, the statements made are not always actionable. Occasionally the aggrieved persons demand that the paper should apologise or might even take it to court. The paper then offers a personal apology or even publishes a retraction. This serves to stop the aggrieved party from getting the paper punished by law but it does not really undo the harm that has already been done. When the editor of one such paper appeared before the Commission, he stressed the fact that in a large number of cases he had apologised personally or in his paper for having published certain statements; and that in other cases he did not bother to do so because very often he came to know only much later that the report he had published was false and that it was then too late to publish an apology. The point, however, is that these statements were published in the first instance without any regard for the reputation of the person attacked and without the slightest effort being made to verify whether the allegations are true. About one such report he said "I don't remember what steps I took to check it. I believe it was a malicious report. The thing has not happened. There

is no justification for it" But the paper has not published any apology for its attack on that person's reputation. Asked whether it was not necessary for the paper when publishing such reports, to take the utmost care and to ascertain the truth of the allegations, he said "I agree with you that we should take the utmost care. There have been other instances like this" and added, "ours is a crusading type of journalism. We are just like a guerilla army and we have to hide and shoot from the hills." We cannot reconcile the idea of a crusade with that of ambush and assassination of reputation.

937. It is only rarely that some one prosecutes such persons for defamation and has the persistence to follow it through until the culprit is punished. Far too often the paper escapes punishment and is permitted to profit by its crime. But to our regret we found that very few of the reputable papers in this country have come out openly to condemn such scurrilous writing. We do not think that by ignoring it the evil would cure itself. A number of witnesses, including journalists, have told us that public opinion would soon assert itself and that such "rags" would gradually go out of existence. In support of their faith they have quoted figures of decline in circulation of such papers. We ascribe this to the fact that there is a limit to what the public would stand in the way of vilification and no reader would like to read abuse day after day. But there is unfortunately still a large number of persons who appear to take pleasure when persons more fortunately situated than themselves are defamed, and it is they who are being exploited by these sensation-mongers.

938. **Responsibility of sober papers.**—It has been argued that if daily newspapers of standing would come forward to denounce evil and corruption wherever they exist, they would cut away the ground from under the feet of such scurrilous papers. It is no doubt true that the majority of the newspapers in the country are generally reluctant to publish anything which may be taken for sensationalism. It has even been alleged that they go to the other extreme of keeping out of their pages any report, however authenticated, if it is likely to show up in a bad light any one of standing in political, official, or business circles. This tendency to err on the side of safety has, it is said placed a premium on those papers which do not hesitate to make scandalous allegations. We admit that there is a measure of truth in this argument which has been advanced by the All India Newspaper Editors' Conference, among others. In the chapter on Press Laws, we have made certain suggestions for a reform of the law regarding defamation which we hope would give a greater measure of protection to those newspapers which endeavour to act in the public interest and expect that as they grow more outspoken, public support to scandal sheets would be withdrawn altogether.

939. We were told that in a large number of cases the so called exposures of the mistakes or misdeeds of public servants that were printed in such papers referred to matters which had already come to the notice of government and in many cases were under investigation. The information, it was said, had perhaps leaked out in the course of the investigation and served to provide the papers with some hard facts around which they could weave their fantasies. It would appear that one such report of a scandal which had some factual basis served to give the paper a reputation for knowing a great deal of what is hidden from the public, and it could manage to play upon the credulity of its readers for a considerable length of time with other "exposures" which had no basis in fact.

940. **Attacks on communities and social groups.**—A great deal of the scurrilous writing that is noticeable in the Press is often directed against communities of groups. Events preceding and following the partition of the country have left so many people with a sense of grievance against one community or the other that the newspapers have found it a lucrative business to exploit these feelings. Such communal writings are not confined to the anti-Hindu or the anti-Muslim Press. There has been unfortunately quite a great of attacks on different sections within the various communities and no action has been taken to put a stop to such writings. We have come across many examples from Madras which are calculated to defame one community and to bring it down in public estimation. Similarly, attacks on the grounds of the region to which a person belonged have also been too common. Some of the writings in the Bombay Press attacking Gujaratis or Maharashtrians as a community have exceeded the bounds of decency and good taste. We were told that in Banaras the editor of one paper was assaulted because of his writings, by some members of the community that had been abused. While we deplore it that those attacked should have despaired of a remedy and resorted to physical assault of the editor, we do not consider it satisfactory that a man should be permitted to make such venomous attacks. In this field too, we have not been able to find many instances where the sober and responsible Press have come forward to condemn such writings intended to vilify communities.

941. **Indecency and Vulgarity.**—Quite a number of the more offensive publications indulge in suggestive, indecent or vulgar writing. A number of publications which deal with the film industry appear to consider such writing an indispensable means of making their journals popular. One common defence of such writings is that the editor wants to reform the industry. We do not believe that if the editor considered reform necessary he should himself offend against morals and decency in order to attack the evils. One Urdu monthly of very large circulation which had been publishing suggestive attacks on personalities in the film world, dealt with matters which were solely the private concern of the individuals and could not by any means be considered of public concern. Here too, the editor pleaded that he wanted to reform the industry. The editor of an English film monthly in Bombay defended himself by saying that his writings could not be considered obscene, since if they were obscene the law would have stepped in. The law might be in a position to punish obscenity, but it does not follow that what has not been punished is not obscene. He admitted, however, that some of the passages he had written were "smutty" and that it was such writings that sold his paper. He also said: "When others are doing it, why not I? There are many film papers which did this sort of thing; they did even worse..... We have got to sell so many copies..... It is desperately necessary to be successful. If I don't give these things, it won't sell." He agreed that in retrospect his writings looked objectionable to him also, though when he wrote them they did not look objectionable. We have come across a letter issued by the Assistant Editor of one of the largest Hindi weeklies to a person who had offered to contribute articles to the paper. We quote:

"Whenever you send a feature to us, please be particular about the fact that *our readers do desire glimpses of the flesh and youth.*"

Our italics are perhaps unnecessary.

942. We have come across such obscene writings in most Indian languages. In Madras and Bombay there have been some successful prosecutions on grounds of obscenity. As the editor of the Bombay monthly admitted, such writing is so profitable and lucrative that there are many editors and publishers who wish to exploit the public weakness. Not all the writings would come within the purview of the law of obscenity even though they might well be considered objectionable. Demands for security under the Press (Objectionable Matter) Act have generally been successful in cases where the writers have been obscene, indecent or vulgar, but it is doubtful whether prosecutions under the law of obscenity would have been equally successful in the same cases. Here too, the associations of Editors and Journalists have done little to condemn their colleagues either within their organisations or in their writings in the Press.

943. **Personal attacks on individuals.**—Apart from defamation of a person by ascribing dishonesty, corruption or nepotism or anti-social behaviour, there have been many cases where public men have been attacked on grounds of their personal character. Some of these attacks have had nothing to do with the public responsibilities of the persons but solely with their private conduct. While there might be a few occasions when even such private conduct might be a matter of public concern, in the majority of cases these attacks have been made for the sole purpose of bringing down the person in public estimation and have been generally characterised by indecency. Unfortunately, few persons have come forward to chastise the editors by taking them to Court. In many cases this is due to a general reluctance to be a party to any legal proceedings, but very often it has been caused by the fear that proceedings in Court might merely provide an opportunity to the writer or the publisher to sling more mud. We are discussing in a later chapter the limits to which we feel that cross-examination in such cases should be permitted by the Court and we hope that once these limits are realised both by the judges and by the public, there will no longer be the same reluctance to prosecute. But in the case of scurrilous attacks too, as in the case of indecent writing, it would seem necessary to provide other remedies to supplement prosecution under the Penal code.

944. **Instances of objectionable writings.**—The examples of objectionable writings that have been sent to us by State Government have distressed us. Numerous instances of writings which violate the provisions of the Indian Penal Code, the Press (Objectionable Matter) Act and of the codes of journalistic ethics, have come to us from every part of the country. In certain areas, where religious tension exists, papers have picked on this as their best selling line. In the smaller States, where democratic Government is being developed gradually, the papers are full of scurrilous attacks on politicians in office. In every part of the country, there have been examples of vulgarity, indecency and obscenity.

945. **Yellow journalism only among small sections.**—In concluding this survey of the performance of the Press, it is necessary to state that the well-established newspapers have, on the whole, maintained a high standard of journalism. We are glad to state that they have avoided cheap sensationalism and unwarranted intrusion into private lives. They represent a decisive majority of the total circulation in India. Objectionable features

have been noticed in a small section of the Press. Nevertheless, the large and well-established newspapers suffer from certain weaknesses: Some of them are partisan in the presentation of news in respect of the financial interests with which they are allied; there is a certain timidity to expose courageously the shortcomings of those who are in a position of power and authority; there is an element of arbitrariness in the publicity given or denied to individuals; there is a tendency to suppress facts which are unfavourable to their own interests or to the financial interests with which they are associated. These undesirable features are not singular to the Indian Press. Despite these short-comings, we are of the opinion that the country possesses a number of newspapers of which any country may be proud.

946. It is true that the legal system of the country does contain provisions for dealing with such offences. We are discussing in the next chapter the scope of the Press Laws, but we realise that whatever the law relating to the Press may be there would still be a large quantum of objectionable journalism which, though not falling within the purview of the law, would still require to be checked.

947. **Press Council to safeguard independence.**—We have discussed earlier, the need for maintaining editorial independence, objectivity of news presentation, and fairness of comment. These aspects should be looked after by a Press Council which will also have the responsibility of fostering the development of the Press and protecting it from external pressure. We consider that the regulation of the conduct of the Press in the matter of such objectionable writing as is not legally punishable should also be the responsibility of the Press Council.

948. **Condemnations of objectionable writings.**—We have referred to the fact that journalists have not come out to condemn, in their writings, the existence of yellow journalism of the different types we have mentioned. It has been suggested by some witnesses that this reluctance is part of the general journalistic practice that dog does not eat dog, i.e., one journalist would not condemn another. Since this is a matter of serious consequence, we have put the question to almost every journalist who has appeared before us and have been assured by many that if the responsibility of regulating the profession is left to the journalists themselves, they would not hesitate in enforcing a code of conduct which would enhance the prestige of the profession and ensure that Indian journalism progresses along healthy lines. We have also found that in many of the cases, which have been brought against offending periodicals under the Press (Objectionable Matter) Act, juries composed of journalists have not hesitated to support the demand for security where the offence has been grave. Sri C. Rajagopalachari expressed his confidence in such tribunals made up of journalists provided that they were given an opportunity to learn gradually the exercise of such responsibility. We have arrived at the conclusion that the best way of maintaining professional standards in journalism would be to bring into existence a body of people principally connected with the industry whose responsibility it would be to arbitrate on doubtful points and to censure any one guilty of infraction of the code.

949. **Press Council in the U.K.**—The Royal Commission on the Press in the United Kingdom recommended the establishment of a Press Council which would include laymen; several members felt that the Council should be

statutory. But the Council that has come into existence includes no laymen and is purely voluntary. In spite of the consequent weakening of its authority, it has not hesitated to condemn irresponsible behaviour or un-journalistic conduct on the part of newspapers or newspapermen. The most recent instance, which we have already mentioned, is the censure of Mr. Gunn, Editor of the "Daily Sketch" for his action in altering the text of a contribution without the permission of the author and still publishing it over the writer's name. The fact that the Press Council in the United Kingdom is a purely voluntary body has undoubtedly handicapped it in the exercise of its authority over the Press. Its decisions in certain cases have been the subject of violent controversy particularly by those affected. Even in the last instance the Council could not ensure the appearance of Mr. Gunn before it when it was investigating the matter. We feel that a voluntary body of this nature might not have the necessary sanction behind its decision nor legal authority to make inquires.

950. Statutory protection for Council.—Another point that has been raised in this connection is that in order to be effective a Council of this character should be given statutory protection in respect of its action. Without such protection, each member, as well as the Council as a whole, would be subject to the threat of legal action from those whom it seeks to punish by exposure, and such a threat would effectively prevent the Council from speaking its mind freely. We are definite, therefore, that the Press Council to be established in this country should be brought into existence by statute, that its members, individually and jointly, should have legal protection in respect of all the action that they take bona fide and in discharge of their responsibilities and that others too who implement their decisions such as a newspaper that publishes the findings of the Council should also be protected.

951. Recommendations.—We recommend that an All India Press Council should be set up by statute with the following objects:—

1. To safeguard the freedom of the Press.
2. To help the Press to maintain its independence.
3. To ensure on the part of the Press the maintenance of high standards of public taste and foster a due sense of both the rights and responsibilities of citizenship.
4. To encourage the growth of the sense of responsibility and public service among all those engaged in the profession of journalism.
5. To keep under review any developments likely to restrict the supply and dissemination of news of public interest and importance, and to keep a watch on the arrangements made by Indian newspapers and news agencies with foreign newspapers and news agencies or other bodies for the reproduction in India of material obtained from those sources.
6. To improve the methods of recruitment, education, and training for the profession, if necessary by the creation of suitable agencies for the purpose, such as a Press Institute.
7. To conduct, through the Press Institute, a continuous study of the contents and performance of the Press.

8. To promote a proper functional relationship amongst all sections of the profession.
9. By censoring objectionable types of journalistic conduct, and by all other possible means, to build up a code in accordance with the highest professional standards. (In this connection the Council will have the right to consider *bona fide* complaints which it may receive about the conduct of the Press or of any person towards the Press, to deal with these complaints in whatever manner may seem to it practicable and appropriate, and to include in its annual report a record of any action taken under this head and its findings thereon.)
10. To promote the establishment of such common services as may from time to time appear desirable.
11. To promote technical and other research.
12. To publish developments in the Press which may tend towards concentration or monopoly and, if necessary, to suggest remedies therefor.
13. To publish reports, at least once a year, recording its own work and reviewing the performance of the Press, its development, and the factors affecting them, including the number and circulation of newspapers, the condition of working journalists, and the financial condition of the industry.
14. To review the ownership structure and its impact on the performance of the Press.

952. **Constitution.**—The Chairman should be a person who is or has been a judge of a High Court and should be nominated by the Chief Justice of India.

953. The Press Council should consist of men who will command the general confidence and respect of the profession and should have 25 members excluding the Chairman. Out of these, 13 or more should be working journalists including working editors, and the others should be drawn from newspaper proprietors, Universities, literary bodies, etc. The professional members will be of at least 10 years standing in the profession. In the constitution of the Council the periodical press should be duly represented.

954. For the constitution of the Press Council, the Chairman would call upon the All-India organisations connected with the industry to draw up a panel of names from among whom he will choose the members to his first Council.

955. **Working of the Council.**—(a) The Press Council will act through Committees to be constituted by the Chairman. The various functions of these Committees will, inter alia relate to:

- (i) matters relating to ethical standards and professional etiquette;
- (ii) charges of objectionable publications, (news, comment or advertisement), infractions of journalistic ethics or professional codes;
- (iii) regulation of the inter-relation of the various branches of the journalistic profession.

(b) If a person whose action has been questioned is himself a member of the Council, then the Committee chosen by the Chairman to consider the question will not include him as one of its members. If a member is judged by the Council to be guilty of objectionable journalistic conduct, he shall forthwith cease to be a member of the Press Council.

(c) It shall be open to the Press Council to go into any instance of infraction of the code of ethics or professional conduct. Where, however, proceedings in respect of such publication have been started in court, the Council shall not express any opinion until such proceedings have terminated. In other words, it shall not be for the Press Council to usurp the functions of a court of law. Nor is it intended that the Press Council, in pronouncing on matters coming before them for consideration should follow the strict procedure of the courts. It is expected, however, that in recording its findings on any case of journalistic conduct, the Council will set out its reasons.

(d) Normally, anonymity is to be respected, but where questions are considered by the Press Council involving fixing of responsibility, journalistic privilege may be waived.

(e) There should be only one central Council until uniform standards have been set up; therefore, if it is found necessary, regional or State branches may be constituted.

(f) The Council will regulate its own procedure as well as the procedure of its committees.

956. **Finances.**—It is recommended that a cess of Rs. 10 per ton should be levied on the consumption of newsprint and expenditure on the Council and its ancillaries be changed to the fund thus collected.

957. We expressed earlier our conclusions that the standards maintained by a newspaper, whether it is part of a group or an isolated unit, whether it is small or large depends greatly upon the people who are engaged on its production and their adherence to principles. We consider it therefore essential that all journalists should feel themselves bound by a certain code of ethics which would ensure that in their writings they would continually aim to discharge their high responsibility to society. We have noted that the All India Newspaper Editor's Conference and the Indian Federation of Working Journalists and other bodies have taken considerable interest in this subject. They have drafted certain codes which they have forwarded to us for consideration. We have also seen the code formulated by the United Nations Sub-Commission on Freedom of Information and of the Press. We would consider the formulation of a code bearing all these principles in mind to be one of the prime duties and responsibilities of the Press Council when it is established. We would like them to keep in mind the following principles which we consider should find place in a code of journalistic ethics:—

- (1) As the Press is a primary instrument in the creation of public opinion, journalists should regard their calling as a trust and be ready and willing to serve and guard the public interest.
- (2) In the discharge of their duties, journalists shall attach due value to fundamental human and social rights and shall hold good faith and fair play in news reports and comments as essential professional obligations.

- (3) Freedom in the honest collection and publication of news and facts and the right of fair comment and criticism are principles which every journalist should always defend.
- (4) Journalists shall observe due restraint in reports and comments which are likely to aggravate tensions likely to lead to violence.
- (5) Journalists shall endeavour to ensure that information disseminated is factually accurate. No fact shall be distorted and no essential fact shall be suppressed. No information known to be false or not believed to be true shall be published.
- (6) Responsibility shall be assumed for all information and comment published. If responsibility is disclaimed, this shall be explicitly stated beforehand.
- (7) Unconfirmed news shall be identified and treated as such.
- (8) Confidence shall always be respected and professional secrecy preserved, but it shall not be regarded as a breach of the code if the source of information is disclosed in matters coming up before the Press Council, or courts of law.
- (9) Journalists shall not allow personal interests to influence professional conduct.
- (10) Any report found to be inaccurate and any comment based on inaccurate reports shall be voluntarily rectified. It shall be obligatory to give fair publicity to a correction or contradiction when a report published is false or inaccurate in material particulars.
- (11) All persons engaged in the gathering, transmission and dissemination of news and commenting thereon shall seek to maintain full public confidence in the integrity and dignity of their profession. They shall assign and accept only such tasks as are compatible with this integrity and dignity; and they shall guard against exploitation of their status.
- (12) There is nothing so unworthy as the acceptance or demand of a bribe or inducement for the exercise by a journalist of his power to give or deny publicity to news or comment.
- (13) The carrying on of personal controversies in the Press, where no public issue is involved, is unjournalistic and derogatory to the dignity of the profession.
- (14) It is unprofessional to give currency in the Press to rumours or gossip affecting the private life of individuals. Even verifiable news affecting individuals shall not be published unless public interests demand its publication.
- (15) Calumny and unfounded accusations are serious professional offences.
- (16) Plagiarism is also a serious professional offence.
- (17) In obtaining news or pictures, reporters and Press photographers shall do nothing that will cause pain or humiliation to innocent, bereaved or otherwise distressed persons.

CHAPTER XX

PRESS LEGISLATION

SECTION I

Article 19(1) and (2) of the Constitution

958. **The freedom of the press.**—Our last term of reference is to consider the concept of the freedom of the Press and to examine whether any of the laws require repeal or amendment as being not in consonance with that concept.

959. The expression “freedom of the Press” has been understood in various senses by different persons. It has not been defined or referred to in the Constitution. Article 19 of the Constitution deals with one of the fundamental rights, viz. right to different kinds of freedoms, and clause (1) (a) thereof says:—

“All citizens shall have the right—

(a) to freedom of speech and expression.”

This freedom is stated in wide terms and includes not only freedom of speech which manifests itself by oral utterance, but freedom of expression, whether such expression is communicated by written word or printed matter. Thus, freedom of the Press, particularly of newspapers and periodicals, is a species of which the freedom of expression is a genus. There can, therefore, be no doubt that freedom of the Press is including in the fundamental right of the freedom of expression guaranteed to the citizens under Article 19(1) (a) of the Constitution.

960. But the content of the expression “freedom of the Press” has been variously understood. This is clear from the replies which we have received to Section P in our General Questionnaire. Some have understood it as meaning freedom to publish any matter by printed word, whether by way of statement or comment without any legal restraint or prohibition. Others have coupled it with “freedom from prejudices and preconceived notions”. Some others have thought that the freedom of the Press consists in freedom from executive control of Government. Some have stated that it consists in freedom from the influence of advertisers or proprietors or pressure groups. Still others have read into it the notion of freedom from want, i.e. freedom from dependence on others for financial assistance. The Press as such is interested in the idea of the freedom of the Press conveyed in the first of these various connotations, while the public as a whole is interested in the remaining connotations given to that expression. To say that the freedom of the Press consists in freedom from prejudices and preconceived notions is to confuse the freedom itself with the subjective approach to the exercise of that right of freedom of expression. Similarly, to equate the freedom

of the Press with freedom from influence of proprietors, advertisers, Government or pressure groups, is to confuse the legal concept of the freedom of the Press with the idea of the independence of the Press. We think that the expression should be understood in the first sense referred to above, *viz.*, freedom to hold opinions, to receive and to impart information through the printed word without any interference from any public authority.

961. **Nature and extent of restrictions.**—In a society, where the rights of the individuals have to be harmonised with their duties towards the society, all fundamental rights and their free play must be subject to restrictions. But as pointed out by Mons. Lopez in his report to the Economic and Social Council of the United Nations, one has to be on one's guard against the danger that "the concept of freedom with responsibility can be pushed to a point where the emphasis on responsibility becomes in effect the negation of freedom itself. It should be the common concern of developed and undeveloped countries alike to seek a cure for the disease without killing the patient. The doctrine of absolute freedom of information has its dangers; but they may be no more formidable than those which could arise from the irresponsible use of the concept of responsibility."

962. There is, however, little dispute that some kind of restriction is inherent in the concept of the freedom of the Press. To quote again from the report of Mons. Lopez "what is objectionable is the imposition of arbitrary and unnecessary restrictions and not necessarily the restrictions themselves. If it is true that human progress is impossible without freedom then it is no less true that ordinarily human progress is impossible without a measure of regulation and discipline. Indeed one might say that restrictions are essential to the preservation of the freedom itself and that what makes freedom usable as a factor of progress is the existence of essential compensatory limitations. At this stage of human progress, freedom, like atomic energy, would be an anarchic and unmanageable force save it is placed under adequate control."

963. Our Constitution has recognised that position in permitting restrictions to be placed on the various fundamental freedoms enunciated in Article 19(1) of the Constitution. The shape which those restrictions should take must depend on the state of development of society in different countries, and in the same country must depend on the circumstances prevailing at different times. The precise restriction necessary within the field permitted by the Constitution must vary according to the circumstances prevailing at any particular time. All that the Constitution does is to lay down the limits within which restrictive legislation is permissible. Accordingly, our Constitution has carefully circumscribed under Article 19(2) to 19(6) the field of permissible restrictive legislation. In our terms of reference we have been asked to consider whether the laws are in conformity with the concept of freedom of the Press and not with the Constitution as it exists at present. As the laws themselves depend for their validity on Article 19 of the Constitution, we conceive that it is open to us to consider how far the restrictive limits allowed to be placed on the freedom of expression referred to in Article 19(1) of the Constitution are in conformity with that concept. Indeed the Civil Liberties Union and many others have urged upon us the desirability of suggesting an amendment of the Constitution itself, in order to safeguard what they conceive to be the content of the expression "freedom of the Press".

964. The fundamental right of the freedom of the Press, implicit in the right of the freedom of speech and expression, is essential to political liberty and proper functioning of democracy. The American Commission in their Report, "A Free and a Responsible Press," have stated as follows:—

"Freedom of the Press is essential to political liberty. Where men cannot freely convey their thoughts to one another, no freedom is secure. Where freedom of expression exists, the beginnings of a free society and a means for every retention of liberty are already present. Free expression is therefore unique among liberties.

The right to freedom of expression is an expression of confidence in the ability of free men to learn the truth through the unhampered interplay of competing ideas. Where the right is generally exercised, the public benefits from the selective process of winnowing truth from falsehood, desirable ideas from evil ones. If the people are to govern themselves, their only hope of doing so wisely lies in the collective wisdom derived from the fullest possible information, and in the fair presentation of differing opinions. The right is also necessary to permit each man to find his way to the religious and political beliefs which suit his private needs."

The tender plant of democracy can flourish only in an atmosphere where there is a free interchange of views and ideas which one not only has a moral right, but a moral duty, to express. As Mahatma Gandhi has stated in words which have been inscribed on the portals of All India Radio at Delhi, "I do not want my house to be walled in on all sides and my windows to be stuffed. I want the culture of all lands to be blown about my house as freely as possible. But I refuse to be blown off my feet by any of them. Mine is not a religion of the prison house. It has room for the least among God's creations. But it is proof against insolence, pride of race, religion or colour." Democracy can thrive not only under the vigilant eye of its legislature, but also under the care and guidance of public opinion, and the Press is, *par excellence*, the vehicle through which opinion can become articulate. Its role consists not only in reflecting public opinion, but in instructing it and giving it proper orientation and guidance. For this, the Press has not only a moral right to free expression, but is subject to certain responsibilities also. "In the absence of accepted moral duties, there can be no moral rights. From the moral point of view, freedom of expression does not include the right to lie as a deliberate instrument of policy. The moral right does not cover the right to be deliberately or irresponsibly in error." But the terrain of moral restrictions is not always co-extensive with the legal restrictions which may be imposed upon the right. Up to a point the restrictions must come from within. The legal protection may continue to remain even though the moral right to it has been forfeited. To quote again from the American Commission's Report, "Many a lying, venal, and scoundrelly public expression must continue to find shelter under a 'Freedom of the Press' built for widely different purposes, for to impair the legal right even when the moral right is gone may easily be a cure worse than the disease. Each definition of an abuse invites abuse of the definition. If the courts had to determine the inner corruptions of personal intention, honest and necessary criticism would proceed under an added peril. Though the presumption is against resort to legal action to curb abuses of the Press,

there are limits to legal toleration." Within the limits of this legal tolerance, the control over the Press must be subjective or professional. The ethical sense of the individual, the consciousness that abuse of freedom of expression, though not legally punishable, must tarnish the fair name of the Press and the censure of fellow journalists, should all operate as powerful factors towards the maintenance of the freedom even without any legal restrictions being placed on that freedom.

965. Legal restrictions.—The question then arises, at what point the legal restrictions on the fundamental right of the freedom of the Press should begin. In England, Parliament is supreme, and there is no impediment imposed by any written constitution upon the laws that it may enact for curtailing the freedom of speech and expression. In the United States of America, which has a written Constitution, no limitations have been imposed such as those embodied in Article 19(2) of our Constitution. The Supreme Court of United States has evolved a body of rules which guide the Court in doing the balancing that is required between individual freedom and public security. The Court takes into account changing conditions and declares whether a particular law is or is not valid. The Supreme Court, called upon to reconcile the fundamental right of the citizen and the interests of the State, has evolved certain doctrines such as the doctrine of clear and present danger and the inherent police powers of the State, and the doctrine of implicit powers of the legislature. Under the doctrine of Police powers, certain limitations have been imposed upon fundamental rights of the United States citizens, the measure of this limitation being assessed by the clear and present danger test. Under the second doctrine the Supreme Court has held that if any particular authority was given to the State under certain powers, it must be presumed that the State had other and consequential powers necessary to effectuate the powers originally given to them, though such other powers were not expressly conferred. It has been held by our Supreme Court that in view of the express restrictions laid down by the Constitution within which fundamental freedom may be legislatively abridged we cannot have resort to the doctrine of the Police powers of the State enunciated by the Supreme Court in United States of America. When our Constitution has defined limits within which and the purposes for which the other fundamental rights may be restricted, there appears no reason why within strictly defined limits the fundamental right of the freedom of speech and expression should not be curtailed. Indeed, no one has seriously suggested to us that the freedom of speech and expression should be absolute and free from any kind of restraint. The Civil Liberties Union and others have suggested that the scope of the restrictions that could be placed on the freedom of expression should be as defined in Article 19(2) of the Constitution as it was originally adopted. Those who have suggested an amendment of the Constitution have urged that Article 19(2), as it stands today, should be restored to the form in which it stood prior to its amendment, under the Constitution (First Amendment) Act of 1951.

966. Reasons for amendment of the Constitution.—Article 19(1) and Article 19(2) of the Constitution, before amendment of the latter in 1951, were in the following terms:—

- "19. (1) All citizens shall have the right—
- (a) to freedom of speech and expression;
 - (b) to assemble peaceably and without arms;
 - (c) to form associations or unions;

- (d) to move freely throughout the territory of India;
- (e) to reside and settle in any part of the territory of India;
- (f) to acquire, hold and dispose of property;
- (g) to practice any profession, or to carry on any occupation, trade or business.

(2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to, libel, slander, defamation, contempt of court or any matter which offends against decency or morality or which undermines the security of, or tends to overthrow, the State."

It would be noticed that the permissible restrictions were in respect of libel, slander, defamation, contempt of courts, offences against decency or morality and offences against the security of the State. Almost all the replies that we have received to our Questionnaire (GQ) have regarded these restrictions as unexceptionable and even the Civil Liberties Union has stated that these restrictions were such as would meet with universal approbation.

967. These provisions in the Constitution, however, did not stand very long and were amended by the Constitution (First Amendment) Act of 1951. The reason for this was the decisions of the Supreme Court and of the several High Courts in several disputes which arose under the Constitution. In *Romesh Thappar's* (A.I.R. 1950 S.C. 124), the Supreme Court drew a clear distinction between "public order" and "security of the State". Patanjali Sastri J., in delivering the judgment of the majority of the Judges, said as follows:—

"The Constitution, in formulating the varying criteria for permissible legislation imposing restrictions on the fundamental rights enumerated in Article 19(1) has placed in a distinct category those offences against public order which aim at undermining the security of the State or overthrowing it, and made their prevention the sole justification for legislative abridgment of freedom of speech and expression; that is to say, nothing less than endangering the foundations of the State or threatening its overthrow could justify curtailment of the rights to freedom of speech and expression, while the right of peaceable assembly [sub-clause (b)] and the right of association, [sub-clause (c)] may be restricted under clauses (3) and (4) of Article 19 in the interests of "public order" which in those clauses includes the security of the State. This differentiation is also noticeable in Entry No. 3 of List III (Concurrent List) of the Seventh Schedule, which refers to the "security of a State" and "maintenance of public order" as distinct subjects of legislation. The Constitution thus requires a line to be drawn in the field of public order or tranquillity, marking off, more or less roughly, the boundary between those serious and aggravated forms of public disorder which are calculated to endanger the security of the State and the relatively minor breaches of the peace of a purely local significance, treating for this purpose differences in degree as if they were differences in kind.

"..... Thus, very narrow and stringent limits have been set to permissible legislative abridgment of the right of free speech and expression, and this was doubtless due to the realisation

that freedom of speech and of the Press lay at the foundation of all democratic organisations, for without free political discussion no public education, so essential for the proper functioning of the processes of popular government, is possible. A freedom of such amplitude might involve risks of abuse. But the framers of the Constitution may well have reflected, with Madison who was "the leading spirit in the preparation of the First Amendment of the Federal Constitution", that "it is better to leave a few of its noxious branches to their luxuriant growth, than, by pruning them away, to injure the vigour of those yielding the proper fruits."

"We are, therefore, of opinion that unless a law restricting freedom of speech and expression is directed solely against the undermining of the security of the State or the overthrow of it, such law cannot fall within the reservation under clause (2) of Article 19, although the restrictions which it seeks to impose may have been conceived generally in the interests of public order."

968. As a result of this decision of the Supreme Court, several laws which purported to abridge the right of the freedom of the Press in the interest of public order, though not necessarily in the interest of the security of the State, came to be challenged before the various High Courts. One of the first of such challenges came in the case of *Bharati Press* (A.I.R. 1951 Pat. 12) (a case under Indian Press—Emergency Powers—Act), in which a Special Bench of the Patna High Court held by a majority decision that "if a person were to go on inciting to murder or other cognizable offences either through the Press or by word of mouth, he would be free to do so with impunity and that such utterances would not fall within the restrictions authorised by Article 19(2) of the Constitution." The learned Judges came to this decision somewhat reluctantly. They considered that they had no alternative, but to take the view they took, in view of the distinction which the Constitution had drawn between legislation for "maintenance of the security of the State" and legislation for "the maintenance of public order." Sarjoo Prasad J. stated:—

"I wish that my decision on the point (*viz.* the scope of clause 2 of the Article 19) would sooner than ever come to be tested by the Supreme Court itself and the position re-examined in the light of the anomalous situation pointed out above."

This decision was taken in appeal and was subsequently reversed by the Supreme Court in *Shailabala Devi's case* (A.I.R. 1952 S. C. 329). But the possible consequences of the decision of the Patna High Court were so serious that Government thought it desirable to undertake immediate amendment of the Constitution, and by the Constitution (First Amendment) Act of 1951, sub-section 3, Article 19(2) of the Constitution was replaced in the form in which it exists at present. Clause (2) of Article 19, as it stands now, is in the following terms:—

"Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence."

It would be noticed that as compared with Article 19 (2) as it originally stood, the additional subjects with respect to which legislative restrictions could be imposed on the right of the freedom of speech and expression were (1) friendly relations with foreign States, (2) public order, and (3) incitement to an offence. The new Article 19 (2), however, stated that the restrictions are to be reasonable, with the result that the Courts were given power to decide in any particular case whether the restrictions in respect of the various subjects were reasonable or not. The restrictions under Article 19 (2) thus became a justiciable matter as other restrictions enumerated in clauses (3), (4), (5) and (6) of Article 19 were justiciable issues from the very beginning. The point therefore that we have to consider is whether the inclusion of the three additional matters, with respect to which there could be reasonable legislative abridgment of the right of the freedom of speech and expression is in consonance with the concept of the freedom of the Press.

969. **Was amendment necessary?**—It has been argued that the Constitution was amended in somewhat “indecent haste”—without waiting to see whether the Supreme Court upheld the view of the Patna High Court in the Bharati Press case and that if they had so waited, there would have been no necessity to amend the Constitution, as the Patna High Court view, which was the immediate occasion for taking up the amendment of the Constitution, was rejected by the Supreme Court. We are not sure that this argument is altogether correct. It is true that the Supreme Court did disapprove the observations of Sarjoo Prasad J. Their Lordships said that their earlier decision in Romesh Thappar’s case (1950 S.C.R. 594) and Brij Bhushan’s case (1950 S.C.R. 605) had been misapplied and misunderstood and proceeded to observe “It is plain that speeches or expressions on the part of an individual which incite to or encourage commission of violent crimes such as murder cannot but be matters which would undermine the security of the State and come within the ambit of law sanctioned by Article 19 (2) of the Constitution.” Having already drawn a distinction between the “security of State” and “public order” and having stated that “nothing less than endangering foundation of the State or threatening its overthrow could justify curtailment of the right to freedom of speech and expression,” it is difficult to see, with the utmost respect to their Lordships, how incitement by any individual in a remote village to commit a violent crime such as murder, out of personal spite, is likely to undermine the security of the State. Further the learned Judges emphasised the ratio of Romesh Thappar’s case thus: “whatever ends the impugned Act (*viz.* Madras Maintenance of Public Order Act XXIII of 1949) may have been intended to subserve and whatever aim its framers may have had in view, its application and scope could not, in the absence of delimiting words in the Statute itself, be restricted to *those aggravated forms of prejudicial activity which are calculated to endanger the security of the State* nor was there any guarantee that those authorised to exercise the powers under the Act would in using them discriminate between those who act prejudicially to the security of the State and those who do not.” (Italics are ours). Even this interpretation, though it may have granted constitutional validity under the original Article 19 (2) of the Constitution to legislation restricting freedom of speech with regard to “aggravated forms of prejudicial activity” or even “commission of violent crime like murder which would undermine security of State”, it still left uncovered

the large field of 'public order' and incitement to other and not so aggravated forms of crimes which did not endanger the security of State—such as incitement to the commission of offences of robbery, dacoity, rioting and a host of others. In our opinion, therefore, the decision of the Supreme Court in *Shailabala's* case would not have dispensed with the necessity of amending Article 19 (2) of the Constitution. Indeed in the *Shailabala's* case itself the Supreme Court has finally relied on the retrospective effect given to the new amendment in upholding the validity of the Indian Press (Emergency Powers) Act 1931. (See Page 660).

970. **Scope of restrictions according to the organs of the United Nations.**— In the First Session of the General Assembly of the United Nations in London, a proposal was received from the Philippines to hold a world-wide conference on the freedom of information, and at its New York Session the General Assembly called upon the Economic and Social Council to convoke a Conference for the purpose. The Economic and Social Council had constituted a Commission on Human Rights and this Commission recommended the setting up of a Sub-Commission on Freedom of Information and the Press. This proposal was approved by the Economic and Social Council, and in March 1947, 12 Members were elected to the Sub-Commission, and the Sub-Commission was directed to convene a Conference. Accordingly, a Conference was held at Geneva in the months of March and April 1948. It was attended by over 300 delegates and observers from 57 countries. The main achievement of the Conference was the preparation of three Draft Conventions:

- (1) on the gathering and international transmission of news;
- (2) on the institution of an international right of correction; and
- (3) on the general principles of the Freedom of Information.

These Conventions are to be found in the Final Act of the Conference. The relevant provisions of the Covenant on the Freedom of Information and the Press are as follows:

“ARTICLE 1

- (a) Each Contracting State shall secure to all its own nationals and to the nationals of every other Contracting State lawfully within its territory freedom to impart and receive information and opinions, orally, by written or printed matter, in the form of art, or by legally operated visual or auditory devices without governmental interference;
- (b) No Contracting State shall regulate or control the use or availability of any of the means of communication referred to in the preceding paragraph, in any manner discriminating against any of its own nationals or of the nationals of any other Contracting State on political or personal grounds or on the basis of race, sex, language or religion;
- (c) Each Contracting State shall secure to all its own nationals and to the nationals of every other Contracting State freedom to transmit and listen to information and opinions within its territories and across its frontiers by any legally operated means without governmental interference;

- (d) Each Contracting State shall permit the nationals of other Contracting States as much freedom to seek information as it grants to its own nationals;
- (e) The Contracting States shall encourage and facilitate the interchange between their territories of those of their nationals engaged in the gathering of information and opinions for dissemination to the public and shall deal expeditiously with applications by such persons to enter their territories.

ARTICLE 2

- (1) The freedoms referred to in paragraphs (a), (c) and (d) of Article 1 carry with them duties and responsibilities and may therefore be subject to necessary penalties, liabilities and restrictions clearly defined by law, but only with regard to:
 - (a) Matters which must remain secret in the interest of national safety;
 - (b) Expressions which incite persons to alter by violence the system of government or which promote disorder;
 - (c) Expressions which incite persons to commit criminal acts;
 - (d) Expressions which are obscene or which are dangerous for youth and expressed in publications intended for them;
 - (e) Expressions which are injurious to the fair conduct of legal proceedings;
 - (f) Expressions which infringe literary or artistic rights;
 - (g) Expressions about other persons, natural or legal, which defame their reputations or are otherwise injurious to them without benefitting the public;
 - (h) Legal obligations resulting from professional, contractual or other legal relationships including disclosure of information received in confidence in a professional or official capacity;
 - (i) The prevention of fraud;
 - (j) The systematic diffusion of deliberately false or distorted reports which undermine friendly relations between peoples or States."

It will be noticed that the three subjects with respect to which there can be legislative abridgment of the right of freedom of speech and expression under the First Amendment Act of 1951 are covered by clauses (b), (c) and (j) of the Covenant referred to above.

971. These three Conventions were sent by the Economic and Social Council to the General Assembly of the United Nations. The General Assembly in its Third Session (April-May 1949) re-drafted and amalgamated the Conventions on the gathering and international transmission of news and on the institution of an international right of correction. But it encountered difficulties with regard to the Covenant on the general principles of Freedom of Information and postponed consideration of the Covenant pending receipt of the Draft Covenant on Human Rights.

972. The Commission on Human Rights in its Sixth Session (March-May 1950) drafted an Article (originally numbered 17, but subsequently numbered 14) on "The Freedom of Information" for inclusion in the Draft Covenant on Human Rights. It called upon the Economic and Social Council to recommend it to the General Assembly of the United Nations for adoption. Although the Social Committee of the Council espoused such a course, the Economic and Social Council, however, at its Eleventh Plenary Session in July-August 1950 declined to make such a recommendation.

973. The General Assembly of the United Nations, however, in its Fifth Session in September-December set up an *ad hoc* Committee to draft a Convention on "The Freedom of Information", to report to the Economic and Social Council on the results of its work and to submit recommendation, in particular with regard to advisability of convening a Conference of plenipotentiaries with a view to the framing and opening for signature of a Convention on "The Freedom of Information"

974. The Committee on Draft Convention on "Freedom of Information" met in January and February 1951. The *ad hoc* Committee decided to take as its working document the text of the Draft Convention on Freedom of Information prepared by the United Nations Conference on Freedom of Information in Geneva in 1948. The Committee had to consider two redrafts of Article 2 submitted by Lebanese and United States of America delegations. After rejecting the redrafts subject to such amendments as had already been adopted, the Committee considered in detail the various clauses in Article 2 of Convention prepared by the Geneva Conference. Its Report contained in an index the text of the preamble and 19 Articles of a Draft Convention on "Freedom of Information". Article 1 stated the obligations of Contracting States to establish standards of Freedom of Information firstly, positively by guaranteeing freedom to seek, receive and impart information and secondly, in a negative fashion by imposing an injunction against any form of discrimination in the regulation and control of means of communication. Article 2 listed permissible restrictions on the freedom referred to in Article 1. The article is in the following terms:

"2. The exercise of the freedoms referred to in Article 1 carries with it duties and responsibilities. It may therefore be subject to limitations, but only to such as are clearly defined by law; applied in accordance with the law and necessary with regard to:

- (a) The protection of national security;
- (b) Expressions which incite persons to alter by violence the system of government or which promote disorder;
- (c) Expressions which incite persons to commit criminal acts;
- (d) Expressions which are obscene or which are dangerous for youth and intended for them;
- (e) Expressions which are injurious to the fair conduct of legal proceedings;
- (f) Expressions which infringe literary or artistic rights;
- (g) Expressions about other persons, natural or legal, which defame their reputations;

(h) Legal obligations resulting from professional, contractual or other legal relationships including disclosure of information received in confidence in a professional or official capacity;

(i) The prevention of fraud.”

975. It would be noticed that the clauses of this Article are substantially the same as in the Convention drafted by the Geneva Conference save in a few particulars:

Clause (a) has been made much wider and is not confined in its operation to secret matters as in the Geneva Conference draft.

Clause (g) has also been made wider and permits restrictions being placed on defamatory expressions irrespective of the consideration whether they are for public benefit or not.

Clause (j) of Geneva Conference draft has been omitted. Its omission was suggested by the U.K. delegation and in spite of the opposition of several countries including India the suggestion was carried by a narrow majority of 7:6:1. Thereafter the Saudi Arabian delegation wanted to substitute a clause even in a wider form as follows:

“Diffusion of reports likely to undermine friendly relations between peoples and States”

But the proposal was lost by 8:5:1.

Thus even under the draft prepared by the *ad hoc* Committee, two out of three matters newly added to Article 19(2) of our Constitution by the Constitution (First Amendment) Act, 1951 are included among the permissible restrictions and the third item was omitted by a very narrow majority.

976. The Economic and Social Council at its Thirteenth Session did not consider the Draft in detail but reported to the General Assembly its decision not to convene a plenipotentiaries Conference as suggested by the General Assembly.

977. The General Assembly's Third Committee took the Draft for consideration at its Seventh Session (October 1952-April 1953). The main difficulty centred round Article 2 with respect to:

- (1) the type of restrictions which should be included; and
- (2) the manner in which the restrictions should be laid down.

There was general agreement that it was necessary to cover in some manner such matters as the national security, incitement to alter by violence the system of Government, incitement to commit criminal acts, obscenity and the rights and reputation of others. Some of the nations sought to include, in the Preamble, restrictions which they claimed were made necessary by specific provisions in the legislations of their countries or by special national interests. Accordingly, there were proposals to include such matters as blasphemy, disclosure of information received in official confidence, reports likely to prejudice trials of cases before Courts, reports injurious to national prestige and honour and reports likely to undermine friendly relations between peoples. A motion—sponsored by 18 nations including India—to proceed to a detailed discussion was defeated by a tie in the voting—23 for and 23 against with 8 delegates abstaining.

978. Thus there are at present three Drafts approved by some agency or the other of the United Nations:

- (1) the draft prepared by the United Nations Conference in Geneva in 1948;
- (2) the draft of the Commission on Human Rights; and
- (3) the draft prepared by the *ad hoc* Committee appointed by the United Nations.

979. Monsieur Lopez in his report as Rapporteur to the Economic and Social Council has recommended merely a general statement of the restrictions rather than an enumeration of a detailed list which may not be exhaustive. The draft that he suggests is this:

“Article 2: The exercise of the freedom referred to in Article 1 carries with it duties and responsibilities. It may therefore be subject to limitations, but only to such as are clearly defined by law, applied in accordance with law and necessary for respect of rights and reputations of others, for protection of national security, for prevention of disorder or crime or for protection of public health and morals.”

This formula, he says, is based on the text of the Article on “Freedom of Information” drafted by the Commission on Human Rights for inclusion in the Draft Covenant on Human Rights. The additional subjects which were added to Article 19(2) of our Constitution by the Constitution Amendment Act of 1951 appear to be covered by Monsieur Lopez’s formula, except perhaps the subject of friendly relations with foreign States.

980. **Views of the Council of Europe.**—It has been stated by the Civil Liberties Union that when the matter was under discussion, the representative of the United Kingdom, Lord Macdonald, stated in the Third Committee of the Fifth Session of the General Assembly on the 18th of October 1950, that “the stipulated limitations were so broad and vague that they could be construed as permitting the imposition of almost any restriction on the rights to which they referred and, in fact, completely nullified the effect of the Articles to which they applied.” But it appears that on the 4th of November 1950 a resolution was adopted by the Council of Europe to which representatives of 13 Governments, including the Governments of Belgium, Denmark, France, Ireland, Italy, Netherlands, Turkey and Great Britain, were parties. Article 10 of this document is in the following terms:

“Every one has the right of freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority. This article shall not prevent States from requiring the licensing of broadcasting, television, or cinema enterprises. The exercise of these freedoms since it carries with it duties and responsibilities may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society in the interests of (a) national security (b) territorial integrity or (c) public safety (d) prevention of disorder or crime, (e) for the protection of health or morals (f) the protection of the reputation or rights of others (g) preventing the disclosure of information received

in confidence or for maintaining the authority and impartiality of the judiciary.”

It would thus be noticed that two of the three subjects with respect to which there could be legislative abridgment of the right of freedom of speech and expression under Article 19(2) of our Constitution, are included in the subjects, with respect to which several important countries in Europe, including Great Britain, agree that the freedom could be restricted by legislation in the interest of democratic society.

981. Amended Article 19(2) not inconsistent with the concept of the Freedom of the Press.—It has been urged before us that the amendment of the Constitution enlarges the sweep of legislative abridgment of the fundamental right of the freedom of speech and expression too widely, and under its cover, it would be possible for both the Central and the State Legislatures to pass laws which would unduly curtail the fundamental right. We think that the view embodied in the various drafts before the United Nations and its subordinate bodies and specialised agencies and the view of the nations which have accepted the resolution of the Council of Europe may generally be adopted as a sound rule and in that view we think that the amendment of the Constitution embodied in Article 19(2) thereof at least so far as it relates to public order and incitement to an offence does not offend against the principle of the freedom of the Press. The All India Newspaper Editors' Conference have not expressed any definite view on the subject. There are some of their members who hold that the amendment arms the executive with powers which are liable to abuse. But there are others who consider that the word “reasonable” in Article 19(2) gives sufficient protection for the purpose of ensuring that the basic concept of the freedom of the Press is not violated. All the State Governments are unanimous in their view that the amendment is in order and it is not necessary to go back to the original position. The Indian Federation of Working Journalists has urged the restoration of the original position, primarily on the grounds that the original judgment of the Patna High Court had subsequently been reversed by the Supreme Court, but as we have attempted to point out in paragraph 969, the Supreme Court judgment does not do away with the necessity for the amendment.

982. Position in some other Constitutions.—Moreover provision authorising placing of legislative restriction on the fundamental right of freedom of speech in the interest of public order is to be found in the written Constitution of other countries, e.g., Constitutions of Eire and Burma provide that the right of citizens to express freely their convictions and opinions is subject to law, public order and morality. The French and Swiss Constitutions guarantee free communication of ideas, subject to the responsibility of an individual for any abuse of this freedom as determined by law. The Constitution of the United States of Mexico says that no law shall restrict the liberty of the Press which shall be limited only by respect due to private life, morals and public peace. Brazilian Law provides for punishment for misuse of the freedom of the Press and the definition of misuse includes *inter alia* (i) publication of articles or other items involving violent procedure to subvert public order, and (ii) instigation to commit crimes.

983. England has no written Constitution and no question can arise whether any particular law enacted by Parliament is *intra vires* or *ultra*

vires of the Constitution or offends against any guaranteed fundamental right. In United States of America the first amendment to the Constitution says that the Congress shall make no law abridging the freedom of speech or of the Press. But as Storey has pointed out:

“That this amendment was intended to secure to every citizen an absolute right to speak or write or print whatever he might please without any responsibility public or private is a supposition too wild to be indulged in by any rational man.... Civil society could not go on under such circumstances. The language of this amendment imports no more than that every man shall have a right to speak, write or print his opinion upon any subject whatever without any prior restraint, so always that he does not injure any other person in his rights, person, property or reputation and so always that *he does not disturb the public peace*.... With this reasonable limitation it is not only right in itself but it is an inestimable privilege in a free Government. Without such limitation it might become scourge of the Republic.” (Italics are ours)

Professors Frederic A. Ogg and P. Orman Ray in their “Introduction to American Government” (Tenth edition, page 127) say: “Liberty is not licence, and rights are relative, not absolute. After all, one of the main purposes of Government is to prevent the safety and well-being of the many from being jeopardized by the few. Freedom of speech and Press does not carry with it any right to utter or publish slander or libel or to *incite persons to crime or panic*.... To be validly claimed, a right must be exercised so as to cause no impairment of the same or any other right possessed by others. Practical application of this simple principle often, however, raises difficult questions.” (Italics are ours)

984. It was in *Schenck v. United States* (1919) 249 U.S. 47, Mr. Justice Holmes declared that the question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that the Congress has a right to prevent. This test is obviously a somewhat vague one as recognized by the Supreme Court itself in *Whitney v. California* (1927) in which Brandeis J. says:

“This court has not yet fixed standards by which to determine when a danger shall be deemed to be clear and what degree of evil shall be deemed sufficiently substantial to justify resort to abridgment of free speech and assembly as the means of protection.”

Mr. Justice Black in *Bridges v. California* (1941) referred with approval to these remarks of Brandeis J. and went on to say “Nevertheless, the clear and present danger language of the *Schenck* case has afforded practical guidance in a great variety of cases in which the scope of constitutional protection of freedom of expressions was in issue.... What finally emerges from clear and present danger cases is a working principle that the substantive evil must be extremely serious and the degree of imminence extremely high before utterances can be punished.” “In order to support a finding of clear and present danger it must be shown either that immediate serious violence was to be expected or advocated or that the past

conduct furnished reason to believe that such advocacy was then contemplated." Four Judges of the Supreme Court, however, gave a dissenting opinion. They said: "The Constitution is not a mere formulary. Nor does it require displacement of an historic test (the test of reasonable tendency) by a phrase (clear and present danger) which first gained currency in 1919—*Schenck* case. Our duty is not ended with recitation of phrases that are shorthand of a complicated historical process. The phrase 'clear and present danger' is merely a justification for curbing utterance where that is warranted by the substantive evil to be prevented. The phrase itself is an expression of tendency and not of accomplishment and the literary difference between it and 'reasonable tendency' is not of constitutional dimension."

There is thus a great deal of difference of opinion even in America about the application of "clear and present danger test" (See *Vidya Nivas v State*, A.I.R. 1953 Allahabad 342 at page 345).

985. This general test, however, has to be applied having regard to the circumstances of each case. In *Gilow v. New York*, 1925 S. C. 13 the Supreme Court had to pronounce upon the validity of the law of criminal anarchy. The Court in a majority judgment expressed themselves as follows:

"It is a fundamental principle long established that the freedom of speech and of the Press which is secured by the Constitution does not confer an absolute right to speak or publish without responsibility whatever one may choose, or an unrestricted and unbridled licence that gives immunity for every possible use of language prevents the punishment of those who abuse this freedom.....Reasonably limited—it was said by Storey—this freedom is an inestimable privilege in a free Government. Without such limitation it might become the scourge of the Republic.....That a State in exercise of its police powers may punish those who abuse this freedom by utterances inimical to public welfare, tending to corrupt public morals, incite to crime and disturb the public peace is not open to question.... Thus it was held by this Court in the *Fox* case that the State may punish publications advocating or encouraging a breach of the criminal laws and in the *Gilbert* case that a State may punish utterances teaching or advocating that its citizens should not assist the United States in prosecuting or carrying on war with its public enemies."

These observations were quoted with approval in *Whitney v. California* 1927 S.C. 2.

From this it appears to us clear that the Supreme Court would uphold any law which purported to punish utterances inimical to public welfare, tending to incite crime or to disturb the public peace. Thus, the amendment of Article 19(2) of the Constitution by the Constitution (First Amendment) Act, adding the subjects of public order and incitement to an offence to those in respect of which there may be permissible legislative restrictions on freedom of expression, is in line with the judicial pronouncement of the Supreme Court of the United States.

986. The Judgment of the Supreme Court in *Thornhill v. Alabama*, 1940 S.C. 6, is even more explicit on the point. It says *inter alia*:

“The freedom of speech and of the Press guaranteed by the Constitution embraces at the least the liberty to discuss publicly and truthfully all matters of public concern without previous restraint or fear of subsequent punishment.... Every expression of opinion on matters that are important has the potentiality of inducing action in the interests of one rather than another group in society. But the group in power at any moment may not impose penal sanctions on peaceful and truthful discussion of matters of public interest merely on a showing that others may thereby be persuaded to take action inconsistent with its interests. Abridgment of the liberty of such discussion can be justified only where the clear danger of substantive evils arises under circumstances affording no opportunity to test the merits of ideas by competition for acceptance in the market of public opinion.”

In that case the Court was construing the validity of a law which made picketing a misdemeanour. It was urged on behalf of the State that the purpose of the impugned statute was the protection of the community from violence and breaches of the peace which were the concomitants of picketing. Dealing with this argument, the Court said:

“The power and the duty of the State to take adequate steps to preserve the peace and to protect the privacy, the lives and the property of its residents cannot be doubted. But no clear and present danger of destruction of life or property, or invasion of the right of privacy or a breach of the peace can be thought to be inherent in the activities of every person who approaches the premises of an employer and publicises the facts of a labour dispute involving the latter; we are not concerned with picketing *en masse* or otherwise conducted which might occasion such imminent and aggravated danger to these interests as to justify a Statute narrowly drawn to cover the precise situation giving rise to the danger.”

Here again special emphasis is laid on the power of the State to take steps to preserve the peace and to protect the privacy, lives and the property of its residents in exercise of its police powers. The preservation of peace and maintenance of public order may thus be matters for which there may be legislative restriction of the right of Freedom of speech provided the danger to the peace and public order was clear and it is because the Alabama law prohibiting picketing made no distinction between picketing by an individual and picketing *en masse*, or made no exception based on the number of persons engaged in the proscribed activity or the peaceful character of their demeanour that the Supreme Court declared the law invalid.

987. It would thus be seen that the Supreme Court had recognised the right of the State, in exercise of its police powers, judging by “the clear and present danger” test, to restrict the freedom of expression where such expression is likely to incite people to commit crimes or to disturb the public peace. Certain principles which have been codified in our Constitution have also been recognised by the Supreme Court of the United States

in formulating the permissible restrictions on the freedom of expression. The clear and present danger test might be a good working rule for the judiciary where, as in the American Constitution, the sphere of legislative abridgment is not defined by words in the Constitution itself. But in the scheme of our Constitution that sphere has to be defined for certain purposes. The clear and present danger test cannot be utilised for defining matters in respect of which there may be legislative restriction on the freedom of speech and expression, but the implication of that test would be a legitimate consideration when courts have to decide whether a particular law dealing with the matter is reasonable or not having due regard to the imminence and character of the danger sought to be averted by the legislation.

988. Specific suggestions for amendment of Article 19(2) of the Constitution.—“Public Order” It has been urged that the words “in the interest of public order” should be altered to “for the prevention of disorder” so as to delimit the wide implication of the words “public order”. A similar argument was advanced by the representative of the United Kingdom in the Sixth Session of the Commission on Human Rights at Lake Success in April 1950. It was argued that “maintenance of public order” may mean acceptance of the existing order of Society. But it was pointed out by the representatives of various nations, including United States of America, France, Chile and Egypt, that the idea of ‘public order’ was clearly understood in most countries of the world and its application was known to jurisprudence. It might be risky to substitute for that legal concept some new and perhaps vaguer terms. Moreover the words “public order in a democratic society” appeared in Article 29 of Universal Declaration on Human Rights and in Articles 16, 17, 18 and 19 of the Covenant itself. Accordingly the Commission by a narrow majority declined to substitute the words “for prevention of disorders” for the words “in the interest of public order.” We think it is hardly likely that the words “public order” would be interpreted in the sense visualised by the United Kingdom representative. In agreement with the view of the Commission on Human Rights we think that the words “public order” in Article 19(2) do not call for any change.

989. Friendly relation with foreign States.—With regard to the provision relating to the friendly relations with foreign States contained in Article 19(2) of the Constitution, it was urged before us that under the guise of maintaining friendly relations with foreign States restrictions could be placed on legitimate expression of views on questions of foreign policy or on the presentation of points of view which run counter to the policy of Government of India or its friendly relations with foreign States and that such restrictions would not be in with true concept of the freedom of the Press. It is undoubtedly true that in a democracy there should be freedom of expression with regard to the foreign policies of the Government in power and that such criticism should not be prevented under the specious plea that it would endanger the friendly relation of the Government of the day with foreign powers. At the same time one has to bear in mind that persistent and malicious propaganda against a foreign power which has friendly relations with India may cause considerable embarrassment from the point of view of the nation even though the security of the State may not be involved. Parliament must, therefore, have power to deal with such kind of criticism and if the words “friendly relations with foreign States”

were not there in Article 19(2) of the Constitution, Parliament would have no power to legislate in that regard.

990. The Press Laws Enquiry Committee have pointed out in paragraph 69 of their Report that the General Assembly of the United Nations in a plenary meeting held on 15th November 1947 considered the question of developing friendly relations amongst member States and, to that end, facilitating the diffusion of information calculated to strengthen mutual understanding and ensure friendly relations between the peoples. Governments of member States were invited by a resolution passed in the meeting to study such measures as might with advantage be taken on the national plane to combat within the limits of constitutional procedure the diffusion of false or distorted reports likely to injure friendly relations between States. It would be remembered that clause (j) of Article 2 of the Covenant on Freedom of Information and the Press prepared by the United Nations Conference at Geneva in 1948 agreed to the necessary restrictions being placed as clearly defined by law with regard to the "systematic diffusion of deliberately false and distorted reports which undermine friendly relations between peoples or States". When the matter was considered by the Commission on Human Rights in April 1950 they had before them a draft which did not include a clause on the lines of clause (j) of Article (2) of the Covenant as recommended by the United Nations Conference at Geneva in 1948. An amendment was suggested by Mrs. Hansa Mehta, who represented India, which would have had the effect of adding words "or for the prevention of spreading deliberately false and distorted reports which undermine friendly relations with the peoples and the States". The Indian amendment had the support of the representatives of Egypt, Yugoslavia and Lebanon. The United Kingdom and the Philippines representatives sympathised with the Indian point of view but feared that, in an effort to eliminate the danger visualised by the Indian representative, all information on foreign countries may have been made subject to censorship thus destroying the very freedom which the Covenant sought to safeguard. Moreover it was pointed out that the General Assembly had asked the Commission to include in the Covenant a general statement of basic principles governing Freedom of Information; it had not called for a complete convention on the question. The Commission could not, therefore, attempt to work out detailed provisions and means of applying them without exceeding its terms of reference. The Covenant was essentially designed to safeguard human rights and not to offer a code of ethics for the Press. It had, therefore, to be confined to a statement of general principles. For these reasons the Indian suggestion was rejected by 6 votes to 5 with 4 abstentions. As has been pointed out earlier the *ad hoc* Committee's draft and the suggestions made by M. Lopez did not permit legislation placing restrictions on the freedom of speech in the interest of friendly relations with foreign States unless such restrictions become necessary in the interest of national security.

991. When the Constitution was amended in 1951, there was considerable opposition to the introduction of the words "friendly relations with foreign States" in Article 19(2) of the Constitution. At that time the Prime Minister pointed out, that this was merely an enabling clause which empowers Parliament to frame legislation, in case the necessity arises and gave an assurance that it was not the intention of the government to promote legislation which would prevent discussion of the foreign policy of Government. This assurance has been faithfully observed and there has been no legislation in this respect placing fetters on the freedom of expression. Even when

the Bill which subsequently became the Press (Objectionable Matter) Act was introduced, the definition of objectionable matter did not contain any clause relating to expressions which may endanger the friendly relations of India with foreign States. Under the scheme of United States Constitution an emergency legislation can take immediate effect although it may subsequently be challenged before the Supreme Court as being an improper restriction on the freedom of expression guaranteed by the American Constitution and it is possible to visualise circumstances where by the application of the clear and present danger test legislative abridgment in the interest of friendly relations of the United States with other countries may be upheld. But under the scheme of our Constitution it would not be permissible even to frame legislation unless such power could be derived from any of the clauses of Article 19(2) of the Constitution. It was for this purpose that power was given to the Parliament to enact legislation in the interest of friendly relations with foreign States as it was not feasible to amend the Constitution every now and again. The framers of the Constitution thought that the world conditions existing in 1951 and the non-alignment policy which India was pursuing made it necessary to invest Parliament with the necessary power in case an emergency arose. If we now examine whether the history of the world during the last 3 years has made it unnecessary that the Parliament should have such reserve power, the answer is clear. There is more disequilibrium in world conditions now than there was in 1951 and the policy pursued by India, her geographical position and her relations with foreign States have become far more important than they were in 1951 when the amendment was made in the Constitution. We do not, therefore, think that any clear case has been made for depriving the Parliament of the power to legislate in case of necessity, placing restrictions on the freedom of speech and expression in the interest of friendly relations with foreign States.

992. It has been brought to our notice that all countries except the United Kingdom, United States, Iran, South Africa and Jordan, have enacted laws in one form or the other under which action can be taken against the Press for "publishing libellous articles against the heads of foreign Government or their diplomatic representatives in those countries". In the United Kingdom such offences are dealt with under the English Common Law on the ground that they imperil the peaceful relations of Her Majesty's Government with foreign States and in the United States they are subject to the ordinary process of law. In Brazil and France, such provisions exist under the respective Press Laws and in Canada the Criminal Code has similar provisions. Even in such a democratic country like Switzerland there is a provision in Section 296 of the Swiss Criminal Code under which "any person publicly insulting a foreign State in the person of its ruling Head, its diplomatic representatives or its Government shall be punishable by fine or imprisonment. In Article 4(7) of Chapter 7 of the Swedish Constitutional Act relating to the freedom of the Press there is a provision that utterances in print relating *inter alia* to a defamatory act against the Head or representative of a foreign power in Sweden is forbidden and punishable by law.

993. Although we are in favour of the Parliament having this reserve power, we think that the words "in the interest of friendly relations with foreign States" are of a wide connotation and may conceivably be relied upon for supporting any legislation which may restrict even legitimate criticism of the foreign policy of Government. It would be difficult to devise a formula which would define the scope of the legislation by Parliament in this regard.

The Constitution can at best merely indicate the topics in respect of which there may be reasonable restrictions on the freedom of speech and expression. It must be left to the wisdom of Parliament to define the precise scope of those restrictions and to the impartiality of the Supreme Court to pronounce upon the reasonableness of those restrictions. We recommend that, whatever legislation might be framed in the interest of friendly relations with foreign States, it should be confined in its operation to cases of systematic diffusion of deliberately false or distorted reports which undermine friendly relations with foreign States and should not punish any sporadic utterance or any dissemination of true facts although they may have the tendency of endangering the friendly relations with foreign States.

994. **Incitement to an offence.**—There has been considerable criticism of the clause which permits restrictions being placed on freedom of expression in relation to incitement to an offence. It has been urged that this expression is far too wide because the word "offence" as used in Article 19(2) has, under Article 367 of the Constitution to be given the same meaning as is given to it in the General Clauses Act of 1897. Under the General Clauses Act "offence" means any act or omission made punishable by any law for the time being in force. The law would include even an offence created by Acts, regulations, rules or bye-laws. A suggestion was made that having regard to the wide scope of these words, the word "offence" might be restricted to those offences which involve violence or disturbance of the public peace. A point of view was placed before us that while it should be the duty of all concerned to advocate obedience to laws of duly constituted authority, circumstances may arise when disobedience in a peaceful manner of a particular administrative order believed to be unjust might be advocated in order to draw the attention of Government to the inequity of that order and also to create public opinion to secure the removal of that order.

995. While we appreciate the point of view involved in this submission, the main difficulty that has faced us is that if we omit these words the whole law of abetment contained in the Indian Penal Code would be open to challenge in so far as the abetment consists in inciting persons to commit offences. Incitement is one of the forms of abetment and if these words were removed from Article 19(2) there will be no constitutional authority for punishing any utterances which incite persons to commit offences. It is true, as we have pointed out earlier, that the Supreme Court's decision in the *Shailabala's* case has probably saved legal provisions punishing incitement to the Commission of aggravated offences such as murder on the ground that they may jeopardise the security of the State. But in the absence of the words "incitement to an offence" there would be no constitutional authority for punishing abetments, by means of incitement, to commit offences involving violence in a less aggravated form or offences such as bribery, corruption, forgery, cheating, criminal breach of trust, counterfeiting which involve no violence at all. After the decision of the Supreme Court in *Romesh Thappar's* case and of the Patna High Court in the *Bharati Press* case there might have been a challenge to the whole law of abetment in so far as such abetments consisted in incitement in writing or by word of mouth. But the amendment of the Constitution very soon after the decision of the Patna High Court and the retrospective effect given to such amendment have saved the law of abetment by incitement because after the amendment there could be no challenge to it. Moreover, as we have pointed out, the Geneva Conference in 1948, the Commission on Human Rights in 1950, the recommendations of

the *ad hoc* Committee in 1951, the Draft prepared by Mons. Lopez in 1953 and the resolutions of the Council of Europe in 1949, all contemplate restrictions being placed on the freedom of speech and expression so as not to permit incitement to commit crimes and other offences. The quotations from the Standard Book on Constitutional Law in United States of America and the excerpts from the judgment of the Supreme Court in the United States clearly indicate that the Supreme Court would uphold any legislation prohibiting persons from inciting others to commit offences.

996. It is true that the word 'offence' is very wide and that it would be possible for the legislatures to create any kind of offence; in that event provision with regard to punishment for incitement to commit that offence would acquire constitutional validity. But it has to be remembered that the creation of that offence would have to be tested by the touchstone of constitutional provisions relating to fundamental rights. (Article 13 of the Constitution). Where the law is not void under that Article, it is a good law and must command obedience of the public in any democracy which proclaims and maintains the supremacy of law, and there is no reason why incitement to commit breaches of that law should not be punishable.

997. There is also the point of view that whatever may have been the justification for breaking laws or for inciting others to break laws when a foreign and irresponsible Government was in power and no constitutional redress was feasible, things have considerably altered after independence when both the Central and State Governments are responsible to popular Legislatures. When a law is enacted it must be regarded as an expression of the will of the people, and if the law is disliked by certain sections of the people, the remedy lies not in disobeying the law but in persuading the public to see the iniquity of it and in getting it altered by legitimate and constitutional means. Nobody can prevent a person from disobeying a law and suffering the consequences thereof. But it would be wrong in principle to punish a person who breaks the law and to allow the instigators to escape the consequences of their acts on the plea of freedom of expression. For these reasons we are not in favour of omitting the words "incitement to an offence" which occur in Article 19(2) of the Constitution.

998. **Constitution, Legislatures and Courts together safeguard the Freedom of Expression.**—We cannot too strongly emphasise that the provisions contained in Article 19(2) of the Constitution are merely enabling provisions and that the ultimate sanction behind any legislation must be the will of the people. All that the Constitution lays down is that certain fundamental principles may not be disregarded in attempting to harmonise the freedom of expression of an individual with the requirements of public good. Apart from such safeguards as the Constitution has laid down, there are two other lines of defence against undue encroachment over the fundamental right of freedom of expression. One is the Legislature itself and the other is the High Courts and the Supreme Court. Although the Constitution invests the Legislatures with power to place restrictions on the freedom of speech and expression for certain purposes, the power would, we trust, be exercised with discrimination and circumspection. If any restrictions are placed by the Legislatures on the fundamental right, we have no doubt that the impartiality and the broad and realistic outlook of the High Courts and the Supreme Court will ensure that the power is not exercised by the Legislatures in an arbitrary or unreasonable manner.

SECTION II

THE PRESS (OBJECTIONABLE MATTER) ACT

999. **Effect of the amendment of the constitution.**—The amendment of the Constitution by the Constitution (First Amendment) Act, 1951, was given retrospective operation, and Section 3 of the Constitution (First Amendment Act) had the effect of validating those laws which but for the amendment had been or would have been declared invalid.

1000. **Press Laws Inquiry Committee.**—Before, however, the Constitution was amended in 1951, and even when the draft Constitution was under consideration, the Government of India appointed the Press Laws Enquiry Committee to

- (a) examine and report to Government on the laws regulating the Press in the principal countries of the world including India;
- (b) review the Press laws of India with a view to examine if they are in accordance with the fundamental rights formulated by the Constituent Assembly of India; and
- (c) recommend to Government any measures of reforms in the Press laws considered expedient upon such review.

The Committee briefly reviewed the history of the Press laws in India and dealt with the following Acts:—

- (1) Press and Registration of Books Act, 1867;
- (2) Indian States (Protection Against Disaffection) Act, 1922;
- (3) Official Secrets Act, 1923;
- (4) Indian Press (Emergency Powers) Act, 1931;
- (5) Foreign Relations Act, 1932;
- (6) Indian States (Protection) Act, 1934;
- (7) Sections 124A, 153A and 505 of the Indian Penal Code;
- (8) Sections 99A to 99G the Code of Criminal Procedure, 1898;
- (9) Section 19 and 181A to 181C of the Sea Customs Act, 1878;
- (10) Section 5 of the Indian Telegraph Act, 1885;
- (11) Sections 25, 26 and 27A to 27D of the Indian Post Offices Act, 1898;
- (12) Provisions of Provincial Public Safety Acts, relating to censorship or Control of Publications.

1001. After a review of the position it made the following recommendations:—

(1) *Press and Registration of Books Act.*—Certain amendments should be made in Section 3, Section 5(2), Section 5(3), Section 5(4) and Section 11.

(2) *The Indian States (Protection Against Disaffection) Act, 1922, and the Indian States (Protection) Act, 1934,* should be repealed.

(3) *The Indian Press (Emergency Powers) Act, 1931,* should be repealed but the following provisions of this Act, should be incorporated in the ordinary law of the country in the following manner:—

- (a) clauses (a) to (i) of section 4(i) which define offences should be incorporated in the Indian Penal Code, or other law.

- (b) Sections 15, 16, 17, 18 and 32 should be incorporated in the Press and Registration of Books Act.
- (c) Section 19 should be incorporated in Criminal Procedure Code.
- (d) Section 20 should be incorporated in the Sea Customs Act.
- (e) Sections 21 and 22 should be incorporated in the Indian Post Offices Act.
- (f) Separate provision should be made to vest courts of justice with power to order the closing down of a press for a specified period in case of repeated violation of the law by the press.

(4) *The Foreign Relations Act, 1932*, should be repealed and more comprehensive legislation should be undertaken to make provision on a reciprocal basis for protection of Heads of Foreign States, Foreign Governments and their diplomatic representatives in India from defamatory attacks etc.

(5) (a) *Section 124A of the Indian Penal Code* should be amended to give effect to the judgment of the Federal Court in the case of *N. D. Mazumdar*.

(b) An explanation should be added to *Section 153A of I.P.C.* to the effect that it does not amount to an offence under that Section to advocate a change in the social or economic order provided such advocacy does not involve violence.

(6) *Section 144 of the Criminal Procedure Code* should not be applied to the Press; and separate provision should, if necessary, be made by law for dealing with Press in urgent cases of apprehended danger.

(7) *Section 5 of the Indian Telegraph Act and Section 26 of the Indian Post Offices Act* should be amended to provide that the actions and orders of subordinate officers are reported to and reviewed by responsible Ministers of Government.

(8) Before taking action against the Press under emergency legislation, the Provincial Governments should invariably consult the Press Advisory Committee or similar body.

1002. **Press (Objectionable matters) Bill.**—The Committee submitted its report on the 22nd May 1948 and although the report was before Government when the Bill which subsequently became Press (Objectionable Matter) Act, was introduced on 31st August 1951, the Bill did not attempt to give effect to all the recommendations of the Committee but adopted only some of them. During the course of the debate on the Constitution (First Amendment Bill) Government had promised to introduce as soon as possible a Bill which would be free from the objectionable features of the Indian Press (Emergency Powers) Act of 1931. The new Bill, as the Statement of Objects and Reasons shows was directed against encouragement of violence or sabotage and certain other very grave offences and against the publication of scurrilous matter. All the then existing laws which exceeded the limits prescribed in the Bill or which were against the provisions of fundamental rights were proposed to be repealed. Accordingly, the following laws were repealed:—

- (1) The Indian States (Protection against Disaffection) Act, 1922;
- (2) The Press (Emergency Powers) Act, 1931;
- (3) Foreign Relations Act, 1932;
- (4) The Indian States (Protection) Act, 1934;

- (5) Five Press Acts in force in the acceding states of Hyderabad, Madhya Bharat, Mysore, PEPSU and Rajasthan.

The provisions contained in the 13 Acts referred to in the Second Schedule were repealed in so far as they imposed any restrictions on printing, publication or distribution of any newspaper, news-sheet, book or other document, whether by providing for the pre-censorship thereof or by demand of security from the printer or publisher or any other manner.

1003. The Bill sought to avoid some of the objectionable features of the 1931 Act. For instance, it was proposed that security could be demanded, not when a newspaper was started as under the old Act of 1931 but only after proof that the paper had published "objectionable matter". Even so the demanding of security and its forfeiture were not to be permitted unless a judicial finding of a Sessions Judge had been obtained that the matter published or complained of was objectionable within the meaning of the definition of that term. Further the person charged was proposed to be given the right to claim a trial by a special jury composed of persons particularly qualified to sit in judgment over the abuses of the freedom of the Press. In all cases the Bill made provision for a right to appeal to the High Court.

Objectionable matter was defined as follows:—

The expression "objectionable matter" means any words, signs or visible representations which are likely to—

- (i) incite or encourage any person to resort to violence or sabotage for the purpose of overthrowing or undermining the Government established by law in India or in any State thereof or its authority in any area; or
- (ii) incite or encourage any person to commit murder, sabotage or any offence involving violence; or
- (iii) incite or encourage any person to interfere with the supply and distribution of food or other essential commodities or with essential services; or
- (iv) seduce any member of any of the armed forces of the Union or of the police forces from his allegiance or his duty, or prejudice the recruiting of persons to serve in any such force or prejudice the discipline of any such force; or
- (v) promote feelings of enmity or hatred between different sections of the people of India; or
- (vi) which are grossly indecent; or are scurrilous or obscene or intended for blackmail.

Explanation I.—Comments expressing disapprobation or criticism of any law or of any policy or administrative action of the Government with a view to obtain its alteration or redress by lawful means, and words pointing out, with a view to their removal, matters which are producing, or have a tendency to produce, feelings of enmity or hatred between different sections of the people of India, shall not be deemed to be objectionable matter within the meaning of this section.

Explanation II.—In judging whether any matter is objectionable matter under this Act, the effect of the words, signs or visible representations, and not the intention of the keeper of the press or the publisher of the newspaper of news-sheet, as the case may be, shall be taken into account.

Explanation III.—“Sabotage” means the doing of damage to plant or stocks, or to bridges roads and the like with intent to destroy or injuriously to affect the utility of any plant or service or means of communication.

1004. **Criticism of the Act.**—The criticism of this measure falls into two sharply defined categories. On the one hand it is suggested—

- (i) that the enactment of the 1931 Act found justification in an emergency which then existed, whereas no such emergency exists at present;
- (ii) that it provides penalties unknown to law in other countries of the world;
- (iii) that the judicial order and a jury of pressmen are merely face-saving devices;
- (iv) that the proceedings under the Press (Objectionable Matter) Act can be taken in addition to the imposition of other penalties under the ordinary law; and
- (v) that the very existence of the Act itself is a stigma on the Indian Press.

It has also been contended that there is no necessity of a special Press law and the ordinary law of the land, like the Indian Penal Code, would suffice for punishing those who could be proved to have abused the freedom of the Press in the manner described in defining “objectionable matter”. It was argued that publication of most of such material is or could be made an offence under the Indian Penal Code and no special treatment was necessary in the case of the Press.

1005. On the other hand, there is a strong body of opinion represented by most of the State Governments that the Act as it stands has proved insufficient to curb the mischief which it was intended to check on a

The criticism relates not merely to the procedure contemplated by the Press (Objectionable Matter) Act but also to the content of the expression “objectionable matter” as defined in Section 3 of the Act. So far as the content is concerned it has been urged that the expression “objectionable matter” should include defamatory or derogatory remarks with regard to the Ministers of Government and Government servants, matters which offend religious feelings of the people, expressions which scandalise highly placed Government servants, false and distorted news or sensational reports, and misrepresentation of events in bold headlines. So far as the procedure is concerned, it has been pointed out that trial by jury has proved ineffective in bringing offenders to book, that security to be taken under Sections 4 and 5 of the Act should not be less than Rs. 5,000 and that under Section 7 and 8 should not be less than Rs. 3,000, that certificates from the Attorney General or other Law Officer required under Section 11 of the Act should not be necessary, that under the Act only keepers of the press and publishers of newspapers become liable whereas the editors do not come anywhere in the picture, that it should be possible to deal with papers published outside the State with respect to matter concerning that State and that the provision with regard to warning contained in Section 4 should be deleted. One State Government is perturbed because although clause (v) of Section 3 enables action to be taken where the matter is likely to promote feelings of the enmity or hatred between different sections of the people in India, the validity of that provision has been challenged because there is no specific authority contained in Article 19(2) of the Constitution authorising such restrictive

legislation. Another State Government is apprehensive that, although sub-clause (vi), Section 3, refers to scurrilous writings, that provision may be declared invalid by the Supreme Court. It is feared that the implication of the word "scurrilous" may be restricted to defamatory writings in which case only it could be brought within the purview of the legislation permitted by Article 19(2) of the Constitution but in no other case.

1006. **Views of Indian Federation of Working Journalists and All India Newspaper Editors Conference.**—The Indian Federation of Working Journalists have stated that in principle, the Act should be repealed, though they concede that there has been no complaint about its working. The All India Newspaper Editor's Conference have stated that though they were originally opposed to the Act, the operation of the Act has belied their fears. They go on to observe "there is greater freedom of the Press in India today than ever before and more than in most other countries."

1007. **Discussion of criticism.**—It is claimed that the Press should not come under any special penal law, that it should share with the citizens whatever is imposed by way of penal law and that there should be no independent Press law dealing with offences committed by the Press. As one of the senior and respected journalists asked in the course of his evidence "Are we criminal tribes that there should be a special law for us?" In this connection it is to be remembered that there is essential difference between the mischief that may be wrought by an individual who gives expression to an objectionable matter and the press which publishes such matter. As the Sub-Commission on Freedom of Information appointed by the United Nations have stated at page 4 of their Report :

"The right of a man to harangue a small group of persons at a street corner is one thing but the right of a man or group to establish a newspaper, a radio or a television station is another matter altogether. Gigantic systems of information present organised society with problems of a different order quantitatively as well qualitatively speaking."

The Press is one of the vital organs of modern life more specially in a democracy. It has enormous potentialities for good or evil. It wields tremendous power and has equally tremendous responsibility. It is always a dangerous situation when power and responsibility do not go together as is the case with at least some units of the Press in India. In the case of irresponsible writings the spread of harm is wider and the effect is far greater and most rapid. Oral utterances are heard only by those who happened to be present while a newspaper carries its message all over the world. The spoken word is ephemeral while printed matter is more permanent. The frailties of human memory may obliterate the evil effects of undesirable utterances but such expressions printed and published in papers are more permanent in their effect. It was suggested that certain prominent leaders command audiences running into thousands and lakhs and that in such cases the effect of an oral utterance often times heard by persons who are illiterate may be as great as in the case of publication in a newspaper. It is undoubtedly so but such prominent leaders are hardly likely to indulge in giving publicity to objectionable matter as defined in the Act, just as it is hardly likely that responsible papers would bring themselves within the ambit of the Press (Objectionable Matter) Act. The Act is designed to prevent publication of objectionable matter in that small but growing section of the Press which is found to be habitually indulging in the publication of

such matter. The Act cannot be regarded as a stigma on the Press as a whole because all laws are designed to strike at the insignificant minority which intends to indulge in antisocial activities and their existence is no reflection on the conduct or the character of the overwhelming majority of the community.

1008. Another basic objection which was urged before us was that the result of demanding security is that the freedom of expression is granted to a rich person who is in a position to furnish security and risk its forfeiture, but is denied to a person whose resources are not great. This argument, in our opinion, overlooks Section 10 of the Press (Objectionable Matter) Act which lays down that the amount of security required to be deposited by the keeper of a press or the publisher of a newspaper shall be fixed with due regard to the circumstances of the case and shall not be excessive. Another argument which was placed before us, with some plausibility, is that it was humiliating to have to conduct newspapers under a threat of forfeiture of security while an individual who commits identical offences cannot thus be proceeded against. We do not think that there is very great force in this argument. It cannot be more humiliating to have to run a paper under the threat of losing a certain amount of money than under the threat of going to prison or having to pay a heavy fine which are the consequences if the ordinary law is resorted to. Moreover one has to remember that under Section 108 of Criminal Procedure Code which is part of the ordinary law of the land, security can be taken for good behaviour from persons disseminating matters falling under Section 124A and Section 153A of the Indian Penal Code or any matter concerning a judge which amounts to criminal intimidation or defamation under the Penal Code. That this Section applies not only to individuals but also to the Press is clear from the 2nd paragraph of this Section which says "No proceedings shall be taken under this Section against the editor, proprietor, printer or publisher of any publication registered under and edited, printed and published in conformity with the rules laid down in the Press and Registration of Books Act 1867 with reference to any matters contained in such publication except by the order or under the authority of the State Government or some officer empowered by the State Government." In none of the Memoranda which have been submitted to us or in the course of the oral evidence given before us has any objection been taken to Section 108 of the Criminal Procedure Code. So even under the ordinary law of the land security can be taken from the editor, proprietor, printer or publisher of the paper if he disseminates matter of the kinds specified in that Section. A provision of taking security against publication of certain types of objectionable matter is therefore not unknown to the ordinary law of the land. The other argument that the individuals are not proceeded against but only the Press is made subject to the provisions of this Act, is answered in paragraph 67 of the Press Laws Enquiry Committee's Report in the following words:—

"In the case of an individual it is undoubtedly true that he is at liberty to violate the law as many times as he may choose, but it is not correct that the only remedy for a serious breach of the law by an individual, either repeatedly or deliberately, is trial in a court of law. Chapter VIII of the Criminal Procedure Code contains provisions which can be usefully employed against individuals. It is possible in the case of an individual for the police to obtain information of the contemplated commission of an offence and to interpose effectively in serious cases by the arrest

of such individual. In case of disputes over immoveable property, which are likely to lead to a breach of the peace, the provisions of Section 145 of the Criminal Procedure Code can be invoked, while in urgent cases of apprehended danger, Section 144 of the Code can be applied."

1009. On the other hand, it is to be noted that the Press which is an essential element of modern life has to bring out the daily newspapers overnight. Material has got to be collected, sifted and sent to the press at very great pressure and by working against time. It would, therefore, not be fair to treat offences committed by the daily Press as being in the same category as an offence committed by an individual possibly after considerable deliberation. Therefore, some lenient remedy may be called for in the case of offences committed by the daily Press. The Press (Objectionable Matter) Act provides that if it is established to the satisfaction of the Sessions Judge that the requirements of the case will be met by a warning, he may, instead of demanding security, record such warning. In extreme cases there cannot be any higher punishment than forfeiture of security and cancellation of declaration or registration.

1010. There is also the further point that although technically it may be possible to hold one single individual responsible for what appears in a newspaper and, therefore, answerable in respect of any offence committed by that paper, there is always the possibility that the punishment of the individual may be vicarious. We have known of several cases where the editor has gone to jail for leading articles, written by someone else, but for which the editor assumed full responsibility. The Press Laws Enquiry Committee conceded this point and accepted the validity of the argument. In paragraph 68 of the Report they stated as follows:—

"Except in the few cases where the writer of an article is known, it is difficult to fix the identity of the individual or individuals responsible for a breach of the law involved in the publication of an article in a newspaper. The legal responsibility of the printer, publisher and editor is well-understood but punishment is likely to be vicarious and this consideration raises doubts regarding the propriety of the imposition of a sentence of imprisonment in most cases. The effect of pernicious propaganda carried on by newspapers day in and day out is likely to be more far-reaching than that produced by speeches. In the case of an individual culprit the object of imposition of sentence is punitive, preventive or curative. The case of a newspaper guilty of an offence is dealt with by the imposition of a fine and unless the fine is heavy it is not likely to have any preventive or curative effect. The maximum amount of fine may not prove adequate in all cases and in these circumstances we consider that the punitive remedies available for dealing with recalcitrant presses should be strengthened and accordingly we recommend that necessary provisions should be made in the law to empower courts to order the closing down of the press for a specified period in case of repeated violation of the law by the press."

1011. At page 33 in paragraph 67 they say "All these provisions of law (referring to the security provisions of the Criminal Procedure Code) depend for their operation on the fixing of the identity of the individual concerned. In case, however, of a newspaper which is the composite product of the joint efforts of several persons, personal responsibility can hardly be defined or

fixed". Although they thus appreciated the distinction between the effect of pernicious propaganda produced by speeches and that produced by the newspapers, although they realised the possibility of vicarious punishment being imposed if certain individuals are proceeded against under the ordinary law and although they recognised that under the ordinary law imposition of a fine is not likely to have preventive or curative effect, they proceeded to observe "Since, however, provision for the demand of security does not exist in the laws of progressive countries, we are reluctant to recommend any such provision and hope that the Press will realise its rights and responsibilities and that the effective organisation of journalists on professional lines and the evolution of code of conduct will produce the desired results." They recommended the strengthening of the ordinary law by empowering the courts to order the closing down of the press for a specified period in case of repeated violation of the law by the Press.

1012. The American Commission on Freedom of the Press has stated "The freedom of the Press does not mean that the general laws of the country should be inapplicable to them; the freedom of the Press also does not mean that special laws should not be adopted governing certain types of utterances." Thus the enactment of a special law for the Press is not ruled out by the Commission as being repugnant to the concept of freedom of the Press.

1013. The Press Laws Enquiry Committee recommended the re-enactment almost fully of the Indian Press (Emergency Powers) Act of 1931 except for the provisions relating to demanding and forfeiture of security. They wanted the main provisions of the Indian Press (Emergency Power) Act, 1931, to be incorporated in the ordinary law of the country. (See para. 3 of the summary of the recommendations quoted above.) It seems to us that the Press (Objectionable Matter) Act is a distinct improvement on the scheme envisaged by the Press Laws Enquiry Committee. Several of the offences which were enumerated in clauses (a) to (i) of Section 4 of the 1931 Act have been omitted in the new definition of "Objectionable Matter." For example, clauses (e), (f) and (g) of Section 4 of the Indian Press (Emergency Powers) Act do not find a place in the definition of "Objectionable Matter" in the new Act. The offence that has been described in clause (d) of section 4 of the old Act, has been included in Section 3(i) of the new Act in a greatly restricted form. Clauses (a), (c) and (h) in Section 4 of the old Act have been repeated in clauses (ii), (iv) and (v) of Section 3 of the new Act. Only two clauses have been added, namely, clause 3(iii) and 3(vi) which refer to incitement or encouragement to any person to interfere with the supply and distribution of food or other essential commodities or with essential services and to the publication of material which is grossly indecent, scurrilous, obscene or intended to blackmail. The provision for demanding security has been made subject to the order of a Sessions Judge after a formal trial, with the aid if so desired, of a jury consisting of journalists. The closing down of the Press, which was recommended by the Press Laws Enquiry Committee in case of repeated violation of law has been made a consequence which would follow if (i) as a result of the first offence the security is demanded by the Sessions Judge, (ii) as a result of the second offence the security is forfeited by the district judge and (iii) if security demanded is not paid. The Act is not meant as a fetter on the Press as a whole and it will remain as a sanction against only the errant units of the Press. The provision of a judicial order and trial by jury are not merely face-saving devices but a valuable protection against high-handed executive action, specially as a demand for security or forfeiture of the security can be made by a high judicial officer of the status of a Sessions Judge and only with the concurrence of the jury.

1014. **Necessity of having a Press Law.**—The question, therefore, arises whether the material brought to our notice justifies the continued existence of the Act. As we have stated in an earlier Chapter, no State or no section of the Press is wholly free from the evil of yellow journalism. We examined samples of objectionable writings which were submitted to us by the State Governments. A majority of these objectionable writings are those which (i) tend to promote communal hatred and enmity and (ii) infringe or offend decency or morality and publish scurrilous and obscene matter defaming individuals and making intrusion into their private affairs. Scurrilous attacks are directed mainly against Ministers, persons in authority, wealthy individuals and particularly against cinema personalities. As an extreme instance it may be mentioned that the Directors of Information of the PEPSU and Punjab have complained that assassination of character and defamation of individuals in these States is now possible at a cheap cost of Rs. 6/4/- for each attack.

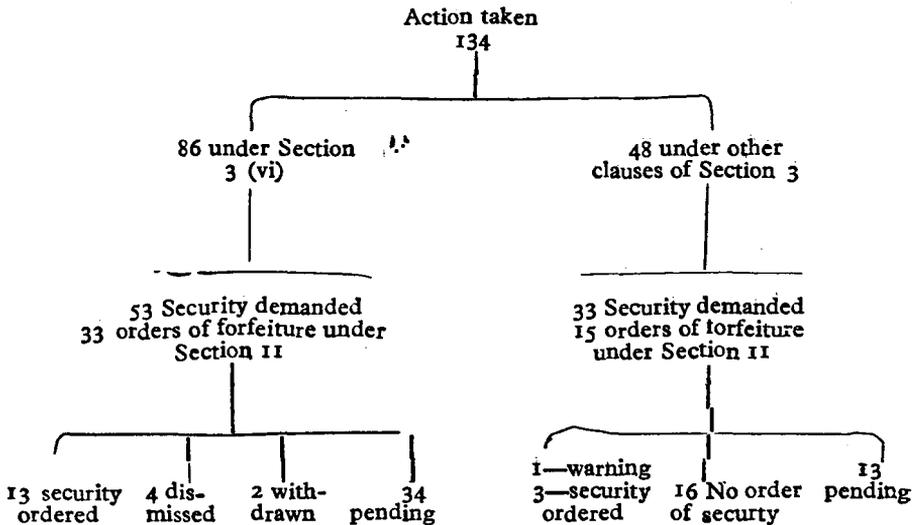
1015. There is, however, no doubt that a large section of the Press in India is sober and responsible and does not indulge in what has been described as yellow journalism. There is however a small section of the Press which seeks to flourish on blackmail, sensationalism and obscenity. A section of the Tamil, Telugu and Malayalam Press which carries objectionable writings abounds in indecent or grossly obscene matter concerning Ministers and cinema stars. Recently there has been a tendency in some papers to create feelings of enmity and hatred between different classes of citizens. In the border States of West Bengal and Punjab the yellow Press tends to promote feelings of enmity and hatred between Bengalis and non-Bengalis, Hindus and Sikhs and Hindus and Muslims as also between neighbouring countries. A section of the Sikh Press both in Urdu and in Punjabi seeks to incite violence in the name of the 10th Guru for the formation of a separate Punjabi State. A very small section of the Marathi Press was found to idolise Godse. There are a few periodicals in Marathi that indulge in obscenity. Recently there has been a tendency in the Gujarati and Marathi papers to resort to unjournalistic language in carrying on controversy for linguistic States. A section of the Gujarati Press in Saurashtra has tended to incite violence against some Ministers of the State Government. Perhaps the Urdu Press is the most culpable in this regard. There are comparatively more newspapers and periodicals published in Urdu than in any other regional language taking all the States of the Union together. A large section of the Urdu Press is controlled by communalists, Hindus as well as Muslims. It is not uncommon to find in those publications reproduction of inflammable writings from the Pakistan Press with the intention, on the one hand, to rouse Muslim feelings or, on the other, to charge the non-Muslims in India with callous indifference to the anti-Hindu spirit said to be prevalent in Pakistan. This section of the Press often publishes scurrilous and obscene writings. Of the expanding Hindi Press the section indulging in objectionable writings is confined mostly to Bihar, Delhi and Uttar Pradesh. Personal attacks on the character of Ministers and high-placed persons are carried in articles and as imaginary conversation.

1016. By and large the English section of the daily Press in India is comparatively free from objectionable writings. There are, however a few periodicals published from Bombay and Calcutta which often indulge in vilification of persons in authority, in ferretting out of official secrets and in publishing spicy scandals having a political tinge. Occasionally they resort to journalism which is likely to disturb friendly relations of India with foreign countries. The West Bengal Government have stated that the production, import and

sale of obscene and pornographic literature in the form of periodicals, pamphlets and books has grown in alarming degree and has become a social menace. They suggest the import of such books and periodicals from foreign countries should be made more and more difficult.

1017. We have included in a separate enclosure to this report some of the examples of objectionable writings which have come to the notice of the Commission.

1018. By and large the responsible section of the Press has not done anything of which this country need be ashamed. Indeed we may go so far as to say that the conduct of the Press has on the whole been such as to do credit to any country in the world. But there does exist a certain section of the Press which exhibits tendencies which need to be curbed and which publishes matters falling under one or the other categories of objectionable matter as defined in the Press (Objectionable Matter) Act. We have been informed by the Ministry of Home Affairs that between the period 1st February 1952 when the Press (Objectionable Matter) Act came into force and 31st October 1953 the date up to which statistics have been collected, action was taken under the Act in 134 cases. The analysis of these cases is as follows:



This indicates that the overwhelming preponderance of objectionable writings falls under clause (vi) of Section 3 of the Act. There is a certain amount of overlap in these numbers, as in many of the cases in which security has been demanded under Section 4 and 7 are also the same cases in which orders of forfeiture have been passed under Section 11. Out of the cases decided, action has been most successful in the State of Madras and least successful in the State of Delhi. These numbers do not necessarily indicate different newspapers or periodicals for in some instances separate cases have been filed under Section 4 and 7 and separate orders of forfeiture have been passed under Section 11 for different issues of the same newspaper or periodical. On the other hand it has to be remembered that in a very large number of cases the State Governments have taken no action either because they chose not to give undue publicity by starting proceedings or because they had little faith in the efficacy of the Act. For example one Tamil daily

in its issue dated 31st January 1954 reported Sri Ramaswami Naicker's speech. The report urged "extermination of northerns and brahmins", "starting of a campaign in opposition to the role of northerns and a forceful struggle in which heads shall roll" and mooted the possibility of mass murder of Ministers "If in Burma it was possible to shoot to death ten Ministers, would it not be possible here in South India". But the State Government thought that the utterance and writing did not have much effect and that on considering the balance of advantages, the best course was to ignore them for the present. The smallness of the section does not *ipso facto* derogate from the necessity of having a law on the subject. As has been stated earlier all laws are intended to punish that insignificant section of the public which indulges in anti-social activities. No responsible newspaper or periodical need be afraid of the provisions of this Act as no such newspaper is likely to publish material coming within the four corners of Section 3 which defines "objectionable matter". Sri C. Rajagopalachari has pointed out in 1951 and Dr. Katju has repeated the assurance in the recent debate on the Bill seeking to extend the life of the Act by another two years that it will not be used as an instrument of party politics. Almost every one of the circumstances mentioned in Section 3 constitutes an offence under the ordinary law of the land, that is, either in the Indian Penal Code or in some other law dealing with some particular subject. All that the Press (Objectionable Matter) Act provides is that in the case of first violation, the keeper of the press or the publishers of the newspaper can be called upon to furnish security and if there is a second violation the security is liable to be forfeited. As a consequence of this forfeiture the registration of the press and the declaration made by the publisher stand cancelled with all the results flowing from such cancellation. It is a fact, however, that the Act has not effectively stopped publication of objectionable matter and most of the State Governments have either taken no action under it because they did not intend to give undue publicity to the matter or because they considered the Act a poor weapon to deal with objectionable writings. It must, however, be remarked that many of the State Governments have admittedly not taken any action even when it was possible for them to do so. Having accepted the odium that attaches to the enactment of such a legislation, one would have expected that the State Governments would take steps to implement the Act effectively. But it does not appear that any serious effort has been made in this direction by the State Governments. Their grievance about the inefficacy of the Act would have been legitimate if cases had been placed before the Courts and the Courts had held that, as the Act stood, no security could be ordered. We think, however, that some legislation in the form of a provision for taking security is necessary to deal with such writings and the next question is whether it should be enacted in a separate Act or made a part of the permanent law of the land.

1919. Possibility of adapting Section 108 Criminal Procedure Code.—We appreciate the argument that as the Press asks for no privilege, it should not be subject to any special disabilities but should be punished under the ordinary law. In this connection we would invite attention to provisions of Section 108 of the Criminal Procedure Code to which we have referred earlier. Under that Section security can be demanded both from individuals and from those responsible for running, printing and publishing a newspaper if the intention is to disseminate or to attempt to disseminate or abet the dissemination of any matter which is punishable under Section 124A or Section 153A or any matter concerning a Judge which amounts to intimidation or defamation. So far as we know, no objection has been taken by the

journalistic profession to this Section although it is clear from paragraph 2 thereof that an editor, proprietor, printer or publisher of a publication would be liable to be proceeded against under that Section. This may be due to the fact that since 1931 action, if any, was taken under the Indian Press (Emergency Powers) Act or the Press (Objectionable Matter) Act. The only distinction that the Section has made in favour of the Press is that no proceeding can be started against the editor, proprietor, printer or publisher except under the authority of the State Government or some officer empowered by the State Government in this behalf. The provisions of this Section can be widened so as to include other matters which are enumerated in Section 3 of the Press (Objectionable Matter) Act. If this is done then the law would be applicable both to individuals and to those concerned with the running of newspapers. Thus all would be governed by the same law and there would be no discrimination in respect of the Press.

1020. We must, however, note that under Section 123 of the Criminal Procedure Code failure to give security will result in a sentence of imprisonment whereas under the Press (Objectionable Matter) Act failure to furnish security results in the declaration made by the keeper of the press and publisher of the newspaper under the Press and Registration of Books Act being annulled. The cancellation of the declaration on failure to furnish security is the essence of preventive action contemplated under the Press (Objectionable Matter) Act and a suitable provision may have to be made if Section 108 of the Criminal Procedure Code is amended on the lines suggested above. In that event Section 99A which empowers State Government to declare publications punishable under Section 124A, 153A and 195A forfeited to Government will take the place of Section 11 of the Press (Objectionable Matter) Act but with this difference that Section 11 of the Press (Objectionable Matter) Act enables action to be taken by the Government only on the certificate of the Advocate General or the Principal law officer of the State Government whereas no such safeguard is provided under Section 99A of the Criminal Procedure Code. Moreover provisions under Sections 12, 13, 14 and 15 which are wholesome in themselves, will have to be incorporated in ordinary law of the land by making suitable amendments in the Post Offices Act, the sea Customs Act and the Press and Registration of Books Act.

1021. **Recommendation of the Commission.**—But making all these changes in the law of the land would fail to emphasise the essentially temporary purpose of an enactment like the Press (Objectionable Matter) Act. We are hoping that with the establishment of the Press Council there will be internal control of the Press by a kind of domestic tribunal and that the Press Council will see that the units of the Press publishing objectionable matter are effectively pulled up and publicly censured. As the Press Council grows in strength and prestige, the necessity of having resort to such measures as the Press (Objectionable Matter) Act will gradually disappear and the permanent law of the land will not have to be altered for the sake of a small errant section of the Press that exists today. With that end in view we consider that it would be more desirable that the special provision relating to the Press should remain as a separate Act and should not form part of the permanent law of the land. The Act is essentially of a temporary nature. Whether it would require to be continued after February 1956 must depend upon the performance of the Press during the next two years and on the extent to which the Press Council, if it comes into being before then is able to exercise a restraining influence on the erring section of the Press.

1022. **Validity of clauses (v) & (vi) Section 3 of the Act.**—The question that then remains is as to whether any tightening up is needed as suggested by the various State Governments. We doubt whether this is strictly within our terms of reference which require us to consider whether the existing laws require repeal or amendment as not being within the concept of the freedom of the Press. We do not think that any of the existing provisions go beyond that concept. However, a doubt was expressed in connection with clauses (v) and (vi) of Section 3 of the Press (Objectionable Matter) Act. Clause (v) of the Section refers to the promotion of feelings of enmity and hatred between different sections of the people of India as constituting objectionable matter. It is obviously desirable that a true concept of the freedom of the Press should carry with it the responsibility and the obligation of not saying anything through the Press which will promote feelings of enmity and hatred between different sections of the people. It has, however, been urged by one State Government that this particular provision may not come within the permissible legislative limits as laid down in Article 19(2) of the Constitution. This point came up for consideration before the Bombay High Court in an indirect way in the recent case of *Aghorvan Cr. Appeal No. 1109 of 1953* decided on 25th March, 1954. It was conceded in that case that the words “in the interest of public order” appearing in Article 19(2) of the Constitution are a sufficient authority for placing restrictions on freedom of expression presumably because the possibility of a breach of the peace is implicit in expressions likely to promote feelings of enmity between different sections of the people and, therefore, in the interest of public order restrictions could be placed on such expressions. All that was contended in that case was that the legislation with regard to public order should be State legislation and not Central legislation. The Judicial Commissioner of Ajmer has in a recent case of *Tilok Chand Gopaldas vs. State* (A.I.R. March 1954—Ajmer—page 19) held that “matters which promote feelings of enmity or hatred between different sections of the people of India is something which is likely to affect the interest of public order in as much as it may lead to a riot, commotion or commission of other offences”. Section 3, sub-section (v), therefore, does not offend against Article 19(1) (a) of the Constitution as it is in all probability saved by clause (2) of that Article. Section 3, sub-clause (v) of the Press (Objectionable Matter) Act would, therefore, appear to be not *ultra vires* of the Constitution and void under Article 13.

1023. Sub-clause (vi) of Section 3 refers to scurrilous writings. Article 19(2) permits restrictive legislation only with regard to obscene, defamatory, indecent and immoral writings and not to scurrilous matter. If such writings do not constitute defamation or cannot be characterised as obscene, indecent or immoral, then, it has been urged by one State Government, it is within the bounds of possibility that any action taken merely on the ground that it was scurrilous may be challenged as being *ultra vires* of the Constitution. The word “scurrilous” is derived from *scurra* meaning a buffoon or a jester. In the Concise Oxford Dictionary it is defined as “grossly or obscenely abusive given to or expressed with low buffoonery”. Murray’s Dictionary gives the meaning as “characterised by coarseness or indecency of language especially in jesting and invective; coarsely opprobrious or jocular”. In Black’s Dictionary the meaning, as gathered from American usage, is stated as follows: “low and indecent language of the meaner sort of people; mean; vile synonymous with vulgar, foul or foul-mouthed”. It is possible to argue that the definition, as given in these Dictionaries, may conceivably include

scurrilous writings which do not contain an element of indecency, immorality or defamation and to that extent it would be outside the scope of legislative restriction on the freedom of expression. There is, however, a decision of the Saurashtra High Court in *Krishna Sharma vs. the State* (A.I.R. 1954 Saurashtra—page 28) wherein it has been held that according to its construction the definition of “objectionable matter” under Section 3, clause (vi) of the Act, so far as it includes words which may be grossly indecent scurrilous or obscene is within the legislative competence of Parliament. They have, however, observed that as the word “scurrilous” has been placed in Section 3 clause (vi) between the words “grossly indecent” and “obscene”, it should be read in its context and must be understood to mean in the popular sense of being grossly or obscenely abusive and the Act must be construed as directed against matter which is scurrilous in this sense. It would appear that scurrility involved in writing which is coarse, vulgar or abusive could properly be hit by legislation designed to restrict freedom of expression in the interest of morality and decency.

PROPOSALS FOR MAKING THE ACT MORE STRINGENT

1024. **Defamation of Public Servants.**—Whether the words which are defamatory of Government servants and of high officials should be brought within the provisions of the Press (Objectionable Matter) Act is a matter of policy. No point with regard to the freedom of the Press is involved therein. Restrictions with reference to defamatory writings existed even in Article 19(2) of the Constitution as it originally stood. That Article was regarded as unexceptionable and it is undoubtedly a recognised restriction on the freedom of speech and expression all the world over. We realise that some part of the objectionable writings brought to our notice consists of material which is defamatory of public servants. We are making proposals later in the chapter for tightening up the law of defamation. If these proposals are adopted, we do not think it would be necessary to bring such writings within the scope of the Press (Objectionable Matter) Act.

1025. **Publication of false or distorted news.**—We do not think that there should be any legislative abridgment of freedom of speech and expression with reference to merely abusive writings, publication of false and distorted news or sensational reports or with respect to publishing description of events in bold headlines. These are matters which “must continue to find shelter under the concept of the freedom of the Press”, as pointed out in the extracts in the American Report referred to earlier. The real cure for such manifestation of irresponsibility is both subjective and organisational and we cannot recommend any abridgment of the freedom of expression by legislative measures.

1026. **Abolition of trial by jury.**—Some State Governments have suggested that trial by jury has proved to be an inadequate weapon because the jury is reluctant to find their fellow-journalists guilty of publishing objectionable matter. We think that the provision of trial by jury is a salutary one. We were informed by the Chief Minister of Madras that provided proper cases were put up, the verdict of the jury has always been a reasonable one. If cases have failed in some courts, it may not necessarily have been due to perversity on the part of jury but the cases themselves may have been weak. We were informed by one of the State Governments that a large number of cases were sent up merely because they wanted to test the provisions of the Act in a court of law apparently

without bestowing sufficient care on the kind of cases that were put up. We think journalists—like members of any other jury—have to learn to assume responsibility. We have no doubt that there are journalists in India who have sufficient strength of character and a sense of public duty who would be prepared to assume the responsibility involved in this and it is in that faith and hope that we have made proposals for the constitution of a Press Council which will lay down and administer its code of ethics and maintain the best traditions and standards of Indian journalism. But we must record our surprise that in one grave case though the jury found a newspaper guilty of having published grossly objectionable matter, it recommended that no action should be taken or that the paper should be let off with a warning. But we notice from statements made in Parliament that there may have been some doubt in the minds of the jury about the extent of their power to recommend taking of security for an amount smaller than that demanded by the State Government. We note however that the recent amendment of the Press (Objectionable Matter) Act has clearly defined the functions of the Judge and the jury by laying down that it is the duty of the jury to decide whether any newspaper etc. contains any objectionable matter and it is the duty of the Judge to decide whether there are sufficient grounds for making an order for the demanding of security or for directing any security which has been deposited or any part thereof to be forfeited to Government. This is the usual practice followed in all criminal cases where the question of punishment is left to the Judge and not to the jury. The proceedings under the Press (Objectionable Matter) Act are essentially criminal in their nature and there is no reason why the normal procedure should not be followed in these cases.

1027. **Other minor suggestions.**—Some of the Governments have suggested that in order to make the Act more effective (a) Government should have the power to deal with a paper published outside the State containing objectionable matter concerning that State; (b) proviso relating to giving of warning in Section 4 of the Act should be deleted; (c) certificate of the Law Officer requisite for the taking of action under Section 4 should not be necessary; (d) security under Section 4 and 5 should not be less than Rs. 5,000/- and that under Section 7 and 8 less than Rs. 3,000/-; and (e) that the Act should deal not only with the keeper of the printing press and publisher of newspaper of news-sheet but also in addition with the editor who is primarily responsible for the contents of the paper. These are again matters which do not impinge on the domain of the freedom of the Press. Once we hold that the restrictions with regard to the matters enumerated in Section 3 do not offend the concept of the freedom of the Press the precise manner of dealing with the subject are matters of detail with which we are not concerned in this part of our report. We may, however, indicate our view on these points. It would be contrary to the usual practice to enable one State Government to deal with an offence committed within the jurisdiction of another State. It would be appropriate for the former Government to persuade the Government of the latter State to take the necessary action. We see no necessity to delete the provision with regard to giving of warning. Some offences may not call for taking serious notice and if, the power of imposing punishment is left to the Judge, there need be no apprehension that the power will be abused. We think that the safeguard imposed by the legislature of consulting the highest law officer before taking action under Section 11 is a salutary one and it would be very desirable to retain it. We do not see any necessity for imposing

a minimum on the amounts for which security should be taken. Each case must be decided on its own merits and the appropriate amounts for which security should be taken must be determined in each case.

1028. Provision for appeal where court declines to order security.— Some of the State Governments have urged that where the Judge and the jury had declined to take action against a paper, it should be possible for Government to prefer an appeal to the High Court against their decision. We notice that in the recent amendment of the Press (Objectionable Matter) Act, a provision has been made to that effect. It is true that appeals against orders of acquittal are a peculiar feature of the law of this country. But experience has shown that such a provision is necessary so that there should be no miscarriage of justice. One comes across many cases where appeals against orders of acquittal are accepted by the High Courts and there is no reason why proceedings under the Press (Objectionable Matter) Act should be an exception to the general rule as it prevails in India. It has got to be noted, however, that the Criminal Procedure Code does not provide an appeal against orders passed under Chapter VIII of the Code when the courts decline to pass an order demanding security. But there is another important reason why the amendment made is a desirable one. Proceedings under Section 4 of the Press (Objectionable Matter) Act and proceedings under Section 11 of that Act are two independent remedies which are open to Government. **Under Section 16 complaints may be filed before a Sessions Judge by a competent authority asking for security under Section 4 or under Section 7.** It is also open to Government, after obtaining a certificate from the Advocate General or a principal law officer or the Attorney-General in India to declare every copy of the newspaper containing objectionable matter should be forfeited to Government. It is possible that action under Section 11 may be taken while the proceedings under Sections 4 and 7 were pending as did happen in the case of *Aghorvan* before the Bombay High Court. If an order under Section 11 is passed an appeal would lie to the High Court under Section 24. It is conceivable that the order may be upheld by the High Court on the ground that the newspaper did contain objectionable matter. After this decision of the High Court, continuance of proceedings before the Sessions Judge would appear to be anomalous. It is possible of course that the jury may hold that the writing is not objectionable in spite of the decision of the High Court to the contrary. The Sessions Judge would in all probability, in view of the decision of the High Court, make a reference to the High Court against the decision of the jury. But if it did happen that the Sessions Judge accepted the verdict of the jury, then an anomalous situation would have remained, the jury and the Sessions Judge holding that the matter was not objectionable and the High Court holding that the matter was objectionable. This new provision giving a right of appeal not only fills a lacuna which existed in the original Act but also enables a reconciliation to be brought about between the decision of the High Court and the decision of the Sessions Judge.

1029. Editor's liability under the Act.—It is however a matter for consideration whether the editor should not also shoulder the responsibilities under the Press (Objectionable Matter) Act. The Act deals only with keepers of printing presses and publishers of newspapers. The person who is primarily responsible for the contents of the paper, which has attracted the applicability of the Act, incurs no liability. It could, however, be argued that under the Act action is taken not against individuals but against the paper as

such and in this view the printer and publisher are the persons concerned in the continuance or disappearance of the paper. It is probably for this reason that the editor was not brought into the picture. The Government of West Bengal have suggested an amendment of the Act for making the editor also liable and on the whole we agree with the view taken by that Government.

SECTION III

THE PRESS AND REGISTRATION OF BOOKS ACT, 1867.

1030. **The Act and the Concept of the Freedom of the Press.**—This measure was enacted in 1867 for regulating printing presses and newspapers, for preservation of copies of books printed in India and for the registration of such books and periodicals. The Act deals with:

- (i) the registration of printing presses;
- (ii) the registration of newspapers and periodicals; and
- (iii) the registration and preservation of books.

1031. The Committee appointed to inquire into Press Laws made certain recommendations in respect of this Act. These recommendations consist mainly of verbal changes in the wording of the Act to eliminate minor ambiguities. The Committee does not appear to have gone into the major question of the different provisions of the Act or their successful working, save to the extent mentioned below.

1032. We do not think that this measure offends against the concept of the Freedom of Press, and no suggestion has been made to us to that effect. We are living in an age of statistics and registration—motor cars, buildings, births, deaths and marriages have to be registered from time to time. Statistics have to be kept of imports and exports, and one might as well argue that this constitutes restraint on the Freedom of Trade. The growth of national life has been such that without the necessary registration and continued attention to statistics, proper administration of the State is impossible. It is desirable to know who is responsible for running a paper, where it is printed and published, who is responsible for a lapse, if any.

1033. **Inclusion of leaflets within the purview of the Act.**—The first important criticism that has been made to us by two State Governments is that leaflets may not come within the purview of section 3 of the Act which says “that every book or paper printed within India shall have printed legibly upon it the name of the Printer and the place of printing, and if the book on paper be published, the name of the publisher and the place of publication”. The section is not confined to newspapers, which term is defined in section 1 of the Act, and strictly construed even invitation cards for social functions, or for the matter of that, even visiting cards, would be “paper printed” and will have to comply with the requirements of section 3. This could hardly have been intended. This anomaly was pointed out in *Dattatraya Malhar v. Emperor*, A.I.R. 1937 Bom. 28, but the question was not decided. Section 21, which gives power to Government to exclude the operation of the Act, is applicable only to books. However, there can be little doubt that handbills and pamphlets are

“paper printed” within the meaning of section 3, and would have to comply with the requirements of that section. The doubt, if any, would be set at rest by adding after the definition of “newspaper” the following definition, *viz.*,

“paper includes every document printed, other than a book, and printing includes cyclostyling and printing by lithography.”

as was proposed to be done by clause (3) of the bill which was before Parliament for the purpose of amending the Press and Registration of Books Act.

1034. Section (1) of the Act.—This section requires that every copy of every newspaper shall contain the name of the person who is the editor thereof printed clearly on such copy as the editor thereof. There has been some divergence of opinion on this point in the replies we have received in answer to Question No. 10 in Section “P” of the General Questionnaire. Almost all the State Governments who replied to this item of our Questionnaire (except Hyderabad) have stated that the name of the editor should be mentioned. The Marathi Journalists Association and South Indian Journalists’ Federation are strongly of the same view. The Federation of Working Journalists seems to be of the view that as the paper is a co-operative effort, the name of the editor need not be mentioned. The A.I.N.E.C. say that though the name of the editor is not necessary for fixing the responsibility for the contents of the paper, it is desirable to mention the name for two reasons (1) it gives status to the editor, and (2) the editor should be prepared to shoulder the requisite responsibility. The Press Laws Enquiry Committee who considered this question express their view in the following terms:

“Some witnesses have suggested that sub-section (1) of section 5 which requires that the editor’s name shall be printed on every copy of a newspaper should be deleted. We have carefully considered this suggestion, but regret our inability to accept it, since we are of opinion that the editor does play an important part in the selection of the matter that is published in a newspaper, although the modern newspaper is a composite product resulting from the joint efforts of several persons. It may be noted that this sub-section was added on the recommendations of the Press Committee of 1921, and we do not consider this provision to be unreasonable. Two non-official witnesses, themselves editors, are in favour of retention of this sub-section. It is true that, in Great Britain and America there is no similar regulation, but it may be noticed that the President’s Committee on Civil Rights in U.S.A. has recommended legislation requiring newspapers to disclose pertinent facts about themselves through systematic registration procedure (*Vide* paragraph 35 of this report).”

The consensus of opinion therefore appears to be in favour of retaining section 5 (1) of the Act as it is. We agree with that view. Whenever the editor is temporarily away and does not intend to assume responsibility for what appears in the paper, his name should not appear on the newspaper as editor and the name of the acting editor should be printed thereon.

1035. Amendment of Section 5 (2) of the Act.—Under section 5 (2) of the Act, it is open to any person to declare his intention of starting a paper, but it is not incumbent on him to start such a paper within any specified period after the declaration. For this purpose, the Press Laws Enquiry Committee have recommended that the Act should be amended to provide that if a newspaper does not commence publication within three months of the date of declaration, the declaration shall become void. It appears to us that this period is too long. There is no reason why the declaration should be made by the publisher much in advance of his readiness to start the paper, and it should be possible for the publisher to start publishing the paper within a fortnight in the case of dailies, a month in the case of weeklies and three months in the case of monthlies. The declaration should be deemed to lapse if regular publication of the newspaper or periodical is not commenced within these periods. The absence of a provision of this type has led to enormous difficulties in the work of this Commission. The State Governments reported the existence of a very large number of newspapers and periodicals, presumably on the strength of declarations which had been filed, without verifying whether the making of the declaration was followed up by publication of the newspapers or periodicals. It appears that some State Governments have framed statutory rules on the subject. The rules in Bhopal, Delhi, Kutch, Hyderabad and Himachal Pradesh prescribe that if the keeper of a press does not establish and begin to operate the press within three months of the date of his filing the declaration or if no books or papers are printed therein for a period of six consecutive months, the declaration shall be deemed to be annulled. The same time-limit of three months is prescribed for the printer and publisher to start operating from the date of filing declaration. But the requirement of these rules is satisfied if one issue is brought out within the time prescribed. In order to keep within local regulations which, in certain cases, prescribe a maximum period of interval between one issue and another, certain "daily" newspapers bring out editions just often enough to keep the declaration alive. Another method of getting over the difficulty is to publish editions with wrong dates, bearing dates earlier or later than the date of actual publication, in order to keep the declaration alive. Even this provision of a maximum interval between one issue and another does not exist in all the States. The Press Laws Enquiry Committee have made no recommendations in this matter. We recommend that a "daily" should bring out at least 15 issues in any consecutive period of 30 days, and a "weekly", not less than 12 issues in any six months, failure to do which should entail lapsing of the declaration.

1036. Amendment of Section 5 and Section 8.—If a paper ceases publication, the declaration, however, continues to stand, and there is no ready means of verifying whether the particular paper is still alive. It is optional on the part of a person, who has ceased to be the publisher of a paper, either because he has transferred it to another person or because he has discontinued publication of the paper, to file a declaration to this effect (see section 8). We think it should be made compulsory. We also recommend that no declaration should be accepted if the newspaper proposed to be published bears the same name as another paper published in the same State or in the same language.

1037. Section 5 (3).—The Press Laws Enquiry Committee have recommended that temporary changes in the place of printing a publication may

merely be notified to the Magistrate within 24 hours and if this is done, there need be no fresh declaration so long as the printer and publisher continue to be the same. We agree with this view.

1038. **Section 5 (4).**—The Press Laws Enquiry Committee have also recommended that a new declaration should be necessary only if the printer and publisher are absent from the Indian Union for a period longer than 30 days. During this period, the liability of the printer and publisher would be constructive and it would be open to any printer or publisher who does not wish to assume even this constructive liability to make a declaration under section 8 and to arrange for the filing of a fresh declaration by his successor. We support this recommendation of the Press Laws Enquiry Committee.

1039. **Section 9.**—Another important omission in the provisions of the Act is a requirement for registering and filing of at least one copy of each printed paper, book or periodical with the National Library of India. We notice that the recent Bill “to provide for delivery of books to the National Library and other public libraries” proposes to rectify this omission so far as books are concerned, but it excludes newspapers published in conformity with the provisions of section 5 of the Press and Registration of Books Act from the definition of the word “book”. We think that it would be desirable to have in at least one library copies of all the important newspapers and periodicals published in India and we recommend that a provision be made to that effect. It has also been suggested that the responsibility for sending the books should be on the publisher and not the printer, because very often the books are not bound under the printer's supervision, and keepers of the Press sometimes find it difficult to procure copies of the books from the publishers for delivery to State Governments. We agree that this can be a real difficulty and recommend that the Act should be amended accordingly. We observe that in clause 3 of the new Bill “to provide for delivery of books to the National Library and other public libraries” the responsibility for delivery of books to the public libraries has been thrown on the publisher.

1040. **Proposal to appoint a Press Registrar.**—We consider that the whole administration of the Press and Registration of Books Act requires to be overhauled. In the course of our work we found that, apart from the differences in practice in different States, there is a general laxity in the checking of the filing and the registration of books and periodicals. It has been a matter of great difficulty to us to get the files of copies for scrutiny of the contents and even to verify whether a paper is currently being published or not. In many cases the information supplied by the State Governments was grossly inaccurate and never up-to-date. The Commission proceeded to collect information from newspapers and periodicals on the basis of lists furnished to us by the State Governments. In as many as 20 percent of cases the information about the existence of newspapers and periodicals proved to be inaccurate. The information was asked for with regard to the position as it existed on the 1st of January 1953. In many cases it was found that the newspapers or periodicals which had once been published had ceased to exist long before the relevant date. In a large number of cases no newspaper or periodical had come out, although a declaration was made under the Press and Registration of Books Act. Apparently, the State Governments assumed that the newspapers, about which a declaration had been made, had come into existence without caring

to inquire whether any issues thereof had been published. There is little or no check to see whether a paper comes out regularly and if it does not, to find out the cause or to correct the record accordingly. Some of the suggestions which we have made in the earlier paragraphs will, we trust, provide the necessary corrective. But we think that there should be a radical change in the administration of the Act by the various States. We think that it is necessary that there should be one Central authority to be named the Press Registrar for India who will exercise supervision over Press Registrars appointed for each State. The declaration to be made under the Press and Registration of Books Act may be made either before the Press Registrar or such officer as may be appointed by Government on his behalf, so as to avoid inconvenience to the newspapers and periodicals published in mofussil. It should be the business of the Press Registrar to have a complete register of all the newspapers and periodicals, news agencies and advertising agencies in the State. It should be made obligatory on them to register themselves under the Act and if they fail to do so, they should be ineligible to carry on the business. The declarations to be made by them should include a statement on the lines indicated in Appendix XXIII of the capital structure and the staff proposed to be employed in the venture and the Registrar should have authority to call for any additional factual information.

1041. Suggestions regarding postal concessions for "newspapers" and "periodicals".—Newspapers registered under the Indian Post Offices Act, 1898, are entitled to certain concessions. Under Section 9 of the Act, every publication has, for the purpose of such registration, to consist, wholly or in great part, of political or other news, or an article relating thereto or to other current topics, with or without advertisements, subject to the conditions (a) that it is published in numbers at intervals of not more than 31 days, and (b) that it has a bona fide list of subscribers. Under the Indian Post Office rules the concession is given only to those newspapers which have at least 50 bona fide subscribers, i.e., paying subscribers. We have come across several "newspapers" purported to be registered under the Indian Post Offices Act which contain only one item of news of 3 or 4 lines and the rest of the paper is devoted either to market quotations or to "solutions" of crossword puzzles. Periodicals which publish a statement of the prices of commodities in the general market or transactions therein may be treated as newspapers especially if they give interpretation of market trends. But reports containing market prices of any particular kind of commodity and issued by a person dealing in that commodity for circulation to his clients without charge with a view to soliciting orders are no better than tradesmen's circulars or catalogues and would not be entitled to obtain registration. And it is difficult to see how a paper consisting practically wholly of suggestions for solving crossword puzzles could be regarded as a publication "consisting wholly or in great part of news or articles relating thereto or to current topics". There is, however, a circular from the Director General of Posts & Telegraphs dated, 22nd October 1953 saying that solutions and meanings of various words involved in the puzzles should be regarded as "news" although space devoted to entry coupons must be excluded in calculating whether the "news" content is more than 50 per cent. or not. They have also been advised that market reports and solutions to crossword puzzles should also be regarded as "news". We feel that the concessions which a registered newspaper enjoys under the Indian Post Offices Act should be given to genuine newspapers, although they may be continued in respect

of publications containing market reports in the sense referred to above. We see no justification for extending the concession to publications which consist of nothing except possible solutions to crossword puzzles by registering them under the Indian Post Offices Act. The Press Registrar would be of great assistance in differentiating between genuine newspapers and other publications. On the other hand, we have also been informed that certain magazines have been refused the postal concessions on the ground that they do not contain 50 per cent. of reading material. We were informed that a circular has been issued by the Department to the effect that in computing reading matter, fiction stories were to be included in the category of advertisements and not in the reading matter. Presumably the reference is to the Director General, Post & Telegraphs' circular dated the 15th October 1936 which says that registration should be cancelled if fiction and advertisement cover more than half the total number of pages in the magazine. This is probably due to the fact that Section 9 of the Indian Post Offices Act refers to "newspapers" as containing "wholly or in great part" news or articles relating thereto and current topics. Fiction would not obviously be covered by this description. It may be desirable therefore to amend the definition to enable genuine periodicals containing a reasonable quantity of fiction literary, scientific, philosophic or artistic comment to obtain the concession taking care to see that the concession is not abused by novels published in a serial form. In this matter again, the existence of a Press Registrar, who would have a complete record of all the publications, would be of great assistance to the Department.

1042. Enforcement of Regulation 96 under the Post Office Act.—Further, we find that Regulation 96 prohibits the transmission of news by inland post by newspapers enjoying the concession, if the rules laid down under the Press & Registration of Books Act have not been complied with. We do not know what machinery exists at present which enables the post office to ascertain whether the rules and regulations have been duly complied with or not by newspapers enjoying the concession of a registered newspaper. When a Press Registrar is appointed, it would be one of his duties to inform the appropriate postal authorities of the papers who have not complied with the requirements of the Press and Registration of Books Act and have thus forfeited their right to the facility of postal transmission.

1043. Press Registrar to bring out annual report.—We also think it should be the duty of the Press Registrar for India to bring out an annual report on the working of the Press on its organisational side giving the necessary statistics, just as we have recommended that the Press Council should bring out an annual report on the working of the Press on its editorial side.

SECTION IV

Changes in other Laws

1044. Indian Official Secrets Act, 1923.—The operative section 5 of the Act which relates to the Press, runs as follows:

"If any person having in his possession or control any secret official code or pass word or any sketch, plan, model, article, note, document or information which relates to or is used in a prohibited

place or relates to anything in such a place, or which has been made or obtained in contravention of this Act of which has been entrusted in confidence to him by any person holding office under Government, or which he has obtained or to which he has had access owing to his position as a person who holds or has held office under Government or as a person who holds or has held a contract made on behalf of Government, or as a person who is or has been employed under a person who holds or has held such an office or contract.

- (a) wilfully communicates the code or pass word, sketch, plan, model, article, note, document or information to any person other than a person to whom he is authorised to communicate it, or a Court of Justice or a person to whom it is, in the interests of the State, his duty to communicate it; or
- (b) uses the information in his possession for the benefit of any foreign power or in any other manner prejudicial to the safety of the State; or
- (c) retains the sketch, plan, model, article, note or document in his possession or control when he has no right to retain it, or when it is contrary to his duty to retain it, or wilfully fails to comply with all directions issued by lawful authority with regard to the return or disposal thereof; or
- (d) fails to take reasonable care of, or so conducts himself as to endanger the safety of, the sketch, plan, model, article, note, document secret official code or pass word or information;

he shall be guilty of an offence under this section.

(2) If any person voluntarily receives any secret official code or pass word or any sketch, plan, model, article, note, document, or information knowing or having reasonable ground to believe, at the time when he receives it, that the code, pass word, sketch, plan, model, article, note, document, or information is communicated in contravention of this Act, he shall be guilty of an offence under this section.

(3) If any person having in his possession or control any sketch, plan, model, article, note, document or information, which relates to munitions of war, communicates it, directly or indirectly, to any foreign power or in any other manner prejudicial to the safety or interests of the State, he shall be guilty of an offence under this section.

(4) A person guilty of an offence under this section shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both."

1045. A provision on these lines is to be found in England in the Official Secrets Acts, 1911 and 1920. Indeed, the Indian Act is modelled on the British Act. The review of Foreign Laws in Press Laws Enquiry Committee's Report, says in paragraph 44, that the provisions of the Indian Official Secrets Act are similar to those of the Act in force in the United Kingdom and other countries. It is generally recognised that highly secret information relating to vital interests of the State must not be allowed to be disclosed and this limitation on the right of the freedom of speech and expression is recognised both by the United Nations Council on the Freedom of Information and by the Council of Europe in their Resolution of 1951.

1046. No serious objection has been taken to the Act in the memoranda presented to us. The Indian Federation of Working Journalists say that the operation of the Act should be restricted to cases where defence or national security are affected. A similar stand had been taken by the A.I.N.E.C. when they presented their case to the Press Laws Enquiry Committee. They urged that the definition of "Official Secrets" in so far as it concerns publication, is not clear or precise. They realised that the Press cannot claim any right to publish information likely to be useful to the enemy in times of war or confidential Government information likely to imperil public safety in times of emergency. They could not, however, accept the claim that every circular or note or instruction becomes a prohibited secret because it is marked "Secret" and "Confidential". The Press claimed the right to publish confidential Government information when publication was in the interests of the public and the two limitations mentioned above did not apply. They said it would be a matter of professional honour and distinction for a newspaper to expose secret moves when public interests justify such exposure; no claim for protection on public grounds can be sustained for such papers as the Hallet Circular, the Puckle Letter etc. Since then, A.I.N.E.C. have apparently modified their view. In their Memoranda to us they have stated that so far as they were aware, no newspaper or journalist had in recent years been prosecuted for violation of the provisions of the Act which are comprehensive. In view of the international tensions and consequent need for ensuring that secret policies are not divulged, they did not recommend modification of the provisions of the Act.

1047. The Press Laws Enquiry Committee considered this matter in paragraph 64 of their Report and stated that they were unable to accept the contention that the application of the Act should be confined to a National or war emergency, and that the scope of the definition of "document", "information", etc. in section 5 should be narrowed down to documents and information likely to imperil public safety in times of emergency. They recognised that the necessity of guarding State secrets was not confined to an emergency, nor was it practicable to define which confidential information should be published in the interests of the public and without prejudice to the interests of the State. They thought that Government must be the sole judge in this matter and they were confident that the popular democratic Governments in India would utilise these provisions only in case of genuine necessity and in the large interests of the States and the public. Statistics showed that there was only one prosecution during 1931 to 1946 throughout the whole of India even while a foreign Government was in power.

1048. We agree with the contention of the A.I.N.E.C. that merely because a circular is marked secret or confidential, it should not attract the provisions of the Act, if the publication thereof is in the interest of the public, and no question of national emergency and interest of the State as such arises. But in view of the eminently reasonable manner in which the Act to being administered, we refrain from making any recommendation for an amendment of the Act.

1049. **Section 124A, Indian Penal Code.**—This section received its first authoritative interpretation at the hands of Strachey J. in the well-known

Tilak case. In construing the words "bring into hatred or contempt or to excite disaffection towards Government", the learned Judge said that the amount or intensity of disaffection was wholly immaterial. "If a man excites or attempts to excite feelings of disaffection—great or small—he is guilty under the section. It does not consist in exciting or attempting to excite mutiny or rebellion or any sort of actual disturbance, great or small. Whether any disturbance or outbreak was caused by these articles is absolutely immaterial. If the accused intended by the article to excite rebellion or disturbance his act would doubtless fall under section 124A and would probably fall under other sections of the Indian Penal Code. But even if he neither excited or intended to excite any rebellion or outbreak or forcible resistance to the authority of Government, still if he tried to excite feelings of enmity to Government, that is sufficient to make him guilty under the section. I am aware that some distinguished persons have thought that there can be no offence against the section, unless the accused either counsels or suggests rebellion or forcible resistance to Government. In my opinion this view is absolutely opposed to the express words of the section itself which, as plainly as possible, makes exciting or attempting to excite certain feelings and not the inducing or attempting to induce to any course of action such as rebellion or forcible resistance the test of guilt". In *Naharendra Dutt v. Emperor* A.I.R. 1942 F.C. 22, an attempt was made to restrict the scope of section 124A by importing into it the "external standard" applied by the Judges in England. Maurice Gwyer, C. J. said, "Public disorder or the reasonable anticipation or likelihood of public disorder is thus the gist of the offence. The act or words complained of must either incite to disorder or must be such as to satisfy reasonable men that it is their intention or tendency."

1050. This interpretation did not hold the field for long, for in *Sadashiv Narayan v. King Emperor* A.I.R. 1947 P.C. 82, the Privy Council expressly overruled the view of the Federal Court holding that the test laid down by the Federal Court could not be accepted, viz., that it was an essential ingredient of sedition under section 124A that the act complained of should be an act which is intended or likely to incite public disorder. They said, "It is sufficient for Their Lordships to say that they adopt the language of Strachey J., as exactly expressing their own view on the point".

1051. The authoritative interpretation of section 124A being what Strachey J. laid down in Tilak's case, the question arose whether that section is in consonance with the Constitution, particularly with Article 19(2) of the Constitution as it originally stood.

1052. The point came up for consideration before the Punjab High Court in *Master Tara Singh's* case (A.I.R. 1952 Punjab 27) and it was held that section 124A had become void as contravening the right to freedom of speech and expression guaranteed by Article 19(1) and that the section was not saved by Article 19(2), under which only those utterances could be penalised which undermined the security of State or tended to overthrow the State. Weston C. J. said in the course of the judgment, "The section has become inappropriate by the very nature of the change which has come about, viz., India becoming a sovereign democratic State".

1053. It is true that Article 19(2) was amended by widening the field of permissive legislation abridging the right of freedom of speech and expression and that by section 3 of the Amending Act the amendment has to be

deemed always to have been enacted. This, however, did not have the effect of reviving the validity of section 124A unless authoritative interpretation of the section could bring it within the widened field of permissible legislative restriction. In our opinion, in so far as the section penalises mere exciting or attempting to excite feelings of hatred contempt or disaffection towards Government without exciting or attempting to excite disturbance of public order, it is *ultra vires* of the Constitution even under the amended Article 19(2) of the Constitution. In a modern democratic society, changes of Government are brought about by expressing dissatisfaction with its doings and mobilising public opinion hostile to the Government in power. This is the normal functioning of democracy. In so far as section 124A seeks to penalise such expressions, the section would appear to be not only *ultra vires* of the Constitution but opposed to the concept of the freedom of the Press.

1054. We recommend that the section be repealed. It would, however, be desirable to make punishable, by the insertion of a new section 121B, expressions which incite persons to alter by violence the system of Government with or without foreign aid. (See clause (b) of Article 2 of the draft Covenant adopted by the United Nations Conference in Geneva in 1948). This may not amount to waging war within the meaning of section 121, Indian Penal Code and is obviously more serious than offences against public tranquillity and offences against persons.

1055. **Section. 153A. Indian Penal Code.**—The provisions of this section correspond to those of section 3(v) of the Press (Objectionable Matter) Act, which deals with promoting or attempting to promote feelings of enmity and hatred between different classes of citizens. Two State Governments (Delhi and Hyderabad) raised some doubt about the validity of this section on the ground that it was not covered by Article 19(2) of the Constitution. The decision of the Punjab High Court in Master Tara Singh's Case had thrown a cloud on the validity of this section. But since the decision of the Punjab High Court, Article 19(2) of the Constitution has been amended by introducing the words "public order" in that Article. Therefore it would be within the competence of legislature to enact any law in the interest of public order, and it was conceded in the *Aghorvan* case before the Bombay High Court that "the provisions of sub-section (v) of section 3 of the Press (Objectionable Matter) Act could be covered by the amended Article 19(2) of the Constitution". As pointed out earlier, it was held by the Judicial Commissioner of Ajmer in *Tilok Chand v. State* A.I.R. 1954 Ajm. 19, that "matters which are likely to promote feelings of enmity or hatred between different sections of the people of India are something which is likely to affect the interests of public order as it may lead to a riot, commotion or commission of other offences, and therefore, clause (v) of section 3 of the Press (Objectionable Matter) Act does not offend Article 19(1) (a) of the Constitution as it is saved by clause (2) of that Article. The section is therefore not *ultra vires* of the Constitution and void under Article 13". The same reasoning would apply to section 153A of the Indian Penal Code. The possibility, however, remote, of its being held void by the Supreme Court, as not coming within the ambit of Article 19(2) does exist, and it would therefore be desirable to bring this section within Article 19(2) without the possibility of challenge by restricting its operation to those cases where there is intention to cause disturbance of public peace or knowledge of likelihood of violence ensuing.

1556. The A.I.N.E.C. recommend that the section should remain as it stands, presumably meaning thereby that they consider it consistent with the idea of the freedom of the Press. This matter was considered by the Press Laws Enquiry Committee and they stated as follows:

“As in the case of section 124A of the Indian Penal Code, we accordingly recommend that a second explanation should be added to section 153A to the effect that it does not amount to an offence under this section to advocate a change in the social or economic order, provided that any such advocacy is not intended or likely to lead to disorder or to the commission of offences”.

The Civil Liberties Union and the Indian Federation of Working Journalists have supported this view. We are in agreement with this view and recommend that this section be amended on the lines suggested by the Press Laws Enquiry Committee.

1057. **Section 295A, Indian Penal Code.**—This section refers to deliberately and maliciously outraging the religious feelings of any class of subjects by words either spoken or written or by visible representations, or insulting or attempting to insult the religion or religious beliefs of that class. It has been urged that this provision restricting the freedom of expression may not be covered by any of the clauses of Article 19(2) of the Constitution. Although it is possible to argue that the words “public order and morality” in Article 19(2) of the Constitution may save section 295A of the Indian Penal Code, we think that the section should be brought indisputably within the provisions of the Constitution by limiting its operation to those cases where there is intention to cause violence or knowledge of likelihood of violence ensuing.

Other cases of this nature would be covered by clause (c) of Section 501 of the Indian Penal Code.

1058. **Section 505 of the Indian Penal Code.**—We have still to consider the provisions in Section 505 of the Indian Penal Code. They are to the following effect:

Whoever makes, publishes or circulates any statement, rumour or report—

- (a) with intent to cause, or which is likely to cause, any officer, soldier, sailor or airman in the Army, Navy or Air Force of Her Majesty or in the Imperial Service Troops to mutiny or otherwise disregard or fail in his duty as such; or
- (b) with intent to cause, or which is likely to cause, fear or alarm to the public or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquility; or
- (c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community;

shall be punished with imprisonment which may extend to two years, or with fine, or with both.

Exception.—It does not amount to an offence, within the meaning of this section, when the person making, publishing or circulating any such statement, rumour or report, has reasonable grounds for believing that such statement, rumour or report is true and makes, publishes or circulates it without any such intent as aforesaid.

This section is aimed at reports calculated to produce mutiny or to induce one section of the population to commit offences against another. It seems to us that all the clauses of section 505 are covered by Article 19(2) of the Constitution and are not inconsistent with the concept of the freedom of the Press. Clause (a) of Section 505 would be covered by the provisions relating to security of the State, clause (b) by provisions relating to public order and clause (c) by provisions relating to incitement to an offence. Under the circumstances we see no necessity of suggesting any amendment to Section 505 of the Indian Penal Code.

1059. Sections 99A to 99G. Criminal Procedure Code.—Section 99A enables Government to forfeit every issue of a newspaper or book, whenever it appears to them that it contains matter falling under sections 124A, 153A and 295A of the Indian Penal Code. Sections 99B to 99G are merely procedural and consequent upon the provision contained in section 99A. Section 99B provides for application to the High Court for setting aside the order of forfeiture, Section 99C for hearing of the application by a Special Bench; section 99D for the order of the Bench; Section 99E for the evidence to prove nature or tendency of a newspaper, section 99F for the procedure of the High Court and section 99G for bar of jurisdiction.

1060. Following our recommendations with regard to section 124A, the reference to that section in section 99A of the Criminal Procedure Code will have to be deleted. The rest of the section may remain because reference to sections 153A and 295A would be construed as references to amended sections 153A and 295A if our recommendation is accepted and those sections are suitably amended. If, as suggested by us, a new offence under section 121B is created, that section will also have to be included in section 99A of the Criminal Procedure Code.^{1,2}

1061. Section 144 of the Criminal Procedure Code.—There is general agreement, supported by the view of some of the State Governments also, that this section should not be applied to the Press. We cannot say that in so far as it enables Government to act where there is likelihood of disturbance of public tranquillity or a riot or an affray, the section is inconsistent with the freedom of the Press or Article 19(2) of the Constitution but we support the observations made by the Press Laws Enquiry Committee when they say, "We share the doubts expressed by witnesses regarding the propriety of the application of this section to newspapers, and feel that it was not the intention of the framers of the Code that this section should be applied to the Press. We would, therefore, recommend that instructions should be issued by Government to Magistrates that orders in respect of newspapers should not be passed under this section. If Government consider it necessary to have powers for issue of temporary orders to newspapers in urgent cases of apprehended danger, Government may promote separate legislation or seek an amendment of section 144 for the purpose".

1062. The Press has been considerably agitated over Mr. Justice Mukherji's report on the Calcutta Police assault on Press reporters. The learned Judge is—if we may say so with respect—undoubtedly correct when he holds that the reporters could not claim exemption from the operation of an order under section 144 prohibiting the assembly of more than a certain number of persons, merely by reason of the fact that they were newspaper reporters. While appreciating the correctness of the view, we are conscious of the difficulty which that view creates. If a meeting is held in defiance of the order, the very holding of the meeting and all that takes place there constitutes

"news", and it is the duty of newspaper reporters to cover such an event. It is true that they may cover it by going in groups of less than the prohibited number of persons, but such a procedure may involve the risk of personal danger and of being mistaken for members of the unlawful assembly. We recommend that when an order is issued prohibiting assemblage of more than a certain number of persons the authority concerned may grant, in the order itself, special exemption to *bona fide* reporters. They should be asked to wear distinctive badges in token of the special exemption and carry the permit on their person. We are confident that such *bona fide* reporters will not participate, directly or indirectly in the unlawful activities and thus abuse the special concession and consideration shown to them.

1063. **Indian Telegraph Act, Section 5 of the Act** enables Government, or any officer specially authorised by Government, on the occurrence of any public emergency or in the interests of public safety (a) to take temporary possession of any telegraph established, maintained or worked by any person licensed under the Act, and (b) to order that any message or class of messages from any person or class of persons or relating to any particular subject brought for transmission by or transmitted or received by any telegraph shall not be transmitted or shall be intercepted or detained or shall be disclosed to Government or the officer specially authorised. If any doubt arises as to the existence of public emergency or whether the act done is in the interest of public safety, a certificate of Government shall be conclusive proof on the point.

1064. In so far as the provisions of this section can come into force only on the occurrence of an emergency or in the interest of public safety, they cannot be said to be not in consonance with the Freedom of the Press and outside the scope of permissible legislative restrictions under Article 19(2) of the Constitution.

1065. As regards the actual operation of the Act, the Press Laws Enquiry Committee have stated as follows:—

"Our recommendation in this behalf is, therefore, that the Central and Provincial Governments should continue to have the power of telegraphic interception, for use on special occasions of the occurrence of a public emergency or in the interest of the public safety provided the orders of the Minister in charge are invariably obtained, that delegations of this power should be the exception rather than the rule, that delegations should be for a specified and short period and not general and that clear instructions should be issued by Government to the specially authorised officers in order to ensure that these powers are not abused. Sub-section (2) of section 5 makes a certificate of the Central or Provincial Government conclusive on the question about the existence of a public emergency or the needs of public safety. As a further safeguard against possible abuse of these powers by subordinate officers we further recommend that provision should be made in the section itself, for example by the addition of sub-section (3) that the orders passed by specially authorised officers of Government shall be reported to the Central or Provincial Government as the case may be in order to enable the responsible Minister to judge the proper exercise of the powers and the orders passed in individual cases."

1066. This recommendation of the Press Laws Enquiry Committee is supported by the Marathi Patrakar Sangh. The Indian Federation of Working Journalists have not indicated in what direction the law requires amendment. The A.I.N.E.C. have pointed out that powers under the Act have been exercised, even where there is no emergency, under pressure from the local Executive. All the State Governments who have replied to our question on this subject have urged that such powers are necessary in times of emergency and in the interest of public safety.

1067. The emergency contemplated is not necessarily wartime emergency, and the section in effect contemplates imposition of censorship on dissemination of news even during peace time under certain conditions. We support the Press Laws Enquiry Committee's recommendations in this behalf.

1068. **Sea Customs Act, 1878.**—Section 19 of the Sea Customs Act, 1878, enables the Central Government from time to time, by notification in the official gazette, to prohibit or restrict the bringing or taking by sea or by land of goods of any specified description into, or out of, India across any customs frontiers. This section is not limited in its operation to any emergency or in the interest of public safety. In so far therefore as it prohibits dissemination of news, otherwise than in relation to an emergency or public safety, it appears not to be in consonance with the Freedom of the Press or Article 19(2) of the Constitution. In case, however, of newspapers and periodicals, which are liable to forfeiture under section 99A of the Criminal Procedure Code, or any other matter which is liable to affect the security of the State, this section should continue to apply. It would be anomalous to ban the production of that type of literature in this country, but permit its import.

1069. Sections 181A to 181C authorise detention and further disposal of any package suspected to contain any newspaper or any document the publication of which is punishable under section 124A, Indian Penal Code. As we have already stated, this section, as it stands, appears to us to be inconsistent with the Freedom of the Press and to be *ultra vires* of the Constitution. If that view is accepted these sections will have to be repealed or the references to section 124A will have to be replaced by references to the new section 121B, Indian Penal Code, which is suggested for enactment.

1070. **Indian Post Offices Act, 1898, Section 25** is contingent on the validity of section 19 of the Sea Customs Act or any other similar law. The remarks on that section would also apply to section 25 of the Post Offices Act.

1071. **Section 26(1)** is on a par with section 5(1) of the Indian Telegraph Act, and our remarks under that section would also apply to this section of the Post Offices Act.

1072. **Section 27A** depends on the validity of the Press and Registration of Books Act and would appear to be consistent with the Freedom of the Press and Article 19(2) of the Constitution.

1073. **Section 27B** is on a par with sections 181A to 181C of the Sea Customs Act dealing with matters falling under section 124A, Indian Penal Code, and our remarks under that section would be applicable to section 27B of the Post Offices Act also.

SECTION V

LAW OF CONTEMPT OF COURTS

1074. Several representations have been made to us that the law of contempt of court, particularly in its application to newspapers, is much too vague and requires to be crystallized. The A.I.N.E.C. in their Memorandum have urged that it can be stretched to any limits against the writer, thus making it impossible for an honest writer to comment on judicial procedure or even on the merits of judicial decisions. They concede that the Courts should be safeguarded against prejudicial, scurrilous or contemptuous writing both in respect of matters pending before the court and after decision. But they urge that honest and fair criticism should be permitted. The Southern India Journalists' Federation consider that contempt should be much more rigorously defined and also much more rigorously enforced, especially when the offenders are powerful political parties or administrations. The Indian Federation of Working Journalists comment on the anomaly involved in submitting the Press to a proceeding where the court is both the prosecution, the witness, the jury and the judge. The Civil Liberties Union desire that as in the U.S.A. the test of clear and present danger which is applied when there is a conflict between the freedom of expression and maintenance of order, should be applied also to cases of contempt and refer to the decision of the U.S. Supreme Court in *Bridges vs. California* (1941) where it was observed that the evil consequences of comment must be "extremely serious and the degree of imminence extremely high before utterances can be punished". They urge that unless the danger to fair judicial administration has the clearness and immediacy necessary to close the door of permissible public comment, no action should be taken. The Marathi Patrakar Parishad has adopted the view of the A.I.N.E.C. in their Memorandum submitted to the Press Laws Enquiry Committee wherein it was urged that fair and *bona fide* reports of court proceedings should be adequately protected and that contempt proceedings should be initiated only on the complaint of the judge against whose court the contempt was committed, and the trial should be by judges other than the one who had complained about the contempt.

1075. This question was considered by the Press Laws Enquiry Committee. In the absence of any evidence they were not able to accept the contention of the A.I.N.E.C. that the law of contempt had been used to punish newspapers unjustly. So far as the submission of the A.I.N.E.C. went, *viz.*, that fair and *bona fide* reports of court proceedings should be adequately protected, they observed that that was exactly the position. With regard to the contention that the proceedings in contempt should be held by a judge other than the one who initiated the contempt proceedings, they concluded that no case had been made out for a change in the law as suggested by the A.I.N.E.C. although on this last point Mr. Brelvi and Mr. K. Srinivasan supported the submission of the A.I.N.E.C.

1076. The contempt jurisdiction of the Supreme Court and of the High Courts is recognised by Articles 129 and 215 of the Constitution. The origin of the contempt jurisdiction of the High Courts has been described by the Privy Council in *Surendranath Banerjea vs. Chief Justice and Judges of the High Court of Bengal* (1883) L.R. 10, I.A. 171, as follows:—

"Contempt of Court is an offence which by the common law of England is punishable by the High Court in a summary manner by fine

or imprisonment, or both. That part of the common law of England was introduced into the Presidency towns when the late Supreme Courts were respectively established by the Charters of Justice. The High Courts in the Presidencies are Superior Courts of Record, and the offence of contempt, and the powers of the High Court for punishing it are the same there as in this country, not by virtue of the Penal Code for British India and the Code of Criminal Procedure, 1882, but by virtue of the common law of England."

1077. Thus it would be seen that the power to commit for contempt is inherent jurisdiction of the Courts of Record and is a necessary adjunct to the exercise of the various jurisdictions of the High Courts. Until, however, the Contempt of Court Act (Act XII of 1926) was passed, there was considerable difference of opinion among the High Courts as to whether they had power to commit for contempt of the courts subordinate to them. The matter, however, was set at rest by the Contempt of Courts (Amendment) Act of 1926 which laid down that the High Courts of Judicature have and exercise the same jurisdiction, powers and authority in accordance with the same procedure and practice in respect of Courts subordinate to them as they have and exercise in respect of contempts of themselves. Sub-section 3 of section 2, (corresponding to sub-section 2 of section 3 of the Act of 1952) lays down that no High Court shall take cognizance of a contempt alleged to have been committed in respect of a Court subordinate to it where such contempt is an offence punishable under the Indian Penal Code. This has been interpreted by the Supreme Court to mean that the High Court jurisdiction is excluded only in those cases where the acts alleged to constitute contempt of a subordinate court were punishable as contempt within specific provisions of the Indian Penal Code but not where these acts merely amounted to offences of other description for which punishment has been provided in the Indian Penal Code. The fact that defamation of a judge of a subordinate court constitutes an offence under the Indian Penal Code does not oust the jurisdiction of the High Court to take cognizance of the act as contempt (*Bathina Ram Krishna Reddy vs. State of Madras* 1952 S.C.R. 425). The contention that the Act is *ultra vires* because the content of the expression "Contempt of Court" which would amount to reasonable restriction on freedom of expression, has not been specifically mentioned in the Act was negatived by Patna High Court (Rai and Das JJ.) on 1st September 1953. The Constitution-makers, they said, did not define contempt of court but had used it in Article 19(2) and Article 215 because they had in their mind the well recognised judicial interpretation of this expression.

1078. The High Courts have extra-territorial jurisdiction in matters of contempt. But there is some conflict of opinion as to whether they have power to arrest for contempt of itself a person residing outside the jurisdiction of those courts. The question arose in the case of Mr. B. G. Horniman when a warrant of arrest for contempt was issued by the Allahabad High Court and was sought to be executed through the Commissioner of Police at Bombay. On the matter being brought before the Bombay High Court, it was held (*in re. B. G. Horniman*, I.L.R. 1944 Bom. 333) that there was no power in the High Court of Allahabad itself to arrest for contempt a man outside the jurisdiction of that Court, and that in as much as the Bombay High Court itself had no power to arrest for contempt of the Allahabad High Court, *a fortiori* the Chief Presidency Magistrate could not do so. The High Court

of Allahabad, however, took a different view. Section 5 of the Contempt of Courts Act 1952, which has replaced the Act of 1926, lays down:

“A High Court shall have jurisdiction to inquire into or try a contempt of itself or of any court subordinate to it, whether the contempt is alleged to have been committed within or outside the local limits of its jurisdiction and whether the person alleged to be guilty of the contempt, is within or outside such limits.”

How far the provision removes the difficulty created by the Horniman case is a question on which there has been no decision so far.

1079. It is very difficult to define what amounts to contempt and Mr. Justice Niyogi of the Nagpur High Court stated as follows in *Talhara Cotton Ginning Company Ltd. vs. Kashinath Gangadhar Namjoshi*, I.L.R. 1940 Nag. 69:

“It is indeed difficult and almost impossible to frame a comprehensive and complete definition of contempt of court. The law of contempt covers the whole field of litigation itself. The real end of a judicial proceeding, civil or criminal, is to ascertain the true facts and dispense justice.....Anything that tends to curtail or impair the freedom of the limbs of the judicial proceedings must of necessity result in hampering the due administration of law and in interfering with the course of justice.”

An attempt was made to define the expression in the Bill which subsequently became the Contempt of Courts (Amendment) Act, 1926. But the Select Committee which considered the Bill omitted the definition, because it was of the opinion that the case law on the subject would form an adequate guide.

1080. Although there is therefore no generally accepted definition of what Contempt of Court means, there is general agreement on the various categories under which an offence of contempt falls. In *Read vs. Huggonson* (1742) 2 Atk. 469, Lord Hardwicke classified the offences under three heads. He stated:

“There are three different sorts of contempt. One kind of contempt is scandalising the court itself. There may be likewise a contempt of this court, in abusing parties who are concerned in causes here. There may be also a contempt of this court, in prejudicing mankind against persons before the cause is heard”.

The general principle to be deduced from these cases has been stated by Justice Mukerjee in the case of *Amrit Bazar Patrika (Moti Lal Ghose and others, in re.)* (1918) I.L.R. 45, Cal. 169 as follows:—

“The principle deducible from these cases is that punishment is inflicted for attacks of this character upon Judges, not with a view to protect either the court as a whole or the individual judges of the court from a repetition of the attack, but with view to protect the public, and specially those who, either voluntarily or by compulsion, are subject to the jurisdiction of the court, from the mischief they will incur, if the authority of the tribunal be undermined or impaired”.

1081. These being the general principles of the Contempt of Court jurisdiction, the jurisdiction is subject to certain criticism. The superior courts have claimed and exercised summary jurisdiction to punish every person

who, according to them, is guilty of its contempt, for nearly two centuries. It is an unusual kind of jurisdiction which has been arrogated as an off-shoot of the ancient *curia regis*. The Supreme Court has recently held; *Sukhdev Singh vs. Teja Singh* C. J. A.I.R. 1951 S.C. 186: "The power of a High Court to institute proceedings for contempt and punish where necessary is a special jurisdiction inherent in all Courts of Record. Section 1(2) of the Criminal Procedure Code excludes special jurisdiction from its scope. Hence Code of Criminal Procedure does not apply in matters of contempt triable by the High Courts. The High Court can deal with it summarily and adopt its own procedure. All that is necessary is that the procedure is fair and that the contemner is made aware of the charge against him and given a fair and reasonable opportunity to defend himself". Some of the peculiar features of this jurisdiction are contrary to the fundamental principles of Criminal Jurisprudence. There never has been any suggestion or attempt on the part of the judges and jurists to propound that the exercise of the special jurisdiction is in harmony or in conformity with the well-established rules of British Criminal Jurisprudence. But the exercise of this extraordinary power has been justified on the grounds of expediency. In all cases of contempt tried summarily the judge plays a three-fold role. He is the party injured; he is the prosecutor and he is the judge, and what is more, his power to punish for his own contempt was, till the enactment of the Contempt of Courts (Amendment) Act of 1926 unlimited. Sir Nripandra Nath Sircar, the Law Member, in piloting the Bill which became the Act of 1926, gave expression to the same view in the following words:

"It has been said that law still exists, of summary procedure, for contempt of Court, and it has been felt that such a power must be retained by the Court. On the other hand, eminent English Judges have also remarked that this is an archaic procedure and the situation is really an incongruous one, *viz.*, the prosecutor taking upon himself the role of the judge".

As Bowen L. J. stated in *in re Johnson* (1887) 20 Q.B. 62 at page 74:

"The law has armed the High Court of Justice with the power and imposed on it the duty of preventing *brevi manu* i.e. by summary proceedings, any attempt to interfere with the administration of justice. It is on that ground and not on any exaggerated notion of the dignity of individuals, that insults to judges are not allowed. It is on the same ground that insults to witnesses or to jurymen are not allowed. The principle is that those who have duties to discharge in a Court of Justice are protected by the law, and shielded on their way to the discharge of such duties, while discharging them, and on their return therefrom, in order that such person may safely have resort to courts of Justice".

The point made by the A.I.N.E.C. has recently been pronounced upon by the Supreme Court in *Sukhdev Singh v. Teja Singh*, C. J. (A.I.R. 1954 S. C. 186). At page 190, Their Lordships observed:

"We consider it desirable on general principles of justice that a judge who has been personally attacked should not as far as possible hear a contempt matter which, to that extent, concerns him personally. It is otherwise when the attack is not directed against him personally. We do not lay down any general rule because there may be cases where that is impossible, as for example in a court where there is only one judge or two and

both are attacked. Other cases may also arise where it is more convenient and proper for the judge to deal with the matter himself, as for example in a contempt "in facie curiae".

All we can say is that this must be left to the good sense of the judges themselves who, we are confident, will comport themselves with that dispassionate dignity and decorum which benefits their high office and will bear in mind the oft-quoted maxim that justice must not only be done but must be seen to be done by all concerned and most particularly by an accused person who should always be given, as far as that is humanly possible, a feeling of confidence that he will receive a fair, just and impartial trial by judges who have no personal interest or concern in his case".

1082. But because the jurisdiction is so wide, and to some extent not in accord with the British Criminal Jurisprudence that the Judges have stressed throughout the necessity of exercising these powers with a great deal of circumspection and restraint. Sir George Jessel, M. R. stated in *In re Clements. Republic of Costa Rica v. Erlanger* (1877) 46 L.J.:

"It seems to me that this jurisdiction of committing for contempt, being practically arbitrary and unlimited should be most jealously and carefully watched, and exercised, if I may say so, with the greatest reluctance and the greatest anxiety on the part of Judges, to see whether there is no other mode which is not open to the objection of arbitrariness, and which can be brought to bear upon the subject. I say that a judge should be most careful to see that the cause cannot be fairly prosecuted to a hearing unless accusations of contempt should be adopted. I have myself had on many occasions to consider this jurisdiction, and I have always thought that, necessary though it be, it is necessary only in the sense in which extreme measures are sometimes necessary to preserve men's rights, that is, no other pertinent remedy can be found. Probably that will be discovered after consideration to be the true measure of the exercise of the jurisdiction."

Lord Morris in delivering the judgment of the Privy Council in *McLeod v. Auhyn* (1889) A.C. 549, made the following observations:

"Committal for contempt of Court was a weapon that should be sparingly used and always with reference to the administration of justice. Hence when a trial has taken place and the case is over, the Judge or the jury are given over to criticism".

Jenkins, C. J. in the *Legal Remembrancer v. Motilal Ghose* and others. (1914) I.L.R. 41 Cal. 173, made the following weighty remarks:

"It is not enough that there should be a technical contempt of court. It must be shown that it was probable that the publication would substantially interfere with the due administration of Justice.

And there is good reason for this: what is charged is a criminal offence, and the trial is not in accordance with the safeguards that the ordinary procedure for the trial of a criminal offence requires, but by way of summary proceedings.

It is therefore no matter for surprise that cases are full of warnings, that this arbitrary, unlimited and uncontrolled power should be exercised with the greatest caution. That this power merits this description will be realized when it is understood that there is no limit to the imprisonment that may be inflicted or the fine may be imposed save the Courts' unfettered discretion, and that the subject is protected by no right of appeal."

These observations were made before the passing of the Contempt of Courts Act of 1926 which has placed restrictions on the Court's power of punishment in contempt matters Rankin, C. J. in *Anantlal Singh v. Alfred Henry Watson* (1931) I.L.R. 58 Cal. 884, remarked as follows:—

"The Court's jurisdiction in contempt is not to be invoked unless there is real prejudice which can be regarded as a substantial interference with the due course of justice. It is not every theoretical tendency that will attract the actions of the Court in its very special jurisdiction. The purpose of the Court's action is a practical purpose and it is reasonably clear on the authorities that this Court will not exercise its jurisdiction upon a mere question of propriety where the tendency of the article to do harm is slight and the character and circumstances of the comment is otherwise such that it can properly be ignored".

The same point was emphasised by the Privy Council in the recent case of *Parashuram Detaram Shamdasani v. Emperor* (1945) L.R. 72 I.A. 189, when they said:

"Their Lordships would once again emphasise what has often been said before that this summary power of punishing for contempt should be used sparingly and only in serious cases. It is a power which a Court must of necessity possess; its usefulness depends on the wisdom and restraint with which it is exercised".

In *Regina v. Gray* (1900) 2 Q.B. 36 Lord Chief Justice of England stated as follows:—

"Judges and Court are alike open to criticism, and if a reasonable argument or expostulation is offered against any judicial act as contrary to law or the public good, no Court could or would treat that as contempt of Court. The law ought not to be astute in such cases to criticise adversely what under such circumstances and with such an object is published; but it is to be remembered that in this matter the liberty of the Press is no greater and no less than the liberty of every subject of the Queen".

These observations were followed by the Bombay High Court in *in re Narasinha Chintaman Kelkar* I.L.R. 33 Bombay 240 Terrell C. J. gave expression to similar views in *in re Murlī Manohar Prasad* (1929) I.L.R. 8 Pat. 323, and the following is a quotation from his judgment:

"In conclusion I cannot do more than follow the example of many well-known and distinguished judges in pointing out that a judge should neither fear nor resent public criticism whether of his judgments in matters of law or his judgments in matters of fact, and I well realise that it is the duty of a judge to protect the

privileges of public against acts of tyranny as well as against the crimes of public offenders and I should have been among the last to claim any exemption from such criticism. I hope that I may always be open to criticism and that my natural vanity may never prevent me from giving ear to my critics nor from affording to them such attention and respect as their position in life, learning and professional standing may claim. But I should be unworthy of the high office to which His Majesty has been pleased to appoint me if I refrained from protecting that office or from punishing those who offer it affront."

Similarly, Sir John Beaumont, Chief Justice of Bombay made the following observation in *Government Pleader, Bombay v. Tulsidas Subhanrao Jadhav*, I.L.J. 1938 Bombay 179:

"It is in the public interest that confidence should exist in Courts of Justice, and if an attack is made upon a Judge, who is not in a position to answer the attack, the authority and prestige of the Judge tends to be lowered in the estimation of the public, and that is contrary to the interests of the public. At the same time one has to recognise that in the long run the degree of confidence reposed in the judiciary will depend on the character of judicial work and confidence cannot be for long artificially engendered by the simple process of stifling criticism. It has been laid down many times and by the highest tribunals that judges are not immune from criticism and that fair and reasonable criticism of a case which is finished is not objectionable."

1083. We have quoted at some length the various pronouncements of the Courts with regard to the manner in which the contempt of Court jurisdiction has to be exercised, because no instance has been brought to our notice where it can be said that this jurisdiction has been exercised either arbitrarily or as a result of over-sensitiveness on the part of the High Courts to the criticism made of the judicial proceedings.

1084. There was however, one case in which contempt proceedings were taken before the Allahabad High Court and the reporter of Hindustan Times committed to jail and the printer and editor fined for having published a statement, which was subsequently found to be false, *viz.*, that the Chief Justice had issued a circular to the Judicial officers enjoining them to raise contributions to war funds. The Privy Council, however, reversed the decision (See *Debi Prasad Shara v. King Emperor* L.R. 70 Indian Appeals page 216) holding that the editorial comment contained no criticism of any judicial act of the Chief Justice or any imputation on him for anything done or omitted to be done by him in the administration of justice and in the circumstances the words were not capable of being a contempt of court. They went on to observe, "No doubt it is galling for any judicial personage to be criticised publicly for having done something outside his judicial proceedings which was ill-advised or indiscreet. But judicial personages can afford not to be too sensitive. A simple denial in public of the alleged request would at once have allayed the trouble. If a judge is defamed in such a way as not to affect administration of justice, he has the ordinary remedies for defamation if he should feel impelled to use them".

1085. If the power is exercised as laid down by these authoritative pronouncements, there is no reason to apprehend that any injustice would be caused. That is why the Select Committee on the 1926 Bill decided not to press to a definition as to what would constitute contempt of Court and stated that the case law on the subject would be an adequate guide. The Press Laws Enquiry Committee also did not recommend any change in the law. They too found no evidence that the power was used unjustly by the High Courts, and that the newspapers who published fair and *bona fide* reports had not been adequately protected. We are in agreement with the recommendation of the Press Laws Enquiry Committee that no change is called for by way of legislation with respect to the manner in which Contempt of Courts jurisdiction is exercised by the various High Courts.

1086. The principles governing the law of contempt *qua* press publications may be grouped under the following heads:—(See Tek Chand & Sarin, Law of Contempt of Court, 2nd edition pp 249-250).

(1) It is contempt of Court to scandalise the Court or offend against the dignity of a Judge by attributing to him dishonesty, impropriety or incompetence regardless of the fact whether the case with reference to which the offending remarks were made is pending in the Court or has been decided.

(2) It is contempt of Court to publish an article in a newspaper commenting on the proceedings of a pending criminal case or a civil suit, reflecting on the judge, the jury, the parties, their witnesses or Counsel appearing in the case. It is immaterial whether the remarks are made with reference to a trial actually proceeding or with reference to a trial which is yet to proceed, provided that the comment has a tendency to prejudice a fair trial or influence the decision.

(3) It is contempt of court to publish any matter affecting the proceedings of a pending case which has a tendency to prejudice the public for or against a party before the case is finally heard. It is not necessary to prove that a judge or jury will be prejudiced.

(4) General criticism of the conduct of a judge not calculated to obstruct or interfere with the administration of justice or due administration of law in any particular case, even though libellous, does not constitute contempt of court. (See observations of Lord Russel quoted above in *Regina v. Gray*).

The fact that there was an absence of intention to cause prejudice or no prejudice has actually been caused, does not mitigate the gravity of the offence.

1087. It is obviously impossible to examine all cases on the subject but we have examined a few where action has been taken against the editors of newspapers for contempt and we have not been persuaded to conclude that in any of these cases the jurisdiction was unjustly or arbitrarily exercised. In the celebrated Bengalee case (*Surendranath Banerjee v. Chief Justice and Judges of the High Court of Bengal* (1883) R. 10 L.A. (171) allegations were made that the Judge was "in law dispenser of justice with wild eccentricities", that he was "so ignorant of the people and so disrespectful to their most cherished convictions as to bring into Court and then to inspect an object of worship". In *Murlī*

Manohar Prasad's Case (I.L.R. 8 Pat. 323), allegations were made that "the Chief Justice of the highest judicial tribunal in the land ignores the arguments, refuses to consider the authorities that may be cited, and in the end produces a judgment full of sound and fury but signifying nothing except imprisonment so far as the parties are concerned". In *re Narasinha Chintaman Kelkar* (I.L.R. 33 Bombay 240 i.e., the "Maratha" case), suggestions were made that the judge was deliberately partial, that he was acting in collusion with Government, that he had deluded Mr. Tilak into a false security by protestations of his desire to protect Mr. Tilak's interests, that the judge was a medical quack in a red robe, an enemy of the accused privileged to sit upon the Bench, an impudent glow-worm holding his torch to the sun". In "The Bombay Chronicle" case [*Emperor v. Marmaduke Pickthall* (1922) 25 Bombay L.R. 15] an article was published attributing improper motives, political bias, and judicial dishonesty to the judges. In the "Siasat" case (*Crown v. Sayyad Habib* I.L.R. 6 Lah. 528) the decision of the Court was described as "an improper decision of a sycophantic Judge". In the "Muslim Outlook" case (*In the matter of D.S. Bukhari and others of the "Muslim Outlook"*. I.L.R. 1927 Lah. 610) the Judge was said to have "betrayed a deplorable lack of experience and of a sense of responsibility, two of the most essential qualifications for a judge", that his judgment showed "a remarkable want of competence and care as a judge". In the "Leader" case (*In the matter of an Advocate of Allahabad*, 1935 A.L.J. 125) there was an article in which it was suggested that "a comparatively undeserving lawyer has been raised to the Bench, which is a fairly frequent occurrence in our judicial history". In the "Amrit Bazar Patrika" case (*In re Motilal Ghose and others* I.L.R. 1935 Calcutta 169) the leading article stated "that it is so unfortunate and regrettable that at the present day the Chief Justice and the Judges find a peculiar delight in hobnobbing with the Executive, with the result that the Judiciary is robbed of its independence which at one time attracted the admiration of the whole country". In a recent case, "The Times of India" in a leaderette on the decision of the Supreme Court on the interpretation of the Supreme Court Advocates (Practising High Courts) Act 1951 appeared to make a suggestion that the decision was prompted by considerations extraneous to the strict interpretation of the Act. In all the above cases it was held that there was contempt of Court in as much as the imputations scandalised the Court and tended to lower the Court in the estimation of the public. In the last of the cases referred to above their Lordships of the Supreme Court said "It is not the practice of the Supreme Court to issue a rule for contempt of court except in very grave and serious cases and it is never over-sensitive to public criticism but when there is a danger of grave mischief being done in the matter of administration of justice, the animadversion will not be ignored and viewed with placid equanimity". It is difficult to say that any of these cases were wrongly decided, although it could be argued that at least in one or two of these cases the comment which was the subject matter of contempt proceedings was provoked by some unfortunate expressions of the Court itself.

1088. We have also examined some cases where comments were made in pending proceedings so as to prejudice the trial of those cases. A case is said to be pending when a Court has taken cognizance thereof. There have been some decisions which seem to take the view that there may be contempt of court even when judicial proceedings are imminent though

may not have been actually instituted. Most recent decisions of the Allahabad and Punjab High Courts have, however, doubted the correctness of this view. As was observed by Lord Reading, *L.C.J. in R v. Empire News Ltd.* (1920) Times 20th January, "The Courts should not permit the investigation of murder to be taken out of the hands of the proper authorities and to be carried on by newspapers. The liberty of the individual, even when he was suspected of crime, and indeed even more so when he was charged with crime, must be protected, and it was the function of that Court to prevent the publication of articles, which were likely to cause prejudice". One of the worst cases of this type was when one Haigh was charged with the murder of a rich and elderly widow and was about to be tried for the offence of murder. "The Daily Mirror" of London with a circulation of over a million, gave the history of the prisoner with lurid and horrifying details of a number of other murders said to have been committed by him according to the newspaper, although the subject matter of the charge was one murder. The case against him had not commenced and all that was known about him from the judicial record was that he was charged with a murder. Lord Chief Justice Goddard was so scandalised by this report that he expressed himself as follows:—

"There never has been a case approaching such gravity as this. It is of a scandalous and wicked character.....no more was known than that he was charged with murder. On March, 4, three editions of the "Daily Mirror" contained articles and photographs and headings in the largest possible type, of a character which this Court can only describe as a disgrace to English journalism, as violating every principle of justice and fair-play which it has generally been the pride of this country to extend to the worst of criminals".

Although the editor expressed sincere and unqualified regret for his grave error, the Lord Chief Justice thought that it was not an error of judgment, but a matter of policy pandering to sensationalism for the purpose of increasing circulation. A fine of £10,000 payable within three days was imposed on the proprietors of the newspaper, and the editor was sentenced to undergo imprisonment for three months. There could be no greater indication of the sanctity of judicial proceedings than the decision of the Lord Chief Justice in the above case. (Tekchand and Sarin's Law of Contempt 2nd edition 1949 pp. 284-285). In a very recent case, the Bombay High Court dealt with contempt by the newspaper Blitz in respect of comments made on the proceedings before the Chief Presidency Magistrate in which the editor of the Blitz was charged with having committed a forgery. The learned Chief Justice took a serious view of the matter and said that he would not permit trial of cases by newspapers. As, however the editor had expressed unqualified regret for the publication and had also explained the circumstances under which the publication appeared, no serious action was taken against the paper. The publication in newspapers of proceedings before a court of law must be true and accurate and without malice. The privilege obviously does not extend to the publication of false reports or to the publication of material which is calculated to affect prejudicially the interests of any party to a legal proceeding. The courts have on the whole taken a considerate view of the difficulty of journalists and the Chief Justice of Madras

stated in one case that it was undesirable to launch upon contempt proceedings in every case of inadequate or inartistic report of the proceedings in court published in newspapers unless it appeared that there was deliberate misunderstanding and suppression of facts in the report (The "Mail" case in August 1953).

1089. The Indian Press as a whole has been anxious to uphold the dignity of courts and the offences have been committed more out of the ignorance of law relating to contempt than to any deliberate intention of obstructing justice or giving affront to the dignity of courts. As stated before, instances where it could be suggested that the jurisdiction has been arbitrarily or capriciously exercised have been extremely rare, and we do not think that any change is called for either in the procedure or practice of the contempt of court jurisdiction exercised by the High Courts.

SECTION VI

CONTEMPT OF LEGISLATURE

1090. Several representations have been made to us that the position of newspapers on the subject of the contempt of legislature requires to be clarified or elucidated. The Hyderabad State Government have stated that there are dark corners with regard to the law of Contempt of Legislatures. The Southern India Journalists' Federation have submitted that the law should be strictly defined and rigorously enforced. The Indian Federation of Working Journalists have stated that the exercise of the powers by the Legislatures with regard to contempt matters is causing them increasing concern. Both they and the All-India Newspaper Editors' Conference have stressed the necessity of the newspapers not being penalised for publishing records of the proceedings which were subsequently ordered to be expunged. All India Newspapers Editors' Conference have further recommended that the powers of the Legislature should be defined by statute and sparingly invoked. The Gujarati Patrakar Sangh have urged that where there is an alleging of contempt of Legislature, the matter should be referred by the Speaker to the High Court for decision. The Marathi Patrakar Parishad have adopted the Memorandum of the All India Newspapers Editors' Conference to the Press Laws Enquiry Committee in which a representation was made that newspapers should be fully protected when they published Parliamentary proceedings.

1091. The Press Laws Enquiry Committee dealt with this matter in the second half of paragraph 79 of the Report. Therein they observe as follows:—

“With regard to parliamentary proceedings, it is true that, while there is freedom of speech in Legislature, there is no privilege attached to the publication in newspapers of statements made on the floor of the legislature. In Great Britain, all reports of Parliamentary proceedings, whether of the whole House or of committees thereof, are prohibited, and their publication is taken as a breach of privilege. Each House waives its privilege in this respect so long as public reports are accurate and fair. But if wilfully misleading or incorrect accounts of debates are published, then those responsible for the publication will be punished, the technical ground for proceedings against them being

that to publish the report at all is a breach of privileges. There are, however, no written legal provisions covering this point. We are unable to recommend that newspapers should be fully protected when they publish Parliamentary proceedings since, in our view, the privilege attached to speeches in the legislature cannot be passed on automatically to newspaper reports of such speeches. In our view, this is a matter for determination by the legislature concerned and we have no recommendation to make in this behalf since we understand that the Parliament of the Indian Union is likely to appoint shortly a committee to examine this question."

1092. With regard to the contempt jurisdiction of the Parliament and of the State Legislatures, the matter has been dealt with in Article 105 and Article 194 of the Constitution. The two Articles are in identical terms and state as follows:—

- (1) Subject to the provisions of this Constitution and to the rules and standing orders regulating the procedure of Parliament (or of the State Legislatures), there shall be freedom of speech in Parliament (or in the Legislatures of the State).
- (2) No member of Parliament (or of Legislature of the State) shall be liable to any proceedings in any court in respect of anything said or any vote given by him in Parliament (or in State Legislature) or any Committee thereof, and no person shall be so liable in respect of the publication by or under the authority of either House of Parliament (or of a House of a State Legislature) of any report, paper, votes or proceedings.
- (3) In other respects, the powers, privileges and immunities of each House of Parliament (or of a House of the State Legislature) and of the members and the Committees of each House, shall be such as may from time to time be defined by Parliament (or by the State Legislature) by law, and, until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees, at the commencement of this Constitution.
- (4) The provisions of clauses (1), (2) and (3) shall apply in relation to persons who by virtue of this Constitution have the right to speak in, and otherwise to take part in the proceedings of, a House of Parliament (or of a House of the Legislature of a State) or any committee thereof as they apply in relation to members of Parliament (or of the State Legislature)."

Neither the Parliament nor any of the State Legislatures appears to have defined the powers, privileges and immunities of the Parliament and the State Legislatures respectively, and therefore until such a legislation has been passed, both the Parliament and the State Legislatures would be entitled to the powers, privileges and the immunities which the House of Commons of the Parliament of the United Kingdom enjoys.

1093. Parliamentary privilege has been described as a sum of "all peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament and by members of each House individually, without

which they could not discharge their functions and which exceed those possessed by all other bodies or individuals." The Privy Council held in *Kielley v. Carson* (1842) *IV Moore's Privy Council Appeals*, 63, "that this power is inherent in the two Houses of Parliament not as a body with legislative functions, but as a descendant of the High Court of Parliament and by virtue of the *lex et consuetude Parliamenti*." It may be noted that in India under Article 105 and Article 194 of the Constitution itself, the Indian Legislatures enjoy the power, privileges and immunities of the House of Commons and no question arises in this country of deriving those privileges on the analogy of the House of Commons being a constituent part of the High Court of Parliament.

The privileges of the House of Commons have been defined as "the sum of the Fundamental rights of the House and of its individual members as against the prerogative of the Crown, the authority of the ordinary Courts of Justice and the special rights of the House of Lords." The conflict involved in these assumptions led to fierce struggles in the 17th and 18th centuries and the position was more or less stabilised only in the 19th Century and the limit of the privilege was prescribed and accepted by Parliament, the Crown and Courts. Lord Denman C. J. said in *Stockdale v. Hansard* "The Commons of England are not invested with more of power and dignity by their Legislative character than by that which they bear as a grand inquest of the nation. All the privileges that can be required for the energetic discharge of duties inherent in that high trust are conceded without a murmur or doubt." This discussion, however, as to the precise origin of the powers of Parliament is somewhat academical, because all that we are concerned with is the actual exercise of the power by the House of Commons because that power has been conferred on the Indian Parliament and the Indian State Legislatures by Article 105 and Article 194 of the Constitution. But it is important to remember that in England which has no written Constitution, the privileges of the House of Commons were achieved by a long process of adjustment between the three bodies. In India, with its written Constitution and fundamental rights of freedom of expressions guaranteed by the Constitution, it may not be wholly appropriate to adopt bodily the basic concepts of the privileges of the House of Commons as they developed in England and greater caution is, therefore, necessary in adopting them, even though permitted by Constitution, and in applying them consistently with the Indian constitution and Indian conditions. There is nothing sacrosanct about the procedure of the House of Commons and it is not imperative that the House of Commons practice should be followed in every detail.

1094. The Supreme Court has already held, in the case of *Blitz*, that an arrest executed in pursuance of the order of the U.P. Legislature is subject to the fundamental right embodied in Article 22(2) which requires that an arrested person shall be produced before a Magistrate within 24 hours and no further detention is possible without the authority of a Magistrate. Presumably in issuing the warrant of arrest the U.P. Legislature exercised the power of the House of Commons described as follows by Baron Parker of the Court of Exchequer Chamber on a writ of arrest in *Howard vs. Gossett*. "It cannot be disputed firstly, that the House of Commons which forms the Great Inquest of the Nation has a power to institute inquiries and to order the attendance of witnesses and in case of disobedience bring them in custody to the Bar for purposes of examination. And secondly if there be a charge of contempt and breach of privilege and an order for the persons

charged to attend and answer it, and a wilful disobedience of that order, the House has undoubtedly power to cause the person charged to be taken into custody and to be brought to the bar to answer the charge; and, further, the House, and that alone, is the proper judge when these powers or either of them are to be exercised." [Queen's Bench Reports (1845) Adolphus and Ellis, Vol. X, 450-451.] This power to arrest cannot be claimed in India contrary to the provision of Article 22 of the Constitution. It is no answer to Article 22 that the legislature was exercising the powers, privileges and immunities of the House of Commons. If so the wider question would arise whether the Powers, Privileges and Immunities of the House of Commons which a legislature may exercise under Articles 105 and 194 of the Constitution can go so far as to abrogate the right of freedom of expression save to the extent described in Article 19(2). It is noteworthy that the permissible restrictions on freedom of speech refer to restriction in relation to contempt of court but *not* to contempt of legislature. Conceivably therefore a conflict may arise in the exercise of a fundamental right under Article 19(1) on the one hand and the exercise by the Legislature of the Powers, Privileges and Immunities of the House of Commons conferred upon them by Articles 105 and 194 of the Constitution on the other. The position must remain fluid until it is set at rest by the Supreme Court and if the decision of the Supreme Court makes it necessary, the Constitution may have to be amended by making an exception in favour of contempt of legislature also in Article 19(2).

1095. Assuming that the Legislature has got power to punish for contempt the question whether the jurisdiction of the State Legislature extends over a person residing for the time being in another State is again a point on which there has been no authoritative ruling. The question did arise in the *Blitz* case but the point was not decided because the Assistant Editor was ordered to be released on the ground that Article 22 had been contravened. The point was raised recently in the Bombay High Court in another case but was not pressed to a decision because the person who had been arrested in Bombay under an order from the Speaker of the Mysore Assembly agreed to submit to the jurisdiction of the Assembly. We have referred earlier to the difficulty arising in the analogous case of High Courts and the special provision made in the new Contempt of Court Act, 1952. There can be no precedent of the House of Commons on this point. It is doubtful whether a legislature can claim a power higher than that of a Court of Record.

1096. It would therefore be desirable that both Parliament or State legislatures should define by legislation the precise powers, privileges and immunities which they possess in regard to contempt and the procedure for enforcing them. Such a law would have to be in consonance with our Constitution, and could presumably be challenged, if it appears to be in conflict with any fundamental right. If that happens, the position would be clarified by the highest tribunal in the land. Articles 105 and 194 do contemplate enactment of such a legislation and it is only during the intervening period that Parliament and State Legislatures have been endowed with the power, privileges and immunities of the House of Commons.

1097. Till the position is so clarified, we must accept the situation as it is. The justification for the privileges of the House of Commons results from the fact that without them the members could not perform their functions unimpeded. But whenever these privileges and immunities were disregarded

by any individual or any authority, the House of Commons exercised the right of punishing the offenders without that right being challenged in a court of law. The privileges of a legislature would be entirely ineffectual in enabling it to discharge its functions, if it had no powers to punish offenders, to impose disciplinary regulations on its members or to enforce obedience to its commands. Some of these privileges were freedom from arrest, freedom of speech, the right to regulate its own proceedings, the right to prohibit publication of its debates and the right to enforce observation of its privileges by fine, imprisonment or expulsion. The violation of the rights of the two Houses and the manner of protecting them is not unlike the power possessed by Courts of Justice for punishing persons guilty of contempt of court. The offences of the nature of contempt have been characterised as 'breaches of privileges', though that expression should, more appropriately, be confined only to the class of contempts consisting in a violation of or an assault on the Parliamentary privileges strictly so called, such as the right of free speech, freedom from arrest etc. Most of the cases of contempt arise out of disregard of the rights and privileges possessed by the members individually or by the House collectively. But there are, however, some encroachments on the rights of the Parliament in the nature of obstructions and interferences which cannot be deemed strictly as an attack on privileges. There are contempts without there being breaches of privileges. It is with such contempts that the newspapers in general are more directly concerned. As has been pointed out in Erskine May's "Parliamentary Practice", which is a standard authority on the subject, "it would be vain to attempt an enumeration of every act which might be construed into a contempt, the power to punish for contempt being in its nature discretionary." According to that classical work on Parliamentary Procedure, "any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as a contempt even though there is no precedent for the offence." The question arises in connection with newspapers in two ways: (1) the publication of the proceedings of the Legislatures, and (2) comments casting reflection on the individual members or on the House as a whole or its officers.

1098. So far as the publication of the proceedings is concerned, it has already been pointed out earlier that one of the rights and privileges of the Parliament is the right to prohibit publication of its debates. In a strict sense therefore any publication of the proceedings of a Legislature would be a contempt of that Legislature. As was pointed out by Sir Gilbert Campion in his evidence before the Privileges Committee in the case of the "Daily Mirror", publication of any proceedings of Parliament is still technically a breach of the privileges, and therefore if any one chose to rise in the House and call attention of the Speaker to that fact, the Speaker would have to hold that there was *prima facie* a case of privilege. But he went on to point out; "The relations of the House of Commons with the public have changed entirely since the days when debates were not allowed to be published, and so long as the debates are correctly and faithfully reported, the orders which prohibit their publication are not enforced, but when they are reported *mala fide*, the publishers of newspapers are liable to punishment." The position, in our opinion, has been correctly summarised in the Press Laws Enquiry Committee's Report, of which extracts have already been quoted above.

1099. The Federation of Working Journalists has stated that the freedom of the newspapers to publish correct report of the proceedings is subject to certain qualifications at present:

- (i) Newspapers are not free to publish any part of the proceedings which offends against the law of the land.
- (ii) They are not free to publish any part of the proceedings which by order of the presiding officer is expunged.
- (iii) They are not free to report the proceedings of the sub-committees of the House until these come up before the House.
- (iv) Resolutions, questions and motions cannot be published before they are admitted by the Chair or are brought before the House.

In our opinion, some of these restrictions are justified by Parliamentary practice. In *Wason v. Walter* (1869) 4 Q.B. 73 it was held that a faithful report in a public newspaper of a debate in either House of Parliament containing matter disparaging to the character of an individual which had been spoken in the course of a debate is not actionable at the suit of a person whose character has been called in question. But the publication is privileged, on the same principle as an accurate report of proceedings in a court of Justice is privileged *viz.* that the advantage of publicity to the community at large outweighs any private injury resulting from the publication. But in India there is no privilege attached to the publication of proceedings of the legislature if such publication constitutes an offence against the law of the land. Exception 4 to section 499 of the Indian Penal Code says that it is not defamation to publish a substantially true report of the proceedings of a Court of Justice or the result of such proceedings. This exemption has not been conferred on the publication of a substantially correct report of the proceedings in a Legislature. Therefore although the publication of a substantially true and a faithful report of the proceedings of the Legislature, will not constitute a contempt of the Legislature, the fact that the words complained against were privileged when they were uttered in the Legislature will not confer any privilege in respect of the publication of those words so far as the ordinary law of the land is concerned. However, the person who makes a speech in the Legislature cannot be held liable for its publication in a newspaper when he has himself done nothing to cause such publication (*Dr. Suresh Chandra v. Punit Gola*, A.I.R. 1951 Cal. 176). Clause (2) of Article 105 and clause (2) of Article 194 afford protection in respect of publication by or under authority of either House of Parliament, of any report, paper, vote or proceedings. It will be noticed that the protection is not extended to any other form of publication, *e.g.* in a newspaper. It was this contention which was put forward by the All India Newspapers Editors' Conference before the Press Laws Enquiry Committee when they urged that newspapers should be fully protected when they publish Parliamentary proceedings. But the Committee were unable to recommend that newspapers should be fully protected when they publish parliamentary proceedings, since in their view privileges attached to the speech in the Legislature could not be passed on automatically to the newspaper reports of such speeches. As has been held in the Calcutta case referred to above, "reports of proceedings of a Legislature in an Indian Newspaper, unless such are expressly authorised by the House, are not the subject matter of privilege and may found a complaint for defamation under section 500 of the Indian Penal Code". In any case, this question does not pertain so much to the privileges of the legislatures as to the ordinary law of the land.

1100. We recommend, however, that Exception 4 to section 499 of the Indian Penal Code be amended by inserting the words "or of Parliament or State legislature" to give effect to the principle of *Wason v. Walter* (1869) 4 Q.B. 73 referred to above.

1101. There may be something to be said for the complaint that no culpability should be attached to the publication of the proceedings of the Legislature before the order of the presiding officer expunging those proceedings reaches newspaper offices. Where the order of the Chair to omit certain portions has reached the Press Gallery some time after the reports have gone out, it may conceivably happen that the proceedings which were ordered to be expunged might find their way into one or two earlier editions of the newspapers. Such unintentional and unavoidable transgression of the rulings of the Chair should not, in our view, be regarded as a breach of the privileges of the House.

1102. So far as the premature publication of the reports of the Committees is concerned, the position appears to be fairly clear and not open to any objection. As stated at page 119 of Erskine May's "Parliamentary Practice", "By the ancient custom of Parliament 'no act done at any committee should be divulged before the same be reported to the House'". The same principles would apply to the publication of questions or resolutions before they are admitted by the Chair. This is a wholesome practice in consonance with the dignity of the legislature. Where a question or motion sent to the presiding officer has been disallowed, a bare mention to that effect without comment, should not be treated as contempt.

1103. The other branch of the law relating to the contempt of legislatures deals with the making of comments which cast reflections upon individual members or on a House generally. The Committee of Privileges in the House of Commons which dealt with the contempt of Mr. Garry Allignan, M.P., with respect to the publication in the World Press News, stated as follows:—

"The Parliament has no right to extend its privileges beyond those to which recognition had already been accorded and we believe that it would be contrary to the interests both of Parliament and the public so to do. On the other hand, the absence of an exact precedent does show that a particular matter does not come within some recognised principle of Parliamentary privilege..... It has long been recognised that the publication of imputations reflecting on the dignity of the House or of any member in his capacity as such is punishable as contempt of Parliament. It is true that the imputation upon a member, to come within this principle, must relate to something which he has done as such. Thus, in an extreme case concerning "The Times" in 1887 an allegation that certain members "drew their living..... from the steady perpetration of crimes for which civilisation demands the gallows" was held not to constitute a contempt in that it did not refer to the action of the members concerned in the discharge of their duties as such. Reflection on members, however, even where individuals are not named, may be so framed as to bring into disrepute the body to which they belong and such reflections have therefore been treated as reflections on the House itself. It is for the House to decide whether any particular publication constitutes such an affront

to the dignity of the House or its members in that capacity as amounts to a contempt of Parliament.....

Where the contempt alleged is the making of a charge, proof that the charge was true would not in your Committee's view of necessity provide a defence. If the publication was intended to bring to light matters which were true, so that an end might be put to them, then however discreditable the fact, your Committee considers that such a publication, for such a high purpose, would constitute a defence."

1104. These being the general principles, the question whether the Parliament or the State Legislatures have exercised powers in disregard of them, must depend on the facts of each case.

1105. There have been some cases of action being taken by some of the State Legislatures on a motion of Breach of Privilege. We shall briefly examine the propriety of action taken in a few cases.

1106. We have already referred to the case of the *Blitz* and the proceeding taken by the U. P. Legislature against Mr. Mistry, its Assistant Editor. On 29th September 1951, the *Blitz* published a criticism of the conduct of Mr. Nafisul Hasan, Speaker of the U. P. Assembly when he rejected a request by a member of the Assembly to discuss the unsatisfactory reply of Government over the withdrawal of accreditations to *Blitz* correspondents. It said *inter alia*, "Mr. Hasan's decision has surprised none here, for it is an open secret that instead of trying to set up healthy parliamentary traditions he is looking to Pant for guidance in his decision." On 8th October 1951, the Speaker said that "to cast aspersion on the impartiality of the Speaker constitutes a breach of the privileges of the House" and referred the question to the Committee of the Privileges under Rule 67 of the U. P. Assembly Rules. The Committee signed its report on 18th January 1952, holding that the writer of the news items and the editor of *Blitz* were guilty of breach of privileges and that the editor Mr. Homi Mistry had aggravated the offence by refusing to cooperate and to disclose the name of the writer. It recommended that he should be sentenced to imprisonment for such period as the Assembly may decide. The report was presented to the Assembly on 7th March 1952, and it decided to issue under Rule 62 of the Rules, a warrant for the arrest of Mr. Mistry. Mr. Mistry was in Bombay and was arrested by the Bombay Police under the authority of the warrant on 11th March 1952. He was flown to Lucknow and was kept in custody in an hotel. On 17th March 1952, an *habeas corpus* application was presented to the Supreme Court. Three points were raised before the Supreme Court:

- (1) The Speaker of the U. P. Assembly had no extra-territorial jurisdiction.
- (2) The execution of the warrant did not comply with the requirement of Article 22 of the Constitution.
- (3) Rule 62 of the U. P. Assembly Rules under which warrant was issued was *ultra vires* of the Constitution.

The Supreme Court ordered the release of Mr. Mistry on 18th March 1952 as his detention was contrary to Article 22 which required the production of Mr. Mistry before a Magistrate within 24 hours of the arrest (Petition No. 75 of 1952). The other issues raised before the Court were not

decided. Mr. Mistry, though ordered to appear before the Assembly on 19th March 1952 refused to do so and the Assembly, in his absence, found him guilty of contempt and the Speaker was directed to take steps to secure his presence at the Bar of the House for receiving such punishment as the House may determine after consideration of the submission that he may have to make. On the same day the Assembly adjourned for the last time before the new elections were held. Hope was expressed that the new House would proceed with the matter from the point where the old House had left it. Nothing appears to have been done by the new Assembly. The only issue which this case cleared up was that Article 22 applied even to arrests effected otherwise than under a warrant issued by a Court on the allegation that the arrested person had committed or is about to commit an act of criminal or quasi criminal nature. This view was reiterated by the Supreme Court recently in a case under the Abducted Persons (Recovery and Restoration) Act, 1949 (*The State of Punjab v. Ajaib Singh and another*, 1953 S.C.R. 254 at page 269). Their Lordships said that Article 22 was designed to give protection even against action of executive or non-judicial authority but that it was not their purpose, nor did they consider it desirable to attempt a precise and meticulous enunciation of the scope and ambit of this Fundamental Right or to enumerate exhaustively the cases that came within its protection. They were, however, satisfied that the physical restraint put upon an abducted person in the process of recovering and taking that person into custody without any allegation or accusation of actual, suspected or apprehended commission by that person of any offence of a criminal or quasi criminal nature or of any act prejudicial to the State or the public interest and delivery of that person to the custody of the officer-in-charge of the nearest camp, could not be regarded as "arrest" and detention within the meaning of Article 22 (1) and (2) of the Constitution. The wider issues, viz., whether the Speaker could issue a warrant and get it executed through the Civil Police and whether the arrest of a person beyond the jurisdiction of the State Legislature would have been legal even if the arrested person, Mr. Mistry, had been produced before a magistrate as required by Article 22 of the Constitution, were not decided.

1107. Another case which has evoked some controversy is the Times of India case. On 26th March 1953 a member of the Bombay Legislative Assembly asked certain questions on the issue of liquor permits to some of the judges of the Bombay High Court. In a supplementary question the member wanted to know the names of the judges to whom such permits had been issued. The Speaker intervened and asked if this question was being put in the public interest. The questioner stated that it was in the public interest and that he desired an answer. The supplementary question was allowed and the Bombay Minister for Prohibition gave the names of the five judges who had liquor permits. Another question which was asked was whether the Government was aware of the feeling in the public that granting of liquor permits to Magistrates and judges was likely to influence judicial decisions in prohibition cases and if so whether Government had considered the advisability of entrusting prohibition cases only to those Magistrates and judges to whom liquor permits were not issued. The answer to the former question was "no" and therefore the latter question did not arise.

1108. The Times of India in its editorial dated 28th March 1953 under the caption "Contemptible", characterised the member as "impertinent" and the question as "ill mannered" and "respectfully submitted that the Speaker should have judged for himself whether any public interest was likely to be advanced by publishing the names". It said there was "a degrading design to lower the judges in the public esteem." It commented on this 'obvious design' and the 'deliberate pattern' in the second half of the question in which "the feeling in the public" was used as a convenient medium for impugning the judiciary's impartiality and for insinuating that magistrates and judges who drink are influenced in the matter of prohibition cases. It remarked on the "promptness" and "readiness" with which the Minister for Prohibition gave the names of the judges. The editorial concluded "the entire performance, in its malice and vituperation, is unworthy of the Legislature of what was once a premier State. But perhaps it is too much to expect elementary good manners and good taste from those who know no standards and observe none."

1109. On the 30th, the questioner, Mr. M. B. Shah, raised a question involving breach of privilege of a member of the House in particular and of the Assembly in general. As the Speaker thought there was a *prima facie* case, the question was referred to the Committee of Privileges.

1110. The editor contended that there was 'a discussion' in the State Legislature with respect to the "conduct of judges in the discharge of their duties" contrary to Article 211 of the Constitution and that the doctrine of privilege could not be invoked as the House had acted in excess of its powers under the Constitution. He urged that the discussion did relate to the conduct of judges in the discharge of their duties because the suggestion clearly was that there was a feeling in the public mind that judicial decisions in prohibition cases, which had been disposed of or were pending, are vitiated on account of the magistrates and judges holding liquor permits. It was further urged that even if Article 211 did not apply, the question contravened rule 53(2) (b) of the Bombay Legislative Assembly rules which prohibited questions being put which threw reflection on the conduct of judges in the discharge of their duties and therefore the Assembly having acted in excess of their power could claim no privilege as respects a question wrongly allowed by the Speaker. On merits it was contended that the only motive which the editor ascribed to the member was that he lowered the judiciary in the public esteem by saying things which he should not have said. It was urged that the editorial was quite fair and the editor was only doing his duty in the public interest. It was stressed that one had only to contrast the motive attributed by the editor to the legislature with the motive attributed by the member to the High Court judges to see which is the more contemptible one.

1111. The Committee found that Article 211 was not contravened because there was no "discussion" and that both Article 211 and rule 53(2) (b) did not apply because there was no reference to the conduct of judges in exercise of their judicial functions. They further thought that even if the Speaker admitted a matter wrongly, privilege attached to it. They said "fair and bona fide criticism is always permissible either by an individual or by the Press but to attribute motives is, in our opinion, entirely illegal and improper. However regrettable one may feel that the Hon'ble member should have exercised his discretion in asking for the names of the Hon'ble

judges, one cannot help coming to the conclusion that the editorial under consideration was gross breach of the privilege. It is true members of the legislature ought not to be very sensitive. If the criticism is fair and legitimate every legislature must be ready to face it. If, however, the criticism is unfair, or attributes motives or casts reflections or lowers the dignity of the House in any way, it amounts to breach of privilege of the House. In our opinion the criticism of the editorial in question exceeds the bounds of decency, reason and fair comment as it attributes motives to the member in particular and to the House in general and we have no doubt that the editorial has the effect of lowering the dignity of the legislature in the public esteem."

1112. Accordingly it recommended that "until the Times of India gives an unconditional apology and publishes the same, the Press facilities given to the Times of India be withdrawn". This report was accepted by the House. As no apology was forthcoming from the Times of India, its press facilities have been withdrawn.

1113. It is possible to argue that the question and answers came within the ban imposed by Article 211 and Rule 53 (2) (b) of the Assembly Rules and that the conclusion of the House on these points is open to some doubt and criticism. We think it unfortunate that the original question and the supplementaries were at all asked and the Speaker might have been well advised if he had decided the issue which he himself raised *viz.* whether it was in the public interest to put the supplementary question. However, it is impossible to accept the proposition that because under the ruling of the Chair inadmissible questions were put and discussion took place in the Assembly on an inadmissible matter, no privilege attached to them. Courts sometimes take a view of the extent of their jurisdiction which is, on occasions, palpably untenable even on the existing authorities of the highest courts. In such cases it could be idle to contend that there can be no contempt of court, if the proceedings were unfairly criticised or aspersions were cast on the judge, claiming protection on the footing, that the judge has acted in excess of his jurisdiction. The real issue that the Times of India intended to raise was the propriety of the legislature in reflecting on the conduct of judges in the discharge of their duties by means of questions and answers and it is unfortunate that this issue was obscured by reflections on the conduct and motives of the legislatures. The High Court can take no action for contempt as Article 194 (2) confers complete immunity on members of the legislature for anything said by them in the legislature or any committee thereof. This case, therefore, emphasises the necessity of exercising great vigilance and meticulous care in the strict observance by legislatures of Article 211 of the Constitution and such rules as Rule 53 (2) (b) of the Bombay Legislative Assembly Rules. That, however does not affect the question of privilege of the legislature. If the effect of the editorial—particularly in attributing motives to the Speaker and the members of the House—was to lower its dignity and prestige, a point which has got to be conceded, then there was clearly a breach of the privilege.

1114. The Himachal Pradesh Assembly referred to its Privileges Committee a *prima facie* case of breach of privilege when the Times of India (Delhi edition) published in its issue of April 23, news of the proceedings of the Select Committee on the Himachal Pradesh Seed Potato Bill. The report was submitted to the House on April 27. The proceeding of the Select

Committee are confidential and a reference to the proceedings, therefore, would constitute a breach of the privilege and the Privilege Committee reported accordingly on June 4. But as the editor of the Times of India and the Special Correspondent at Simla had tendered a written apology for premature publication of the proceedings of the Select Committee, the Privilege Committee recommended that the apology be accepted on condition that it was published in two consecutive issues of the paper and the matter be considered as closed. This was agreed to by the House. The procedure was perfectly regular.

1115. In the Council of States a point of privilege was raised on 1st May 1953 in respect of a report in the 'Statesman' of a speech by the Law Minister which was characterised as "official version" when in fact it was not so. It was also alleged that there was a breach of privilege because the situation arising out of the opinions expressed by the Law Ministry with regard to Income-tax Amendment Bill, was described as "intriguing". The representative of the "Statesman" explained, however, the circumstances under which the words "official version" had been used and stated that the word "intriguing" meant nothing more than that the situation had aroused interest or curiosity. In view of the explanation and expression of regret by the representative the motion was withdrawn on 5th May 1953.

1116. The Mysore Legislative Council referred to the Privileges Committee a matter in which it was alleged that the editor and publisher of "Satya"—a Kannada daily—had committed a breach of privilege by publishing on 9th April 1953 two articles entitled "Documented case for R.M.D.C." and "Satya answers questions which the Mysore Home Minister could not." The editors of two English dailies "Deccan Herald" and "Daily Post" were also similarly charged for reprinting the articles in "Satya." The Privileges Committee found all the three dailies guilty of contempt and held that the papers had committed a breach of the privilege of the House. It said that the articles were so worded that if any member of the public read it, the House would get lowered in his estimation and the respect due to it would be diminished. Referring to the argument of the Counsel for "Satya" that crosswords was a matter of private concern and that the subject matter was not legitimately within the competence of the legislature to discuss, the Committee observed "it is not merely the right but it is the duty of the House to debate such matters. The crosswords may be a private concern but it affects thousands of persons. Whatever matter affects such a large section of the people naturally becomes a fit subject for debate or for question and answer and it would be an intolerable interference with the function of the legislature to hold that such motions ought not to be permitted to be debated in the House." The editor of the "Daily Post" apologised, but the other two papers defended their position. The editor of the "Deccan Herald" submitted that he had committed no offence within the purview of legislative privileges and added "in point of law and in the exercise of my profession, I have not exceeded the rights of Press publicity in putting out the statement which purported to be a defence in connection with a news report previously published in the Deccan Herald. I submit that the legislature should not appear to be so sensitive to regard my publication in good faith of a lengthy statement as a deliberate affront calling for the proposed admonition." The House, however, accepted the report of the Committee and admonished all the editors and publishers and called upon the editor and publisher of "Satya" to publish an unconditional apology in two successive issues of the paper on pain of forfeiture of Press facilities to the paper for two sessions.

1117. In the Madras Legislative Assembly an issue of privilege was sought to be raised on 30th July 1953 in respect of publication of the "Indian Express" editorial which stated "But another amendment that the scheme be stayed and referred to an expert committee was *somehow allowed to be voted* upon and was actually passed by a narrow majority." The editorial added "that the discussion on the scheme in the House took place in a *confused atmosphere.*" Objection was taken to the words which we have italicized as reflecting on the conduct of the Chair and dignity of the House. The Speaker expressed the view that the editor of the paper might not know what constituted a breach of the privilege. He said he would write to the editor to find out the position and that a letter admonishing the editor might serve the purpose if the editor failed to withdraw the comment.

1118. The Madhya Bharat Legislative Assembly was reported to have referred to its Privileges Committee on 27th August 1953 an issue of privilege in respect of 3 dailies, a weekly and a monthly for publishing certain unauthorised remarks of Mr. Chauhan, the President of Indore Municipality. All that Mr. Chauhan had done was to criticise the provision of the Madhya Bharat Municipal Bill at a Press conference while the Bill was still before the Select Committee. In response to our query dated September 1953 and subsequent reminders, we were informed by the Madhya Bharat Government, in their letter dated the 25th June, 1954, that no reference was, in fact, made as Mr. Chauhan had expressed regret.

1119. A recent statement of the Speaker of the Uttar Pradesh Assembly as to how the Assembly proceedings should be reported had caused some apprehension that the ruling would have the effect of curtailing the freedom of the Press. But the Speaker had clarified the meaning in a subsequent statement in which he stated that what he had said on 15th February, 1954 was not a ruling but merely a helpful suggestion and that no case had arisen of a breach of the privilege.

1120. Some of these cases, in our opinion, disclose oversensitiveness on the part of legislatures to even honest criticism. When the decision of the High Court and Supreme Court are liable to be criticised without any action being taken for contempt of court, there appears no reason why legislatures should claim excessive immunity from criticism in Press or public. The courts recognise, as pointed out elsewhere, that contempt proceedings should be resorted to in extreme cases only. It behoves our legislature also not to resort lightly to contempt proceedings. The Press, as a whole, is anxious to maintain and enhance the dignity and prestige of our courts and legislatures and recognises that within the precincts of the Assembly hall the presiding officer's ruling is supreme and the freedom of the members absolute. It is, therefore, all the more necessary that the legislatures should respect the freedom of expression where it is exercised by the Press within the limits permitted by law, without imposing additional restrictions in the form of breach of privileges unless such restrictions are absolutely necessary to enable them to perform their undoubtedly responsible duties. No one disputes that Parliament and State legislatures must have certain privileges and the means of safeguarding them so that they may discharge their functions properly but like all prerogatives the privilege requires to be most jealously guarded and very cautiously exercised. Indiscriminate use is likely to defeat its own purpose. The fact that there is no legal remedy against at least some of the punishments imposed by the legislature should make them all the more careful in exercising their powers, privileges and immunities. In conclusion,

we would commend to the notice of Parliament and the State legislatures the observations made by the Committee of Privileges of the House of Commons in the "Daily Mail" case in April 1948. The observations are to this effect:

"Under the law and usage of Parliament as established in the course of the last three centuries, contempts of Parliament may vary greatly in their nature and in their gravity. At one extreme they may consist in a little more than vulgar and irresponsible abuse. At the other, they may constitute grave attacks undermining the very institution of Parliament itself. In some cases, investigation by the Committee of Privileges would involve protracted, and possibly inconclusive inquiries, leading to no useful results. Indeed, the summoning of irresponsible persons as witnesses and the hearing of their evidence would merely afford such persons an opportunity of making defamatory statements in circumstances of absolute privilege which protected them from liability to action. In other cases, to canvass them before the Committee of privileges would merely give added publicity to statements which had only been made in the hope that their very sensationalism would attract to their author a public attention which he was otherwise quite unable to command.

Your Committee are of opinion that it is not consistent with the dignity of the House that penal proceedings for breach of privileges should be taken in the case of every defamatory statement which, strictly, may constitute a contempt of Parliament. Whilst recognising that it is the duty of Parliament to intervene in the case of attacks which may tend to undermine public confidence in and support of the institution of Parliament itself, your Committee think it important that, on the one hand, the law of Parliamentary privilege should not be administered in a way which would fetter or discourage the free expression of opinion or criticism, however, prejudiced or exaggerated such opinions or criticisms may be, and that, on the other hand, the process of Parliamentary investigation should not be used in a way which would give importance to irresponsible statements.

In the light of all these considerations, your Committee are of opinion that the statements attributed to Mr. Brogan in respect of his statements in a broadcast which are subsequently reproduced in the "Daily Mail" making allegations that certain Members of Parliament would reveal themselves in what he alleged to be their true colours as Members of the Communist Party and would act traitorously fall into the category of statements which it would be inconsistent with the dignity of the House and of this Committee to examine further."

Section VII: Law of defamation

1121. **Law of Defamation.**—During the course of the evidence, many of the State Governments have stressed the desirability of amending the law of defamation, particularly in its application to public officers and Government servants. They have urged that many newspapers, particularly those which indulge in yellow journalism, make reckless allegations against public

officials and Government servants, very often merely for the purpose of indulging in sensationalism and thus attracting more circulation. These officers find it extremely inconvenient and often very expensive to launch either a civil suit or a criminal prosecution particularly because of the delay involved in the conduct of these cases. When they do file such a suit or prosecution, they are subjected to cross-examination which is aimed at throwing more mud on the reputation of these persons, and even if there is no truth in the allegations which are suggested in the cross-examination, some of the mud sticks. They are, therefore, extremely reluctant to take any legal steps for obtaining redress. Even if they are able to bring home the charge to the accused, he often tenders an apology when it begins to appear that there is no way of escaping a conviction, and thus the matter is either compromised or the accused gets away with a nominal sentence or fine. The State Governments have, therefore stressed the desirability of amending the law in such a way as to enable the public servants to obtain relief without the handicaps involved in the present procedure. They have also urged that a mere tender of apology should not confer immunity on the accused. On the other hand, it has been urged by the Southern India Journalists' Federation that the law of defamation should not be made more onerous. The All India Newspaper Editors' Conference has stated that the libel laws, as they stand, actually prevent many newspapers from taking the risk of exposure of public scandals, while the Federation of Working Journalists have taken the view that only civil liability should be attached to such defamatory statements, and if such defamation continues to remain a criminal offence, a timely apology should relieve the offender from liability. These and other newspaper interests have suggested an amendment of the law on the lines of the English Defamation Act of 1952 (15 and 16, George VI, and I Elizabeth II. Chapter 66)

1122. Under Article 19(2) of the Constitution, the fundamental right of freedom of speech and expression can be curtailed by the imposition of reasonable restrictions in relation, *inter alia*, to contempt of Court, defamation or incitement to an offence. It is the contention of the Federation of Working Journalists and the point was stressed before us in his evidence by a member of the Bar that the permissible restriction in relation to defamation should operate only in the sphere of civil liability and not in the sphere of criminal liability. He urged that the right given by the Constitution for freedom of expression should not be curtailed by making an exception in favour of criminal libel of private individuals. He thought that only that form of defamation which was likely to lead to a breach of the peace, should be made an exception to the right conferred by Article 19(1) in relation to defamation. It is difficult to accept this submission, because it would mean that the framers of the Constitution had no clear idea of what "defamation" meant when they used that word in Article 19(2) of the Constitution. The word "defamation" as used therein should be understood in its ordinary sense, i.e. including defamation of individuals and not merely that species of defamation which gives rise to a breach of the peace. Defamation, as generally understood, means something which involves both civil and criminal liability, and it cannot be assumed that the framers of the Constitution were not aware of this.

1123. It is open to us, however, to suggest an amendment of the Constitution so as to restrict the operation of the word "defamation" to cases involving civil liability or to such cases involving criminal liability, as are likely to disturb the public peace.

1124. So far as the first suggestion is concerned, it would be useful to state the position in some of other countries.

1125. In England defamation is mainly a civil offence, and the law is divided into two branches, *viz.* of libel and of slander, according to the form in which the defamatory statement is published. If a defamatory statement is communicated by written words or in some other semi-permanent form, then it becomes libel, and where a defamatory statement is communicated by spoken words or in some other transitory form, then it becomes slander. Libel is generally actionable *per se* whereas special damage is required to be proved in an action for slander although recently in several special cases slander also has been made actionable *per se*. Only in certain cases, libel results in a criminal prosecution. This offence of libel is styled seditious libel. "Every person commits a misdemeanour who publishes (orally or otherwise) any words or any document with a seditious intention", and a seditious intention means "an intention to bring into hatred or contempt or to excite disaffection against the King or the Government and Constitution of the United Kingdom, as by law established or either House of Parliament or the administration of Justice or to excite British subjects to attempt, otherwise than by lawful means, the alteration of any matter in Church or State by law established or to promote ill-will and hostility between different classes. And if the matter published is contained in a written or a printed document, the publisher is guilty of publishing a seditious libel". It would be apparent that this definition of "seditious libel" conforms to the offences of sedition under section 124A of the Indian Penal Code and the offence of promoting enmity between the two classes described in section 153A of the Indian Penal Code. It would be obvious from the definition of "seditious libel" that action could be taken under it to check a great deal of what is ordinarily considered permissible discussion and the section, if rigidly enforced, would be inconsistent with the prevailing forms of political agitation. Since this offence rests not on the damage done to private reputation, but on presumed danger to the public peace, the truth of the statement constitutes no defence. Such prosecutions for seditious libel are, however, comparatively rare in England.

1126. The Philippines Penal Code of the 8th of December 1930 defines "libel" as public and malicious imputation of crime or vice or defect, real or imaginary, or any act, commission, condition, status or circumstances tending to cause the dishonour, discredit or contempt of a natural or a juridical person or to blacken the memory of one who is dead. Such libel or slander is punishable with imprisonment and/or fine.

1127. In France a peculiar feature of the law of libel is that persons holding a public office *must*, if libelled, bring the matter before the criminal courts.

1128. Article 161 of U.S.S.R. Penal Code provides for the punishment of defamation of private persons, but the proof of the truth of the allegations made is a valid defence in criminal proceedings.

1129. It would thus appear that in some of the foreign countries, for which information is available, defamation is a criminal offence, although in England it becomes a criminal offence if libel falls within the category of "seditious libel". We, therefore, think that it would not be desirable to amend the Constitution in such a way as to permit restrictions being placed on the fundamental right of freedom of expression only in respect of civil defamation and not in respect of criminal defamation.

1130. The second suggestion is to amend the Constitution in such a way as to permit restrictions being placed on the freedom of speech and expression in the form of a criminal offence for libel but only where such libel is likely to lead to a breach of the peace. There is some plausibility about such a suggestion. The argument is that the basis of criminal law is the responsibility of the State for maintaining peace and order, and where such peace and order are not likely to be disturbed, as when a private individual is defamed, there is no reason why it should constitute a criminal offence. The argument is not convincing. A cursory perusal of the sections of the Indian Penal Code would indicate that there are several offences in the Code which do not necessarily involve disturbance of peace. Moreover this aspect was present in the mind of the framers of the Indian Penal Code when they drafted the definition of "defamation" in section 499 of the Indian Penal Code. Under the Penal Code defamation has been made an offence without any reference to its tendency to cause acts of illegal violence. The framers of the Code have stated as follows:—

"It appears to us evident that between the offence of defaming and the offence of provoking a breach of the peace, there is a distinction as broad as that which separates theft and murder. Defamatory imputations of the worst kind may have no tendency to cause acts of violence. Words which convey no discreditable imputation whatever may have that tendency in the highest degree. Even in cases where defamation has a tendency to cause acts of violence, the heinousness of the defamation, considered as defamation, is by no means proportioned to its tendency to cause such acts; many circumstances which are great aggravations of the offence, considered as defamation, may be great mitigations of the same offence, considered as a provocation to a breach of the peace. A scurrilous satire against a friendless woman, published by a person who carefully conceals his name, would be defamation in one of its most odious forms. But it would be only by a legal fiction that the satirist could be said to provoke a breach of the peace. On the other hand, an imputation on the courage of an officer contained in a private letter, meant to be seen only by that officer and two or three other persons, might, considered as defamation, be a very venial offence. But such an imputation would have an obvious tendency to cause a serious breach of the peace." These remarks are equally applicable at the present time. We do not think the state of the society has changed to such an extent as to justify any alteration of the law which has stood the test of time. In conditions as they exist in India today, the law should attempt to give protection and some speedier remedy to persons who cannot afford to indulge in the costly luxury of civil litigation merely for the purpose of getting damages which in some cases the offending person may not be able to pay at all. It would be impossible for a friendless woman who has been injured by a scurrilous satire to file a suit, engage lawyers, pay Court-fees and process fees for the sake of vindicating her honour and even if she succeeds, she may not get any monetary relief, where the offending paper happens to be a rag or the offending person a penniless individual. On the other hand, she could institute criminal proceedings without any costly paraphernalia attendant upon a civil litigation. If the accused is in a position to pay fine, she can recover her expenses and compensation for the injury done to her under section 545 of the Criminal Procedure Code. The framers of the Code have stated that "the offence of defamation consists in its tendency to cause that description of pain which is felt by a person who knows himself to be the object of unfavourable sentiments of his fellow creatures and those inconveniences to which a person who is the object of such unfavourable sentiments, is

exposed." We do not, therefore, think that the offence of criminal defamation should be confined to cases where there is an apprehension that a breach of the peace will be caused.

1131. It has been urged by several State Governments that there is wide prevalence of writings making allegations—sometimes well founded and mostly unfounded—defamatory of public officials or Government servants. So far as the Government servants are concerned, they are precluded by the Government Servants' Conduct Rules even from making a rejoinder to any allegations made against them, however baseless they may be. Mere refutation of the allegations by public servants who are not governed by Government Servants' Conduct Rules may carry little or no conviction with the public unless they subject themselves to cross-examination. It has been urged that a criminal prosecution of the offending person or of the offending paper by Government servants or public officials is beset with numerous difficulties. The dilatory procedure in the Courts, the inconvenience caused in having to leave their legitimate duties and to attend courts on the numerous days to which the case is adjourned, the labour involved in collecting evidence for the purpose of prosecution, the reckless allegations often made against them in the course of the cross-examination which is aimed at besmirching the character of the complainant in order to prove that he had no reputation to lose and finally the tendency of the courts to impose nominal fines—all these make it hardly worthwhile for a public servant to undertake such a prosecution. If the accused person is willing to give an apology, the tendency on the part of the public servant is to accept the apology and save himself all the inconveniences involved in such a prosecution, although the apology does not by any means undo the damage which has already been done. Even if the apology is published in the subsequent issues of the offending publication, it does not follow that the apology will be read by the identical persons who read the first allegations. In this process of mud-slinging, some of the mud sticks, even if ultimately the allegations are withdrawn and an apology tendered. We appreciate what has been urged but we note that most of these difficulties are common both to public servants and private individuals who are defamed except the difficulty created by the Government Servants' Conduct Rules in the case of Government servants. There is, however, not much substance in the argument urged on the other side that there should be no discrimination in respect of public servants. The Indian Penal Code itself recognises special position of public servants. A whole chapter is devoted to offences for which only public servants are liable. The Criminal Procedure Code also prescribes special procedure in cases where public servants are involved. It would not be an unreasonable discrimination, therefore, to make some special provision with regard to them recognising their peculiar position. We look at the problem not from the point of giving a favoured treatment to public servants but from the point of view of public interest. A public servant is liable to be posted anywhere in India or for the matter of that anywhere in the world if he belongs to the Foreign Service. If he has to vindicate himself and the public service, he cannot easily take action and some procedure has to be devised to enable him to resort to a remedy which is more easily available to others. Secondly, it is very desirable in public interest that there should be, in suitable cases, a magisterial inquiry or a police investigation in respect of serious allegations against a public servant even if the public servant himself is unwilling to initiate proceedings and clear himself of the charges before proceedings are taken against the offender.

1132. One of the remedies which has been suggested is that where a public servant is defamed, it should constitute a cognizable offence. A "cognizable offence" is defined as an offence in which police officer may arrest without a warrant. One of the arguments in favour of this suggestion is that such a power in the hands of the police would enable them to investigate into the offence and thus relieve the complainant of collecting the necessary evidence. It is argued that it may incidentally act as a deterrent if a fear exists that an offender is likely to be arrested by the police without a warrant from the Magistrate. It has also been urged that this would enable the police to investigate into the offence and thus find out what truth there is in the allegation made against the public servant and, if necessary, to bring even the public servant to book. We think it is inconceivable that every allegation defamatory of public servants should be made a cognizable offence, irrespective of whether the defamatory allegation is in connection with discharge of his duties as a public servant or not. If at all such cases of defamatory are to be made cognizable offences, they should be restricted to defamatory allegations in respect of public servants in the discharge of their public duties as is proposed to be done in the new Bill. Even then we consider that it would not be a defensible procedure. We think that it would not be altogether safe to make such offences cognizable with all the consequences flowing from such a provision. It would enable the police to arrest the alleged offender without a warrant, to take preventive action contemplated under Chapter XIII of the Criminal Procedure Code and to conduct searches under sections 165 and 166 of the Criminal Procedure Code. The defamatory allegation may be so vague that it would be impossible to secure a conviction. These allegations may vary in gravity—some may be serious while others may be so inconsequential that no one would take serious notice of them. Yet to invest police officers with power to take action in all these cases might well constitute an instrument of oppression. Moreover in most cases where the offence is cognizable, the investigation proceeds on the basis of objective facts, such as the actual commission of murder, theft, dacoity, etc. But in the case of defamation it would depend upon the subjective appreciation by the police officer as to what constitutes defamation. In many cases the matter would be quite simple and straightforward. But there may be other cases where it would not be quite so easy to decide the question. Yet to make all such offences cognizable may well lead to harassment of the alleged offender. Even if ultimately no case is sent up by the police, the ignominy involved in an arrest is not wiped out. On the other hand, we realise that there would be some cases where serious allegations are made which would require police investigation. There may also be public servants, perhaps with guilty consciences, who would not be willing to bring cases into courts and to clear themselves of the defamatory allegations. The police cannot take any action because the offence is a non-cognizable one, and under Section 198 of the Criminal Procedure Code, no court can take cognizance of the offence of defamation (an offence falling under Chapter XXI of the Indian Penal Code) except upon a complaint made by some person aggrieved by such offence. A procedure has therefore to be devised which will strike a balance between those two considerations, viz., (i) frivolous action by the police and the consequent harassment of the alleged offender, and (2) the desirability of a police investigations or a magisterial inquiry in some cases where it is necessary that the public servant should clear himself of the defamatory allegation.

1133. The first result is achieved by not making defamation of a public servant in the discharge of his public duties a cognizable offence. To achieve the second result some amendment of the law is necessary.

1134. Under Section 198 of the Criminal Procedure Code it is only the aggrieved party that can set the law in motion and if he happens to be thousands of miles away or is unwilling to take any steps, nothing can be done. The ban under Section 198 has, therefore, to be removed in the case of defamation of a public servant in the discharge of his public duties. Moreover the interests of public administration are involved and if the public servant concerned is, for certain reasons, unwilling to initiate proceedings or is unable to do so for other reasons, it should be within the power of his superior officer to initiate them. This procedure will have one additional advantage. If the public servant concerned is unwilling or unable to file a complaint of his own accord, the superior officer will decide whether the alleged defamatory matter is serious enough to be taken notice of and how far it is in the public interest to launch a criminal prosecution. Section 198 has two provisos. The first one makes an exception in favour of a person under 18 years of age, a lunatic or an infirm who is unable to make a complaint. The second proviso makes an exception in the case of members of armed forces in respect of certain offences. We suggest that a third proviso should be added to this section on the following lines:

“Provided further that when the person aggrieved under Chapter XXI of the Indian Penal Code is a public servant within the meaning of Section 21 of the Indian Penal Code, by reasons of allegations made in respect of his conduct in the discharge of his public duties, the magistrate with jurisdiction may take cognizance of the offences upon a complaint made in writing by some other public servant to whom he is subordinate.”

When the law is thus set in motion, it is necessary to see that there is some preliminary inquiry or investigation before a process is issued against the accused. Under Section 202 of the Criminal Procedure Code [See also Section 155(2) of the Criminal Procedure Code] it is competent to a magistrate, for reasons to be recorded in writing, to postpone the issue of a process and to inquire into the case himself or direct an inquiry or investigation to be made by any magistrate subordinate to him or by a police officer or such other person as he thinks fit for the purpose of ascertaining the truth or falsehood of the complaint. A proviso will have to be added to this section somewhat on the following lines:

“Where the complaint is in respect of defamation of a public servant in the discharge of his duties, the magistrate shall make the inquiry himself or direct an inquiry or investigation into the complaint as aforesaid.”

It may be desirable by an administrative order to direct that the complaint should be filed in the court of the district magistrate.

1135. We venture to think that the above procedure will secure the following advantages:—

- (1) The alleged offender will not be liable to an arrest without warrant and subjected to other disabilities in each and every case when a police officer may think that there has been a defamation of a public servant in the discharge of his duties.
- (2) When the public servant is physically unable to file a complaint some other officer can set the law in motion.

- (3) If the public servant concerned is unwilling to file a complaint and the matter is of sufficient public importance, the law can be set in motion by his superior.
- (4) The benefits of a magisterial inquiry or a police investigation are secured by making it incumbent on the magistrate to direct such inquiry or investigation before he decides whether to issue a process or not.
- (5) If the inquiry or investigation shows that the allegations are false, process can be issued against the offending person. If, however, it shows that there is some truth in the allegation, the proceeding may be dropped, no process need be issued against the accused and action, if any, may be taken against the public servant concerned.
- (6) If the complaint is filed in the court of the district magistrate under an administrative order, a senior magistrate will be able to decide after reading the report of the inquiry or investigation, whether any further action should be taken or not.

1136. The main reason which deters a person who has been defamed from instituting a prosecution for defamation is that a discursive cross-examination is very often permitted by the courts when he enters the witness-box. The defamed person is not unwilling to face cross-examination in respect of the particular allegation made against him. But the defence claim the liberty of making several accusations merely for the purpose of proving that the complainant had no reputation to lose. Under Section 499 of the Indian Penal Code, an offence of defamation is committed "when a person makes an imputation concerning another person intending to harm, or knowing, or having reason to believe that such imputation will harm the reputation of such other person." It is therefore argued that the existence of reputation in the person filing the prosecution is an essential ingredient of the offence. Further, an attempt is often made in the course of cross-examination to test the veracity of the complainant or to shake his credit by injuring his character. In this process of mud-slinging, some of the mud sticks. For this reason a defamed person is either unwilling to resort to prosecution or is content with accepting an apology from the offending person.

1137. The question whether in such prosecutions the point, whether a person has a reputation to lose, is a fact in issue or a relevant fact, is not altogether free from doubt. It has been held by a single Judge of the Allahabad High Court in *Mannalal v. D. P. Singh*, A.I.R. 1950 All. 455 that one of the main ingredients of the offence of defamation is that the imputation must have been made with the intention of harming, or with the knowledge or reason to believe that it would harm the reputation of the person concerning whom it is made. "While the complainant is entitled to lead evidence to prove this ingredient, the accused is entitled to produce evidence, or put questions in cross-examination of the complainant or his witnesses, to rebut it.....In a criminal prosecution for defamation, the accused is entitled to rebut the complainant's case that the alleged imputation was likely to harm his reputation. He can do that by showing that the complainant's reputation was, in view of certain acts of omission or commission, already at a low ebb. He is also entitled to show that the complaint was not *bona fide*. Hence, the question put to the complainant with that object in cross-examination cannot be disallowed on the ground that they are likely to defame

the complainant further." This view of the learned Judge has been dissented from in a recent decision of the Patna High Court in *D. Shastri vs. K. B. Sahay* (1953) I.L.R. 32,276, which is a decision of a Division Bench. The learned Judges have pointed out that "there is a basic distinction between the fact in issue in a civil action for libel and slander and the fact in issue in a criminal prosecution under Section 500 of the Penal Code, as in a civil action what the plaintiff seeks to do is to compensate himself for loss of his reputation in terms of money. The quantum of damage, therefore, must differ from case to case and according to the status of the plaintiff. It is not so in a criminal prosecution. In a criminal prosecution what really matters is the *mens rea* of the accused person." "Reputation" within the meaning of section 499 of the Indian Penal Code, 1860, is not at all a necessary fact to be proved in a charge under section 500 of the Code, and therefore not a fact in issue. As the Chief Justice has pointed out at page 302 of the Report, "the fact is that every one has reputation and the only question that can arise regarding it is whether it is high or low. This question is irrelevant in a prosecution for defamation. The law does not contemplate that any person's reputation is so low that it cannot fall lower by the publication of fresh defamatory matter relating to him. Also, it is unthinkable that the law can intend that defamatory matter about a person of high reputation can be published without incurring liability for prosecution under section 500 of the Indian Penal Code merely because his reputation stands so high that the imputation is not likely to be believed." With respect, we think that this is the correct view, and if necessary, legislative approval should be given to it by adding an Explanation to section 499 to the effect that every person has a reputation; and that it is immaterial for the purposes of the section whether the reputation of the person defamed is high or low. The view of the Patna High Court, if given the imprimatur of the legislature, will effectively stop any cross-examination which is directed merely to show that the person has either no reputation or that his reputation is so low that it cannot be lowered further. In that event, the cross-examination would be limited merely to the imputation made against the complainant.

1138. The reputation of a person is also not a relevant fact under section 55 of the Indian Evidence Act. The reputation or character of a person defamed is relevant only in civil cases when it is such as to affect the amount of damages which he ought to receive. From this it would follow that the reputation of the complainant is not a relevant fact in criminal cases. It was argued by Counsel in the Patna case that the reputation of the complainant would be relevant in judging the gravity of the offence and in determining the quantum of punishment which should be inflicted upon the accused. This argument also was rejected by the learned Judges in the following words of Mr. Justice Misra:

"It is true that the accused person can, by his conduct in certain circumstances, invoke the leniency of the Court by apology or in some other manner, but he cannot do it by insisting upon showing up the character of the complainant in general. It might start a roving inquiry about the Prosecutor's character bringing on the record matters which are not capable of affirmative proof or in any case making the trial an enormously lengthy affair."

1139. The only other way in which questions not strictly germane to the truth or otherwise of the imputation, which is the subject-matter of the prosecution, may be made admissible is by resorting to section 146 of the Indian Evidence Act which says that "questions may be asked to test the veracity of the witness, to discover what he is, what his position in life is or to shake his credit by injuring his character". But very strict limitations have been imposed on this power of interpellation by section 146 and the succeeding sections, viz. 148, 149, 151 and 152 of the Indian Evidence Act. Section 155 also does not authorise putting of such questions to the complainant in a prosecution for defamation. We think that these provisions will, if properly borne in mind, be sufficient to protect the complainant from harassment. In our opinion therefore all that is necessary is to make a slight amendment in section 499 of the Indian Penal Code to give effect to the view of the Patna High Court, as there appears to be a conflict of judicial opinion on that point.

1140. It has been further suggested to us that the law, as it stands, does not give sufficient protection to a newspaper in exposing administrative and commercial scandals and thus acts as a deterrent to the Press in the performance of its legitimate duties. Indeed, it has been stressed by the All India Newspaper Editors' Conference and the other responsible bodies that the growth of yellow journalism is, to some extent, due to the hesitancy on the part of the responsible newspapers to take the necessary risks involved in exposing scandals. We think that there is some justification for this complaint and the nervousness on the part of the newspapers can be considerably allayed if the law is amended on the lines of the English Defamation Act of 1952, which gives protection to a person in respect of unintentional defamation. Lord Porter's Committee recommended that where a statement which is in fact defamatory of the Plaintiff is made by a defendant who was not aware that it would be understood to refer to the Plaintiff or was not aware of the fact which would make the statement defamatory of him, the Plaintiff's remedy should be restricted to requiring the defendant to publish an explanation and an apology and that if such explanation and apology is published, no damages should be recoverable. Accordingly under section 4 of the Act "a person who has published words alleged to be defamatory of another person may, if he claims that the words were published by him innocently in relation to that other person, makes an offer of amends under the section, and in any such case, if the offer is accepted by the party aggrieved and is duly performed, no proceedings for libel or slander shall be taken or continued by that party against the person making the offer". If the offer is not accepted by the party aggrieved, then it becomes a defence in any proceedings by him for libel or slander against the person making the offer, if it is proved (1) that the words complained of were published by the defendant innocently and (2) that the offer was made as soon as practicable after the defendant received notice that they were or might be defamatory of the Plaintiff and that the offer had not been withdrawn". For the purpose of this section words shall be treated as published by one person innocently in relation to another person if and only if the following conditions are satisfied:—

- (1) the publisher did not intend to publish them of and concerning that other person, and did not know of circumstances by virtue of which they might be understood to refer to him; or
- (2) that the words were not defamatory on the face of them, and the publisher did not know of circumstances by virtue of which they might be understood to be defamatory of that person, and in

either case, the publisher exercised all reasonable care in relation to the publication.

We think that the provisions of this section should be adopted as a general law and not merely for application to the newspapers.

1141. Four of our colleagues, Acharya Narendra Deva, Sarvasri A. D. Mani, M. Chalapathi Rau and Jaipal Singh dissent from some of the conclusions and recommendations made earlier. Their views are set out below.

NOTE OF DISSENT ON PRESS LEGISLATION

1142. **Constitution (First Amendment) Act, 1951.**—We have with great reluctance dissented from the views of our colleagues on the question of the need for the amendment of the Constitution in respect of Article 19(2) and for the insertion of expressions involving new abridgements of freedom of expression. According to the majority view of the Commission, the amendment was rendered inevitable by the disturbing views about the extent of freedom of expression to include even incitement to murder contained in the judgment of the Special Bench of the Patna High Court (A.I.R. 1951, Pat. 12). Our colleagues note that the judgment was reversed by the Supreme Court in *Shailabala Devi* (A.I.R. 1952 S.C. 359). According to them, this judgment of the Supreme Court did not clear all the difficulties in respect of interpretation of freedom of expression arising from the judgment of the Patna High Court in the *Bharati Press* case.

Our colleagues commenting on the judgment of the Supreme Court observe:

“.....Having already drawn a distinction between the security of the State and public order and having stated that nothing less than endangering foundation of the State or threatening its overthrow could justify curtailment of the right to freedom of speech and expression, it is difficult to see with utmost respect to their lordships how incitement by an individual in a remote village to commit a violent crime such as murder out of personal spite is likely to undermine the security of the State.”

With great respect to our colleagues, we have to point out that the Supreme Court arrived at a sound conclusion in holding that incitement to murder, whether or not it was of an isolated character, was likely to undermine the security of the State. The State exists for protecting the lives of its citizens and its ability to give such protection is the foundation of its existence, in other words, its security depends on the extent of the security it offers to its citizens. A State which does not offer such security will lose the respect and allegiance of its citizens and it, therefore, becomes the solemn duty of the State to punish incitements to murder. In our view, the decision of the Supreme Court in the *Shailabala* case knocked out the major premise for Government's case for amending the Constitution. Our colleagues, who do not share our view, hold that though the decision of the Supreme Court in the *Shailabala* case held that “aggravated forms of prejudicial activity” which are calculated to undermine the security of the State came within the mischief of Article 19(2), “it still left uncovered the large field of public order and incitement to other and not so aggravated forms of activity like the commission of offences of robbery, dacoity and rioting”. We wish to draw attention in this connection to the contents of the Statement of Objects and Reasons for the amendment of the Constitution. In the statement only a reference was made to the judgment in the Patna case and the judgment in

the *Master Tara Singh* case. It will be agreed that if the Constitution is to be amended in respect of placing restrictions on freedom of expression, which is regarded by all as the most important fundamental right necessary for the existence of democratic society, circumstances should have arisen calling for immediate amendment of the Constitution. At the time, the Constitution was amended, there had been, so far as we are aware, no publications in the Press indulging in incitements to dacoity or bribery or rioting. If there had been such publications and if they had affected gravely the maintenance of public order, we could have understood Government's anxiety to amend the Constitution. But this was not so. The judgment in the *Bharati Press* case had been delivered and the matter was the subject of appeal in the Supreme Court. If Government could have waited only for the judgment of the Supreme Court which disapproved of the line taken by the Patna High Court, there would have been no need for amending the Constitution in such haste as they displayed at the time. We wish to emphasise here that freedom of expression is such an important fundamental right that abridgments should not be contemplated unless a clear case exists for the imposition of restrictions. The Constitution was promulgated in 1950 and the fresh abridgments on freedom of expression were made within a year of the adoption of the Constitution. It may be that individual high courts might give disturbing interpretations about the provision of the Constitution and this is inevitable in the case of a country with an infant Constitution and with a constitutional law which has yet to consolidate itself on precedents. Government should have been patient and awaited the pronouncement of the views of the Supreme Court before embarking on fresh restrictions on freedom of expression.

1143. **Amendment not called for by situation.**—We hold that the amendment of the Constitution in the manner it was done was not called for by the necessities of the situation. It might seem academic to canvass at length whether the Constitution should have been amended. We shall, therefore, confine our observations to the question whether the fresh restrictions which have been placed on freedom of expression under the amended clause are in consonance with the concept of freedom of the Press. We wish to state here that the introduction of the word "reasonable" before restrictions in the amended clause 19(2) is a significant advance over the original article in the sense that it made the reasonableness or otherwise of any Act which Parliament may promulgate a justiciable issue. Under the original clause Parliament was the sole and final authority for determining the reasonableness or otherwise of any Act which may seek to impose restrictions in the defined sphere of limitations. But under the amended article, the judiciary has to decide, if any case is referred to it, whether or not a specific piece of legislation imposing restriction on freedom of expression is reasonable. We appreciate the willingness of Parliament to leave the matter of the reasonableness of specific restrictions on freedom of expression to be decided by the judiciary. While we grant that in respect of this particular word "reasonable", the present amended article is an advance over the original article, we hold that in regard to two fresh limitations which have been placed on freedom of expression, the present amended article does not fulfil adequately the requirements of the concept of freedom of the Press.

1144. **Fresh limitations placed on freedom of expression.**—It will be recalled that the amended article 19(2) imposes reasonable fresh restrictions in the interests of the security of the State, public order, incitement to an offence or undermining friendly relations with foreign States. Under the

original Article 19(2), the restriction with regard to the security of the State was phrased as follows :

".....which undermines the security of, or tends to overthrow, the State".

This has now been changed to "in the interests of the security of the State". We have no desire to suggest that the expression "in the interests of the security of the State" should be deleted as we are of opinion that this expression covers all forms of "aggravated prejudicial activity" referred to by their lordship of the Supreme Court in the *Shailabala* case. We have been considerably impressed by the cogency of the arguments of our colleagues on the Commission in regard to the desirability of retaining the words "incitement to an offence" as the whole question is bound up with the validity of the law of abetment. As incitement to crimes has been held by the judiciary all over the world, including that of the United States, where the issue of the freedom of the Press has been the subject of prolonged litigation, to be an abuse of freedom of the Press, calling for restrictions, we have no intention of suggesting that this clause should be dropped. It is in respect of the other two fresh limitations "public order" and "friendly relations which foreign States" that we have to disagree with great regret with the views expressed by our colleagues.

1145. **Public order.**—Our colleagues have quoted at length the views of the U.N. Conference at Geneva in 1948 on freedom of information, the draft covenant on freedom of information and the subsequent action taken on the subject by the United Nations. It is necessary that the proper perspective should be restored in the evaluation of the decisions of U.N. bodies on the subject. When the first U.N. Conference was convened, there was considerable public feeling all over the world that freedom of expression had been misused in such a manner as to lead to a world war. But after the decisions taken at Geneva and the drafting of the covenant on freedom of information, the general atmosphere about the need for such a covenant has disappeared. There has been strident criticism in many countries which have a free press that the draft covenant as it has been framed is fraught with danger and it is no exaggeration to say that on account of the fears entertained by many countries, the covenant could not be adopted by the General Assembly and thrown open for signature. Though India took an active part in the framing of the covenant, we have not seen any authoritative pronouncement either in Parliament or at the United Nations since 1950 that it still regards the implementation of the covenant as a primary duty of the United Nations. In view of the fact that there is considerable conflict of opinion about the desirability of the covenant as it stands, it will be dangerous to regard the covenant or the decisions of other U.N. bodies as a source for drawing support for fresh restrictions. Our colleagues have stated that in their view the expression "public order" does not call for any change. Though we have held that at the time the Constitution was amended, there were no publications which called for restrictions on freedom of expression in the interests of public order, we have taken into account the difficulties experienced by the authorities in the maintenance of public order in certain cases where rioting was in progress. In a contingency of this character, it will be an abuse of the freedom of the Press if a newspaper indulged in publications which instead of allaying the situation aggravated it. We realise that situations of this character must have some remedies and that provision has to be made in the Constitution for dealing with such situations. We should like to suggest for this purpose that the words "in the interests of

public order" should be omitted from Article 19(2) and in their place the expression "in the interests of prevention of public disorder" be substituted. The expression "public order" is capable of a multiplicity of interpretations. It may extend from the maintenance of a municipal order regarding traffic on the roads to section 144 of the Criminal Procedure. The Press on a conceivable occasion might deem it its duty to call public attention to the unjustifiability of an order in somewhat strong terms and this may be construed to be an interference with public order. As we view it, a certain element of risk has to be taken in the matter. The Press exists to reflect, as far as possible, public opinion and if there is an unjustifiable order, it may be called upon to condemn it in such terms as to compel the authorities to revise it. Freedom of expression has always been taken to cover such cases. The Supreme Court of India has itself recognised that in such cases there are inevitable risks. In the case of *Romesh Thapar*, Patanjali Sastri J. delivering judgment and referring to the permissible restrictions on freedom of expression said, "A freedom of such amplitude might involve some risks of abuse. But the framers of the Constitution may well have reflected with Madison who was the leading spirit in the preparation of the first amendment of the (American) Constitution that 'it is better to leave a few of its noxious branches to their luxuriant growth than by pruning them away to injure the vigour of those yielding proper fruits'."

There is considerable international support for the expression which we have suggested to cover restrictions on freedom of expression. The decisions of the U.N. bodies from which our colleagues have drawn heavily to justify the fresh restrictions on freedom of expression support the view we have taken, though our position remains unaltered that the international view on the covenant on freedom of information has changed and that there is considerable volume of opinion which holds that the restrictions contained in the covenant are in some directions excessive.

The covenant on freedom of information and the press to which our colleagues draw attention speaks only of public disorder in Article 2(1)(b). The draft convention on freedom of information also mentions only public disorder in Article 2(1)(b). Monsieur Lopez in his report as rapporteur of the Economic and Social Council also refers to "prevention of public disorder". Our colleagues hold that "it is risky to substitute for the concept some new and perhaps vaguer terms" and quote in this connection the views expressed by the representatives of the U.S.A., France, Chile and Egypt that "the idea of public order was clearly understood in most countries of the world and its application was known to jurisprudence". We do not think that the phrase "prevention of public disorder" is capable of ambiguity of interpretation considering that it has had the approval of the representatives of many nations in the draft covenant on freedom of information. If there is any doubt, it is well to leave the matter in the hands of the judiciary, which has all along taken a realistic view of the freedom of the Press. We do not see any justification for objection to the use of the words "for prevention of public disorder" on the ground that it has not been so far the subject of judicial interpretation. The word scurrility has not been the subject of judicial interpretation all over the world, nor has there been a substantive case law on the subject in India. The word "scurrilous" occurs in the Press (Objectionable Matter) Act and the majority view of the Commission does not disapprove in spite of its not having been the subject of accepted judicial interpretation. In the light of what we have stated, we are of the view that the words "prevention of public disorder" should be substituted in place of

“public order” to cover the needs of emergencies which government may have to face in the maintenance of order.

1146. **Friendly relations with foreign States.**—We shall now deal with the last restriction open to objection, namely, “in the interest of friendly relations with foreign States”. When this restriction was introduced in the amended Article 19(2) of the Constitution, there was considerable criticism in the Press as well as among the members of the public that this restriction was not in consonance with the concept of freedom of the Press as it is generally understood. At the time Government placed this fresh restriction, no adequate case was presented to the public justifying the amendment of Article 19(2) in respect of this matter. We may State that an overwhelming part of the Press of India has been well informed on foreign affairs and it can be said that Indian newspapers have shown greater understanding of the intricacies of foreign problems than the Press of many other countries. At the time the fresh restriction was introduced in Article 19(2), there were, however, a few journals which had been highly critical of Government’s foreign policy and some of them were publishing condemnatory material about States which they did not like. It must be said in fairness to Government that this was not urged as an argument for this restriction. Such publications take place all over the world and have been tolerated on the ground that for a proper understanding of foreign affairs it is necessary that various points of view should be presented. The majority report of the Commission holds on this subject:

“If we now examine whether the history of the world during the last three years has made it unnecessary that the Parliament should have such reserve power, the answer is clear. There is more disequilibrium in world conditions now than there was in 1951 and the policy pursued by India, her geographical position and her relations with foreign States have become far more important than they were in 1951 when the amendment was made in the Constitution. We do not, therefore, think that any clear case has been made for depriving the Parliament of the power to legislate in case of necessity placing restrictions on the freedom of speech and expression in the interest of friendly relations with foreign States”.

We are not able to share this view. As we have pointed out earlier, when this restriction was placed on freedom of expression, circumstances had not arisen justifying such a restriction. The foreign policy of Government has been the subject of considerable discussion in the Press and the performance of the Press in this matter has to be taken into account before a decision is taken whether or not this restriction should continue to remain in Article 19(2). The fact that Government did not include this restriction in the definition of “objectionable matter” in the Press Emergency Powers Act shows that Government too share the view that a situation has not arisen in the country calling for action in pursuance of the powers conferred by this restriction. It has to be stated in fairness to the Press that on the question of foreign policy, if on none other, it has shown an acute awareness of India’s geographical position and the difficulties which an infant Republic has to encounter in formulating its foreign policy. It is out of this awareness that the Indian Press, as a whole, has extended its consistent and whole-hearted support to the Prime Minister’s foreign policy. We have said enough to show that on the basis of needs of the situation this restriction is not called for.

We have now to examine whether the restriction itself is consistent with freedom of the Press. More than at any time in the history of the world, there is an urgent necessity for a free and unhampered discussion of foreign affairs. The world is divided into two blocs—the Anglo-American Bloc and the Soviet Bloc—and ideologically the world has been divided into countries behind the United States and those behind the Soviet Union. There is not much exchange of information between these two Blocs and a good deal of the ingenuity of foreign correspondents is now exercised in ferretting out information about countries on both sides. It will perhaps be a useful factor for the maintenance of world peace, if there is free and unregulated exchange of information between the countries. Mistakes may occur in the statement of facts but they are inevitable in the treatment of foreign affairs where a local writer may not have the sureness and grasp of facts which a citizen of a country about which he writes might have. It is on this ground that the free Press all over the world has vigorously protested every time against curbs being imposed on its discussion of foreign affairs.

It may be recalled that at the time of the Munich crisis in 1938, a strong section of the British Press was highly critical of the surrender made by Neville Chamberlain and when the Nazi Government protested against the tone of the British Press, the British Government took the view that the Press of Britain was free and that the Government could neither guide nor impose restrictions on freedom of expression on the British Press in the interest of friendly foreign relations. We recognise that Government have also taken this view in regard to criticism by the Press on foreign affairs and have allowed complete latitude to the newspapers to express their views in such manner as they liked. We do not desire that Government should be placed in a position when a foreign Government could draw its attention to this enabling restriction under Article 19(2) and suggest restrictions being placed on the Indian Press. This may not be an immediate possibility but it is a conceivable possibility if we take a long-term view of public affairs. When a Constitution is amended, it is not amended to meet the requirements of a year or two but of a long period. It is not possible for us to say what the character of governments would be ten years hence and what views they might take on foreign affairs. Some of them may take a highly intolerant view of any criticism of foreign policy and at that time this enabling restriction can be used to place fetters on the Press.

We have to point out here that a substantial volume of international opinion has also not been in favour of restrictions placed on free discussion of foreign affairs. The majority report has drawn attention to the discussions of U.N. bodies on the entire subject of restrictions on freedom of expression. When Mrs. Hansa Mehta attempted in the Human Rights Commission to introduce the words "or for the prevention of spreading deliberately false and distorted reports which undermine friendly relations with foreign States", the amendment met with strong opposition. Among those who opposed her amendment was the United Kingdom. As our colleagues have pointed out in the report, those who opposed the amendment feared that in an effort to eliminate the danger, all information on foreign countries may be made the subject of censorship, thus destroying the very freedom which the Covenant sought to safeguard. Monsieur Lopez, in his report to the Economic and Social Council, which is the latest U.N. document on the question of freedom of information, suggests that no restrictions need be placed except those that are necessary for respect of the rights and reputations of others, for protection of national security, for prevention of disorder or crime or for protection of public health and morals. The Draft Convention

on Freedom of Information which has not been ratified by the General Assembly does not contain any restriction in respect of friendly relations with foreign States. It will be seen therefore, that the weight of international opinion is not in favour of placing any such restriction. It has been argued that such restrictions may be necessary when the country is involved in a war or circumstances arise which threaten an armed conflict. We recognise that such a situation might arise in a time of war but the Constitution gives ample powers to Government to deal with the situation. Under the emergency provisions of the Constitution which would certainly come into operation during a period of war, the fundamental rights will be in abeyance and Government would be fully armed to take any measures they desire in the interest of national security and the Press can be expected to support them in such a crisis. We are, therefore, of the opinion that Government have the power to deal with the situation under the Constitution and that in view of the power vested by the Constitution in them, it is not necessary that an enabling provision should be made to validate restrictions imposed on freedom of expression of views on foreign affairs during peace time.

We appreciate the fact that in spite of these enabling powers, Government have not used them for enacting any legislation on the subject. This is as it should be, because the broad-minded policy of the present Government could not possibly permit of any such restriction. Our colleagues in the Commission have recommended that whatever legislation might be framed in the interest of friendly relations with foreign States, it should be confined in its operation to cases of systematic diffusion of deliberately false or distorted reports which undermine friendly relations with foreign States. The fact that they suggest that legislation should be restricted to the suggestion they have made shows that they realise themselves that the expression "in the interest of friendly relations with foreign States" is too wide and that in operation at least, it should be restricted to a narrow category of persistent and deliberate distortion. If at any time in future the Constitution is amended, we trust Government would agree to delete this restriction from Article 19(2).

1147. Press (Objectionable Matter) Act.—The majority of our colleagues have shown great consideration to our views on the Press (Objectionable Matter) Act but, to our regret, we have not been able to convince them that there was no need for the enactment of the Act, that its continuance is not necessary or justified and that it should not be allowed to remain on the statute even for a temporary period.

The Press is opposed to the Press (Objectionable Matter) Act on grounds of principle. The Act provides for the demand of security, a provision unknown to the law of any other country, it is preventive in its effect and it is a special law applicable to the Press whose freedom of expression is a part of the general freedom of expression. To the extent that the Act is said to be temporary, the Press finds that the Government have made out no case for even the temporary existence of this kind of special law. The principles underlying the Act and its provisions were discussed in great detail on two occasions in Parliament. We do not propose to examine here all the arguments advanced for or against the legislation and the propositions which were laid down either by the Government, particularly by Mr. Rajagopalachari and Dr. Katju as Home Ministers responsible for the two bills introduced respectively in 1951 and 1954, or by members of Parliament, belonging to all parties who were opposed to the Bill. Such a discussion would be discursive and would lead us to political issues, which, however

relevant, we propose to keep out of the present discussion. That the Press as a whole is opposed to the Act is an undisputed and important fact.

1148. Recommendations of the Press Laws Enquiry Committee.—The scheme of the Act, against the background of the recommendations made by the Press Laws Enquiry Committee, is explained in the majority report. We must, however, say that the Bill of August 1951 did not attempt to give effect to the main recommendation of the Committee. About the Press Emergency Powers Act of 1931, the Committee had said, "In our judgment, the retention of this Act on the statute book would be an anachronism after the establishment of a democratic state in India." The offences defined in clauses A to I of section 4(i) of the Act, it was recommended, should be incorporated in the Indian Penal Code or other law, and the other provisions were to be incorporated in several other Acts. But the Committee rejected the suggestion that security provision should be incorporated in the ordinary law as a preventive measure, in case of conviction for a second or subsequent breach of the law by a newspaper. The Committee held that in the case of a newspaper, "which is the composite product of the joint efforts of several persons personal responsibility can hardly be defined or fixed. Since, however, provision for the demand of security does not exist in the laws of progressive countries, we are reluctant to recommend any such provision, and hope that the Press will realize its rights and responsibilities and that the effective organisation of journalists on professional lines and the evolution of a code of conduct will produce the desired result". It is difficult for us to understand the reasoning of the Committee in coming to the conclusion that in the case of a newspaper personal responsibility can hardly be defined or fixed. We can only think that the Committee came to this view because it was not concerned with the several aspects of editorial working and the desirability of fixing and defining editorial responsibility in the person of the editor. It was strange that the Committee did not examine why the laws of progressive countries did not contain security provisions; it would have enabled it to find out the reasoning behind the contention of the Press of this country that demand for security is unwholesome in principle and detrimental to the exercise of legitimate freedom of expression. It has been suggested that the Bill of 1951 sought to avoid some of the objectionable features of the 1931 Act, in providing, for instance, that security could be demanded, not when a newspaper was started as under the Act of 1931, but only after proof that the paper had published "objectionable matter". This and other provisions, however much they might be an improvement on the 1931 Act, do not meet the main objection, which is to the security provision.

1149. Distinction between an individual and the Press.—The distinction between the mischief that may be wrought by an individual who gives expression to objectionable matter and the Press which publishes such matter has been sought to be emphasized. There is some distinction and we do not want to deny it. But there is no difference as far as the essence of freedom of expression is concerned. If the Press has enormous power for evil, it has also enormous power for good, and the danger of divorce between power and responsibility in the case of some units of the Press can be exaggerated. These units are small. Where they are big, the irresponsibility, it is agreed, does not extend to publication of objectionable matter. The power of leaders of opinion with their command over audience can be greater than that of newspapers, however big their circulations. To us the principle which is now sought to be established, of proceeding against the Press as an institution, has no sound argument to support it and is calculated to detract from the Press a large part of its freedom. The present legislation, it is suggested, is

designed to strike at an insignificant minority which tends to indulge in anti-social activities. But irrespective of whether this be regarded as a stigma on the Press or not, the possibility exists that the legislation can be used against members of the significant majority too, whenever the Government, at present or in future, want it.

1150. Security provisions.—We do not think it necessary for us to show here how security provisions can be defeated by those who possess enough resources to provide security either from their own pockets or by public subscriptions. As our objection is to the security provision itself, our concern is that we have failed to convince our colleagues that the imposition of security is preventive in effect because the newspaper has to conduct itself every moment of its life with the fear that the security will be confiscated. The objection is not to the humiliation of running a newspaper under the threat of losing a certain amount of money rather than under the threat of the editor being sent to prison or having to pay a heavy fine under the ordinary law. The objection is to the stultifying effect of the imposition of security and the threat of its confiscation. It is a violation of the principle that there should be no prior restraint on the freedom of expression which newspapers, under legitimate restrictions, must enjoy in order to discharge their responsibilities. The security provision, besides, undermines the independence of the editor by increasing the proprietor's fiduciary interest and providing him with a justification and an excuse to interfere with the editor's discretion.

1151. Section 108 of the Criminal Procedure Code.—We now take up the suggestion that if special legislation for the Press is not considered desirable, extension of Section 108 of the Criminal Procedure Code might be considered. We have given long and deep consideration to this suggestion but we are totally opposed to this also. The Press Laws Enquiry Committee considered Section 108, while considering the suggestion that the security provision should be incorporated in the ordinary law and dismissed it casually as a provision which could be usefully employed against individuals. The Committee did not consider the question of adding to the offences mentioned in this section or make a distinction between a security demand under the Press Emergency Powers Act, to which the Committee was opposed, and a security demand under Section 108. As the majority have noted, the Press has made no complaint about the existence or working of Section 108, probably because in view of the existence of special legislation like the Press Emergency Powers Act or the Press (Objectionable Matter) Act, there has been no need to invoke the provisions of Section 108. If Section 108 is to be extensively applied to the Press, the objection of the Press would be similar to the objection to the Press (Objectionable Matter) Act. There will be security under Section 108 too and it will be preventive in effect. It is open to the Press to raise objections to Section 108. Obviously the section to the extent that it covers mainly Section 124(a) and 153(a) of the Indian Penal Code is intended to deal with serious crimes. To add to the list by including offences like obscenity, indecency and scurrility would undoubtedly have the effect of removing the distinction between the Press on the one hand and the individual on the other, but it would be tantamount to re-enactment of some of the provisions of the Press (Objectionable Matter) Act. The new category of offences is totally inconsistent with the principles underlying the security provision. Besides, we must emphasise that the entire Chapter 8 dealing with security provisions requires reconsideration, as suggested by Justice Seshagiri Iyer in the Central Legislative Assembly in the debate on the Amending Act of 1923. The choice offered to us is, therefore, too narrow

and we cannot agree either to the continuance of the Press (Objectionable Matter) Act or to changes in Section 108, Criminal Procedure Code. Moreover, any changes in the general law will have to be considered from the citizen's viewpoint apart from that of the Press and if extension of Section 108 is necessary for a temporary phase in the light of the temporary character of the Press (Objectionable Matter) Act, it does not seem to fit in with the idea of a permanent general law.

1152. **No justification for Press Act.**—If this Commission were to recommend continuance of the Press (Objectionable Matter) Act beyond the limit now fixed, it would have to suggest the further time limit. It was in answer to the strong objections taken to the Bill of 1951 that it was decided to make it temporary. No material had been placed before Parliament in justification of the bill then, and no material was placed before Parliament to justify the Bill of 1954, though for two years the Act had been in force. The analysis of the cases supplied to us for the period from February 1, 1952 to October 31, 1953 shows that of the 53 cases for which security was demanded, under clause (6) of Section 3, 34 are pending. In 33 cases in which security was demanded under other clauses of Section 3, 13 are pending and in 16 cases there was no order of security. The overwhelming preponderance of objectionable writings is under clause 6 of Section 3. But as so many cases are pending, it is difficult to say whether the statistics mean anything and whether action, if necessary, could not have been taken effectively under the general law. We are unable to accept the contention of some State Governments that they did not take action in a number of cases because they chose not to give undue publicity by starting proceedings under the Act, while at the same time they contended that the Act was not as useful as it should have been. The attitude of the State Governments in not taking action under the Act and demanding strengthening of its provisions only seems to show their desire to make things easy for themselves. It is not based on an objective study of the working of the Act and the balance that must be struck between freedom of expression and the need for restraint. If it is accepted that almost everyone of the offences mentioned in Section 3 is also an offence under the ordinary law of the land, the Act seems to serve no purpose except to make it easy for the State Governments to muzzle the Press by hitting at their financial resources and by taking preventive action. Obscenity and gross indecency are offences covered by the Indian Penal Code and scurrility is such a vague chunk of offensiveness that no Press can accept it except as something that might be objectionable under its own code of conduct. We cannot allow scurrility to be included in the list of "objectionable matter", and State Governments, by confusing strong criticism with scurrility, have not made such inclusion acceptable.

Further, we have been disturbed by the conception that certain State officials, who appeared before us, have held of what is objectionable journalism and what is not. Some of them were highly sensitive to even legitimate, if strong, criticism in the Press and saw mischief where none existed. It is well-known that many of the State Governments are extremely sensitive and intolerant of criticism. Considering the views that the State Governments in general hold on these subjects and realising as we do that, if Indian democracy is to function effectively, there should be free and open criticism of Government policies, we hesitate to recommend the vesting of the extraordinary powers under the Press (Objectionable Matter) Act in the hands of State Governments, some of which have not demonstrably proved that they have the capacity to exercise them with restraint and moderation.

1153. Objectionable features of the Act.—While our objection to the Act is on principle, we may enumerate its more objectionable features. The word “encourage” in the clauses of section 3 is too wide. Incitement or encouragement to any person to interfere with the supply and distribution of food and other essential commodities is a large category of offences and is likely to muzzle expression of views on economic matters on which the strongest divergence of views is permissible. The addition of scurrility to the category of objectionable matter is dangerous. Where scurrility is gross, it is already covered by obscenity and indecency. Making scurrility a subject matter of security proceedings by special legislation is a blot on our jurisprudence. The State Governments seem to be unduly sensitive to criticism, but the tendency to extend objection in law to strong, even abusive, expression should be resisted. In the 1954 Act the provision for an appeal by the government against the order of a Sessions Judge is totally unwarranted. The question is not of appeals against orders of acquittal but of appeals against orders of acquittal in security cases and we do not see any reason why the spirit of Section 406 of the Criminal Procedure Code should be ignored.

1154. Danger of Act becoming permanent part of legislation.—The danger of what was till recently intended to be a temporary measure being made permanent should be guarded against strictly, particularly when no case has been made out even for a temporary measure of the kind.

1155. The recommendations of the Commission.—The majority of our colleagues have come to a conclusion on the Press (Objectionable Matter) Act which does not seem to us to be consistent with the Commission’s other recommendations, but we must emphasize that the Government should pay the respect that is due to the undivided and unanimous opinion of the Press on a vital matter of principle. The appointment of the Press Commission has been an occasion when for the first time the Press of this country and the various professional organizations have thought actively of their problems. The Commission’s recommendations, we strongly believe, will lead to several adjustments in the newspaper industry and the profession of journalism, enabling them to discharge their responsibilities effectively. At this stage of the development of Indian democracy, we feel bound to express our anxiety that the democratic process including the working of the Press, should be free to the utmost extent possible and that, if necessary, the Government should undertake the trouble and incur the risk necessary to promote the process by putting trust in the vital elements of democratic working like the Press. The majority of the Commission have, in coming to the conclusion that the editor too should be liable under the Press (Objectionable Matter) Act, made other recommendations intended to strengthen the position of the editor and to increase his status and independence. The proposal for the Press Council is among the more important of the recommendations. We are confident that the Council, if it is properly constituted and manned by outstanding representatives of the Press and the public, will be able to deal adequately with matters of social responsibility, public taste and morals which can never be adequately dealt with under law. Scurrility, in particular, cannot be dealt with by any amount of legislation. Where it is dealt with, there can never be a firm assurance that the prosecution is on a non-partisan or non-political basis. It can be dealt with adequately only by an organisation like the Press Council and by measures of self regulation by the Press.

1156. Press (Objectionable Matter) Act should lapse after its present term.—We consider it highly inappropriate for the Press (Objectionable Matter) Act to remain on the statute book when the Press Council is brought

into existence. In the recommendations which we have made about the constitution and functions of the Press Council, we have held the view that voluntary restraint on the part of the Press in regard to publications concerning matters of taste, decency and public propriety would be effective. If the Press Council is expected to have influence and authority with the Press, the existence of the Press Act would greatly weaken its position. The Press Council, for example, could not tender advice to newspapers or admonish them and expect that their advice would be accepted as the newspaper could turn round on them and say that besides such admonition and censure, they might have to face prosecutions under the Press (Objectionable Matter) Act against which the Press Council could offer no protection. If the Press Council is to be given a proper trial, it is the duty of Government to see that it should start functioning on a clean slate. We are, therefore, of the opinion that in view of the totality of the recommendations relating to the Press with which our colleagues are in agreement, Government should allow the Press (Objectionable Matter) Act to lapse after its present term. This has to be done in confidence and hope, both on the part of the Press and the Government. The experiment which we have suggested of a Press Council, functioning under statute, is an unprecedented one. In other countries of the world, professional conduct is sought to be exercised by voluntary organisations while in India we have accepted the view that the needs of the situation call for a statutory Press Council. We are sure that Government would be as anxious as the Press to give the Press Council an opportunity to function unhampered by the embarrassments of special Press legislation and, in this view, we repeat that the Press Act should not be allowed to be renewed after the expiry of its term. In the wide reorganization which is being recommended, and which we hope will be carried out, the relations between the Press, the government and society should not be handicapped by the mistrust embodied in legislation like the Press (Objectionable Matter) Act. A fair start for the new set-up would be to scrap the Act and to forget Section 108 of the Criminal Procedure Code.

1157. Defamation of public servants.—The reasons for the objection to making defamation of public servants a cognizable offence are so strong that we are glad that the Commission has come to unanimous decision on the point, but we cannot accept the changes suggested in Section 198 and Section 202 of the Criminal Procedure Code. In our view, there is no case for discrimination in favour of public servants in this matter. The State Governments have exaggerated the extent of defamation of public servants which is prevalent and the difficulty of public servants taking action for defamation. The conditions are fairly well-balanced. While it may be true that some newspapers have enlarged their liberty into licence, public servants in this country are yet free from the amount of criticism which is due in democratic conditions. Neither factor should be exaggerated. The right of the individual, including the public servant, to exercise his legal right must be increasingly encouraged and with growing response from the Government there is bound to be corresponding growth of responsibility on the part of the Press. While steps should be taken to make the trial of defamation cases speedy for everyone, the suggested amendment of Section 198 and Section 202 of the Criminal Procedure Code does not seem to be justified.

1158. Exceptions to Section 198 of the Criminal Procedure Code.—Section 198 of the Criminal Procedure Code is specifically designed to cover offences of a personal nature and is, therefore, confined to Chapter 19 of the Indian Penal Code dealing with criminal breach of contract of service, Chapter 21 dealing with defamation and Sections 493 to 496 dealing with

offences relating to marriage. It is necessary in these cases that the complaint under Section 198, Criminal Procedure Code, should be made by the aggrieved person. The exceptions are: a woman who, according to the customs and manners of the country, ought not to be compelled to appear in public, a person under the age of 18 years, an idiot or lunatic or a person who, from sickness or infirmity, is unable to make a complaint. It is also provided that where the husband aggrieved by an offence under Section 494 (marrying again during the life-time of husband or wife) of the Indian Penal Code is serving in any of the armed forces of the Union, he may be exempted under certain conditions from personally making the complaint. To provide an exception in favour of public servants would be to upset the principles of jurisprudence on which Section 198 is based. Trials for offences are necessarily of different kinds and the procedure for complaints, inquiries and trials provides for some exceptions on grounds for which there is sound reason. But for the sake of gaining some advantages for public servants, it would not be just to exempt public servants from the responsibility of making a complaint in person. In the Chapter dealing with complaints to magistrates, and in earlier sections, the scheme of criminal procedure envisages that the complainant has to be examined upon oath before the magistrate can take cognizance of an offence.

1159. Public Servants not entitled to discrimination in their favour.—We cannot agree that public servants are entitled to discrimination in their favour merely because the Indian Penal Code contains a chapter of offences by or relating to public servants. No unusual or unjustified obligations are imposed on public servants, if they are expected not to take gratification or disobey law or unlawfully do certain things. The rest of the law in general applies to public servants as much as to anybody else and public servants cannot claim that because they are required to observe the restraints and not commit the offences included in Chapter 9 of the Indian Penal Code, they are entitled to be exempted from the due legal process in defamation cases. Whatever may be the limits necessary to cross-examination of complainants in defamation cases in order to exclude irrelevant cross-examination, it is of the essence of taking cognizance of an offence that the complainant should be examined. If the complaint is to be filed, as suggested, by another public servant, the aggrieved public servant escapes the examination which should take place before cognizance is taken. There seems to be no support for the view that the criminal law as it stands does not give sufficient protection to public servants. The difficulty that might be felt by public servants serving outside the country cannot be a ground for conferring the privilege of exemption from normal processes to all public servants. The Criminal Procedure Code prescribes special procedure under Section 197 in the case of prosecution of some public servants, magistrates and judges acting in the discharge of their official duties, but they should not be allowed the benefit of the extraordinary procedure of being exempted altogether from examination prior to taking cognizance of the offence in cases in which they are the complainants.

1160. Compulsory magisterial inquiry.—It is suggested that an almost compulsory magisterial inquiry or police investigation in cases of defamation of public servants would be in public interest. This principle would be justified if extended also to cases of private representations made against public servants to the Government as much as in cases of defamation. We do not see much zeal on the part of the Government to conduct even departmental inquiries into complaints against public servants. The Government Service Conduct Rules are no bar to refutation of wrong allegation or to

complaints for defamation. Nor do these rules apply to the higher category of public servants like Ministers; they are figures of controversy and cannot claim to escape the democratic obligation of following the procedure applicable to other citizens. Under Section 21 of the Indian Penal Code, the category of public servants is so large that it would lead to a baffling anomaly if a public servant, howsoever petty, enjoyed a privilege which other citizens, howsoever eminent, cannot claim. It is in public interest that public servants should accept the obligations that should be common to all citizens in cases of defamation, which is an offence relating to the person. Any other course would be a fetter on the Press in the discharge of its responsibilities and would lead to undermining of public confidence in the administration.

1161. We regret that four of our colleagues have not found themselves in agreement with certain parts of this Chapter and have expressed their dissent. This has been the only point of difference and we trust it will serve to emphasise the practical unanimity of the rest of this report. While we appreciate the point of view of our colleagues, we should like to stress that our differences lie within a narrow compass.

1162. With regard to Article 19(2) of the Constitution, we recommend that there should be no change with regard to the wording of the three items that were added by the Constitution (Amendment) Act of 1951: (1) in the interest of public order; (2) friendly relations with foreign States; and (3) incitement to an offence. Our colleagues accept the necessity of (3) above. In respect of (1) they would prefer the wording "for the prevention of disorder" to the words "in the interest of public order". This is not a substantial change. With regard to (2), our colleagues would omit the clause altogether. We would, however, retain the words as an enabling provision and would like the power to legislate to be exercised in the particular manner suggested by us.

1163. With regard to the Press (Objectionable Matter) Act, our colleagues, though opposed in principle to such legislation, would like the Act to lapse after February 1956. We also recognise the essentially temporary nature of the Act and would make the continuance of the Act after February 1956 dependent on (1) the performance of the Press during the next two years and (2) the efficacy of the Press Council to exercise a restraining influence on the errant section of the Press.

1164. With regard to defamation of public servants in the discharge of their public duties, our colleagues do not desire any change in the law. The only change that we suggest is that without making it a cognizable offence, it should be possible to set the law in motion on a complaint, where necessary, from an officer to whom the public servant is subordinate and a provision should be made by which there shall be a magisterial enquiry or a police investigation to decide whether there is any truth in the allegation before a process is issued in pursuance of the complaint.

1165. On all other points of even this Chapter, our colleagues are in agreement with us.

CHAPTER XXI

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

1166. **Origin.**—During the debate in Parliament on the Constitution (First Amendment) Bill, 1951, the Prime Minister suggested the appointment of a Commission, including representatives of the Press, to examine the state of the Press and its content. In his address delivered to Parliament on the 16th May 1952, the President announced that the Government hoped to appoint in the near future a Commission to consider various matters connected with the Press. The appointment of the Press Commission was announced in a communique issued by the Government of India, Ministry of Information and Broadcasting, on the 23rd September 1952.

1167. **Course of inquiry.**—The Commission was directed to inquire into the state of the Press in India, its present and future lines of development and in particular to examine (i) the control, management and ownership and financial structure of newspapers, large and small, the periodical press and news agencies and feature syndicates; (ii) the working of monopolies and chains and their effect on the presentation of accurate news and fair views; (iii) the effect of holding companies, the distribution of advertisements and such other forms of external influence as may have a bearing on the development of healthy journalism; (iv) the method of recruitment, training, scales of remuneration, benefits and other conditions of employment of working journalists, settlement of disputes affecting them and factors which influence the establishment and maintenance of high professional standards; (v) the adequacy of newsprint supplies and their distribution among all classes of newspapers and the possibilities of promoting indigenous manufacture of newsprint, and printing and composing machinery; (vi) machinery for (a) ensuring high standards of journalism and (b) liaison between Government and the Press; the functioning of Press Advisory Committees and organisations of editors and working journalists etc., (vii) freedom of the Press and repeal or amendment of laws not in consonance with it; and to make recommendations thereon.

1168. **Collection of factual data.**—The Commission held their first meeting in New Delhi in October 1952 and called for preliminary memoranda on the subjects referred to them from the associations of editors, publishers, journalists, etc. After considering the memoranda, the Commission prepared a General Questionnaire designed to elicit information and opinion on all aspects of the various problems. The Commission also decided that their report should contain a section on the history and development of journalism in India to serve as a background to the inquiry. Sri J. Natarajan, Editor of the "Tribune", Ambala (who had for some time served as a Member of the Press Commission) was entrusted with the task of preparing it.

1169. In order to obtain factual information from the various sectors concerned with the inquiry, the Commission issued questionnaires to individual units. The response was poor. At their meeting in April 1953 the Commission reviewed the response and expressed regret and disappointment

at the failure of the majority of proprietors of newspapers and periodicals to furnish the returns. Notices were issued to the proprietors of those papers which had not replied asking them to show cause why action should not be taken against them for having failed to furnish the information. (Though the Commission had the legal powers to launch prosecutions against the proprietors of newspapers and periodicals for their failure to submit the factual information called for, the Commission decided not to resort to this course but issued summons under Section 4 of the Commissions of Inquiry Act. A considerable amount of information was collected by such persistence but it has to be recorded with regret that some of the proprietors completely ignored requests, reminders, show cause notices, and summonses for personal appearance or production of information. Since however the bulk of the information required had been collected and the work of the Commission was coming to an end, further action against the defaulters was dropped.

1170. Research and Readership Survey.—To assist in their survey of the state of the Press in the country, the Commission set up a Research Section for (1) analysis of the newspaper content to determine the standards of accuracy in the presentation of news and fairness in the presentation of views; (2) examination of the control, management, ownership and financial structure of newspapers and periodicals; and (3) statistical studies of the factual data available. The Commission also undertook a sample survey of readership. In this they were able to secure the assistance of the Central Statistical Organisation and the National Sample Survey.

1171. Oral evidence in camera.—From the 5th October 1953 the Commission recorded oral evidence from witness summoned for the purpose. After going into the question whether witnesses should be examined in open session or *in camera* the Commission came to the conclusion that the balance of advantage lay in the evidence being kept confidential during the course of the inquiry, and, therefore, decided to examine all witnesses *in camera*.

1172. Duration of inquiry.—In December 1953 the Government of India asked the Commission to submit an interim report on the question of safeguarding conditions of working journalists and the settlement of disputes between them and their employers. The Government of India were informed that it would not be feasible for the Commission to draw up an interim report on these questions. The time-limit originally fixed by the Government of India for the Commission's report could not be adhered to. The Government of India accepted the Commission's recommendation and extended the time for completion of the inquiry to 31st July, 1954.

1173. Statistics of newspapers and periodicals.—At the outset we found that the statistics of newspapers and periodicals were grossly inaccurate. The representatives of the State Governments who appeared before the Commission admitted that the statistics were defective and that very little attempt had been made to maintain them up to date. We attempted to refer to the copies that should have been filed with the State Governments and found that such files were not being maintained properly. No steps had been taken in cases where copies had not been received to ascertain whether copies had in fact been printed and distributed to the public or whether the paper had discontinued publication.

1174. **Daily newspapers.**—On the basis of statistics collected mainly by our own efforts, we came to the conclusion that there are about 330 daily newspapers currently being published (including editions published from different centres) and their total circulation is just over 25 lakhs. The figures have to be approximate in the circumstances, but it may be added that if there are a few more newspapers that have not been included they would be essentially those with small circulations. In some States the number of newspapers published is higher than the average for the whole country (which is roughly one newspaper for about 12 lakhs of population); there are many States in which the number is not even half that average. Newspapers, however, circulate quite freely from one State to another.

1175 **Newspapers predominantly urban.**—The daily newspapers in this country are published largely from the metropolitan cities and the larger capitals. Out of the total circulation of the papers in English and major Indian languages, about 55 per cent. (over 13½ lakhs of copies) are sold in the Capitals of the States and the major towns. (These cities and towns together account for only about 2½ crores or 7 per cent. of the total population of the country.) Out of his nearly 4.7 lakhs of circulation is made up of English papers. Two-thirds of the circulation of all English papers is concentrated in the larger cities and towns, and the corresponding proportion of Indian language newspapers is two-fifths. While the growth of circulation of daily newspapers has been satisfactory in comparison with what existed a decade or so ago, the development of journalism has not been adequate in terms of the total population. The penetration of daily newspapers into the rural areas, which house the bulk of India's population, has been very slight.¹ The papers are concerned with the town-dwellers, are produced by them and are read mainly by them.

1176. **Scope for expansion of newspapers.**—On the basis of the number of literate households covered by our Sample Survey who have expressed interest in newspapers, there exists an immediate potential for a very large increase in readership, much greater in the rural areas than in the urban areas. The results of the survey indicate that the reasons at present preventing interested households from going in for newspapers are primarily the cost and the lack of distribution facilities.

1177. It may be said that the English newspapers do not have any considerable scope of adding largely to their circulation, but Indian language newspapers have great possibilities and in the next few years, we might expect that their circulation would increase to double the present figures.

1178. **Number of papers should increase.**—Judged even by the standards of fairly compact countries like the United Kingdom and Japan, where distribution of a paper from its publication centre to its readers is both prompt and efficient, the number of newspapers in this country is low and an increase in that number would certainly be desirable. If we take into account such factors as distance and poor communications, we need a large increase in the number of newspapers. Today, quite a large number of papers are being published from the major metropolitan centres, while there are still many towns, for instance in the Uttar Pradesh and Madras, which have a population of over one lakh, but which still do not have a local daily paper. We feel that future effort should be devoted to filling up this gap in development.

1179. One way that can be suggested to minimise the losses in the early stages, particularly where no daily paper exists already, would be to start the paper initially as a weekly, and when circulation has been built up to some

extent, to convert it into a daily. We would also suggest that where adequate printing facilities exist, such papers should not instal their own printing equipment, even if they can find the necessary capital for it. It might be preferable to entrust the printing to a press that has already established itself locally.

1180. In the matter of advertisement revenue, a district paper suffers under a further handicap. Local sale of most nationally advertised products is generally small. Further, purchasing power in small towns is directed mainly to commodities and services which are not usually advertised. We feel that local advertising can be built up by educating the people about the advantages of advertising.

1181. **Statutory collection of statistics.**—We consider it essential that there should be some statutory authority responsible for the collection of reliable statistics regarding the Press in the country and periodical publication. We feel that the regulation of this industry should be brought within the purview of the Central Government in terms of the Industries Development and Regulation Act of 1951. The authority responsible for the collection of statistics would, therefore, be a central authority. There should be Press Registrars for each State who will be responsible for the primary collection and compilation of the statistics. It should be incumbent on each newspaper and periodical to file certain statements with the Press Registrar and obtain a certificate. The Central Registrar should bring out an annual report on the working of the Press on its organisational side, including working conditions in the industry and giving such other details as may be prescribed. All newspapers should be called upon to file periodic returns regarding employees, consumption of raw material, changes in ownership and control, and changes in management so that the public can get, from one source, authentic statistics about the industry. It should also be made incumbent on the newspapers to file periodic statements regarding the circulation of the paper as well as to send one copy of each edition to the National Library of India.

1182. **Periodical publications.**—A very large proportion of the periodical publications, particularly of those appearing monthly or oftener are published on newsprint. This not merely adds to the demand for newsprint but gives a poorer appearance to the periodicals and a number of potential purchases may be put off by the poor production quality. Moreover, the advertisement revenue which these periodicals can earn is probably very greatly reduced because of the use of newsprint and of the low standard of production. If, however, their standards of production can be raised, it is possible that advertisement revenues can be built up to such an extent that they would more than offset the increased cost.

1183. There appears to be also considerable lack of enterprise on the part of publishers both in the matter of bringing out periodicals and marketing them effectively. We consider it essential that publishers should realise the large market that exists for periodicals in this country and the possibilities of large scale expansion of this profitable field of public service.

1184. An important aspect in which the Indian periodical press is today found deficient is in the publication of technical and specialist periodicals. When science, technology and medicine are advancing rapidly, the interchange of the latest information on research and application is achieved not so much by books as through periodicals. It is clear that an adequate volume of advertising would be available to support such publications since at present, for lack of specialist media, manufacturers and merchants are compelled to

advertise goods and services of a technical nature in the so-called "supplements" to the daily press. Few periodicals today deal adequately with a wide variety of serious subjects. The causes for this decline have been variously attributed to the competition of cheap journalism in the form of magazine supplements of daily newspapers, the shallowness of interest generally in the present day readers, and the dearth of writers and the disinclination on their part to present to the public the results of their research and thought in a manner that would command attention.

1185. We must mention with regret that a great deal of the objectionable writings—scurrilous, obscene, indecent and personal does exist in the Indian Press, though it is confined to the periodical press, and the daily newspapers have been comparatively free from these evils. (It is true that many of these instances have come from a very small and in some cases obscure section of periodical press.) While it is necessary for the Press to develop so as to meet the needs of the country, it is also essential that effective checks should exist against publications of this character.

1186. **Finances of the daily Press.**—In our examination of the finances of the daily Press we have been handicapped by the lack of any authentic source of statistics. The newspapers were, therefore, approached. Out of 270 concerns publishing about 330 dailies, 110 concerns publishing about 170 dailies and covering over 80 per cent. of the total circulation have furnished the information called for, (The remaining concerns are small).

1187. The total proprietary capital invested in the business is about Rs. 7 crores and the capital in the form of loans is about Rs 5 crores. The greater proportion of the capital is held in private limited companies, and public joint stock companies form the next major category.

1188. The net circulation revenue for the daily Press is estimated at Rs. 6 crores and the advertisement revenue at about Rs. 5 crores for 1951. The estimated amount of total salaries and wages paid in this industry is over Rs. 4 crores of which the estimated salaries paid to the editorial staff for the year are Rs. 85 lakhs.

1189. On the whole, we did not find evidence of any appreciable degree of over-capitalisation as to affect adversely the employees' share of the profits, although in one or two cases machinery might have been purchased on anticipations which could not have reasonably been expected to be realised. In two other instances, part of the resources of the newspaper concerns had been utilised for the personal requirements of the proprietors instead of for the development of the newspaper itself.

1190. **Under-capitalisation and indebtedness.**—Where the extent of working capital obtained by way of loans is excessive in proportion to the total capital, the fact of indebtedness might take away from the independent character of the paper or render it susceptible to pressure from creditors. Six concerns which were specially mentioned as instances were examined in detail. The loans had been taken from the same source as the original capital or from allied sources. The possibility of external pressure, apart from the control of the proprietors themselves, did not, therefore, arise. We examined the suggestion that the indebtedness of newspapers might have been due, at least in part, to the reluctance of the present proprietors of the newspapers to invest the additional capital required. We found that unsecured loans had been obtained mostly from the same

sources as the original capital. Whether the additional funds are brought in as regular capital or as loan would not be very significant so long as the interest on the loans does not cripple the resources of the newspaper and the fact of indebtedness does not lay the paper open to external influences. The industry as a whole is not unduly under-capitalised. The total amount of loans is not excessive in comparison with the capital investments, and the bulk of it is by way of advances against stocks of newsprint.

1191. Profits and losses.—We have examined the profit and loss position of the concerns, classified according to each type of ownership, e.g. individual ownership, joint stock company etc. In each category some units have returned a profit, and others have incurred losses. The industry as a whole made an estimated profit of about 6 lakhs of rupees on a capital investment of about Rs. 7 crores, or less than 1 per cent. per annum. This does not mean that the profit earning capacity of this industry is uniformly poor; among the concerns returning profits a good proportion earned profits of over 10 per cent. on the capital invested. But the picture as a whole does not reveal tempting prospects for the future investor looking only for safe and regular returns on his capital.

1192. An examination has been made of the remunerative working of publishing concerns commanding different circulations. It was found that papers in the "large paper" class (circulation over 15,000) have shown a greater proportion of units earning profits. Many of the smaller papers (circulation below 5,000) have been able to keep within their revenues but only by grossly overworking and underpaying their staff. Papers in the intermediate category are more often losing than making profits.

1193. Sources of capital.—Capital has been attracted to this industry not so much as a source of safe investment and regular returns but for other reasons, some altruistic and some selfish. The fact that large investments have flowed into the industry may be attributed partly to the enthusiastic spirit of certain missionary workers who collected the necessary capital for the industry in the early days, and in greater part to the fact that a considerable proportion of the investments has come from the profits earned in the industry itself. There is also the advent of a certain amount of fresh capital from persons anxious to wield influence in public affairs. Under present conditions the flow of additional capital to the present units would continue to depend far too much on such motives rather than on the security and remunerative character of the industry itself. We are, therefore, suggesting some measures for improving the profit-earning capacity and competitive ability of papers which at present are losing. In addition we consider that provision for regular ploughing back of a substantial part of the profits into the industry is essential in the interest of normal and healthy development of the Press.

1194. Costs of production.—In order to examine the economics of newspaper production, we analysed the financial statistics of 30 different daily newspapers. These were selected so as to cover large and small papers, published in English and in Indian languages, and representing both chains and groups and individual units. Within each category the selection was made at random so that the list would be fairly representative of the Press. The cost of production of the Indian language papers is lower than that for English papers in terms of actual expenditure because Indian language papers spend much less on the

services of news agencies and correspondents and on editorial staff. United Kingdom papers spend slightly more on services and editing than on newsprint, while Indian papers spend a large portion of total expenditure on newsprint and much less on services and editorial charges. Some managements have followed certain practices that have added to the costs and thus reduced the profit for distribution as bonus. We have examined specific cases which were cited to us and in some of them we have noticed one or more of such practices. The methods adopted were mainly to employ a number of relations on higher salaries, creation of supernumerary posts for them and payment of excessive commission to concerns in which the main shareholders or directors are interested. These work to the detriment of the development of the industry and creation of goodwill among the employees.

1195. Main sources of revenue.—The main sources of revenue of a newspaper are from sale of copies and from advertisements. The circulation revenue alone does not cover the cost of production and a newspaper has to rely on advertisement revenue for making both ends meet. To the extent that a paper can get more advertisement revenue it can afford to reduce its price or improve its news and features.

1196. Auxiliary sources of revenue.—Though a number of newspapers undertake job-work, this has served as an important source of revenue only in a very few cases. Crosswords and similar competitions did form an important source of revenue in the past, but now they appear to serve the dailies more as a means of promoting circulation than as a source of revenue and are conducted for this purpose even if they are not returning direct profits. In their early stages some important papers received support from the public in the form of donations but now there are only a few instances of papers receiving donations, generally religious or missionary enterprises. The papers of one political party are, however, supported largely by such donations.

1197. Advertisement revenue.—Newspaper look to advertisement revenue for paying their way and for making profits and this has tempted them to follow unhealthy practices in order to get more advertisement revenue. Greater dependence on advertisement revenue exposes a newspaper to pressure from advertisers. If newspapers readership expands faster than commercial and industrial activity, as is very likely with the rapid spread of education, we expect a fall in the advertisement revenue per copy. Therefore any step that may help newspapers to be less dependant on advertisement revenue would be welcome. A price-page schedule would be one such measure.

1198. The fight for circulation.—Circulation is the key to the financial success of a newspaper and, therefore, every newspaper strives to increase its circulation. In order to boost their circulation many papers offer a large commission to the agents. We consider that the range of commission that should be paid to newsagents should be narrowed down, say, between 25 and 33½ per cent. Any payment of commission above this rate as well as offer of other inducements to news-agents or allowing them to sell the papers at reduced prices should be considered unfair practices and should be stopped.

1199. A healthy method of competition is to give better, more varied and specialised coverage. Merely offering a large number of pages does not

increase the standard of service, but on the other hand gives an unfair advantage in competition to those papers which have higher financial resources. After the withdrawal of price-page control order in 1952, there has been a marked tendency to increase the number of pages. Though a part of the increase appears to be legitimate, most of it appears to be due to the intention of using it as a means of competition. Enforcement of a price-page schedule is necessary to check this tendency.

1200. The publication of entry forms for prize competitions in newspapers and periodicals is an unjournalistic activity and we recommend the insertion of a provision in the Act regulating the printing and publication of newspapers and periodicals, banning the printing of any form of entry to competition or prize schemes. Even in the case of purely intellectual amusements, we would limit awards to a maximum of Rs. 500 in any one month.

1201. We have come across instances where the published price and authorised discount are undercut by the distribution of free copies. A paper trying to establish itself would try to convince the public of its merits by distributing free copies for some time. But such free distribution should be reasonable in respect of the number of copies and the period for which it is distributed to any individual. Where copies are distributed free in order to introduce a paper to the public, all such copies should be clearly marked "free" before being handed over to the newsagent. Other inducements held out to newsagents are the supply of cycles for the messengers employed to distribute copies, or uniforms for such messengers and hawkers. We consider that the cost of these should be deducted from the discounts payable to the agents. Terms in respect of returns of unsold copies should be standardised. Similarly expenditure incurred on the freight charges on copies should be subject to an upper limit. Where delivery charges exceed 15 per cent. of the nett value, the excess should be recovered from the agent or as a surcharge from the subscribers. Any violation of these price restrictions should be considered an unfair practice and should be checked.

1202. **Circulation statistics.**—Figures of circulation are considered to be of the greatest importance in influencing the advertisers in their choice of papers and in their acceptance of the rates quoted. Some years back, publishers, advertising agencies and advertisers got together and established the Audit Bureau of Circulations which was authorised to issue certificates of circulation which all three sectors of the industry agreed to accept as correct. There is the possibility that in at least one or two instances publishers have managed to secure certificates of circulation which their papers would not be entitled to. The A.B.C. has now undertaken a re-check of papers to whom they had issued certificates. We hope that they would be able to spot instances of fraudulent practices which had escaped notice earlier. A very large number of papers are not however members of the A.B.C. and some of their claims of circulation have by no means been modest. While some State Governments go by the A.B.C. certificates where these are available, others trust the unsupported claims of the publishers. We are suggesting the appointment of a Press Registrar with whom publishers of newspapers have to file certain factual statements periodically. State Governments, and the Central Government should be guided by these statements when placing advertisements.

1203. **Restrictive practices.**—There are other practices connected with large scale operation which we consider unfair and undesirable. One is the insistence by the management that any advertiser in the most important paper of a group or chain should book space at the same time in their other papers

also. Another is to insist that newsagents handling one of the papers of the group should also take a specified number or proportion of the other papers published by the group, or to insist that newsagents handling one paper of a group, say, in English, shall not handle any Indian language paper from any other publisher. Some provision should be made in the contemplated legislation governing newspapers and periodicals, to put a stop to such restrictive practices.

1204. Economics of groups and chains.—Common ownership of more than one daily newspaper takes the form of combines, chains, multiple units and group. Certain economies are possible in group operation but the extent to which these economies are realised varies from one paper to another. The position of multiple editions of a paper published from more than one centre is different. In other countries multiple editions are undertaken to save time and freight in the distribution of printed copies, and each edition is only a reprint of the other. The practice in India is to maintain editorial offices at each centre where the paper is printed. Only part of the material required to make up the paper is received from the main office. There is, in consequence, no saving in interests, depreciation, and other overhead charges. Moreover, the entire composing room, foundry, and printing room staff have to be employed at each centre. The main economic incentive for starting such editions has been the hope of capitalising on the goodwill of the parent edition and acquiring a circulation with the minimum of preliminary losses. It is also the expectation of the publishers that they would be able to secure an immediate advertisement revenue for the new edition. In the case of chains, there are no direct economies consequent on the fact of common ownership. Where the chain is made up of a number of groups, the economic advantages of group operation are added on to whatever little advantage follows from multiple editions. In the case of combines, local advantages that result from group operation do exist, but no further economic gains result from the fact of common ownership.

1205. Drawbacks of group and chain operation.—Because of such advantages as accrue from combined operation, a number of new papers have come up. In most cases, taxes are assessed only on the resultant profits and not on the individual profits of each paper. This has made it possible to find money to cover the losses of new papers from out of profits, a large portion of which might otherwise have been paid to the exchequer as taxes. But it has also made the managements less cautious in their assessment of prospects before starting new papers or new editions.

1206. There have been other drawbacks too. None of the groups operating in this country maintains separate accounts for each paper and it has, therefore, been very difficult to ascertain the extent to which a successful paper subsidises another not so profitable. In the case of multiple editions, a Labour Tribunal has held that the profits and losses of all editions must be considered together before arriving at the net figure on which bonus could be based. Since these multiple editions are widely separated, it is not possible for the employees at one place to have any idea of possible managerial extravagance at another and they only see their bonuses whittled down because of losses at a remote centre. When starting multiple editions, the publishers sometimes have not made as careful an assessment of the soundness of the venture as they might have made if they had to bear the resulting loss instead of being able to set it off against profits before taxes. In the majority of cases of multiple editions, the parent unit has continuously had to

absorb losses incurred at the subsidiary centres. Such editions have not resulted in an overall increase in the return to the owners nor have they added to the bonus earned by the employees.

1207. Separation of accounts.—We would like, if it were possible that every paper should be constituted as a separate unit so that its profits and losses are definitely ascertainable and both the proprietor and the employees know where they stand. In the case of multiple editions, each unit should be separated from the others in the matter of accounts. Where a chain consists of a number of groups, each group should be separated from the other. Inside the group itself, it may be difficult to make a division of capital investment and of certain categories of expenditure. The revenue accounts should be maintained separately and cost accounts should be kept in respect of production of each of the papers. This system of book-keeping should invariably be adopted wherever the management find it inconvenient to divide the group into its component units.

1208. We envisage the expansion of some of our metropolitan papers to provide a national or continental coverage, or the establishment of papers by national or political parties to cover the whole country, but in all these cases, the principles we have enunciated above should always be kept in mind. If, however, the parent papers have made adequate provisions for replacement costs and other necessary reserves and are paying their staff reasonable salaries and wages, then there could be no objection to their using the funds obtained from the profits of the parent papers for starting multiple editions in other parts of the country.

1209. Competition should be more even.—As matters stand at present, a paper with a large circulation has, because of its lower cost of production per copy, certain advantages over other papers with smaller circulation. Similarly, a paper with large capital resources behind it is free from certain handicaps which affect another paper with limited capital. Papers of long standing which have been able to build up a large and stable volume of advertisement revenue are in a very advantageous position as compared to others who have just entered the field. Such economic advantages and handicaps exist in a number of industries but their presence in the newspaper industry is not conducive to healthy development. Newspapers serve as media for the free exchange of information and of ideas. The proper functioning of democracy requires that every individual should have equal opportunity, in so far as this can be achieved, to put forward his opinions. Measures should therefore be adopted to reduce the differences due to economic advantages or other causes and to enable new-comers to start with a fair chance of achieving success. To fix a minimum price at which papers of a particular size can be sold would be the most effective measure to bring about this end.

1210. Price-page Schedule.—Though ultimately it is the readers who pay the net cost of the paper, partly as its price and partly through the advertised goods that they purchase, a reasonable revenue from advertisements has the effect of distributing the burden more equitably between those who have money to spend and those who have not, while a high price would place the burden uniformly on all. The price fixed should therefore take advertisement revenue into consideration. If the price is fixed too high, it would have a doubly unwelcome effect on the fortunes

of the Press. Circulation would fall directly and as a consequence of such fall, advertisement revenues would also shrink. This would force papers to reduce the quality of their services and the cumulative effect may well be disastrous.

1211. The price-page schedule should prescribe not only the maximum number of pages that could be sold at a particular price, but also the minimum number that must be offered. The quantum of advertisement in a week's issue of a newspaper should not exceed 40 per cent. of the total area, and we feel that this should be made part of the schedule which will thus prescribe (a) the maximum number of pages that could be sold for the price, (b) the minimum number of pages that must be offered for the price, (c) the minimum of news and editorial matter that each issue must contain. On the present costs of production a schedule based on a price of 3 pies per page of standard size may prove adequate to meet all costs of production in the case of the average Indian language and English papers after allowing for the normal expectation of advertisement revenue in each case. One of us, Sri A. R. Bhât, has worked out a tentative schedule which, though not to be taken as our specific recommendation, may form the basis on which a suitable schedule could be worked out. Sri Bhat feels that no departure from this schedule should be permitted unless newsprint prices fall by more than 20 per cent.

1212. **Volume and sources of advertisements.**—Our estimate of the advertisement revenue for the daily Press is Rs. 5 crores per annum and for the weeklies and periodicals it is not expected to exceed Rs. 2 crores. We analysed the business placed in 1951 by 34 advertising agencies according to the different sources of advertisements and found that quite a large proportion of the total volume of consumer advertising is of items which would appeal only to those who are comparatively well-to-do. This is, in our opinion, an unsatisfactory position as it would divert the bulk of advertisements to the higher-priced papers in the English language. The products advertised are also such as are consumed mainly in urban areas, and this tends to favour papers published in metropolitan and provincial centres as against district papers.

1213. We feel that potentialities exist for expansion of advertisement volume, which may be expected to increase with a general rise in the standard of living as a result of the Five-Year Plan. The expansion of trade and industry would also increase the amount of specialised advertising. We also expect an expansion in the range of products advertised with the growing pace of industrialisation and a switch-over from a seller's to a buyer's market. Further, a number of products which at present have no appreciable market in rural areas would find scope in such areas with the improvement in the standard of living. The district Press should be able, even at present, to increase the volume of classified advertisements as well as the advertisements of local traders and manufacturers.

1214. **Present tariffs.**—The advertisement tariffs depend on a large number of factors such as the class of readership and its purchasing power. The degree of competition among the papers published at a centre also affects the tariff. The rate per mille generally decreases with the increase of circulation. A minimum rate of advertisement always exists to cover the composing charges, printing and overheads. Our examination of the advertisement tariff has shown that the rates per mille of Indian language papers are lower than those of English language papers.

1215. There are certain factors which should be considered when examining the tariffs. The readership survey carried out by us indicated a high degree of multiple readership specially in rural areas. The weeklies and monthlies are expected to have more multiple readership. Further the contact and consequently the impact made by the advertisement on the readers in the case of weeklies and monthlies is of longer duration than in the case of dailies. For these reasons weeklies and monthlies should command higher rates than the dailies. In the case of the dailies and periodicals which conduct crossword and allied types of competitions the full benefit of their circulation is not obtained by the advertisers because a good number of readers are interested only in the competitions.

1216. Advertisers consider the circulation, standing, class of readership, area of coverage, etc. in the selection of media for advertisements. In respect of circulation reliance is placed on the Audit Bureau of Circulation certificates and where this is not available on the claims made by the individual papers. The utility of A.B.C. certificates would be enhanced if the areawise breakdown of circulation is given in all cases. We are satisfied that the existence of a combined rate in respect of a multiple unit publication is an exploitation of the advertisers and should be discarded in favour of separate rates for each different centre.

1217. **Need for market research.**—Very little authentic information is available about the other factors such as class of readership or purchasing power. We recommend that market research should be undertaken by the Associations of Advertising agencies. This will not only put the advertisement tariffs on a more rational basis but would increase the effectiveness of the advertisements. It is alleged that the cost of advertising in India is higher than in other countries and has, therefore, restricted the development of advertisement volume in this country. This question of costs could be reviewed by the advertisers and newspapers after the market surveys are carried out.

1218. **Government advertisements.**—We estimate the total advertisements from Government sources at about Rs. 45 lakhs per annum. Though this is less than 7 per cent. of the total advertisements through newspapers and periodicals, the importance attached to it by the Press is great. We found that there are some papers in which the Government advertisements form an important source of revenue and the influence of Government on such papers would, therefore, be greater. Certain papers have either been favoured by the Government or have obtained substantial advertisements by making false claims of circulation. On the other hand, a large majority of district and mofussil papers appear to have been ignored by Government as well as by local authorities when placing advertisements.

1219. Governments have not subjected to proper scrutiny the various claims of circulations made by some of the papers. Reliance placed on police reports regarding circulation of newspapers appears to us to be misplaced. The Governments would be justified in demanding proof in support of the circulation claim. The Governments should also check periodically the circulation of the papers to whom they entrust advertisements. We feel that more attention in the matter of class of readership should be exercised than at present in those cases where it is a relevant factor, but ignored where it would not be material. Multiple readership assumes special importance in connection with the Government advertisements which are not concerned with the purchasing power of each reader. Introduction of the principle of rotation specially in display advertisements would benefit some of the district

and mofussil papers which do not receive advertisements when allotments are limited.

122. Telescopic tariff with an upper limit.—Government would be justified in claiming special consideration in respect of the rates charged, and can insist that the rates should follow a particular pattern without reference to language or location of the paper. We have suggested a telescopic maximum rate subject to an overall ceiling. This suggestion is not made with any intention of reducing on the whole the advertisement budget of Government but to facilitate the distribution of advertisements over a number of newspapers and periodicals by not allowing a few top papers to absorb the entire advertisement budget of Governments. We feel that Government should take the lead in breaking up the practice of charging combined rates for multiple unit publications. We have also noticed that the papers published outside the State often claim a substantial share in the advertisement budgets of the smaller States. It is necessary for the States to examine the utility of advertising in such papers.

1221. Advertising Agencies.—There has been a tendency for advertisements to be placed more and more through advertising agencies. This helps in increasing the total volume of advertisements as well as in reducing the influence of advertisers on the Press. The advertising agencies are mainly situated in metropolitan towns. Half of the total turnover of advertisements placed by agencies with the newspapers and periodicals is accounted for by five big agencies. The rate of commission obtained by the agencies from newspapers varies, but the newspapers which are members of the Indian and Eastern Newspaper Society and the agencies which have been accredited by the Society follow certain standard rules in this regard.

1222. The practice of making secret payments or offering other inducements to the media men employed in the advertising agencies in order to make them increase the allotment for a particular paper is highly objectionable and we trust that combined action would be taken by the Associations of newspaper proprietors, advertising agencies and advertisers to put a stop to this practice.

1223. Accreditation of Agencies.—The rules prescribed by the Indian and Eastern Newspapers' Society for accreditation of advertising agencies meet the requirements as far as national advertising is concerned, but have not provided for agents specialising in local business. We feel that at present there is considerable scope for expansion of local advertisements among the district and mofussil papers and this scope is likely to expand in the future. It is, therefore, in the interests of the Press as well as the advertisers to encourage agencies specialising in local advertising. We, therefore, suggest that the Indian and Eastern Newspapers Society should consider accrediting two types of agencies—National and Regional and for accreditation in the case of regional agencies the conditions in respect of capital, turnover and other requirements may be relaxed.

1224. Disparities in advertising revenue.—The existing difference between the advertisement revenue of the English language and Indian language papers appear to be based on a general assumption regarding the difference in the pulling power of the two sets of papers and this assumption is not limited only to advertising agencies but appears to prevail among the advertisers and the public. This particular assumption has not however been substantiated by any readership surveys or other authentic information. The Indian language papers have not received adequate attention from

the advertising agencies and their value as media appears to be under-estimated. Advertisers should be guided by certain definite and uniform principles when making their choice of newspapers and periodicals. As far as possible no discrimination on the ground of language should be made. Sufficient attention to the claims of district papers in respect of distribution of advertisements should be paid. The effect of multiple readership should be taken into account. The Indian language papers should devote more attention to the layout of advertisements and district papers should furnish sufficient particulars to the advertisers so that their usefulness as media can be examined.

1225. Other aspects of advertising.—There is no evidence to show that any industry or group of industries contribute such a high proportion of advertising revenue to the Press as a whole as to be able to hold it to ransom. Cinema advertisements account for a very large proportion of the advertisements received by the smaller and district papers. In view of the financial importance of these advertisements for the smaller newspapers, we do not feel that any restrictions need be imposed on such advertisements. The possibility was mentioned that advertisements may be used as a means of subsidising newly started ventures, and two important groups of newspapers were named in this connection, but our examination did not indicate any such practice prevailing at present. We do not think that the foreign business interests exert any undue influence by the mere fact of being a large source of advertisements. But, as in other cases, we would like that Indian capital and Indian personnel are associated with the big agencies which at present are either owned or managed foreigners.

1226. Space devoted to advertisements.—At present in most of the papers advertising space is less than 40 per cent. of the total space. We expect that when a price-page schedule is introduced, there would be a strong temptation to increase the ratio of advertisement space to reading matter, but we are of the opinion that they should keep advertisements within the prescribed limit of 40 per cent.

1227. Supplements.—The tendency to issue commercial supplements is on the increase. We agree with the view of advertising agencies that the publicity they offer is incommensurate with the expenditure involved, and has benefited only the publishers. The reading matter too is often not of interest to the readers, and we therefore feel that the supplements of the commercial type should be discouraged. The adoption of a price-page schedule should serve to stop the indiscriminate issue of supplements.

1228. Objectionable advertisements.—Judged by their contents, a number of advertisements must be regarded as objectionable. There are instances where the product or service which is advertised is in itself harmful or dangerous to the public. Certain other advertisements are fraudulent or likely to mislead, while there are also those advertisements which offend in respect of their illustrations or the text, even though what they offer to the public may not be objectionable in themselves, such as some cinema advertisements.

1229. We recommend to the Indian and Eastern Newspapers Society and the Indian Language Newspapers Association the adoption of a strict code of advertising which all members would be compelled to follow and which would be binding also on the Associations of Advertising Agencies and

Advertisers. This would, however, leave out a large number of small newspapers and periodicals which do not belong to either of these corporate bodies and which contain the greatest number of offenders against decency and morality. To abate this particular nuisance, legal measures will be necessary.

1230. Advertisements of drugs and medicines.—The largest field of such objectionable advertising which we feel should be put down by law is of certain drugs and proprietary medicines. The Indian Medical Association have suggested to us the banning of all advertisements of medicines which claim to cure or alleviate particular diseases. The harm that arises from such advertising is that the patients might be deluded into dosing themselves with these medicines and delay medical examination or advice till the disease reaches an incurable stage. Advertisements which hold out promises of lasting cure of diseases for which a cure cannot be promised, advertisements of so-called medical practitioners offering to diagnose diseases by correspondence and to prescribe remedies therefor, and the advertisements of talismans or magical cures are also of the objectionable type. We consider that many of the recommendations made by the British Medical Association in the report of their Committee on proprietary medicines deserve to be embodied either in legislation or in the codes approved by the Associations of newspaper proprietors. In the field of dangerous drugs, we noticed that certain drugs, the advertisement and sale of which have been banned in the United States of America (the country of their manufacture) are extensively advertised in the Indian Press.

1231. Present legislation.—We have studied the West Bengal Undesirable Advertisement Control Act of 1948 and the Bihar Drug Advertisement Control Act of 1946 as well as the Drugs and Magic Remedies (Objectionable Advertisements) Act of 1954. Though these Acts serve a very useful purpose, they fall short in some respects of what the country needs.

1232. Advertisements offending against decency and morality.—We feel that in the case of cinema advertisements the United States practice of price approval by a Board might prove very useful. Advertisements of pornographic publications must be stopped. The Act for the regulation of the Press as an industry should include a section which makes it an offence, punishable with fine or with imprisonment, the issue of fraudulent advertisements for publication. Whenever a member of the public complains of having been defrauded by means of such an advertisement, the matter should be investigated and if it is found that there was intention to defraud, the advertiser should be prosecuted. Government should in the same way investigate advertisements of books offered to "adults only" or "birth-control clinics" which "treat" cases of advanced pregnancy, and the numerous other rackets of this nature. We also urge upon the publishers and editors the wisdom of passing on for investigation any advertisements which they receive and which in their judgment are of this nature.

1233. Newsprint supplies.—Newsprint is an essential raw material for the production of daily and weekly newspapers. India is entirely dependent for her supplies of newsprint on foreign countries. Before the war, India imported on an average 37,000 tons a year. The present demand is estimated at 60,000 tons a year. Though our consumption of newsprint is not high in the world context, and is less than the annual quota of a large American daily newspaper, we are dependent on other countries for the supply and often find it difficult to procure even the relatively small quantity of newsprint we

require. At present there is no control on the import, consumption or distribution of newsprint in the country. Both wood pulp and newsprint are on the OGL up to 30th September 1954.

1234. Manufacture of newsprint in India.—The possibility of manufacturing newsprint in India has been the subject of study by a number of experts. Since it is a low-priced commodity, the successful manufacture of newsprint requires that raw material, water in large quantities, and power must be available at the factory at very low cost. A number of trees that grow in India are quite suitable for the manufacture of mechanical wood pulp. The difficulty however has been the extraction of the timber from inaccessible heights where they grow and the transportation to a mill. Until the method of harvesting the timber has been satisfactorily worked out, there does not appear to be any possibility of a factory being established in the sub-Himalayan areas.

1235. Investigation has been made of the suitability of pulp from other plants not generally used in other countries for making mechanical pulp. Paper mulberry and wattle can be grown in other areas of the country and are suitable but they have to be planted hereafter on a very large scale before supplies could be available in the quantities required. Certain processes have however been worked out by which bagasse can be converted directly into newsprint. With the quantity of bagasse available in this country it is possible to manufacture all the newsprint that can be currently consumed. Before bagasse—which is at present utilised as fuel—can be released for use as a fibrous material, it will be necessary to convert boilers in Indian sugar mills to burn coal instead. While India has adequate supplies of fuel at low price, it is very short of fibrous material generally and is at present importing cellulose fibre in various forms such as pulp for rayon manufacture, as ready-made newsprint, and as superior grades of paper. Release of bagasse to serve as a raw material for one or more of these products by replacing it with coal as fuel would therefore be in the overall national interest.

1236. Newsprint Mill in Madhya Pradesh.—In 1947 a company was floated in Bombay for the manufacture of paper from raw materials available in Madhya Pradesh. Later the promoters decided to go in for the manufacture of newsprint. The factory is located near Chandni in Madhya Pradesh and the Government of Madhya Pradesh are deeply interested in the scheme. Mechanical wood pulp is expected to be in production in the course of this year, and with the completion of the mill for the production of chemical pulp, for admixture, early in 1955, the company expects to start the paper mill for the manufacture of newsprint during the course of that year. This has been the only attempt so far to manufacture newsprint in this country and so much capital and effort has been spent on the venture that it would be in the national interest to make it a success. The production of the Mills is expected to be 100 tons a day though it might be some time before this figure of output is reached.

1237. Sales of Newsprint.—At present the Indian Press depends for its newsprint solely on imports and, as we have mentioned above, this dependence on imports is likely to continue for some years or longer. Many representations have been made to the Commission that at present under free import conditions larger newspapers find no difficulty in procuring their requirements from abroad but smaller newspapers whose requirements are not large enough to interest overseas mills are obliged to buy their newsprint locally in the market through importers and dealers.

1238. The prospects of sale of the newsprint produced in this country would be problematical in view of the factors that tend to increase its cost of production. It might therefore be of advantage if a State Trading Corporation took over the entire output of the mills on a fair basis, and sold it, along with imported newsprint, at equated prices. It would be necessary for the Press to bear to some extent the cost of developing the Indian mill and putting it on a sound basis and this can best be done by ensuring that the products are sold through an organisation which also controls all imports from abroad.

1239. **Composing machinery.**—In a large number of newspaper presses the matter to be printed is set up in type by machines instead of by hand. Three different typesetting machines, which have been evolved and perfected over a long period, are in use. They are complicated mechanisms which call for a high degree of skill and specialised knowledge for their manufacture. India's consumption of mechanical typesetting machines is estimated at 80 units per year, which is said to represent only about 1 per cent. of the total output of the three companies. The manufacturers would, therefore, not be interested in setting up a plant in India for such a limited demand. The major difficulty in undertaking manufacture is the very small number of machines that would be needed. This applies with equal force to the manufacture of spare parts though at present it is possible to undertake the manufacture of small parts and the simpler accessories.

1240. Machines for use in the Indian scripts are practically identical with machines for other scripts. In the case of all machines, whether casting in line or in single characters, the major difference is in the matrices which cast the type. Even though such matrices for Indian scripts have no sale outside this country, the makers have not found it practicable to undertake their manufacture in India straightaway owing to the lack of precision machinery required. This however is a matter for further investigation. If it is possible for committees to be set up for these scripts to consider dispassionately the methods by which they could be simplified and the number of characters reduced to a reasonable figure, the possibility would exist of Government being able to insist that the copyright of the scripts should be made available to the manufacturers of typesetting machines only on condition that the matrices are manufactured in this country.

1241. **Manufacture of printing machines.**—Manufacture in this country is confined mainly to the platen machines. Though Indian production was fairly large at the end of the war and there was a considerable amount of pent-up war time demand to be filled, production appears to have fallen off recently. We have heard some complaints also from witnesses who appeared before us, of the poor quality of these machines. We consider it very necessary that the department of Government responsible for developing the production of industrial machinery in this country should make arrangements for evaluation of their quality. Production of flat bed or cylinder machines appears to be confined to two manufacturers in Calcutta. Here too it is necessary that the quality of work that they turn out should be comparable with that produced on imported machines. We are anxious that Indian production should be encouraged so as to make the country independent of imports. This encouragement should, however, be backed up by a service of testing, and manufacturers should also be induced to accept methods of quality control so that their products can be purchased with confidence.

1242. Rotary presses are generally heavy machines which represent a considerable amount of capital investment but which in turn can produce a

very large number of copies in a short space of time and also produce continuously uniform work. It is estimated that there are about 100 rotary presses in use in this country of different sizes and we do not anticipate that annual demand for replacement, and for new installations would exceed half a dozen machines a year. It would obviously not be economical for an Indian manufacturer to start on the design of such a machine solely in order to meet the Indian demand. We consider it useful if the work of bringing together Indian manufacturers and foreign firms is undertaken by Government, after a study of the requirements and the evolution of a standard design.

1243. **Postal Services.**—The postal services are being used largely for transmission of reports from district correspondents, and of periodical news letters from special representatives. While introduction of air transmission of letters has greatly speeded up the handling of such material, the postage concession which is granted for surface transport of manuscripts and reports for publication has not been extended to air transmission. We feel that it should be possible for the post office to grant the concession in respect of material addressed to registered newspapers. The charges for transport of a newspaper by post are very low in this country. According to the calculations of the Post and Telegraph Department the loss to the Post Office in 1952-53 on account of this concession was Rs. 112 lakhs. The concession given to the Press is thus really substantial, and there appears to be no case for lowering the rate.

1244. **Telephones.**—It has been represented to us that difficulties are still being experienced in obtaining installation of telephones for the offices and residences of employees of newspapers. We understand that such connections are at present being given a fairly high degree of priority, and that because of the general shortage of exchange equipment and instruments, some delay is bound to exist till production and installation catch up with the demand.

1245. **Press telegrams.**—We have heard many complaints that the handling of telegraph traffic is not sufficiently quick. While this is a matter of importance to newspapers, we are confident that the authorities who are conscious of the present delays would be taking necessary steps in order to ensure speedier handling of telegrams and that improvements may be expected in this direction. In the matter of tariffs for Press telegrams, the present rates in this country are not merely quite low but compare favourably with similar rates in many other countries.

1246. In the matter of Press telegrams addressed to multiple addresses, certain concessions are allowed. For additional copies delivered from the same office as the original, only a copying fee is charged, but in the case of deliveries from other telegraph offices, charges are levied, though not at the full rates. Formerly the concession in respect of additional copies on payment of only copying charges was available for telegrams delivered from any number of post offices anywhere in the country. A plea has been made for the restoration of this concession. The Telegraph authorities have pointed out that the claim for this concession is unreasonable since a considerable amount of additional labour is involved. We agree with this view.

1247. **Teleprinter circuits.**—The Telegraph Department rents out telegraph circuits to individual users between one point and another in the same city or between different centres. The rates, which were fixed before the war and have not been raised since, compare quite favourably with

rates in other countries. We understand that further reduction in the rates prevailing in India would be uneconomical. Instances have been brought to our notice where the lines rented out to news agencies and newspapers have been misused and private and business messages have been transmitted on these circuits. We consider that the Telegraph Department would be justified in taking strong action against the offenders.

1243. **Teleprinters.**—For use on these telegraph circuits the Telegraph Department rent out teleprinter machines on an annual rental of Rs. 1,000 per instrument. We understand that, at present costs, there is not much scope for reduction of these charges. We hope that newspapers and news agencies would make greater use of this facility, particularly for handling press telegrams also, and that with the growing use of teleprinter instruments in major cities and towns, the overhead charges on maintenance and servicing of equipment would be reduced making it possible for the Telegraph Department to reduce their charges for the renting of teleprinters. We understand that the Telegraph Department is contemplating the setting up of a factory for the manufacture of teleprinters in this country. We note that according to the present proposals it is the intention that teleprinters manufactured in this country will be available for sale to the public as well as to Government offices. This should substantially reduce the cost of teleprinter operation both for news agencies and for newspapers.

1249. At present, teleprinters are available only in the Roman script, but with growing importance of Indian languages, the question has been raised of teleprinters for Indian scripts, principally *nagari*. The Telegraph Department are engaged on the design of suitable teleprinters for the *nagari* script. In view of the considerable similarity that exists between the alphabets of Indian languages, we expect that a solution for *nagari* would automatically lead to suitable solutions for the other Indian scripts also.

1250. **Cable and wireless charges.**—A substantial portion of the contents of newspapers comes from abroad in the form of news agency messages. News agencies in India pay the Posts and Telegraphs Department a charge based on the monthly wordage handled. We feel that the present charges are very high. If there are any fundamental difficulties in the way of permitting private reception of multiple address news services, we recommend that they should be examined again and means found to get over them. If this is not possible, it is essential that the tariff should be revised and the charges substantially reduced so as to cover only the cost of operation.

1251. In the case of despatches from correspondents abroad, transmission is by radio or cable at press rates. Between countries of the Commonwealth the rate is 1d. a word or its approximate equivalent. The charges for transmission from and to other countries are, however, considerably higher. As a result, a considerable volume of messages even through coming from countries adjacent to India and with which India has considerable contracts, is now being routed *via* London. We are informed that the question of negotiating bilateral agreements with different countries whereby rates for transmission either way are substantially reduced has already been taken up by the Government of India. An early solution which brings about a substantial reduction in international telegraph charges is essential for the development of the Press and of news agencies in this country.

1252. Air Transport.—The charges for air transport of newspapers often exceeds the limit of 15 per cent. on the nett cost of newspapers which we have suggested as the maximum to be borne by the publishers, and the excess should really be passed on to the consumer as a surcharge. We understand that the majority of metropolitan papers have agreed on a surcharge on each copy delivered by air beyond a certain distance and that complaints made to us applied only to one or two papers which, in order to gain a footing in new territories, had waived the surcharge. We consider that such a practice constitutes unfair competition and should be stopped. The distance up to which no surcharge is levied should be fixed and should not, at current freight charges, exceed 500 air miles.

1253. Road Transport.—We feel that greater use should be made of road transport services wherever they exist in order to make newspapers available in rural areas. Co-operative arrangements among publishers for the use of road transport would facilitate distribution.

1254. Functions of a news agency.—The basic function of a news agency is to provide news reports of current events to the newspapers and others who subscribe for its service. We consider it essential that the service provided by the news agency should be objective, comprehensive and accurate. Since it is obviously impossible for a news agency to report every happening, it is inevitable that there should be a measure of selection. In the selection of political news, the Indian news agencies have been generally fair to various points of view, and, in the course of the evidence, we came across very few complaints on this score. But while the opposition had been treated fairly, there prevails an impression that it had not been treated equitably in the matter of length of coverage. Where big business interests are involved in criminal prosecutions, there has been no noticeable alertness on the part of these news agencies to cover such cases as promptly as the public has a right to expect. As purveyors of news, the news agencies should not merely keep themselves free from bias and follow strictly the principles of integrity, objectivity and comprehensiveness in the coverage of news, but it should also appear clear to the newspapers, and to the public, that the news agencies are maintaining such a course.

1255. Identifying source of news.—News agencies should eschew any comment in their services. The privilege of commenting should be left to newspapers. Newspapers often fail to identify the source by a credit-line, but where a published report contains comment, explicit or implied it is only fair to the reader to point out that the comment is from the correspondent of this news agency or that.

1256. Sources of international news.—The six world news agencies operating today have set up organisations which cover more or less the entire globe and have been aided in such expansion by the fact that the countries in which they have their headquarters are very highly developed technically and have also a strong Press which demands, and can pay for, a world wide news service. It is not possible for any newspaper anywhere in the world to obtain reports of world events except as seen through the eyes of their employees. We are convinced that it is essential for an Indian agency to develop its coverage of foreign news by installing its own correspondents at the major foreign capitals and using their despatches to supplement and correct, wherever necessary, the services of the world agencies. But there should be no restriction on the flow of foreign news from whatever source it comes. It should be left entirely to the discretion of the editors of Indian

newspapers to accept or reject material supplied by foreign news agencies or even by the Indian agency.

1257. Indian news agencies.—There are at present in this country two major news agencies, the PTI and the UPI, and a third, Hindustan Samachar which is not really comparable to the other two and which at present can provide only a meagre service, though it has some features of its own. However objective a news agency sets out to be, there are certain drawbacks arising from a monopoly which could be obviated only by a competitive service available freely to all users. We are of the opinion that it is therefore necessary to have more than one news agency functioning efficiently in the country.

1258. State control should be avoided.—Another fundamental point that we would emphasise is that the news agencies should not be State-owned or State-controlled. This does not necessarily rule out the possibility of news agencies obtaining assistance from the State. But it is essential, if Indian agencies are to function satisfactorily, that any assistance from the State should have no strings attached and the State should not have any voice in the control of the agency either editorially or administratively.

1259. Present services of Indian agencies.—We have carried out an analysis of the full services provided by the PTI and UPI on 14 days selected at random in the first quarter of 1953. The daily output of international news was very high in both cases. With the total service of a national news agency made up of nearly 45 per cent. of international news and only the balance left for national and regional news, the editor who depends on the agency is severely handicapped in balancing the contents of his news pages. The remedy for the present state of affairs is for the Indian agencies to screen more rigorously the wordage that comes from Reuters or Agence France Presse so as to include, in their local distribution, only those items which are of sufficient importance, and also to condense the wordage so that it is brought down to approximately 60 per cent. of the present wordage. The total quantum of Indian news will have to be increased very greatly and part of this increase can be achieved even with the existing staff by a more liberal selection of day-to-day events for reporting to the Press. A substantial increase in the output would however, have to be achieved by more extensive collection from additional centres not at present covered and by more detailed reporting of each event. Regional news occupies less space than national news, and if account is taken also of the fact that there are at least half a dozen distinct and different regions in the country with their own local interests not merely in political and financial affairs, but also in social, cultural and scientific matters, the paucity of regional news becomes even more noticeable. Effective coverage of these social aspects as well as of local politics can, in our opinion, be provided only if the total lineage of regional news is expanded. News agencies should extend their efforts in the field of the regional news in order to reduce the handicaps that stand in the way of the growth of small newspapers. The UPI has developed a useful regional service only so far as Bengal is concerned.

1260. Classification of services.—The PTI provides three categories of services, A, B and C, which are intended to meet the specific requirements of newspapers of different classes. When asked about anomalies in classification, the Chairman of the Board of PTI admitted in his evidence before

us that he had himself come across many such instances and that they were trying to eliminate them. Such instances are so numerous that we are forced to the conclusion that there is lack of any proper system in the classification of news items. Employees of the PTI have complained to us about the trouble involved in the classification of news for the different classes of service, but any trouble that they take is wasted if the principles of classification have not been properly laid down or if they are not clearly understood and followed. We feel that classification of the service into two categories would be quite sufficient and would result in a prompter service to those now receiving 'B' service as well as reduce editorial work for the PTI.

1261. It has been suggested that in order to meet the needs of district newspapers for a condensed service of international, national and regional news, PTI should provide a summary service. We understand that under the present contract between AIR and PTI, the right of publication in printed form of the AIR bulletins is vested back in the PTI who thereby control the rights both in the news items and in the form and shape that AIR give to it. In the circumstances, there should be nothing in the way of PTI providing a summary service based primarily on the bulletins that AIR prepared several times a day, re-edited where necessary and supplemented by items that the agency considers should have been included. This may be distributed by PTI to all its offices for issue to small newspapers who would be interested in it. Where PTI do not have their own teleprinter office, the bulletins could be delivered by telegram for the present.

1262. The PTI can thus provide three categories of service to newspapers, the full service (equivalent to the 'A' service at present), a brief service (equivalent to the 'C' service at present) and a summary service (similar to the former I.N.A. service but based on AIR summaries). We have suggested what we consider to be suitable tariffs for these three services for papers published in the language in which the service is distributed and for papers published in other languages. Our aim has been that the tariffs should be so devised as to allocate the cost of news collection and distribution to the subscribers in an equitable manner and according to the use made of the service. They consist of a fixed charge in respect of cost to the organisation for distribution of services, and a royalty dependent upon the circulation of the subscribing newspapers.

1263. **Commercial services.**—In addition to the services provided to newspapers, both PTI and UPI provide a commercial service to individual subscribers. The nature of the service is modified to suit the needs of the customer; one may be interested in cotton market rates another in the stock exchange, some may receive only bullion prices and so on. There have, however, been cases of improper use of these facilities by the subscribers which must be prevented. The news agencies should not place too much reliance on income arising from these services.

1264. **Government subscriptions.**—Next to newspapers and the commercial subscribers, Governments, State and Central, form an important group of clients for the news agencies. The Central Government also purchases news services for the purpose of distribution. The Ministry of External Affairs obtains the PTI service for distribution to Indian missions abroad. The Ministry of Information and Broadcasting, through its broadcasting organisation, All India Radio, purchases news from a number of agencies for distribution through the radio both in India and abroad. We have suggested new rates of subscriptions for these services.

1265. The tariff we have recommended for the radio and for the newspapers takes into account the fact that all newspapers accept paid advertisements, while the radio does not, and that the advertisement revenues vary between English papers and Indian language papers. Our recommendations should cover the normal course of development of both radio and newspapers.

1266. **Improvement of foreign coverage.**—We have referred earlier to the drawbacks of depending upon foreign news agencies for the supply of international news for Indian newspapers. For the present the PTI may have to continue their arrangements with Reuters for the supply of international news, though they could with advantage add to it some other sources of supply. A more important direction in which they should devote some effort, and one perhaps more likely to yield the results we look for would be to supplement the service from Reuters by despatches from special representatives stationed abroad.

1267. **Reorganisation of PTI.**—The PTI have no well formulated plan for meeting the growing demands which are made on the service and if the present state of affairs is allowed to continue, the PTI would continue to drift in uncertainty. We are convinced that it is essential, especially in the present international and national circumstances, that the news agency should work at the maximum efficiency and integrity and for this purpose we recommend the setting up of a public corporation to take over the running of the PTI. A public corporation formed otherwise than on the basis of a co-operative effort by the newspapers may be open to the danger of newspapers not taking a service from them. The corporation has, therefore, to be built up on the present foundations, whatever may be the changes in its control and operation.

1268. We expect that when our recommendations for the revision of newspaper tariffs and AIR subscriptions are implemented the revenues of the PTI would be on a sounder basis, and would permit, even after absorbing a certain amount of loss of commercial revenues of a much needed increase in the expenditure on staff. We have also recommended certain other measures of assistance from Government which would be conditional on the shareholders of PTI approving certain changes in the constitution and management of the PTI. We feel confident that the spirit of public service which induced a number of newspapers to subscribe the capital required for taking over the Associated Press of India when Reuters were no longer interested in running it, would persuade them today, when PTI is in difficulties, to agree to the transfer of the organisation as it stands to the new public corporation. Ultimately the purpose of the agency is only to serve the newspapers, and its success depends solely on the disinterested manner in which they further their common interests by helping the agency to grow.

1269. **Reorganisation of UPI.**—Considering the present needs of newspapers, we suggest that UPI should have only one class of service. This would cover the international, national and regional news. The increase in revenue on the basis of the tariff we have recommended would suffice to wipe out the present deficit and provide sufficient surplus for improving the output of the agency and organise regional news services.

1270. We would suggest a trust form of management for the U.P.I. wherein the management is entrusted to a Board of Trustees in which there should be representation for subscribing newspapers and the staff of the UPI.

1271. We are recommending certain measures that the Government could take to help in putting the economy of UPI on sound lines. These measures are recommended in the expectation that the UPI brings about a change in the form of control and organisational set-up as recommended by us.

1272. **Indian news for foreign newspapers.**—We consider it one of the functions of Indian news agencies to provide a service of Indian news for the use of newspapers in other countries. With the conclusion of the new arrangements with Reuters, it is not merely impossible to exert any influence for securing a fair hearing for India, but it is also impossible for India to ascertain whether any use is being made at all of the material sent and, if so, in what manner. Similarly, in the case of the Agence France Presse, the news file of UPI is at their disposal, but there never has been, nor is there at present any means of ensuring the use of vital despatches from India or even of verifying what has been said in the Agence France Presse's service to other countries. We consider that it is a very unsatisfactory state of affairs when we cannot ensure that our own reading of current events in this vast country secures entry into the editorial offices of newspapers in other countries. Some effort is being made by the PTI to extend its own service in Afghanistan, Nepal and Japan.

1273. **Feature Syndicates.**—The term "Feature Syndicate" is applied to an organisation which supply newspapers and periodicals with articles, photographs, comic strips, cartoons or other editorial matter and which derive their principal source of income from these activities. There exist today only 9 Indian Feature Syndicates and 2 Foreign Feature Syndicates supplying Indian newspapers and periodicals. The Indian feature syndicates are of recent origin; two of them were established during the World War II and seven others came into existence after the end of the War. They employ very little staff and the syndicates are mostly "one-man shows". They do not have any organisation for collecting material from a number of freelance writers and distributing it to a large number of papers. They have no uniform basis for charging the newspapers for the articles, nor any regular method of paying to the outside contributors.

1274. We find that the use of syndicated feature articles is increasing in our Press. The increase is more marked in the use of foreign features, comic strips and cartoons. Though in general, the use of syndicated material has so far not proved harmful, some of the foreign cartoon strips are likely to create a deplorable psychology among children. Some of them glorify crime, and others with a cultural background alien to India, tend to create a confusion of values. We find that the Press has not encouraged and in most cases not attempted to utilise Indian humorous art in comic strips and cartoons. We feel that such an attempt should be made and encouraged by the Press.

1275. **Lines of possible development.**—The Indian syndicates can, if they exert themselves, obtain good articles from competent writers in India on subjects of current interest and make them available to a large number of newspapers. This will enable the papers to publish really interesting and worthwhile material. The success of the foreign syndicates is due to the more suitable quality of material that they offer and, to some extent, to the lack of enterprise on the part of Indian syndicates. It seems to us a pity that neither of the major Indian news agencies has at present developed a feature service.

1276. We find that lighter material circulated by foreign syndicates finds more ready acceptance from the public than the serious subjects which most often from the sole fare available from Indian syndicates. Indian syndicates should also increase the range of their subjects. It is necessary to keep in mind that the bulk of this material is intended for publication in daily newspapers and should be adapted for that type of readership.

1277 Indian publishers generally insist that any articles supplied to them must be guaranteed to be exclusive to them before they would consider it. This narrows the scope for expanding use of syndicated material. There appears to be considerable scope, however, for syndicated material issued simultaneously in various Indian languages. This would get over the difficulty created by overlapping of circulation and it should be possible for the syndicate to arrive at a regular arrangement with at least one newspaper in each language for publishing its output.

1278. **Government and the Press.**—We find that there is appreciation of the proper function of the Press in Government circles. There is, however, an excessive tendency to consider the Press as a means of publicity for certain selected activities of the State or for certain individuals, and insufficient importance is attached to the functioning of the Press as reporter and interpreter acting for the people.

1279. **Newspaper Correspondents.**—The Central Government has laid down rules in respect of accreditation of correspondents. These rules, while generally satisfactory, require certain modifications in order to meet the difficulties that the Press has experienced. We would recommend the formation of a special Accreditation Committee in consultation with the different organisations of newspapermen to look into these. In the case of State Governments, we found that the rules for accreditation, where they had been formulated, were not sufficiently comprehensive and left too much to the discretion of the officers responsible. We would suggest, in their case also, the formation of local committees to advise the Governments and the adoption of rules, based on the Central Government rules, to govern accreditation and discreditation. Complaints have been made that access to official sources of information has been denied in some cases to accredited correspondents. We recommend that Press correspondents should have the right to meet Ministers, Chief Secretaries, Secretaries of Government and Heads of district administration. In the case of official Press conferences, the practice has been to invite only accredited correspondents. Having in view the practical difficulties, we do not recommend any change in the present procedure. The facilities placed at the disposal of the Press at Delhi by the Government of India are inadequate and should be improved. We would suggest that at other centres the local Accreditation Committees should pay special attention to this aspect.

1280. **Despatches of Foreign Correspondents.**—We have considered carefully, and rejected the suggestion that despatches sent by cable or wireless by foreign correspondents located in India should be scrutinised in the first instance by some responsible authority and permitted to go out only if considered unobjectionable. Any scrutiny of this sort would amount to censorship which is not at all desirable. The representatives of the Foreign Correspondents' Association were agreed that they have not encountered any difficulties in carrying out their work and that the Press in India is not less free than in any other country in the world.

1281. Publicity Directorates.—The Government of India and practically all the Governments of the States have an organisation for the distribution of publicity material to the Press and to the public. Although there is a complaint that these Press releases rob correspondents of their initiative, there is this to be said that they help to ensure accuracy and are of special assistance to small units who cannot afford to have a correspondent at the headquarters of Governments. While from the point of view of the Government these organisations may be considered to have achieved their purpose, the Press has not been equally satisfied. We consider it the essential right of reporters correspondents to have access to the original source of news. Even when a Press note has been issued, it should be the duty of the correspondent to supplement the release by a clarification of such other points as he feels necessary for a proper appreciation of the subject matter. The evidence of special correspondents and reporters has been that in the general run of cases, the Information Officer is not in a position to interpret policy and that in a large number of cases, he does not even have all the facts which are relevant. We consider it therefore essential that access of correspondents to the source of the news at authoritative level should be unrestricted and that the correspondents should also make the fullest use of such access.

1282. Service to the Press.—The complaint that the Information Directorates spoon-feed the Press with predigested material has not precluded the accusation that in many instances they have failed to prepare material sufficiently in advance. A more serious complaint was that the summaries prepared for release to the Press were not always fair to the original report. Such complaints have been made mainly in the States and particularly with reference to reports on subjects in which the administration was directly concerned. We feel that the utility of Information Directorates would be greatly reduced if such practices are adopted or even if suspicion exists, and we would, therefore, commend the procedure of supplying, in advance, copies of full reports to editors.

1283. Press Officers and Advertisements.—A very unsatisfactory feature of the organisation of these Directorates is the practice of entrusting to them the responsibility for distributing Government advertisements. We would recommend that the distribution of advertisements should be taken away from the Information Directorates and entrusted to some other Directorate of the State Governments.

1284. Publicity for Individuals.—The complaint has been general that a great deal of the material released by these Information Directorates is more in the nature of "puffs" for individual Ministers rather than straightforward publicity regarding the activities or achievements of Government. We have scrutinised collections of photographs released by the Centre and by some State Governments and found that the tendency to ignore the fundamental achievement and to spotlight the dignitaries who were present is far too prevalent. In the matter of press releases also, we found that too often the emphasis is on the persons and not on what they have done. We feel that Information Directorates should consciously avoid such a stultifying tendency.

1285. Government periodicals.—In addition to the issue of material for publication in the Press, the Central and State Governments are engaged also in publishing periodicals of their own. The publication of specialist periodicals which serve as ancillaries to the functioning of technical departments would be a legitimate complement to the working of these departments. The justification is not equally apparent in the case of the Information

magazines, but we see no objection to their publication so long as they confine themselves to publicising the activities and achievements of Government and are not utilised for political propaganda. In their case, too, as in the case of press releases we would repeat the advice that the aim should be to provide factual information regarding achievements and objectives and to eschew personal publicity for individuals.

1286. **Foreign agencies operating in this country also bring out periodical publications.** Our view is that as long as such publications do not attempt to disturb India's friendly relations with other countries or to interfere with domestic issues, no harm is likely to follow from their being published in this country.

1287. **Press Advisory Committees.**—In addition to contact with the Press through the medium of Press correspondents and reporters and through their Information Directorate, Government have additional machinery for liaison with the Press in the Press Advisory Committees and Press Consultative Committees in different States. We consider that in a democratic set-up there is no necessity for machinery like the Press Advisory Committees for advising Government on the administration of Press Laws or for Press Consultative Committees to regulate the relationship between the Press and the Government.

1288. **Journalists in Daily Newspapers.**—We have made an examination of the position in respect of employment of journalists in daily newspapers only. The papers covered by our study included all the important papers and represent over 90 per cent of the daily newspaper circulation.

1289. **Disparities in salaries and workload.**—The total number of persons employed in these daily newspapers is slightly above 2,000. Including those engaged by news agencies and others whose principal means of livelihood is journalism, the total number would be in the region of 3,000. The 189 newspapers in Indian languages employed 1,270 working journalists and the 36 English newspapers employed 751 journalists, the average number of journalists employed per paper being 7 and 21 respectively. Individual employees are also paid much more in English papers than in Indian language papers; minimum and average emoluments are both higher in the English papers. The metropolitan papers are providing employment for roughly half the number of those working for Indian language newspapers and about 80 per cent. of those working for English papers, (or 60 per cent. of all journalists), though the number of such metropolitan papers is only 20 per cent. of the total. The average metropolitan paper thus employs six times as many journalists as the average provincial or district paper. Emoluments are also higher in metropolitan papers, both in respect of minimum and average. The average large circulation papers (over 35,000) employ, in the case of Indian languages, four times as many journalists as the smaller ones, and even in the case of English papers three times as many as the smaller ones. Emoluments are higher in the large papers, both in respect of minimum and average.

1290. **Working Hours.**—207 daily newspapers supplied particulars regarding hours of work of their journalists in day shift. About 43 per cent. of the reporting newspapers stated that the journalists employed therein worked between 7 and 8 hours a day, 41 per cent. stated that the journalists worked 18 MofI&B.

between 6 and 7 hours a day, 12 per cent. reported the number of working hours to be between 5 and 6 hours a day and 4 per cent. reported not more than 5 hours a day.

1291. **Working days per week.**—205 daily newspapers furnished information regarding the number of working days per week for the journalists (viz. the news editors, sub-editors and full-time home correspondents) employed by them. All of them, except four, reported journalists' working week as six working days followed by a paid holiday and a full night's rest.

General

1292. **Working journalists.**—We consider that only those whose professed avocation and the principal means of livelihood is journalism should be regarded as working journalists. Whether in any particular case a proof-reader should be regarded as a working journalist, must depend upon the duties assigned to him and the purpose for which he has been employed. Where both editorial and managerial functions are performed by the same person, he should be entitled to be regarded as a working journalist. A person, who would otherwise be a working journalist in the sense described above, should however, be excluded from that category if his office involves responsibilities which are usually attributable to a proprietor. But where the editorial side is controlled by the proprietor himself and there is no other employee under him, he should be regarded as a working journalist in spite of his proprietorial interest.

1293. There is a bewildering variety of designations employed in connection with staff doing different kinds of work in a newspaper office. Some kind of standardization of designations based on duties and responsibilities would be very necessary, if scales of pay have to be prescribed for each category. An inquiry for this purpose would require a detailed and, to some extent, local, investigation. The proposals that we are making for the application of the Industrial Disputes Act to working journalists would provide them with the necessary machinery for the purpose.

1294. The status and role of working journalists have undergone change in many directions. Formerly, most of the Indian Press had only one objective and that was political emancipation of the country. Most of the journalists of that era were actuated by fervent patriotism and a feeling that they had a mission to perform and a message to convey. Political independence having been achieved, the emphasis has shifted, and the newspapers are no longer run as a mission, but have become mainly commercial ventures. The moral and intellectual leadership which used to be associated with journalists of former days is not being maintained at the same level. The calibre of persons attached to this profession has not been of the same high standard as in the past.

1295. The deterioration in the status and role of journalists may have been partly due to a lowering in the standards of their working conditions. The real wages of the working journalists have gone down. To some extent this has been due to the tendency of large concerns who, instead of ploughing back profits into the existing units in the industry, and utilising them to improve the conditions of journalists, have diverted the profits for the purpose of starting new units at different centres.

1296. The most widespread complaint is in the matter of insecurity of tenure. The services of the employee have been terminated either with no notice or with inadequate notice. All this must inevitably lead to demoralisation and lowering of the professional standards among the working journalists.

1297. The work of a journalist demands a high degree of general education and some kind of specialised training. In view of the importance of their work, the profession must be manned by men of high intellectual and moral qualities. Some of the conditions under which the work is to be performed are peculiar to this profession. Journalists have to work at very high pressure and are often required to work late in the night. Journalism has become a highly specialised profession and to handle it adequately, a person must be well-read, must have ability to size up a situation and to arrive quickly at the correct conclusions and have the capacity to stand the stress and strain of the work involved. The quality of work is an essential element in measuring the capacity of journalists. All these circumstances must be borne in mind in framing any scheme for improvement of the conditions of working journalists.

1298. **Recruitment and Training.**—There is no well-defined system of recruitment to the editorial staff of the newspapers. The recruitment is made in a haphazard fashion. Appointments are often made on considerations other than merit. When such appointments are made to the posts on the editorial side, the practice is indefensible as it is bound to lead to a lowering of the standards of journalism.

1299. Improvement therefore is immediately called for in the manner in which recruitment is made. We think that whenever vacancies arise, they should be advertised and selection should be made on the recommendation of the editor, assisted by a small selection committee. A proper register should be kept of all the applicants and of the candidates who have passed the selection test, and all appointments should be made in the order of priority as determined by the Selection Committee. These observations are applicable mainly to large establishments whose annual turnover of the staff is appreciable and not to small district newspapers having only a few members on the staff.

1300. So long as the proprietary form of ownership exists, the appointments will have to be sanctioned by the proprietor. But in practice the conduct of the newspaper on its editorial side should be left to the editor. The proprietor, having selected his editor, should give him the fullest autonomy to select candidates for appointment on the editorial side. There should be a team spirit and this can be secured only if the editor has working under him persons who enjoy his confidence and who in turn have faith in his leadership and guidance. The proprietor should invariably make appointments and issue letters of appointment only on the recommendation of the editor, assisted, wherever possible, by a Committee or a Staff Council. We think it would be most undesirable that the proprietor should make appointments on the editorial side without the concurrence of the editor. The same principle should apply to the appointments made on the managerial side. The senior members of the staff should, as far as possible, be appointed from the existing members of the staff in consultation with the heads of the managerial and the editorial sections as the case may be, although exceptions may be made in the case of persons of outstanding merit.

1301. Although there is plenty of human material available to supply the needs of the journalistic profession, it has to be educated and trained along proper lines. At present, the educational standard and intellectual equipment of some of the journalists who have entered the profession has been woefully unsatisfactory.

1302. General improvement can be brought about only if higher educational standards are maintained in schools and colleges. It should be possible for our school and University authorities to have a course in world affairs, essay-writing and precis-writing not merely as a special qualification for those who want to enter journalism, but as an integral part of a sound and liberal education.

1303. **Qualification for a Journalistic Career.**—A degree with a good grounding in humanities would be a satisfactory minimum qualification. But the qualification need not be confined to an academic degree, but should take into account also the psychological equipment of the candidate, his general aptitude for practising the profession of journalism, his flair for writing and his nose for news. It is too early at present to insist that the new entrants to journalism should be persons who have obtained a journalistic qualification either by way of a degree or a diploma. But other things being equal, persons having a journalistic qualification should have preferential claim in the matter of employment. The correspondents on the staff of newspapers should not only be proficient in the regional languages, but also in the language of the paper on which they serve and in the language in which the news is transmitted by teleprinter or by telegraphy.

1304. **University Courses in Journalism.**—On the whole it seems to us that the list of subjects laid down for study in most of the Universities is generally satisfactory but the time allotted for the study of these subjects is quite insufficient. We think that the diploma or the degree course should preferably be a post-graduate course. The experience at the Mysore University where a provision is made for the study of journalism as part of the degree course in Arts is not encouraging. There is no objection to such a course being maintained as part of a liberal University education. But such a course would be altogether inadequate for those who want to take up journalism as a career. If it is a post-graduate course, then it may be of two-years duration. But the modern tendency of University education is to start specialisation after reaching the intermediate standard. If this is extended to a specialised degree or a diploma in journalism then the course should be of three and not two years. Of these three years, the first year should be devoted to the study of general subjects such as History, Sociology, Economics and Politics. The actual instruction in journalism should be given in the second and third years. The curriculum should also include a study of the management of newspapers and the technique of their production including instruction in printing and typography, press photography, radio journalism etc. It is understood that Universities will shortly be required to prescribe one year's general training as a part of the intermediate course or as a preliminary to admission to the degree course in Arts and Science. Until such a preliminary course is initiated, it may be necessary to have a year's course in general subjects referred to above, followed by a test to ascertain the special aptitude of the students for journalism before permitting the students to proceed to

specialised study of journalism in the second and third years. This theoretical training would be good as far as it goes, but it needs to be supplemented by practical training in journalistic work in the newspaper offices. It would be desirable for the University authorities to have periodical reports of the practical work done by the students in newspaper offices. The Universities should also start a campus paper as is done in the American Universities and to run the paper for such periods of the year as may be found practicable. Alternatively, some satisfactory arrangements should be made with other newspapers in the locality for ensuring that the students derive a real benefit. Organisations of newspapermen should be able to advise the Press Council on the possibility of setting up an Institute of Journalism which can keep a watch on the methods of training in the University and also conduct refresher courses. Such an Institute can also carry out research into the problems of the profession and if necessary conduct institutions of its own for training in journalism.

1305. There are reasonable prospects for those who obtain a degree or a diploma in journalism to obtain employment in different walks of life, such as the newspaper industry itself, Information Offices of the Central and State Governments, News Division of All India Radio and Information and Publicity Offices in industry and commerce. The news agencies also afford an avenue of employment for graduates in journalism. We estimate that the output of such trained graduates should not normally exceed about 300 a year during the course of the next ten years, if we are to avoid the risk of unemployment and the consequent hardship to these graduates.

1306. **Apprenticeship and Maintenance of Efficiency.**—There is no regular system of recruiting apprentices and of training them. The practice which exists in some papers of entertaining apprentices purely or mainly with a view of effecting savings in wages is wrong in principle. It is on the whole undesirable to recruit apprentices unless there is a reasonable chance of their being absorbed on the staff of the paper at the end of a specified period of satisfactory training. The period of training must depend upon the training and the journalistic background of the apprentice concerned. But in no case should the period of apprenticeship exceed two years, nor should free service be taken from these apprentices as a measure of economy. Apprentices with a diploma or a degree in journalism should be paid two-third of the basic minimum salary of a sub-editor and those who are not so qualified should get half the basic minimum salary of a sub-editor during the period of apprenticeship.

1307. **Refresher Courses.**—The Institute of Journalism would be the proper authority for conducting refresher courses for those who are already engaged in the profession.

1308. **Facilities for travel.**—In order to enable journalists to perform their duties efficiently, the newspapers should, by turn, give facilities to the members of their staff to pay visits to different parts of the country and to obtain first-hand knowledge of local conditions. Wherever practicable, the bigger papers should send members of their staff to foreign countries and there should, if possible, be a constant exchange between the members of the staff serving in India and those serving as foreign correspondents in different countries. Such exchange will be beneficial to both categories of employees.

Conditions of Service

1309. **Letter of Appointment or Contract.**—As a general rule the employees in the newspapers are not given any contract of employment and in a large majority of cases not even a letter of appointment. We think it is advisable that the employee should receive either a letter of appointment or a contract as the employee may prefer. It should contain a clause stipulating that the appointee should abide by the code of ethics prescribed for the profession. The draft form should specify the period of notice for the termination of services. We suggest the following minimum periods of notice for the termination of services:

Editors		Joint Editors, Asst. Editors, Leader Writers, News Editors & Chief Sub-editors		Other Working Journalists	
Service	Notice	Service	Notice	Service	Notice
Less than 3 years	* 3 months	Less than 3 years	* 2 months	Less than 2 years	* 1 month
Over 3 years	6 months	3 to 5 years	* 3 months	2 to 5 years	* 2 months
		Over 5 years	* 4 months	5 to 10 years	* 3 months
				Over 10 years	* 4 months

N. B.—*Unless his service in any other capacity in the same paper entitles him to longer notice.

The draft form of contract or the letter of appointment should mention the age of superannuation when the working journalists would be bound to retire.

1310. **Punishments to be imposed.**—The authority competent to impose punishment should normally be the authority empowered to make appointments, acting on the advice of the editor on the editorial side and of the manager on the managerial side. The employee concerned should be given a charge-sheet and afforded reasonable opportunity to defend himself. The punishment which would be imposed upon the employee of a newspaper for proved inefficiency or gross negligence should be of the following types arranged in the ascending order of gravity:—

- (1) Warning;
- (2) censure;
- (3) withholding of increment;
- (4) withholding of promotion;
- (5) forced leave;
- (6) suspension; and
- (7) termination of services.

In many cases services have been dispensed with without sufficient cause and sometimes with inadequate or no notice.

1311. To some extent a change in the proprietorship would make it inevitable that there would be changes at least among the holders of the

senior posts of the editorial staff. But certain cases have been brought to our notice where a change in the proprietorship and administration has led to a change not only in the editorship but also among the junior members of the editorial staff.

Minimum Wage and Dearness Allowance

1312. **Unsatisfactory emoluments.**—Save in the case of some of the bigger newspapers, the emoluments received by working journalists are, on the whole, unsatisfactory; the starting salary is low; increments have often been given to a chosen few; salaries have not been paid regularly and have sometimes remained in arrears for three or four months. Owing to the insufficient number of working journalists employed by newspapers, their workload has increased. Sometimes some members of the staff have to perform the duties of a higher post, but continue to receive the salary of a lower post. There is ground for believing that there has been an arbitrary exercise of power by the proprietor in this matter.

1313. It has not been possible for the Commission to undertake a detailed investigation for fixing scales of pay for different categories of employees. It was not possible for the Commission to undertake standardisation of designations or to fix scale of pay or other conditions of service. We agree in principle that there should be uniformity, as far as possible, in the conditions of service in respect of working journalists serving in the same area or locality. But this can be achieved only by a settlement or an adjudication to which the employers and the employees are collectively parties.

1314. Dearness allowance has not always been paid, although there has been a considerable rise in the cost of living. As in the case of standardisation of designations and fixation of scales of pay, we must leave the matter of dearness allowance also for mutual negotiations between the employers and the employees and provide for a suitable machinery for settlement of disputes either by mutual agreement or, if that cannot be brought about, by adjudication.

1315. **Minimum wage.**—A journalist occupies a responsible position in life and has powers which he can wield for good or evil. His wages and conditions of service should therefore be such as to attract talent. He has to keep abreast of the developments in different fields of human activity. This involves constant study, contact with personalities and a general acquaintance with world problems. It is therefore essential that there should be a certain minimum wage paid to a journalist. If a newspaper cannot afford to pay a minimum wage to the employee which will enable him to live decently and with dignity, the newspaper has no business to exist. We think that there should not be, as a result of the prescription of a minimum wage any large-scale unemployment.

1316. The Minimum Wages Act was intended to apply to what are called sweated industries or to industries wherein the labour is not properly organised. Working journalists cannot be regarded as coming within the category of sweated labour, and with the formation of trade unions and associations all over India and with the coming into being of Federations of Journalists, it cannot be said that the working journalists are not properly organised. It would therefore not be desirable to bring them within the purview of the Minimum Wages Act.

1317. Classification of Areas.—In order to express any view as to what would constitute a reasonable minimum wage for working journalists all over India, it is obvious that we have to take into account the differential cost of living in different parts of India. The latest scientific study in respect of lower middle class with regard to conditions all over India is to be found in the Award given by the All India Industrial Tribunal (Bank Disputes) in March 1953. We think that the classification adopted by the Tribunal is, on the whole, fair. But we would slightly modify that classification in the following manner so far as journalists are concerned:—

Class III.—Area consisting of all places with a population of less than one lakh according to Census Report of 1951;

Class II.—Area consisting of all places with a population of more than one lakh but less than 7 lakhs;

Class IB.—Area consisting of towns with a population of over 7 lakhs other than the towns falling in Class IA area. This would include cities of Ahmedabad, Bangalore, Hyderabad and Kanpur;

Class IA.—Area consisting of metropolitan cities of Bombay, Calcutta, Delhi and Madras.

1318. Concept of Minimum Wage.—A minimum wage must provide not merely for the bare subsistence of living but for the efficiency of the worker. For this purpose, it must also provide for some measure of education, medical requirements and amenities.

1319. The minimum wage that we recommend is as follows:—

Area	Basic Wage Rs.	Dearness or High Cost of Living All- owance Rs.	City Allow- ance or Me- tropolitan Rs.	Total Rs.
<i>Class III</i> Population less than one lakh	125	25	..	150
<i>Class II</i> Population over one lakh but less than 7 lakhs	125	50	..	175
<i>Class IB</i> City areas having a population of over 7 lakhs which would include the towns of Ahmed- abad, Bangalore, Hyder- abad & Kanpur.	125	50	25	200
<i>Class IA</i> Metropolitan areas: Bom- bay, Calcutta, Delhi, Madras.	125	50	50	225

If there is a substantial rise in the cost of living, the dearness allowance should be increased to the appropriate extent. Mr. Jaipal Singh, Mr. T. N. Singh and Mr. Chalpathi Rau would accede to the Federation's demand based on the Federation's classification of areas which keeps a larger number of towns within the minimum range of Rs. 150 and brings a larger number of towns with a population of more than two lakhs within the minimum range of Rs. 200. We have not been able to prepare a similar schedule for the

managerial side of the newspaper establishment. But the statistics received by us do show that the emoluments in many cases are unsatisfactory. Perhaps the basic pay suggested by the Bank Award might prove a useful guide for the purpose.

1320. Qualifications for being entitled to minimum wage.—These minima should be applicable to all working journalists, whether graduates or holders of equivalent qualification, including University diploma in journalism or to those who have put in five years' service (including the period of apprenticeship) in one or more newspapers. Mr. Chalapathi Rau would, however, make no distinction between graduates and University diploma-holders on the one hand, and journalists not so qualified, on the other, in respect of employees who are already engaged in journalism at present.

1321. To whom these recommendations should be applied.—These recommendations should be applied to the employees of daily, bi-weekly and tri-weekly newspapers as also to the employees of news agencies in the first instance. They may be extended by Government to cover other categories of periodical publications run on commercial lines. It is not intended that periodicals for the advancement of cultural, political, social or similar objectives or those conducted by the co-operative effort of a number of individuals should be handicapped or that difficulties should be placed in the way of those endeavouring to start periodicals at district centres. We feel that our other recommendations, if implemented, should enable smaller units of newspapers, especially the language papers, to meet the expenditure involved in paying the minimum wages that we have suggested. There should be no disparity in respect of the minimum wage between the employees of English newspapers and those in the Indian language papers.

1322. Reporters and Correspondents.—We see no reason why the reporters and staff correspondents should be treated in any way differently from the regular members of the staff. These employees should be fully indemnified by the newspapers in respect of their out-of-pocket expenses in the shape of transport, postage, telephone and telegraph charges etc.

1323. In respect of part-time correspondents, it is not possible to prescribe what the retainer fee should be. It depends upon the capacity and the status of the paper and also upon the nature and the difficulties involved at the stations where mofussil correspondents are posted. Nor is it possible to prescribe what the rate on the lineage basis should be. It is a matter for mutual adjustments. There is some evidence that although the material supplied by the mofussil correspondents has not been paid for, on the ground that it has not been printed, it is in fact used by the paper as background material. Irrespective of the use that may be made of the material, the mofussil correspondents should be paid their out-of-pocket expenses. There have been cases where the material supplied by mofussil correspondents, though not printed in the paper in whose employ they are, is often used by other papers of the same group. In such cases, it is only fair that some remuneration should be paid to the mofussil correspondents. Where information is particularly asked for and supplied, it should be paid for, irrespective of how much of it is actually used by the paper. Where a mofussil correspondent is employed originally for one paper, and then the proprietor starts another paper in the same group, it is only fair that the basis of his remuneration should be refixed.

1324. There are cases where the correspondents devote their full time to journalism, but serve not only one paper, but several papers under different

proprietors. It is generally undesirable that the same individual should act as a mofussil correspondent for two or more such newspapers. In any event, the fact that a correspondent is serving two or more newspapers simultaneously should be made known to all the papers concerned. In these cases the contract of employment should include a provision that provident fund and gratuity benefits would be available to such correspondents from the different newspapers on the basis of monthly remuneration paid to them.

1325. We are not in favour of the practice which prevails in some places of relating the rate of payment to the number of copies sold in the area assigned to a mofussil correspondent. While there is no harm in a mofussil correspondent acting as a sales agent in small places where there is not enough work in either capacity, the two functions should not, as far as possible, be entrusted to the same person.

1326. Although in our opinion it is generally undesirable to employ non-Indians in managerial or editorial posts, there should, we think, be no legal or administrative bar against their employment. In any case, for appointment to posts of technical character or for recruitment to posts for which no suitable Indian candidates are available, there is no objection to the appointment of non-nationals. As a general rule, it is desirable to appoint only Indians as foreign correspondents of Indian newspapers. There are non-nationals of high qualifications and special experience both of India and of the countries in which they reside whose continued association will be of great assistance to Indian newspapers.

1327. **Remuneration and other facilities to foreign correspondents.**—Full-time foreign correspondents of Indian newspapers should receive a definite remuneration regularly paid and they should be given facilities to visit India at least once in three years. They should have the same provident fund and gratuity benefits as are applicable to those serving in India. Unless a newspaper is in a position to make adequate payments to its foreign correspondents so as to enable them to maintain themselves properly, it is not desirable to make any such appointments. As a general rule, it is desirable that foreign correspondents should not perform the duties of a business representative of the paper, although this may be inevitable in a few cases.

1328. **Indians in Foreign Information Services.**—Government should have full information regarding Indians employed in Foreign Information Services. They should get the same amenities and privileges which employees get in other newspaper offices. This question is, however, academic, for the Indian employees of Foreign Information Services on the whole get comparatively higher wages and more amenities.

1329. **Freelance Journalists.**—Many freelance journalists find that the material supplied by them is used by the newspapers in the same or in a modified form without any payment being made to them. This is undesirable. We consider that freelance journalists should, when sending their contributions, indicate whether they want to be paid if the material is printed and if so, at what rate. That should be the basis of the agreement if the material is in fact printed.

1330. **Bonus.**—The practice with regard to the payment of bonus has not been uniform. Bonus cannot be regarded as an *ex-gratia* payment. Where the industry has capacity to pay and has been so stabilised that its capacity to pay may be counted upon continuously, payment of a living wage is desirable. But where the industry has not that capacity or its capacity varies or is expected to vary from year to year so that the industry cannot afford to pay

living wages, bonus must be looked upon as a temporary satisfaction, wholly or in part, of the needs of the employee. Our suggestion is that the gross profits of a unit should be ascertained in a normal way by deducting the expenditure from the income. A provision should then be made for payment of taxes, for depreciation at the rate allowable under the Income Tax Act and for a return at the rate of $\frac{1}{2}$ per cent. more than the bank rate or 4 per cent., whichever is higher, on the invested capital. The balance should be regarded as clear profit. This should be divided into three parts. One-third should be available for payment of bonus, either immediately or if the amount is not large enough for making such payment, contingently, thus narrowing the gap between the existing unsatisfactory wage and the living wage; one-third should be reserved for ploughing back into the industry and for making a provision for meeting future losses; the remaining one-third should be available to the unit for distribution to the shareholders. This scheme is not altogether novel. Some variation of it appears in the Electricity (Supply) Act of 1948. Following the scheme of that Act, we reserve one-third of the net profits for ploughing back into the industry. We reserve another one-third for the benefit of the undertaking which in practice means distribution to shareholders, and the remaining one-third is not reserved for readers of the newspapers as the Electricity (Supply) Act does for future rebate to the consumers of electricity. We earmark it for the benefit of the employees.

1331. Hours of Work.—We think that for day shifts the hours of work should be 42 in a six-day week, i.e., seven hours a day, including the recess period of one hour. This means six hours of effective work. For night shifts there should be 36 hours in a six-day week, i.e., six hours per day with a recess of half an hour, which means $5\frac{1}{2}$ hours of effective work. There need be no special night shift allowance. Where any of the hours of work of the shift fall between the hours of 10 P.M. and 5 A.M., the shift should be regarded as night shift. No person should be employed on the night shift continuously for more than one week at a time or for more than one week in any period of 14 days.

1332. The main body of reporters should work between 2 P.M. and 10 P.M. although some reporters will have to be engaged for news that may break at other times of the day.

1333. Weekly rest and holidays.—It is the normal practice in newspapers to give a weekly period of rest to the editorial staff, consisting usually of a complete day and night.

1334. With regard to 7-day newspapers, two objections have been raised. Firstly, all the staff cannot have a common day of rest along with employees in other walks of life. Secondly, it is urged that Sunday newspapers provide a magazine section which robs the weeklies of their legitimate readership. The two objections do not permit of a common solution. We recommend that professional bodies should be consulted and if they are of the opinion, after balancing the advantages and drawbacks of six-day newspapers, that Sunday should be declared as a compulsory day of rest for them, a provision should be included in the enactment for the industry that we are recommending elsewhere.

1335. Holidays.—The total number of holidays for newspapers should not exceed 10 in number. How they should be distributed will depend upon the region in which the newspaper is published, the character of the newspaper and the composition of the journalists employed in that paper. Where a member of the staff is required to attend on a holiday, he should be given a compensatory holiday on some other day chosen by him.

1336. **Leave.**—There have been no serious cases brought to our notice of hardship caused by the non-observance of the existing rules. All newspapers should draw up a set of leave rules applicable to their staff both on the editorial and managerial sides and give a copy thereof to each employee at the time of his first appointment.

1337. There has been little informity among newspapers with regard to the quantum of leave permissible to the employees. We are of the view that journalists should have casual leave for 15 days in a year and earned leave for one month for every 11 months of service. In addition, they should be given sick leave at the rate of 20 days per every year of completed service on half salary with option to the employee to convert it into half the period on full salary. Sick leave should be admissible only on medical certificate, and the employee should return to duty only on production of a certificate of fitness. Special leave rules for lingering illness should be on the lines of those applicable to Government servants. Both the earned leave and the sick leave may be permitted to be accumulated to a maximum period of three months. Leave should be granted to the employees by rotation determined by ballot. When an employee voluntarily relinquishes his post, he should be compensated in respect of the leave earned, but not availed of. At the time of retirement the employee should get cash compensation for leave not availed of to the full extent of accumulation. The leave rules should be uniform for employees both on the editorial and managerial sides of a newspaper.

1338. **Amenities and facilities.**—In some of the bigger newspapers in the four metropolitan cities adequate provision is made for some amenities and aids to efficiency. We consider that the following amenities are essential:—

- (1) Libraries with Research and Reference Sections;
- (2) Provision for supply of drinking water and, if possible, cooling arrangements in hot weather;
- (3) Day and night rest-rooms;
- (4) Transport during unusual hours and in emergencies at least by the bigger newspapers;
- (5) Insurance to cover hazardous assignments.

If canteens and tiffin-rooms are provided, they should be run on a co-operative basis wherever possible.

1339. **Promotions.**—There are no regular rules for making promotions to senior posts. There have been cases where direct appointments of outsiders have been made, overlooking the claims of the holders of junior posts. Sometimes the promotions have not gone by merit and other considerations have often weighed with the authorities concerned. We think that promotions should be made by the appointing authority on the advice of the editor or the manager as the case may be. The principle which we have suggested for adoption in the case of recruitment should, apply to promotions. We prefer the system of the payment of a special merit bonus to the giving of special increments as a recognition of exceptional merit.

1340. **Retirement benefits.**—We agree with the view that Provident Fund-*cum*-Gratuity is the best way for providing for retirement benefit and is preferable to a provision for pension. The employee should contribute 8 1/3rd per cent. of his emoluments in the shape of compulsory contribution and the employer's contribution should be of an equivalent amount. The Employees' Provident Funds Act (XIX of 1952) should be made applicable to such a

provident fund. We also recommend that the employee's contribution should be utilised for the purpose of effecting an insurance on the life of the employee. The contribution of the employer and the employee should be accumulated for a period of three years. At the end of three years, the accumulation to his credit would amount to six months' wages. This amount should be utilised for purchasing a single premium policy which would ensure some provision for his family in the case of a sudden death of the employee. If the death occurs within a period of three years, then such amount as may stand to the credit of the employee should be payable to his family.

134. **Gratuity.**—We think that on the termination of the service by retirement or for other reasons, gratuity should be paid on the basis of 15 days' pay for every year of service or part thereof in excess of six months calculated on the average emoluments during the last year of service. Gratuity should be payable in all cases except where the termination of service is due to misconduct. In case of death or premature retirement for reasons other than misconduct, whatever the employee is entitled to should be paid to him or his legal representatives.

1342. A provision should be made annually in every balance-sheet for gratuity and other purposes and it should form part of the legitimate expenses of the concern.

1343. **Trade Unions.**—The Federation of Working Journalists are strong protagonists of the view that working journalists should organise themselves as a trade union. The Southern India Journalists Federation strongly feel that journalism is a high and noble calling and would degrade itself if it descended to the level of other industries in which the labour is usually organised on trade union lines. They think that journalism is a creative art and journalists should organise themselves as other learned professions like law and medicine by setting up autonomous professional bodies charged with the duty of maintaining high standards of the profession. We appreciate this point of view but we see no valid ground in it for opposing trade unionism. The whole outlook of journalists towards the profession has altered since the attainment of Independence. Newspapers are now run as commercial ventures and proprietors are not slow to exploit the situation in order to increase their circulation, quite oblivious of journalistic ethics. It cannot, therefore, be said that journalism has retained its pristine glory. Unlike other learned professions journalism is essentially a calling in which people have to work for employers and earn wages. In order to bring about a betterment in the existing conditions of working journalists it may be necessary that they should organise themselves as trade unions under the Indian Trade Union Act of 1926 and we see no reason why such organisations should interfere with journalistic efficiency. Though the working journalists organise themselves on trade union lines they should keep themselves aloof from any political bodies or movements in the country. In view of the number of people who sincerely believe in keeping out of trade unionism on the score of the special characteristics of their profession, any attempt at a "closed shop" should be opposed. Although we ourselves look with favour on journalists organising themselves as a trade union, we do not see why the two kinds of organisations should not exist side by side.

1344. **Settlement of Disputes.**—There have been few disputes which have come up for settlement under the Industrial Disputes Act in which working journalists have been involved. The question whether the working journalists are governed by the Factories Act, the Payment of Wages Act and the

Industrial Disputes Act has given rise to various decisions of Courts and Tribunals. Until the matter is finally settled by the highest authority, it cannot be said with certainty that journalists working on the editorial side of the paper could be regarded as being governed by the Factories Act or by the Payment of Wages Act for the reason: (1) that the places where they worked were 'within the precincts' of the premises where manufacturing processes were carried on, (which is a question of fact in each case), (2) that the working of the teleprinter machines constituted a manufacturing process, and (3) that the manner in which the editorial side dealt with raw material, namely, crude news on the teleprinter machines and the reports of the correspondents, itself constituted a manufacturing process.

1345. The question whether the Industrial Disputes Act of 1947 applied to working journalists or not has given rise to some controversy. The latest decisions indicate that working journalists do not come within the definition of 'workman' as it stands at present in the Industrial Disputes Act. Nor can a question with regard to them be raised by some others who are admittedly governed by the Act.

1346. The Ministry of Labour have supplied the Commission with a note which gives an outline of the new Industrial Relations Bill which they intend to bring before the Parliament very shortly. It follows the general lines of the Labour Relations Bill which was introduced in the budget session of Parliament in 1950 and was also reported on by the Select Committee towards the end of 1950. That Bill, however, lapsed on the dissolution of the Provisional Parliament. We have carefully considered the provisions of the proposed Bill and we are of the view that the scheme embodied in the proposed legislation is an admirable one and should provide a suitable machinery for resolving of disputes between the employers and the employees in the newspaper industry. We, therefore, recommend that the definition of the word 'employee' in the proposed legislation should be wide enough to include within its purview the working journalists as well as employees on the managerial side, or a provision may be inserted in the proposed Newspapers and Periodicals Act making the new industrial relations legislation applicable to newspapers employees.

1347. We have, however, one or two suggestions to make particularly in the applicability of the legislation to working journalists. Although the Ministry of Labour is unwilling to extend the sphere of Central Government responsibility, we think that the newspaper industry is one which should come within the administrative control of the Central Government. We also suggest that some of the Conciliation Officers should be persons having journalistic experience.

1348. Under the scheme envisaged by us, the Press Council will be the body which will determine the lapse, if any, on the part of journalists from professional standards. That body would also administer the code of ethics. Having entrusted the professional side of the newspaper industry to the care of the Press Council, we think that the economic side of the newspaper in so far as it affects the conditions of working journalists, should be regulated by the procedure envisaged under the proposed legislation. It is conceivable that in some cases an industrial dispute may also have involved pronouncement by the Press Council on the propriety or otherwise of professional conduct. Any expression of opinion by the Press Council is not likely to embarrass the Industrial Court which will consist of persons with high judicial experience. On the contrary, an expression of opinion by a body of the type

of the Press Council presided over by a High Court Judge on a point of professional ethics is bound to be treated with respect by the Tribunal and we do not see that normally any case will arise where the Industrial Court may find itself embarrassed by the expression of opinion by the Press Council.

1349. We suggest that the proposed legislation for the regulation of newspaper industry should embody our recommendations with regard to: (1) notice period; (2) bonus; (3) minimum wages; (4) Sunday rest, if agreed upon; (5) leave; and (6) provident fund and gratuity. Matters regarding classification of employees, hours of work, shift working, suspension or dismissal for misconduct, etc. would be dealt with under Standing Orders when the new legislation comes into force.

1350. Our recommendations with regard to working journalists employed in newspapers should apply *mutatis mutandis* to the employees of news agencies also.

1351. **Associations of newspapermen.**—The All-India Newspaper Editors' Conference, Indian & Eastern Newspapers Society and Indian Languages Newspapers' Association are the organisations of the newspapers. The AINEC is primarily concerned with the editorial side of the newspapers while the other two are concerned with the business aspects of the newspaper industry. In all three organisations, the members are the newspapers themselves and not individuals. Many of the members are common to the two organisations, AINEC and IENS. The Indian Federation of Working Journalists and the Southern India Journalists' Federation are the organisations of the employees. There is no separate organisation of the editors of newspapers as such. The AINEC is essentially an organisation of the newspapers though they are generally represented by their editors. Editors are also members of the two associations of employees—IFWJ and SIJF.

1352. **Variations in content of newspapers.**—Daily newspapers in this country display considerable variety in size, but the majority of them are printed in what has come to be the standard size in India, i.e. demy size. We have examined the contents of issues selected at random from a number of papers, in English and Indian languages, large and small, in order to bring out a general picture of the contents. The number of pages in each issue showed considerable variance. Further, differences in the quantum of material placed before the readers are caused by the size of type used and by the amount of spacing allowed between lines. In the case of English papers of standard size, the pages are divided into 8 columns and the average number of lines per column ranges from 130 to 200. In respect of total editorial space, the variation from one paper to another ranges from 450 column-inches in the case of some Indian language papers to 1,500 column-inches in the case of the largest English papers. While in the amount of total editorial space the maximum range did not exceed $3\frac{1}{2}$ to 1 between the smallest paper and the largest paper, the variation in the case of advertisements was about 25 to 1.

1353. **Balance of news coverage.**—Not all the papers we examined exhibit a proper balance in news coverage. Among those published in English, only two papers provided a coverage of State news comparable to their coverage of national and international news. In the case of three other papers of large circulation which are published as multiple editions,

we should ascribe the poor coverage of State news to the fact of such multiple publication. The Indian language papers show some well-defined characteristics. The first of these is the reduction in space allotted to international news as compared to English papers. The second is the increased importance generally given to State news as compared to national news. We are of the opinion that this correct balance has to be preserved in all newspapers. At present the selection of news items is not done with any imagination nor is sufficient effort devoted to collecting news of the type which would really interest the reader. Moreover, the news agencies and the newspapers have not shown ability to present items of local interest in an attractive fashion. The contents of the news columns appear to have been dictated to a considerable extent by the nature of the service provided by news agencies; it has also determined the proportion in each case, of news about different subjects, such as politics, economics, science, art or industry.

1354. Place of international news.—In deciding whether coverage of international news is excessive, we have to keep in mind two modern developments. Firstly the political and economic policies of each country have a deep effect on the daily life of citizens of other countries, in a manner not dreamt of two or three decades ago. Secondly, foreign policies are no longer the close preserve of career diplomats conducting their negotiations behind doors, but have to be explained, discussed and criticised where necessary in public. To enable every citizen to understand current world affairs and to form intelligent conclusions, it is necessary that he should be kept continuously informed of all significant events wherever they may occur. Judging however by the quantum of space allotted, it seems to us that there is some need for more careful editing of foreign news in order to ensure that while no news of significance is left out, the torrent of words that flows from the news agency teleprinter is not permitted to sweep away news of happenings in this country.

1355. Editorial comment.—In editorial comment most of the English papers have allotted a substantial proportion of their leading articles to comment on international events; items of national interest take the next place, while in the majority of papers examined, affairs of the State or region take only the third place. In the case of Indian language papers, which circulate generally over a more restricted area, the proportion of space devoted to local affairs was higher (25 per cent. of the total) than in the case of English papers (15 per cent. of the total). It was however noticeable that taking all the papers as a whole, the space devoted to international affairs was very high. Whatever the reasons, we would prefer Indian language newspapers to observe a fairer balance in the selection of subjects for comment instead of following too closely the pattern of the English papers.

1356. Need for continued study.—The value of a study of this nature would be greatly enhanced if it could be extended to a large proportion of the newspapers in this country and could also be extended over longer periods. Owing to certain limitations, we had to confine our study to a few selected papers though an attempt has been made to include papers of various categories. We would suggest that it should be one of the functions of the Press Institute to conduct a continuing study of the contents of the daily newspapers.

1357. **Newspaper ownership, control and motivation.**—The newspaper is essentially a public utility and whatever may be the precise form of ownership, the exercise of ownership rights may have to be subject to some measure of restraint and regulation.

1358. In recent years, there has been a growing tendency for the conversion, into Joint Stock companies, of what had earlier been individually owned or family concerns. There has been also a tendency towards increase of the number of papers under the control of each individual concern. Further there has been considerable increase in the capital and resources commanded by the industry. In the matter of control, it would appear that in the earlier days, a considerable measure of managerial control was left to the editor, while today the tendency is towards transfer of even editorial control to the management.

1359. We have to the conclusion, on the basis of the evidence of people who have been in the profession for decades, that there was formerly a widespread prevalence of the idealistic and missionary spirit while today there is a greater emphasis on the profit motive. There are, however, some papers which have managed to retain their traditions irrespective of changes in the form of ownership. Unfortunately these are not numerous enough to provide a solid core for the future expansion of the Press in this country.

1360. **Effect of control by owner.**—The effect of ownership and the control of the proprietor are apparent not merely in such general aspects as tradition or journalistic standards but in the matter of policy which the paper sets out to serve. We were concerned mainly with the form in which bias on the part of the owners is communicated to the editorial staff, to be reflected in views content of a newspaper.

1361. Instances have been reported to us of the news policy of a paper having been dictated by the proprietors to suit their personal interests. The safeguard in such matters would be for the paper to publish periodically a complete statement of the names of the proprietors and responsible executives on the newspaper so that the public could judge for themselves the extent to which the views expressed in the paper may have to be rejected as being possibly biased.

1362. An obvious form in which the influence of the proprietor is visible in the news columns of a paper is the blatant boost of the activities of the proprietor or of the concerns in which he is interested. Publicity is given in the offending papers not merely to movements and doings but to speeches made and statements issued by the proprietors on subjects on which their personal views could not be of the slightest interest to the public.

1363. While boosting in the news columns may be merely offensive without being harmful to the public, this cannot be said of special write-ups which cover activities connected with the business and industrial interests of the proprietors. Interference with professional standards is most objectionable when it arises from financial and economic interests of the proprietor. We cannot sufficiently condemn such practices wherever they may exist.

1364. **The profit motive.**—The anxiety to earn greater profits can also have a very deleterious effect on the contents of a newspaper. Revenues go up with increasing circulation while the cost per copy goes down. There is the danger that a paper, in order to increase its circulation and

thereby secure greater profits, may adopt sensational, indecent, or scurrilous writing and indulging in unethical practices.

1365. Danger of news being twisted.—The right of the owner to lay down in advance the editorial policy of a paper cannot be taken away but this does not give him the right to dictate what news should be printed or what news should not be; or even the manner of presentation of the news. A definite danger exists of news being twisted to serve the personal interests of the owners. It has come to our notice that some of the persons at present owning or controlling papers have had no previous connection with or training in journalism. There are others who while conducting newspapers are primarily interested in other activities. There are some who are generally reputed to have indulged in anti-social activities. The shortcomings we have noticed are not peculiar to any particular type of ownership. In the final analysis, character and conduct of those responsible, will determine the performance of the Press. Nevertheless, there is no doubt that exercise, by the individual owner, of the right of control does carry with it the very real danger of misuse of the Press for personal or purely commercial purposes.

1366. Diffusion of ownership and control.—It would be ideal if the proprietor of a new paper has no other interests, but since it would not be a practical possibility to insist that anybody who starts a newspaper should divest himself in advance of all other business or property interests and should subsequently also refrain from investing in any business or property, we feel that the remedy lies in diffusion of effective control, or in order to bring this about, diffusion of ownership among a large number of persons so that the chances of any dominant interests among the group of owners could be eliminated or cancelled mutually.

1367. Trust newspapers.—One method of providing diffusion of control without making any change in the ownership of the paper would be to transfer the management to a public Trust. We would welcome in India this trend which the Royal Commission on the Press in the United Kingdom has described as one of the most interesting developments of the last 25 years: the voluntary agreements of owners to limit their own sovereignty in the public interest.

1368. Diffused ownership and effective control.—Turning now to diffusion of ownership, we find that one of the usual consequences of such diffusion in other fields has been the lack of effective control by those who share the ownership. We are, therefore, of the opinion that effective diffusion of ownership of newspaper, with aim of diffusion of control, can be secured best if shares are gradually distributed among the employees who function in the undertaking itself and are in constant touch with all its activities. Diffused ownership in the form of a co-operative society presents difficulties in securing capital and is therefore not likely to provide a way out of the difficulty.

1369. Employees as owners.—We recommend that diffusion be brought about by the gradual distribution of shares to the employees, and to a small extent to the public, both in existing undertakings and in those to be started in future. Such transfer will guard against control of the undertaking passing to strangers, and the employees, sharing in the success which they help to create, would have an interest in securing the continuance of the undertaking which provides them with employment.

1370. An employee should hold a share in the concern only as long as he is in its service. In order to ensure that such holdings are not turned into property that can be accumulated and passed on, it is essential to provide machinery by which the shares could be re-acquired whenever an employee leaves the service of the newspaper either on retirement or for any other reasons and could be transferred to other employees as and when they become entitled to it. We lay great stress on the provisions for controlling transfer of shares since without such a provision the scheme would not succeed.

1371. The form of ownership, that we suggest has not been tried in India and, as a measure of caution, it should be understood that this suggested form of ownership will succeed only where there is a general agreement among the employees of a paper about the policy which the newspaper should pursue. It is necessary for the employees of each paper to realise that the success of any such scheme depends entirely on their unity on matters of policy.

1372. Where the present owners of a newspaper feel that the tradition of the paper and its policy may not be maintained after such devolution of ownership, in spite of the safeguards suggested, it would be open to them to choose one of the forms of Trust ownership and control that we have mentioned earlier. While we have suggested certain forms of trusts for the devolution of control and in the alternative machinery for devolution of ownership the requirements of each paper will have to be judged separately.

1373. **Limitation of profits.**—The danger of a paper indulging in sensationalism or exaggeration, or of adopting an indecent or scurrilous style of writing in order to promote its circulation, or of adopting unethical practices for the dominant purpose of securing profits would not be shut out completely even by the type of diffusion that we have recommended above. We, therefore, recommend that the first return on capital might be limited in the case of every newspaper to a figure of $\frac{1}{2}$ per cent. above the bank rate or 4 per cent. whichever is higher, irrespective of whether that paper has adopted a system of gradual diffusion of ownership among its employees or not. This would ensure that the management, whether appointed by the proprietor or elected by the body of employee-shareholders, would not be motivated primarily by the search for profit.

1374. **Review of how ownership functions.**—We have suggested earlier that each newspaper should publish periodically a statement showing the names of the persons who own it, and of those responsible for its management. This would enable the public to judge the extent to which the opinions of the newspaper can be taken as unbiassed. The Press Council in its annual review of the performance of the Press would pay special attention to the existence of any bias, and spotlight any instance where such bias has arisen from financial interests of the proprietor. In the case of corporate ownership by the employees, the Press Council would draw attention to deviations from the standard of ethics, and censure the journalists who are partly responsible for the ownership and control.

1375. It shall be the responsibility of the Press Council to review at the end of five years all the consequences of newspaper ownership in the light of circumstances then existing, including an examination of the effectiveness of the association of employees with the ownership. The inquiry will also

cover the manner in which the Trust form of management or employee-ownership should be extended to other units of the Press. It will be open to the Press Council, at the conclusion of this inquiry, to make appropriate recommendations, including the setting up of a fact finding inquiry, if they consider it necessary.

1376. **Competition among daily newspapers.**—We carried out an examination of the circulation of daily newspapers in the country in order to ascertain the nature and extent of competition among them and to find out if monopolies exist. We found that there is freedom of choice for the reader.

1377. Every metropolis is served by at least two or three big papers in each of the major languages of the area. The effect of a number of chains, combines and groups operating from different metropolitan centres has been to provide a considerable choice to the readers. These metropolitan papers compete with one another throughout the area they serve. As a result, even in the towns where no papers are published locally, a wide choice is provided.

1378. Generally, in any town where a provincial or district paper of some standing is published, it is able to secure the largest share in the local readership notwithstanding competition from the metropolitan or provincial papers and regardless of disparities in size, production standards and news services. The effect of circulation of the metropolitan papers has, however, been to obviate the local monopoly that such provincial or district papers might otherwise have enjoyed. Outside the towns of publication, both provincial and metropolitan papers compete with one another. Even in the towns where no paper is published, the readers have a wide range of papers to choose from. There are no large scale monopolies in any town or city. In some States like Assam, where only a couple of dailies are published, the present degree of monopoly may be expected to be reduced with the further growth of the Press.

1379. Generally, language papers have stronger hold on local readership than English papers and, as a consequence, in provincial and district centres competition from metropolitan papers is less pronounced in the case of language papers than in the case of English papers.

1380. The development of journalism in each language has been different resulting in wide variations between one language and another, and in some languages such as English, Hindi, and Urdu, newspaper readership is spread out over a very large area while in certain other languages they are concentrated within the confines of the particular linguistic area, which may not be very extensive. In the former case, because of the time factor or of geographical reasons affecting the distribution of newspapers, a much larger number of them would be needed in each language and these would have to be widely distributed over the territory if regional monopolies are to be avoided. In a compact area, even a few papers, each covering the entire territory, would suffice to obviate such regional monopolies.

1381. It was seen that the individual share of the bigger papers was markedly greater where a language is spoken in a compact area, *e.g.*, Bengali and Tamil, than where it is distributed over a large area, *e.g.*, English or Hindi.

1382. **Concentration of ownership.**—Considering the country as a whole, no single paper has a circulation exceeding 4 per cent. of the total. Taking

into account the effect brought about by common ownership of newspapers in different languages we found that—

- (a) one organisation controls more than 8 per cent. but less than 10 per cent. of the total circulation;
- (b) four other organisations individually control more than 4 per cent. each of the circulation;
- (c) all the five mentioned above publish more than one newspaper and operate from more than one centre and in more than one language;
- (d) other multiple newspaper publishers do not command a total circulation larger than individual papers belonging to one or the other of these five, and there are many single unit papers which command a bigger circulation than the total of most multiple newspaper publishers.

1383. **Danger of further concentration.**—We found that out of a total of three hundred and thirty dailies, five owners control twenty-nine papers and 31.2 per cent. of the circulation, while fifteen owners control fifty-four newspapers and 50.1 per cent. of the circulation. There can, therefore, be no denying the fact that there already exists in the Indian newspaper industry a considerable degree of concentration. We feel that there is a danger that this tendency might further develop in the future. We are of the opinion that it would not be desirable in the interest of freedom of choice, that this tendency should be accentuated. It appears to us that a high degree of concentration exists in the case of two newspapers in Bengali, one in Tamil and one in Telugu according to the figures for 1951. In Bengali and Tamil new papers have recently come up and would reduce the degree of concentration. The fact that the shrinkage in the number of newspaper owners is not the product of evil design but is largely attributable to economic and technological influences does not lessen the implications of the trend.

1384. We realise that notwithstanding the measures we have recommended for equalising the conditions under which newspapers compete with one another for the support of the public, circumstances may bring about a situation where one newspaper comes to hold a position of virtual monopoly in a particular area or a given language. The success of the paper may have been well deserved and it might have achieved its position solely on the merit of the service it offers to its readers. It has been urged before us that though a monopoly in such a case may not be objectionable, it would still be undesirable and that the essence of the process of formation of opinion is that the public must have an opportunity of studying various points of view and that the exclusive and continuous advocacy of one point of view through the medium of a newspaper which holds a monopolistic position is not conducive to the formation of healthy opinion. We are of the view that diversity of opinion should be promoted in the interest of free discussion of public affairs. We have indicated what, in our view, might be regarded as constituting monopoly.

1385. We recommend that the Press Registrar should keep a close watch on the circulation of newspapers and if he comes to the conclusion that in a particular area or in a language a monopoly has developed, he should bring it to the attention of the Press Council, who should conduct an investigation into the existence of the monopoly, whether it has acted against public interest, whether undesirable practices have been resorted to to

eliminate competition, and what measures, if any, are necessary to deal with the situation. In our view, an investigation of this character, besides helping the Council to come to definite conclusions on the subject will serve to educate public opinion on the monopoly. If a monopoly is to be discouraged, the public must realise the implications of a monopoly.

1386. The publication of the findings of the Press Council would have the direct effect of breaking the monopoly by drawing public attention to it. Members of the public who realise the danger may change to another paper, and the starting of rival papers would also be stimulated.

1387. **External pressures.**—We have been concerned about the extent to which external influences result in preventing the adequate and accurate presentation of news or the fair and adequate presentation of views which would serve to focus public opinion in the direction of social and general betterment. Various reasons have been attributed to account for this susceptibility of newspapers and periodicals to such external influences. One of these is, of course, the financial weakness of individual newspapers. Another predisposing factor is the organisational weakness of the Press. By this we mean not merely the structural weakness inside each newspaper organisation, but the lack of a coherent body of opinion in the industry backed up by a powerful organisation of the industry itself, which would resist any attempts at influence and would disclose and denounce them. Lack of a reasonably high standard of integrity, whether in the editorial staff or in the news reporting staff, would also lay the newspapers open to a great deal of influence.

1388. **Pressure from advertisers.**—Public suspicion of external influences is the greatest where advertisers are concerned. We are of the opinion that newspapers have not been and it is not likely that they would be forced into changing their editorial policy in the hope of getting advertisements or for fear of losing advertisements. Any attempts at the exercise of such pressure should be reported to the Press Council which we are suggesting, who, after an inquiry, should publish the results of the investigation and, if necessary, recommend the discreditation of the advertising agent found guilty.

1389. **"News" items from advertisers.**—It is the practice of advertisers to issue to newspapers items of "news" having the specific purpose of bringing before the eye of the reader either the name of the advertiser or of his products. The discretion in the matter of publishing these items should rest with the editor and we consider it objectionable in the extreme where such items are sent to the Advertising Manager direct and he, in turn, arranges for their publication. In our view, it is essential that all advertisers and advertising agencies rigidly adhere to the convention that any such material should be sent only to the editor.

1390. **Financial notes.**—In the case of financial columns, criticism of the notes that appear regularly has been more serious. The practice of reviewing as a matter of routine, in the financial notes, the balance-sheets and annual reports of the companies which advertise regularly in the paper or do so at least on the occasion of their annual general meeting, should be extended as a matter of principle even to the firms that do not advertise regularly or even occasionally, and the business public should learn to appreciate and accept the financial notes as an objective presentation of

business events and trends just as the other news columns are of current events.

1391. Notes in "supplements".—The worst instances of the printing of publicity material in the reading-matter columns occur in the case of "supplements" which are brought out from time to time to celebrate anniversaries, occasions, or events, and, in some cases, with not even that justification. The utility of these special columns and of the supplements is vitiated by the large amount of space devoted to puffs, and if there was no other choice we would recommend to the newspapers to drop these features than to run them in an unsatisfactory manner.

1392. Influence of advertisers on news columns.—Many instances have been reported of news items having been suppressed in order not to offend advertisers, or of advertisers having complained about the publication of particular items. As a step towards strengthening the editors' hands, we recommend that all such instances should be reported promptly to the Press Council and a sufficient body of public opinion built up against such practices. It has been stated that newspapers may, of their own accord, follow a certain policy about news and views in order not to offend advertising interests. Here too, we consider that the exercise of supervision by the Press Council and prompt investigation of instances brought to their notice would assist the newspapers in setting right the position into which some of them have slipped, perhaps unconsciously. Another point for consideration was the possibility of news of labour unrest being played down or even shut out where such unrest occurs in concerns which are big advertisers. The growing use made of the legal machinery tends, however, to bring to the public view the details of industrial disputes and we hope the proceedings of such tribunals will manage to secure some of the space at present occupied by reports from the police courts.

1393. Pressure from Government as advertisers.—The manner in which Government advertisements are placed or withheld may influence newspapers and periodicals. The selection of advertising media is made by the Governments themselves and no advice is sought or taken from advertising agencies or professional publicity experts. Further, Governments do not look for, nor are they guided by the plain issue of returns per rupee spent. Moreover, the effect of an unwise or mistaken policy cannot be assessed by those responsible for the selection as they can in the case of commercial advertisements.

1394. Criteria for selection.—Representatives of the Central and State Governments who appeared before us have claimed the right to object to the tone of a paper as well as to two broad aspects of policy: communism and communalism. In the matter of "tone", witnesses have not always been consistent, and many instances quoted by them have left us with the impression that they are perhaps over-sensitive. In the matter of withholding advertisements from papers which have been avowedly Communist in their policies, or rankly communal in their outlook, it has apparently been the view of the State Governments that tending as they do, to encourage violence or disturb public order respectively, proper grounds exist for disqualifying such papers from receiving Government advertisements. While there could be no objection to advertisements being withheld from papers advocating persistently a policy of violence or inciting animosity between different racial or other groups within the country, we are of the

definite opinion that there ought to be no discrimination between papers merely on the ground of their belonging to a communist or communal party. In any case, withdrawal of advertisements cannot be and should not be made a substitute for or alternative to legal action.

1395. Freedom in choice of media.—Advertisements cannot be claimed as a matter of right and Government may withhold advertisement from papers which are obscene, scurrilous or which incite violence or endanger security of State. Absolute freedom to choose their media cannot be conceded to Government, which is a trustee of public funds and therefore bound to utilise them without discrimination, to the best advantage of the public. Governments should place advertisements having due regard to the following consideration: (1) circulation of the paper and the rates charged by that paper; and (2) readership designed to be reached for the purpose of the particular advertisement. Advertisements should not be confined to a single paper but should be distributed to as many suitable papers as satisfy the above criteria either individually or collectively, keeping in mind the language and district papers and the periodicals.

1396. Any other method of placing advertisements would be an unfair use of public funds and would also render the Government open to the charge that the power of placing advertisements is being exercised against papers whose editorial policy is against the Government for the time being, or as a patronage to those papers which support it. Even if, in respect of Government's responsibility for the use of public funds, the legislature, which is its ultimate custodian, takes no objection to such expenditure, the danger involved in the latter is so overwhelming that from the point of view of maintaining independent journalism, we consider that advertisements should be issued by Government only in conformity with the principles enunciated above. We look forward to the adoption of the same principles by private advertisers also.

1397. Employment advertisements should be given to the papers which circulate among the classes expected to be reached, i.e., the people from whom recruitment is sought. We consider that in many cases the rates for employment advertisements are excessive and should be reduced.

1398. Governments and public bodies should not issue as advertisements any material which is sure to be published even if issued as a Press Note.

1399. Government advertisements in chain papers.—In the case of papers which form parts of groups, multiple units and chains, Government should make separate arrangements in respect of each separate unit or language to avoid wasteful expenditure. Governments should assess the rates not with reference to the total circulation of the paper but with reference to the circulation in the area which they intend to reach.

1400. Influence of Foreign Information Services.—With reference to the possible influence of Foreign Information Services operating in this country on the Indian Press, two channels have been mentioned. The first is the practice of distributing a great deal of informative material to the newspapers and to individual members of their staff, and may also take the form of the sale of "source material" and books at very low prices. The other is the "indirect method", and in this connection, accusations have been made ranging all the way from references to parties where alcohol is freely served, to contracts for printing and invitations to trips abroad.

1401. We have gone through a great deal of the material released by foreign Information Services and find that it is mainly intended to promote goodwill and does achieve, to some extent, the purpose in view. There has also been some attempt to influence public opinion in India with respect to foreign countries. In a few stray instances, the foreign Information Services have overstepped their functions by touching on controversial subjects. In such cases, it would obviously be the responsibility of the Government of India to take up the matter with them. We understand that suitable action is taken by Government where necessary.

1402. There is considerable difference in practice between newspapers in acknowledging the source of such material. Even the Information Services do not pursue a uniform policy in the matter. For practical reasons, we have decided against the suggestion that it should be made compulsory for all newspapers to indicate the source of such material when printing it. But we consider it only fair to the public that the source should be indicated.

1403. It would not be proper to make any assessment of the extent of influence exercised by these services from the tons of ink and paper they expend. As long as our Press is run by persons who are ready to utilise every source of information about topics of public interest but refuse to be misled by one-sided statements or special pleading, we see no reason to suggest any interference with the free flow of information.

1404. **Contracts for printing.**—It has been brought to our notice that the considerable sums spent on the printing of such material in India might serve as a source of profit to the organisations thus benefited, and where these happen to be engaged in the publication of newspapers, might act as a source of pressure on the editorial policy of the papers. We understand that the production of such news periodicals has been greatly curtailed in recent months, but we would suggest to the Information Services that if large scale production is undertaken again, the work should be entrusted to presses in which no newspaper is printed.

1405. **Hospitality at parties.**—Several journalists have urged for our serious notice the fact that Embassies and Information Services throw lavish parties at which alcoholic drinks are freely served and which are attended by Indian journalists in large numbers, the implication being that the integrity or objectivity of the journalists would be sapped in consequence. On the other hand, the view has also been expressed that the lack of such lavish hospitality on the part of the Indian Government, both in India and abroad, has resulted in inadequate presentation of the Indian point of view. We shall confine ourselves to expressing the hope that journalists of any nationality, even if willing to accept hospitality when it is offered to them, would not let themselves be tempted thereby to be disloyal to the ideals of their profession.

1406. **Journalists invited to tour.**—Criticism of invitations issued by foreign Governments to journalists in this country to visit their countries is based on the assumption that such hospitality, even if it is not directly a source of pecuniary advantage to the invitee, might still leave him under a sense of obligation, and his objectivity would be affected. Emphasis has also been laid on what we may describe as an unhappy choice in one or two instances. If in all these cases the invitations had been extended through

the various organisations of newspapermen in this country, the practice would not have been open to so much objection. Where use has not been made of the services of existing organisations we would prefer that Government should be consulted before invitations are issued. It follows that whenever the Government of India invites journalists from other countries to visit India as their guests, the visit should be arranged through the organisations of newspapermen in those countries, or where this is not feasible, in consultation with the Governments concerned.

1407. Bias among newspapermen.—An important factor which affects the presentation of news and views in a fair manner in the newspapers is the existence of bias in one or more of the persons associated with its production. An instance that has been stressed in evidence is that the bulk of the persons who own and publish newspapers are persons who believe strongly in the institution of private property and who, in consequence, encourage the publication of views and news which favour the continuance of the present order, while discouraging contrary views and blacking out news from the other side. This is an aspect which has been considered in other countries also, and it is bound up with the fact that the production of a modern newspaper requires a large investment of capital. No satisfactory solution has so far been found to get over this very real difficulty. In the matter of political bias it is probably true that in India, as in other countries, the number of newspapers or their combined circulation, if classified according to political views, would present a different picture from that shown by electoral returns. The system of parties with well-defined and comprehensive programmes is still to develop in this country. We are confident that with such development the alignments of the policies of newspapers would be such as to ensure that each side gets a fair bearing.

1408. Bias in the matter of views presented is, to a certain extent, inevitable, and even to be considered as natural since the newspaper is, to a large extent, the vehicle for the expression of opinion, but such bias should not be permitted to affect prejudicially the presentation of news. Such bias may arise from numerous causes. There is, first of all, the nationality of the reporter. (Our view is that if such bias cannot be avoided, it should not in any case be anti-Indian.) It may arise from the cultural background of the reporters or the editorial staff. A cause that most directly influences reporting is, of course, the environment in which the correspondent or reporter works. In a number of cases there is lack of consistency due to the divergence of bias between the people at the top and those engaged in the other activities of production. The only effective remedy against biased write-ups is adequate and competent editorial control. We hold that the contract of employment should secure to the editor absolute freedom in the fair and objective presentation of news. Such independence would be justified only by its continuous and effective exercise to secure fair and unbiassed presentation of news. We are prepared to accept the contention that junior journalists should not be penalised for the political views that they hold, but we also expect the editor to exercise adequate vigilance to ensure that news is not "slanted", either in reporting or in editing. We have come across a few instances where some sentences had been interposed or unpalatable references omitted in editing. We must say, however, that such instances were rare.

1409. Bias in agency reports.—Indian newspapers depend almost exclusively on the news agencies for the coverage of national and international news, and so there is little evidence of bias in the reporting beyond whatever is brought in by the news agency itself. We expect that because of the economic difficulties of the Press in this country, dependence on news agencies would continue to exist for quite some time to come, and that the shortage of editorial staff on the newspapers themselves would limit the extent of slanting practised there. This makes it all the more necessary that the news agencies which serve the Press should be as free from bias as could be practically ensured.

1410. Decline in status of editor.—There has been a general decline in the status and independence of the editor, and this decline is noticeable particularly in the case of daily newspapers. The gradual extinction of the individuality of the editor can be correlated to the growth in the size of the newspaper and the volume and variety of its contents. While it may not be physically practicable to ask that any editor of a large newspaper should personally supervise all the pages of every edition, we are also not in favour of that scattering of responsibility that we have noticed in certain large papers whereby the editor has no control over more than four columns on the leader page. We consider it essential that if a newspaper is to fulfil its function in society, it should have a certain unity of purpose which could be ensured only by the concentration of ultimate responsibility in one particular person. It is essential that the editor should be able to inspire all members of his team with his journalistic ability as well as his absolute integrity.

1411. The editor in a chain or group.—It has been mentioned that this decline of the status of the editor has nowhere been greater than in the case of certain chain papers. While this statement may be factually correct, we are not convinced that the reduction in status flows inevitably from the fact that the owner controls more than one paper. We have found that in almost every instance we have come across, the editors of individual papers of a group or chain have been allowed considerable latitude in respect of their individual policies, and only when the personal or group interests of the management are directly affected, they are all instructed to conform to a particular opinion. Such cases would come under the category of interference by the proprietor and there is not much to differentiate the editor in a group from the editor of a single unit.

1412. Undivided responsibility of editor.—In our view an editor is one who is charged with, and exercises, the responsibility for editing and supervising the contents of the paper and devotes his attention primarily to the discharge of such responsibility. The status of the editor is inseparable from a high standard of journalistic capacity as well as moral authority. Many Managing Editors do not conform to these standards, and their attention is often devoted to the managerial side of the paper. In the case of larger newspapers, we would recommend the separation of the functions of the manager from those of the editor and the employment of separate individuals. When we refer to the separation of executive responsibility between the editor and the manager, we should also emphasise the necessity for a team spirit to exist between these two sections. Unless the contents of a newspaper are directed primarily by the person who is solely responsible for such contents and for little else, it would be impossible to bring about an improvement in the standard of newspapers. We feel that the editor should devote his time exclusively to his paper though he should not be precluded from taking part in public activities not inconsistent with the avowed policy of

his paper. Where the public activity absorbs a major part of the time of the editor and he is not able to devote enough time to his editorial duties, it would be desirable that he should hand over his editorial functions to someone else.

1413. Enunciation of policy.—We do not deny to the owner or proprietor his basic right to have his point of view expressed through the paper. But when a proprietor chooses his editor, he should also delegate to him a measure of individual authority which would enable him to carry out his policy and to resist any attempt to divert the policy in anti-social directions. We consider it therefore, natural that before he takes up his duties, the editor should be enjoined to follow the general policy of the paper. With a view to stabilise and define the editor's ultimate responsibility in the conduct of a newspaper, we recommend that the appointment of an editor should invariably be attended with the execution of a contract of employment or letter of appointment laying down the general policy of the paper in as precise terms as possible. The contract should also make provision for the determination of editorial policy on such matters as have not been covered specifically by the contract and for the settlement of any differences arising therefrom. In any event, the editor in discharging his responsibility, shall be bound by the generally accepted code of journalistic ethics and practice. If a difference of opinion arises on a question of policy within the general statement of policy embodied in the contract of appointment and such difference is considered by either party to be so vital as to necessitate severance of employment, the liability for damages and the extent thereof, up to the limit specified in the contract, should be determined by some outside authority. We recommend that the Press Council, whose establishment we are suggesting, would be the proper authority to whom the matter should be referred for arbitration on this point.

1414. Security of tenure as editor.—Instances in which changes of policy had been suggested by the proprietors in order that they may benefit by a turn of events have been mentioned to us in several cases. Many instances have also been mentioned to us to illustrate the insecurity of the services of the editor arising from causes other than political differences. We recommend that the period of notice in the case of editors should not be less than three months during the first three years of services and not less than six months thereafter. In addition, he should be entitled to compensation for involuntary unemployment, the measure of such compensation, if any, being determined by an independent authority.

1415. Independence in news presentation.—In the matter of presentation of news, there can be no question of favouring a particular policy or trimming the news to suit that policy. It should be the responsibility of the editor, as a professional man, to decide finally what items of news should go into the paper, and the owner should not be in a position to order a blacking-out of any item of news unless, of course, its publication would offend against the law.

1416. We have made these recommendations as we believe that the future of the Press depends on the independence of the editor. We confidently expect that newspaper editors would, in the new role which we have suggested for them, set an inspiring example of disinterested public service.

1417. Responsibility of the Press.—The Press is a responsible part of a democratic society. It should provide the public with an intelligent narration of the day's events, set in a context which gives them meaning. It must also clarify the values of society and present a clear picture of its goal. The

ultimate goal of Indian society, as clearly defined in the directive principles embodied in the Constitution, is to secure and protect a social order in which justice, social, economic and political, shall inform all the institutions of national life.

1418. Democratic society lives and grows by accepting ideas, by experimenting with them, and where necessary, rejecting them. It is necessary, therefore, that as many as possible of these ideas which its members hold are freely put before the public. We would, however, emphasise that the right of free expression is derived from the responsibility for the common good. Acceptance of that responsibility is the only basis for this right which has been accepted as fundamental. Freedom of the Press does not mean freedom from responsibility for its exercise. Democratic freedom in India, and the freedom of the Press, can have meaning only if this background is properly understood.

1419. Accuracy and fairness.—The need for truthful, objective and comprehensive presentation of news from all corners of the world was never more urgent. In order to ascertain how far the daily Press in this country has been accurate in the presentation of news and fair in the expression of views, we had an examination carried out of the manner in which a number of newspapers had reported certain items and commented thereupon.

1420. In the very large number of newspapers studied and the variety of topics in respect of which the study was carried out, there have been very few instances where a report has been twisted. Even in the few instances where there had been omissions of significant facts in the published reports, there are reasons for extending to the editors the benefit of doubt.

1421. In their comments also on the particular items selected, the newspapers have been quite fair. Though we were surprised at the number of instances where newspapers had failed to comment on one or the other of the subjects that we had selected, we do not feel that we should attribute this to any desire on their part to "sit on the fence" till they knew which way the wind was blowing. On the whole, we might say that we were satisfied generally with the position disclosed by the study.

1422. Our examination of accuracy and fairness had only a limited scope and a restricted objective. It showed that, by and large, the Press of this country is generally fair and accurate. But a survey of this nature cannot indicate whether the Press is doing anything to provide that intelligent picture of current events that we consider very essential. We recommend that the continual review of the content of Indian newspapers and the publication of an annual report on the manner in which they have discharged their responsibilities should be one of the duties of the Press Institute which we are recommending to be set up.

1423. Chain papers.—In the matter of accurate presentation of news and fair comment thereon, the chain papers have behaved as well as the best individual units and they have been free from defamatory or obscene writings and in most cases, of writings liable to create tension between one section of the population and another. At the same time, instances of misleading headlines have been frequent both in individual units and chain papers and we are afraid that this is also one of those characteristics which the smaller papers are trying to copy in order to compete with their bigger rivals. More serious is the absence of a pervading sense of social purpose which is one of the essentials of good journalism. It would seem as if, in

their anxiety to please as large a section as possible of the population, these papers prefer to run behind the crowd instead of giving it a lead. Moreover, it was difficult to judge, even from a perusal of leading articles for six months or more, what exactly was the policy of the paper.

1424. **Selection of news.**—We consider it essential that in making a selection of the day's news the journalist should be alive not only to the news value of an item but also to its significance. When a journalist says that a certain event is "news", he means only that something that has happened will attract the interest of his readers. The criteria are therefore recency in time, proximity, novelty, human interest and also an element of conflict. Sensational news attracts more attention than significant news. As a result, many activities of the utmost social consequence lie hidden from the public eye. We consider it essential that the citizen should be supplied with the information and discussion which he needs for the discharge of his responsibilities to society.

1425. **Comment, popular and unpopular.**—In the matter of comment also, sometimes a paper behaves as if convinced that people seldom want to read or hear what does not please them, and that they seldom want others to read or hear what disagrees with their own convictions or what presents an unfavourable picture of groups to which they belong. We consider it essential that the newspaper should publish facts and comment even though unpopular. From what we have seen and heard, some editors today do not so much consider whether they are in the right or in the wrong but whether they are with the crowd. Crowds have been right but they have also been wrong. We are convinced that there is no significance in the Press being free if it is not at the same time independent. A newspaper should, as far as possible, reflect the opinions of as large a sector of the community as it can, but it should also seek to educate and influence the public.

1426. **Criticism of Government.**—The opinion has been expressed by quite a number of journalists as well as by others that in order to succeed, a paper must be extremely critical of what the Government does. This, they say, is a legacy of the past, when every good nationalist paper would criticise the Government all the time. Whether the public want it or not, the newspapers themselves have apparently come to believe that blind criticism of those in authority will sell their paper much better than a rational policy or critical judgment. The result of this widespread conviction is that even papers which are generally in support of the parties in power feel called upon, when they criticise its actions, to use more violent expressions than the situation calls for. If the newspapers have brought up the public to expect such an attitude on their part, it is now their responsibility, after India has become independent, to re-orient the public and educate them to look for balanced criticism and to value it.

1427. **Yellow Journalism.**—There is no doubt that some of the journals in this country are of the type commonly termed "yellow journalism". We would classify under this category any malicious and wilful publication of reports which are known to be false or are not believed to be true, as well as the building up of a body of falsehood around a core of fact. It would include also the lurid exposure, unrelated to public interest, of the personal lives of the individuals or even unwarranted intrusion into their private lives. Such publications are made, with or without intention to levy blackmail directly or indirectly, and sometimes only to cause pain or humiliation. We

would also include therein indulgence in the obscene or in language suggestive of the obscene, with deliberate intent to debase public taste. There is also the use of abusive language, and writings offending against public decency.

1428. **Yellow journalism of one type or another** is increasing in this country. It is not confined to any particular area or language but is perhaps more discernible in some than in others. It was a matter of grave concern to us to find that while instances of such yellow journalism are to be found everywhere, the majority of the journalists, who appeared before us, had little to say about it except, of course, to condemn it in general terms. Such condemnation too was restricted to a paragraph or two in the memoranda and had not appeared in any of their writings in the Press.

1429. **Undesirable tendencies.**—In order to promote the sales of newspapers and periodicals, publishers and editors adopt many practices, some of which we consider undesirable even if they do not fall within the definition of 'yellow' journalism. The commonest among such measures is the use of sensational headlines. In our survey of newspaper readership we found that a very large proportion of readers appreciate the convenience that headlines afforded. A number of readers have however complained about the fact that in some cases the headlines did not have any relevance to the reports that followed, and served only to mislead. We have also come across instances where news items strongly suspected to be false, if not known to be false, have been published only in order to increase circulation.

1430. **Astrological predictions.**—We would refer in this context to the tendency in certain sections of the Press to publish astrological predictions. We wish to say nothing against astrology as such. We feel, however, that spread of the habit of consultation of and reliance upon astrological predictions particularly of the nature and in the manner they are published at present is certain to produce an unsettling effect on the minds of readers. We would describe the practice of publishing such predictions as undesirable. Sometimes, the predictions extend to political events of grave significance to the future of the country and even to the likelihood of wars or other calamities. They give room for unfounded fears, apprehensions or hopes of the most dangerous character which can have serious consequences on public order and public welfare. In such cases we feel that Government should step in and take action against such publications.

1431. **Cartoon Strips.**—Some witnesses have suggested that the practice of publishing cartoon strips can also be harmful and should be stopped. Not all cartoon strips are objectionable and if any complaint can be made, it is against those serialised stories, generally originating from abroad, but now being prepared in this country also, which are wholly out of tune with our culture and which exploit horror, crime and sex, and which cannot but have a deleterious effect on the minds of young persons. We would condemn the cartoon strip on its contents and not because it is a cartoon strip.

1432. **Attacks on individuals and institutions.**—Another favourite device to promote circulation is to exploit the desire of the public to read something which is likely to bring down in estimation the reputation of well known persons whether they are statesmen, politicians, men in public life or film stars. Instances have come to our notice when financial concerns and other institutions have been subjected to false and malicious attack. Some papers, not dailies, appear to devote their pages exclusively to the publication of such matter. Many of the stories thus published are vaguely worded and while

they throw a lot of mud, the statements made are not always actionable. Occasionally the aggrieved person demands that the paper should apologise, or he might even take it to court. The paper then offers a personal apology or even publishes a retraction. This serves to stop the aggrieved party from getting the paper punished by law but it does not really undo the harm that has already been done. It is only rarely that some one prosecutes such persons for defamation and has the persistence to follow it through until the culprit is punished. Far too often the paper escapes punishment and is permitted to profit by its crime. But to our regret we found that very few of the reputable papers in this country have come out openly to condemn such scurrilous writing. We do not think that by ignoring it the evil would cure itself.

1433. Duties of the responsible Press.—It has been argued that if daily newspapers of standing would come forward to denounce evil and corruption wherever they exist, they would cut away the ground from under the feet of such scurrilous papers. The majority of the newspapers in the country are generally reluctant to publish anything which may be taken for sensationalism, and perhaps they tend to the other extreme of keeping out of their pages any report, however, authenticated, if it is likely to show up in a bad light any one of standing in political, official, or business circles. This tendency has, it is said, placed a premium on those papers which do not hesitate to make scandalous allegations. We have made certain suggestions for a reform of the law regarding defamation which we hope would give a greater measure of protection to those newspapers which endeavour to act in the public interest and expect that as they grow more outspoken, public support to scandal sheets would be withdrawn altogether.

1434. Attacks on communities and groups.—A great deal of the scurrilous writing that is noticeable in the Press is often directed against communities or groups. In this field too, we have not been able to find many instances where the sober and responsible Press have come forward to condemn such writings intended to vilify communities.

1435. Indecency and vulgarity.—Quite a number of the more offensive publications indulge in suggestive, indecent or vulgar writings. A number of publications which deal with the film industry appear to consider such writing an indispensable means of making their journals popular. One common defence of such writings is that the editor wants to reform the industry. We do not believe that if the editor considered reform necessary he should himself offend against morals and decency in order to attack the evils. The law might be in a position to punish obscenity, but it does not follow that what has not been punished is not obscene. Moreover, not all the writings would come within the purview of the law of obscenity even though they might well be considered objectionable. Here too, the associations of editors and journalists have done little to condemn their colleagues either within their organisations or in their writings in the Press.

1436. Personal attacks on public men.—There have been many instances where public men have been attacked on grounds of their personal character. Some of these attacks have had nothing to do with the public responsibilities of the persons but solely with their private conduct. In the majority of cases, these attacks have been made with the sole purpose of bringing down the person in public estimation and have been generally characterised by indecency. Unfortunately, few persons have come forward to chastise the editors by taking them to Court. In many cases this is due to a general reluctance to be a party to legal proceedings, but very often it has been caused

by the fear that proceedings in Court might merely provide an opportunity to the writer or the publisher to sling more mud. We discuss later the limits to which we feel that cross-examination in such cases should be permitted by the Court and we hope that once these limits are realised both by the judges and by the public, there will no longer be the same reluctance to prosecute. But in the case of scurrilous attacks, as in the case of indecent writing, it would seem necessary to provide other remedies to supplement prosecution under the Penal Code.

1437. Established papers have behaved well.—The well-established papers have, on the whole, maintained a high standard of journalism. They have avoided cheap sensationalism and unwarranted intrusion into private lives. They represent a decisive majority of the total circulation in India. Despite their short-comings, we are of the opinion that the country possesses a number of newspapers of which any country may be proud.

1438. Need for a Press Council.—We have discussed earlier, the need for maintaining editorial independence, objectivity of news presentation, and fairness of comment. These aspects should be looked after by a Press Council which will also have the responsibility of fostering the development of the Press protecting it from external pressure. We consider that the regulation of the conduct of the Press in the matter of such objectionable writing as is not legally punishable should also be the responsibility of the Press Council.

1439. Journalists should be made responsible.—We have referred to the fact that journalists have not come out to condemn, in their writings, the existence of yellow journalism of the different types we have mentioned. We have been assured by many that if the responsibility of regulating the profession is left to the journalists themselves, they would not hesitate in enforcing a code of conduct which would enhance the prestige of the profession and ensure that Indian journalism progresses along healthy lines. We have arrived at the conclusion that the best way of maintaining professional standards in journalism would be to bring into existence a body of people principally connected with the industry whose responsibility it would be to arbitrate on doubtful points and to censure any one guilty of infraction of the code.

1440. Council should have statutory powers.—The Royal Commission on the Press in the U. K. recommended the establishment of a Press Council which would include laymen; several members felt that the Commission should be statutory. The Press Council that has come into being is on a voluntary basis. In spite of the consequent weakening of its authority, it has not hesitated to condemn irresponsible behaviour or unjournalistic conduct on the part of newspapers or newspapermen. But the fact that the Press Council in the U.K. is a purely voluntary body has undoubtedly handicapped it in the exercise of its authority over the Press. Its decisions in certain cases have been the subject of violent controversy particularly by those affected. We feel that a voluntary body of this nature might not have the necessary sanction behind its decision nor legal authority to make inquiries.

1441. In order to be effective, a Council of this character should be given statutory protection in respect of its action. Without such protection, each member, as well as the Council as a whole, would be subject to the threat of legal action from those whom it seeks to punish by exposure, and such a threat would effectively prevent the Council from speaking its mind freely. We are definite, therefore, that the Press Council to be established in this country should be brought into existence by statute.

1442. **Recommendations.**—We recommend that an All-India Press Council should be set up by statute with the following objects:—

1. To safeguard the freedom of the Press.
2. To help the Press to maintain its independence.
3. To ensure on the part of the Press the maintenance of high standards of public taste and foster a due sense of both the rights and responsibilities of citizenship.
4. To encourage the growth of the sense of responsibility and public service among all those engaged in the profession of journalism.
5. To keep under review any developments likely to restrict the supply and dissemination of views of public interest and importance, and to keep a watch on the arrangements made by Indian newspapers and news agencies with foreign newspapers and news agencies or other bodies for the reproduction in India of material obtained from those sources.
6. To improve the methods of recruitment, education, and training for the profession, if necessary by the creation of suitable agencies for the purpose, such as a Press Institute.
7. To conduct through the Press Institute a continuous study of the contents and performance of the Press.
8. To promote a proper functional relationship amongst all sections of the profession.
9. By censoring objectionable types of journalistic conduct, and by all other possible means, to build up a code in accordance with the highest professional standards. (In this connection the Council will have the right to consider *bona fide* complaints which it may receive about the conduct of the Press or of any person towards the Press, to deal with these complaints in whatever manner may seem to it practicable and appropriate, and to include in its annual report a record of any action taken under this level and its findings thereon).
10. To promote the establishment of such common services as may from time to time appear desirable.
11. To promote technical and other research.
12. To study developments in the Press, which may tend towards concentration or monopoly and, if necessary, to suggest remedies therefor.
13. To publish reports, at least once a year, recording its work and reviewing the performance of the Press, its development, and the factors affecting them, including the number and circulation of newspapers, the condition of working journalists, and the financial condition of the industry.
14. To review the ownership structure and its impact on the performance of the Press.

1443. The Press Council should consist of men who will command the general confidence and respect of the profession and should have 25 members excluding the Chairman who should be a person who is or has been a Judge

of a High Court and should be nominated by the Chief Justice of India. Out of these, 13 or more should be working journalists including working editors, and the others should be drawn from newspaper proprietors, Universities, literary bodies, etc. The professional members will be of at least 10 years standing in the profession. In the constitution of the Council the periodical Press should be duly represented.

1444. The Press Council will act through Committees to be constituted by the Chairman. The various functions of these Committees will, *inter alia* relate to:

- (i) matters relating to ethical standards and professional etiquette;
- (ii) charges of objectionable publications, (news, comment or advertisement), infractions of journalistic ethics or professional codes;
- (iii) regulation of the inter-relation of the various branches of the journalistic profession.

1445. If a person whose action has been questioned is himself a member of the Council, then the Committee chosen by the Chairman to consider the question will not include him as one of its members. If a member is judged by the Council to be guilty of objectionable journalistic conduct, he shall forthwith cease to be a member of the Press Council.

1446. It shall be open to the Press Council to go into any instance of infraction of the code of ethics or professional conduct. Where, however, proceedings in respect of such publication have been started in court, the Council shall not express any opinion until such proceedings have terminated. In other words, it shall not be for the Press Council to usurp the functions of a court of law. Nor is it intended that the Press Council, in pronouncing on matters coming before them, for consideration should follow the strict procedure of the courts. It is expected, however, that in recording its findings on any case of unjournalistic conduct, the Council will set out its reasons.

1447. Normally, anonymity is to be respected, but where questions are considered by the Press Council involving fixing of responsibility, journalistic privilege may be waived.

1448. There should be only one central Council until uniform standards have been set up; thereafter, if it is found necessary, regional or State branches may be constituted.

1449. The Council will regulate its own procedure as well as the procedure of its Committees.

1450. It is recommended that a cess of Rs. 10 per ton should be levied on the consumption of newsprint and expenditure on the Council and its ancillaries be charged to the fund thus collected.

1451. We consider it essential that all journalists should feel themselves bound by a certain code of ethics which would ensure that in their writings they would continually aim to discharge their high responsibility to society.

1452. We would consider the formulation of a code bearing all these principles in mind to be one of the prime duties and responsibilities of the Press Council when it is established. We would like them to keep in mind the following principles which we consider should find a place in a code of journalistic ethics:—

(1) As the Press is a primary instrument in the creation of public opinion, journalists should regard their calling as a trust and be ready and willing to serve and guard the public interest.

(2) In the discharge of their duties, journalists shall attach due value to fundamental human and social rights and shall hold good faith and fair play in news reports and comments as essential professional obligations.

(3) Freedom in the honest collection and publication of news and facts and the rights of fair comment and criticism are principles which every journalist should always defend.

(4) Journalists shall observe due restraint in reports and comments which are likely to aggravate tensions likely to lead to violence.

(5) Journalists shall endeavour to ensure that information disseminated is factually accurate. No fact shall be distorted and no essential fact shall be suppressed. No information known to be false or not believed to be true shall be published.

(6) Responsibility shall be assumed for all information and comments published. If responsibility is disclaimed, this shall be explicitly stated beforehand.

(7) Unconfirmed news shall be identified and treated as such.

(8) Confidence shall always be respected and professional secrecy preserved, but it shall not be regarded as a breach of the code if the source of information is disclosed in matters coming up before the Press Council, or courts of law.

(9) Journalists shall not allow personal interests to influence professional conduct.

(10) Any report found to be inaccurate and any comment based on inaccurate reports shall be voluntarily rectified. It shall be obligatory to give fair publicity to a correction or contradiction when a report published is false or inaccurate in material particulars.

(11) All persons engaged in the gathering, transmission and dissemination of news and in commenting thereon shall seek to maintain full public confidence in the integrity and dignity of their profession. They shall assign and accept only such tasks as are compatible with this integrity and dignity; and they shall guard against exploitation of their status.

(12) There is nothing so unworthy as the acceptance or demand of a bribe or inducement for the exercise by a journalist of his power to give or deny publicity to news or comment.

(13) The carrying on of personal controversies in the Press, where no public issue is involved, is unjournalistic and derogatory to the dignity of the profession.

(14) It is unprofessional to give currency in the Press to rumours or gossip affecting the private life of individuals. Even verifiable news affecting individuals shall not be published unless public interests demand its publication.

(15) Calumny and unfounded accusations are serious professional offences.

(16) Plagiarism is also a serious professional offence.

(17) In obtaining news or pictures, reporters and Press photographers shall do nothing that will cause pain or humiliation to innocent, bereaved or otherwise distressed persons.

Freedom of the Press

1453. The expression "freedom of the Press" has been understood in various senses by different persons. It is sometimes confused with the idea of the independence of the Press. We think that the expression should be understood as meaning freedom to hold opinions, to receive and to impart information through the printed word, without any interference from any public authority.

1454. In a society where the rights of the individuals have to be harmonised with their duties towards society, all fundamental rights and their free play must be subject to restrictions. But the concept of freedom with responsibility should not be pushed to a point where the emphasis on responsibility becomes in effect the negation of freedom itself. Some kind of restriction is inherent in the concept of the freedom of the Press. The shape which such restrictions should take must depend on the state of the development of society in different countries and even in the same country must depend on the circumstances prevailing at different times. Accordingly our Constitution has carefully circumscribed under Article 19(2) to 19(6) the field of permissible restrictive legislation.

1455. The tender plant of democracy can flourish only in an atmosphere where there is a free interchange of views and ideas which one not only has a moral right but a moral duty to express. Democracy can thrive not only under the vigilant eye of its legislature but also under the care and guidance of public opinion. The Press is, *par excellence*, the vehicle through which such opinion can become articulate. The Press has not only a moral right to free expression but it is subject to certain responsibilities also. But the terrain of moral restrictions is not always co-extensive with the legal restrictions which may be imposed upon the right. Up to a point the restrictions must come from within. The legal protection may continue to remain even though the moral right to it has been forfeited. Within the limits of this legal tolerance, the control over the Press must be subjective or professional. The ethical sense of the individual, the consciousness that abuse of the freedom of expression, though not legally punishable must tarnish the fair name of the Press, and the censure of fellow journalists, should all operate as powerful factors towards the maintenance of the freedom without any legal restrictions being placed on that freedom.

1456. Article 19(2) of the Constitution, as it originally stood, permitted the State to enact any law relating to libel, slander, defamation, contempt of courts or any matter which offends against decency or morality or which undermines the security of or tends to overthrow the State. These restrictions have been regarded as unexceptionable. The Supreme Court, however, drew a distinction between "public order" and "security of the State" and held that restrictions in the interest of the latter and not in the interest of the former could be justified under that Article. In consequence, it was held by the Patna High Court that even incitement to murder or other violent crimes could not be made punishable, under the original Article 19(2) of the Constitution. Article 19(2) was, therefore, amended by including, among permissible restrictive legislation, matters relating to (1) public order; (2) friendly relations with foreign States; and (3) incitement to an offence. Although the Judgment of the Patna High Court was subsequently reversed by the Supreme Court, the observations of the Supreme Court would not, in our opinion, have made the amendment of the Constitution unnecessary in so far as the subject of public order was concerned.

1457. The Draft Covenant on Freedom of Information and Press prepared by the Geneva Conference of the Sub-Commission on Human Rights set up by the Economic and Social Council of the United Nations included, in April 1949, all the three subjects among matters with respect to which restrictions could be placed on the freedom of information and the Press. The *ad hoc* Committee of the United Nations adopted in September 1950 a Convention on Freedom of Information which was practically on the lines of the Geneva Draft, but omitted the sub-clause relating to systematic diffusion of deliberately false or distorted reports which undermine friendly relations between peoples or States. Monsieur Lopez's report to the ECOSOC recommends a formula which in general terms permits restrictions being placed *inter alia* for prevention of disorder and crime. The Resolution of the Council of Europe also permits restrictions being placed in the interest of public safety and prevention of disorder. We, therefore, think that Article 19(2) of the Constitution as it stands at present is not inconsistent with the concept of the freedom of the Press at least in so far as it relates to public order and incitement to an offence.

1458. The Constitutions of some other countries and the judicial decisions of the Supreme Court of the United States of America permit legislative abridgment of the freedom of speech and expression in the interest of public order.

1459. The "clear and present danger" test which the Supreme Court of America applies might be a good working rule for the judiciary where, as in the American Constitution, the sphere of legislative abridgment is not defined by words in the Constitution itself. But in the scheme of our Constitution that sphere has to be defined for certain purposes. The "clear and present danger" test cannot be utilised for defining matters in respect of which there may be legislative restrictions on the freedom of speech and expression. But the implication of that test would be a legitimate consideration when Courts have to decide whether a particular law dealing with a matter is reasonable or not, having regard to the imminence and character of the danger sought to be averted by the restrictions.

1460. The words "public order" should be preferred to the words "for the prevention of disorder".

1461. There has been criticism of the clause relating to friendly relations with foreign States. But the Constitutions of other countries have a provision somewhat on the lines of the clause in our Constitution. Although we are in favour of the Parliament having this reserve power, we think that the words "in the interest of friendly relations with foreign States" are of a very wide connotation and may conceivably be relied upon for supporting any legislation which may restrict even legitimate criticism of the foreign policy of Government. It would be difficult to devise a formula which would define the scope of the legislation by Parliament in this regard. The Constitution can at best merely indicate the topics in respect of which there may be reasonable restrictions on the freedom of speech and expression. It must be left to the wisdom of Parliament to define the precise scope of those restrictions and to the impartiality of the Supreme Court to pronounce upon the reasonableness of those restrictions. We recommend that whatever legislation might be framed in the interest of friendly relations with foreign States, it should be confined in its operation to cases of systematic diffusion of deliberately false or distorted reports which undermine relations with foreign States, and should not punish any sporadic utterance or any dissemination of true facts although they may have the tendency of endangering the friendly relations with foreign States.

1462. Although the words "incitement to an offence" are of wide import, the main difficulty that has faced us is that if we omit these words the whole law of abetment contained in the Indian Penal Code would be open to challenge in so far as the abetment consists in inciting persons to commit offences. Although the decision of the Supreme Court has probably saved legal provisions punishing incitement to the commission of aggravated offences, there will be no constitutional authority, in the absence of these words, for punishing abetments by means of incitement to commit offences involving violence in a less aggravated form or offences in which there may be no violence at all. Moreover, when a law is enacted, it must be regarded as an expression of the will of the people and if the law is disliked by certain sections of the people, the remedy lies not in disobeying the law but in persuading the public to see the inequity of it and in getting it altered by legitimate and constitutional means.

1463. The provisions contained in Article 19(2) of the Constitution are merely enabling provisions, and the ultimate sanction behind any legislation must be the will of the people. The Constitution merely lays down that certain fundamental principles may not be disregarded in attempting to harmonise freedom of expression of an individual with the requirements of the public good. Apart from such safeguards as the Constitution has laid down, there are two other lines of defence against undue encroachment over the fundamental right of freedom of expression. One is the Legislature itself and the other is the High Courts and the Supreme Court. Although the Constitution invests the Legislatures with power to place restrictions on the freedom of speech and expression for certain purposes, the power would, we trust, be exercised with discrimination and circumspection. If any restrictions are placed by the Legislatures on the fundamental right, we have no doubt that the impartiality and the broad and realistic outlook of the High Courts and Supreme Court will ensure that the power is not exercised by the Legislatures in an arbitrary or unreasonable manner. We, therefore, think that there is no case made out for going back to Article 19(2) of the Constitution as it stood before its amendment in 1951.

The Press (Objectionable Matter) Act

1464. The criticism of this measure falls into two sharply defined categories. On the one hand it has been suggested—

- (i) that there is no emergency calling for the enactment of such legislation;
- (ii) that it provides penalties unknown to law in other countries;
- (iii) that the judicial order and a jury of pressmen are merely face-saving devices; and
- (iv) that the existence of the Act itself is a stigma on the Indian Press.

It has further been urged that there is no necessity of a special Press Law and that the ordinary law of the land would suffice for punishing those who could be proved to have abused the freedom of the Press. On the other hand, there is a strong body of opinion represented by most of the State Governments that the Act as it stands has proved insufficient to curb the mischief which it was intended to check. They have stated that the definition of the expression "objectionable matter" should include defamatory remarks with regard to Ministers and public servants, matters

which hurt religious feelings of the people, false and distorted news or sensational reports. So far as the procedure is concerned, it has been pointed out that trial by jury has proved ineffective and that although keepers of the press and publishers of newspapers become liable, the editors of the papers cannot be proceeded against. Doubt has also been expressed as regards the legal validity of sub-clauses (v) and (vi) of Section 3 of the Act.

1465. The Press is one of the vital organs of modern life more specially in a democracy. It has enormous potentialities for good or evil. There is an essential difference between the mischief that may be wrought by an individual who gives expression to an objectionable matter and the Press which publishes such matter. In the case of irresponsible writings in the Press, the spread of harm is wider and the effect is far greater and most rapid. There is, therefore, some justification for treating individual utterance of an objectionable matter differently from the publication thereof in the Press. The Act is designed to prevent publication of objectionable matter in that small but growing section of the Press which is found to be habitually indulging in the publication of such matter. The Act cannot be regarded as a stigma on the Press as a whole, because all laws are designed to strike at the insignificant minority which intends to indulge in anti-social activities and their existence is no reflection on the conduct or the character of the overwhelming majority of the community. The amount of security required to be deposited by the keeper of a press has to be fixed with due regard to the circumstances of the case and must not be excessive. There is, therefore, no point in the argument that the freedom of expression is granted to a rich person who is in a position to furnish security and risk its forfeiture, but is denied to a person whose resources are not great. There is also no force in the argument that it is humiliating to have to conduct newspapers under a threat of forfeiture of security. It cannot be more humiliating to have to run a newspaper under the threat of losing a certain amount of money than under the threat of being sent to prison or having to pay a heavy fine which are the consequences if the ordinary law is resorted to. Moreover, there is a provision in the ordinary law of the land that security may be demanded from the printer, publisher, proprietor or editor of a newspaper under certain circumstances. (See Section 108 of the Criminal Procedure Code). Further a modern newspaper is brought out under very great pressure by working against time. It would, therefore, not be fair to treat offences committed by the Press as being in the same category as an offence committed by an individual, possibly after considerable deliberation. Therefore, some lenient remedy is called for in their case. There is also the fact that although it may be legally possible to hold one single individual responsible for what appears in a newspaper and, therefore, answerable in respect of any offence committed by that paper, there is always the possibility that the punishment of the individual may be vicarious. As the paper is the composite product of the joint efforts of several persons, personal responsibility can hardly be defined or fixed. The Press Laws Enquiry Committee appreciated all these arguments and recommended the re-enactment of practically all the provisions of the Press (Emergency Powers) Act of 1931, but it came to the conclusion that there should be no demand for security only because such a provision does not exist in the laws of other countries.

1466. It seems to us that the Press (Objectionable Matter) Act is a distinct improvement on the scheme envisaged by the Press Laws Enquiry Committee.

1467. Samples of objectionable writings brought to the notice of the Commission indicate that a majority of such writings are those which (i) tend to promote communal hatred and enmity; and (ii) infringe or offend decency or morality and publish scurrilous or obscene matter defaming individuals and making intrusion into their private affairs. There is no doubt that a large section of the Press in India is sober and responsible and does not indulge in what has been described as yellow journalism. There is, however, a small section of the Press, mainly the Indian language Press, which seeks to flourish on blackmail, sensationalism and obscenity. By and large the English section of the daily Press is comparatively free from objectionable writings. There are, however, a few periodicals which often indulge in vilification of persons in authority, in ferreting out of official secrets and in publishing spicy scandals having a political tinge.

1468. An analysis of the action taken so far by the State Governments indicates that the overwhelming preponderance of objectionable writings falls under clause (vi) of Section 3 of the Act. But in a very large number of cases the State Governments have taken no action either because they chose not to give undue publicity by starting proceedings or because they had little faith in the efficacy of the Act. The smallness of the section which indulges in such objectionable writings does not *ipso facto* derogate from the necessity of having a law on the subject. No responsible newspaper or periodical need be afraid of the provisions of this Act as no such paper is likely to publish material coming within the four corners of Section 3 which defines "objectionable matter". It is a fact, however, that the Act has not effectively stopped publication of objectionable matter and most of the State Governments have taken no action under it either because they did not intend to give undue publicity to the matter or because they considered the Act a poor weapon to deal with such writings. Having accepted the odium that attaches to the enactment of such a legislation, one would have expected that the State Governments would take steps to implement the Act effectively. But it does not appear that any serious effort has been made in this direction by the State Governments. Their grievance about the efficacy of the Act would have been legitimate if cases had been placed before the Courts and the Courts had held that, as the Act stood, no security could be ordered. We think, however, that some legislation in the form of a provision for taking security is necessary to deal with such writings and the next question is whether it should be enacted in a separate Act or made a part of the permanent law of the land.

1469. There has been a proposal of repealing the Press (Objectionable Matter) Act and enlarging Section 108 of the Cr. P.C. Such a procedure would have eliminated one of the main objections to the Act, and the ordinary law of the land would have applied equally to both individuals and the Press. But making all these changes in the law of the land would have failed to emphasise the essentially temporary purpose of an enactment like the Press (Objectionable Matter) Act. We hope that with the establishment of the Press Council, there will be internal control over the Press and that the Press Council would see that the units of the Press publishing objectionable matter are effectively pulled up and publicly censured. As the Press Council grows in strength and prestige, the necessity of having to resort to such measures as the Press (Objectionable Matter) Act will gradually disappear and the permanent law of the land will not have to be altered for the sake of a small errant section of the Press that exists today. We, therefore, consider that it would be more desirable that the special provision relating to the Press should remain as a separate Act

and not form part of the permanent law of the land. Whether the Act would require to be continued after February 1956 must depend upon the performance of the Press during the next two years and on the extent to which the Press Council, if it comes into being before then, will be able to exercise a restraining influence on the erring section of the Press.

1470. It would be presumptuous on our part to anticipate the decision of the Supreme Court but sub-clause (v) of Section 3 of the Press (Objectionable Matter) Act would appear to be not *ultra vires* of the Constitution and void under Article 13. Similarly we think that scurrility involved in writing which is coarse, vulgar or abusive could properly be hit by legislation designed to restrict freedom of expression in the interest of morality and decency.

1471. We are making proposals for tightening up the law of defamation. If these proposals are adopted, we do not think that objectionable writings which are defamatory of public servants need be brought within the scope of the Press (Objectionable Matter) Act.

1472. Abusive writings, publication of false and distorted news or sensational reports or reviews in bold headlines are matters which should not come within the purview of the law. The real cure for such manifestation of irresponsibility is both subjective and organisational and we cannot recommend any abridgment of the freedom of expression by legislative measures.

1473. We think that the system of trial by jury under the Act should continue. We think that the provision of trial by jury is a salutary one although it may have resulted in injustice in one or two cases. Journalists, like members of any other jury, have to learn to assume responsibility. There are journalists in India who have strength of character and a sense of public duty, who would be prepared to assume the responsibility involved in this. It is in that faith and hope that we have made proposals for the constitution of a Press Council which will lay down and administer its code of ethics and maintain the best traditions and standards of Indian journalism. We note, however, that the recent amendment of the Press (Objectionable Matter) Act lays down clearly that it is the duty of the jury to decide whether a newspaper contains any objectionable matter and that it is the duty of the judge to decide whether there are sufficient grounds for making an order for the demanding of security or for directing that any security or any part thereof should be forfeited to Government.

1474. It would be contrary to the usual practice to enable one State Government to deal with an offence committed within the jurisdiction of another State. We see no necessity to delete the provision with regard to giving of warning. We consider that the safeguard imposed by the Legislature of consulting the highest law officer before taking action under Section 11 is a salutary one and should be retained. We see no necessity for imposing a minimum on the amounts for which security should be taken. We cannot accept the suggestions of State Governments for tightening up the law in these respects.

1475. The recent amendment to the Press (Objectionable Matter) Act providing for an appeal by Government where the Judge and Jury had declined to take action against a paper is a useful provision, although it is to be noted that the Criminal Procedure Code does not provide for an appeal against the orders passed under Chapter VIII of the Code when the Courts decline to pass an order demanding security.

1476. We agree with the view that the editor of the paper who is primarily responsible for the contents of the paper should also shoulder the responsibility under the Press (Objectionable Matter) Act.

The Press and Registration of Books Act

1477. A doubt has been expressed whether leaflets come within the purview of section 3 of the Act. Although there is not much room for doubt on the point, the section may be amended as was proposed to be done by clause 3 of the Bill which was before Parliament for amending the Act.

1478. There has been some divergence of opinion as to whether every copy of a newspaper should contain the name of the person who is the editor thereof. The consensus of opinion is in favour of retaining section 5(1) of the Act as it is. We agree with that view. But whenever the editor is temporarily away and does not intend to assume responsibility for what appears in the paper, his name should not appear in the newspaper as editor, and the name of acting editor should be printed.

1479. Under section 5(2) of the Act, it is open to any person to declare his intention of starting a paper. But it is not incumbent upon him to start the paper within any specified period after the declaration. We think it should be possible for a publisher to start publishing the paper within a fortnight of the declaration in the case of dailies, within a month in the case of weeklies and within three months in the case of monthlies. The declaration should be deemed to lapse if the publication of a newspaper or a periodical is not commenced within these periods. There is also no provision in the Act that any particular number of issues should be brought out within a specified period. We recommend that a "daily" should bring out at least 15 issues in any consecutive period of 30 days and a "weekly" not less than 12 issues in any consecutive period of six months. Failure to do so should entail lapsing of the declaration. Section 8 of the Act makes it optional on the part of the publisher of a paper to file a declaration to the effect that he has ceased to be the publisher of that paper. We think that such a declaration should be made compulsory. We also recommend that no declaration should be accepted if a new paper proposed to be published bears the same name as another paper published in the same State or in the same language.

1480. We agree with the recommendation of the Press Laws Enquiry Committee that temporary changes in the place of printing a publication may merely be notified to the Magistrate within 24 hours and that if this is done, there need be no fresh declaration, so long as the printer and the publisher continue to be the same.

1481. We agree with the recommendation of the Press Laws Enquiry Committee that a new declaration should be necessary only if the printer and publisher are absent from the Indian Union for a period longer than 30 days.

1482. One copy of each paper, book or periodical should be filed with the National Library of India. Although the recent bill "to provide for delivery of books to the National Library and other public libraries" proposes to rectify this omission so far as books are concerned, it excludes newspapers from its purview. It is desirable, we think, that one library at least should have all the important newspapers and periodicals published

in India and we recommend that a provision should be made to that effect in the Act.

1483. We consider that the whole administration of the Press and Registration of Books Act requires to be overhauled. There is a general laxity in the checking of the filing and the registration of books and periodicals. It has been a matter of great difficulty to us to obtain the files of newspapers or even to verify whether a paper is currently being published or not. In many cases the information supplied by the State Governments was grossly inaccurate and never up to date. There is little or no check to see whether a paper comes out regularly and if it does not, to find out the cause or to correct the record accordingly. There must therefore be a radical change in the administration of the Act in the various States. It is necessary, we think, that there should be one central authority to be named the Press Registrar for India exercising supervisory jurisdiction over the Press Registrars appointed for each State. It should be the business of the Press Registrar to have a complete register of all the newspapers and periodicals, news agencies and advertising agencies in the State. It should be made obligatory on them to register themselves under the Act and if they fail to do so, they should be ineligible to carry on the business. The declarations to be made by them should include a statement of the capital structure and the staff proposed to be employed in the venture, and the Registrar should have authority to call for any additional factual information.

1484. The rules regarding registration of newspapers and periodicals under the Indian Post Offices Act of 1898 require to be altered as such registration entitles the newspapers and periodicals concerned to obtain certain concessions. We have come across several "newspapers" purported to be registered under the Indian Post Offices Act which contain only one item of news, of three or four lines, and the rest of the paper is devoted either to market quotations or to solutions of crossword puzzles. We feel that the concessions which a registered newspaper enjoys under the Indian Post Offices Act should be given to genuine newspapers, although they may be continued in respect of publications containing market reports, especially if they give interpretations of market trends. There is no justification for extending the concession to publications which consist of nothing except possible solutions to crossword puzzles. On the other hand, we have been informed that certain magazines have been refused the postal concessions on the ground that they do not contain 50 per cent. of material which could be described as news or articles relating thereto and current topics. Fiction is not included in this category of reading matter. It would be desirable to amend the definition of newspapers in the Post Offices Act to enable genuine periodicals containing a reasonable quantity of fiction, literary, scientific, philosophic or artistic comment to obtain the concessions.

1485. It should be the duty of the Press Registrar of India to bring out an annual report on the working of the Press on its organisational side giving the necessary statistics, just as the Press Council should bring out an annual report on the working of the Press on its editorial side.

Official Secrets Act, 1923

1486. We agree with the view that merely because a circular is marked secret or confidential, it should not attract the provisions of the Act, if the publication thereof is in the interest of the public, and no question of national emergency and interest of the State as such arises. But in view

of the eminently reasonable manner in which the Act is being administered, we refrain from making any recommendation for an amendment thereof.

Section 124A, Indian Penal Code

1487. This section, as authoritatively interpreted, was held by the Punjab High Court to have become void because it contravened the right to freedom of speech and expression and that it was not saved by Article 19(2) of the Constitution as it originally stood. In our opinion, in so far as the section penalises mere exciting or attempting to excite feelings of hatred, contempt or disaffection towards Government without exciting or attempting to excite disturbance of public order, it is *ultra vires* of the Constitution even under the amended Article 19(2). In a modern democratic society, changes of Government are brought about by expressing dissatisfaction with its doings and mobilising public opinion hostile to the Government in power. This is the normal functioning of democracy. In so far as section 124A seeks to penalise such expression this section would appear to be not only *ultra vires* of the Constitution, but opposed to the concept of the freedom of the Press. We recommend that the section be repealed. It would, however, be desirable to make punishable by a new section 121B, expressions which incite persons to alter by violence the system of Government, with or without foreign aid. This may not amount to waging war within the meaning of section 121 of the Indian Penal Code, and is obviously more serious than offences against public tranquillity and offences against persons.

Section 153A, Indian Penal Code

1488. The decision of the Punjab High Court had thrown a cloud on the validity of this section under Article 19(2) of the Constitution as it originally stood. Since then the Article has been amended by introducing the words "public order" in that Article. Although there has been no final or authoritative decision on the point, it appears that the section could be regarded as being *intra vires* of the amended Constitution. The possibility, however remote, of its being held void does exist and it would therefore be desirable to bring this section within Article 19(2) without the possibility of a challenge by restricting its operation to those cases where there is intention to cause disturbance of public peace or knowledge of likelihood of violence ensuing. We also support the recommendation of the Press Laws Enquiry Committee that an Explanation should be added to this section to the effect that it does not amount to an offence under this section to advocate a change in the social or economic order, provided that any such advocacy is not intended or likely to lead to disorder or to the commission of offences.

Section 295A, Indian Penal Code

1489. This section which refers to deliberately and maliciously outraging the religious feelings of any class of subjects or insulting or attempting to insult religious beliefs of that class may possibly be protected by the words "public order" and "morality" in Article 19(2) of the Constitution. But we think that the section should be brought indisputably within the provisions of the Constitution by limiting its operation to those cases where there is intention to cause violence or knowledge of likelihood of violence ensuing.

Section 505, Indian Penal Code

1490. It seems to us that all clauses of section 505 are covered by Article 19(2) of the Constitution and are not inconsistent with the concept of the freedom of the Press. Under the circumstances, we see no necessity of suggesting any amendment to this section.

Sections 99A to 99G, Criminal Procedure Code

1491. These sections enable Government to forfeit every issue of a newspaper or a book whenever it appears to them that they contain matter falling under sections 124A, 153A and 295A of the Indian Penal Code. Following our recommendation with regard to section 124A, the reference to that section in section 99A of the Criminal Procedure Code should be deleted. The rest of the section may remain, because the reference to sections 153A and 295A of the Indian Penal Code would be construed as reference to the amended sections 153A and 295A if our recommendation is accepted and those sections are suitably amended. If, as suggested by us, a new offence under section 121B is created, that section will also have to be included in section 99A of the Criminal Procedure Code.

Section 144, Criminal Procedure Code

1492. Although the section is not inconsistent with the freedom of the Press, we support the view of the Press Laws Enquiry Committee that it was not the intention of the framers of the Code that this section should be applied to the Press. If Government consider it necessary to have powers for the issue of temporary orders to newspapers in urgent cases of apprehended danger, Government may promote separate legislation or seek an amendment of that section.

1493. While appreciating the correctness of Mr. Justice Mukherjee's report on the Calcutta Police assault on the Press reporters, that the reporters could not claim exemption from the operation of an order under section 144, merely by reason of the fact that they were newspaper reporters, we are conscious of the difficulty which that view creates. We recommend that when an order is issued prohibiting assembly of more than a certain number of persons, the authority concerned may grant, in the order itself, special exemption to *bona fide* reporters. They should be asked to wear distinctive badges in token of the special exemption and carry the permit on their person. We are confident that such *bona fide* reporters will not participate, directly or indirectly, in the unlawful activities and thus abuse the special concession and consideration shown to them.

1494. **Section 5, Indian Telegraph Act.**—In so far as the provisions of this section can come into force only on the occurrence of an emergency or in the interest of public safety, they cannot be said to be inconsistent with the freedom of the Press or outside the scope of permissible legislative restrictions under Article 19(2) of the Constitution. The recommendation of the Press Laws Enquiry Committee is that the delegation of these powers should be the exception rather than the rule, that the delegation should be issued by Government in order to ensure that these powers are not abused. As a further safeguard, if any orders are passed under subsection (3) by specially authorised officers of Government, they should be reported to the Central or Provincial Government, as the case may be, in order to enable the responsible Minister to judge the proper exercise of the powers and the orders passed in individual cases.

1495. **Sea Customs Act, 1878.**—Section 19 is not limited in its operation to any emergency and would therefore appear to be not in consonance with the freedom of the Press or Article 19(2) of the Constitution. The section should be amended to limit its operation, in the case of newspapers and periodicals, to such matter as is liable to be forfeited under section 99A of the Criminal Procedure Code. It would be anomalous to ban the production of that type of literature in this country, but to permit its import.

1496. Sections 181A and 181C authorise detention of any package suspected to contain any newspaper or document, the publication of which is punishable under section 124A. Consistently with our recommendation above, the reference to section 124A of the Indian Penal Code in these sections will have to be replaced by a reference to the new section 121B of the Indian Penal Code which is suggested for enactment.

1497. **Indian Post Offices Act, 1898.**—Our observations with respect to section 19 of the Sea Customs Act apply to this section of the Post Offices Act.

Section 26: Our remarks under section 5 of the Indian Telegraph Act apply to this section of the Post Offices Act.

Section 27B: Our remarks under sections 181A to 181C of the Sea Customs Act apply to this section of the Post Offices Act.

1498. **Law of Contempt of Courts.**—The Contempt of Court jurisdiction is inherent in the Court of Record. The Contempt of Court Act (XII of 1926) settled a vexed question by enacting that the High Courts of Judicature have and exercise the same jurisdiction, powers and authority in accordance with the same procedure and practice in respect of Subordinate Courts as in respect of contempt of themselves. The Act also places a limit on the extent of punishment to be imposed. The provision in the Act, which lays down that no High Court shall take cognisance of a contempt alleged to have been committed in respect of a Court subordinate to it where such contempt is an offence punishable under the Indian Penal Code, has been interpreted to mean that the High Court jurisdiction is excluded only in those cases where the acts alleged to constitute contempt of a subordinate court were punishable as contempt, and not where these acts merely amount to offences of other description for which punishment has been provided in the Indian Penal Code. For example, the defamation of a judge of a subordinate court constitutes an offence under the Indian Penal Code, but does not oust the jurisdiction of a High Court to take cognisance of the act as contempt. The High Courts have extra-territorial jurisdiction in matters of contempt. But there has been some conflict of opinion, as is exemplified by Horniman's case, as to whether they have power to arrest, for contempt of itself, a person residing outside the jurisdiction of those courts. The Contempt of Courts Act of 1952, which has replaced the Act of 1926, has a provision which lays down that "a High Court shall have jurisdiction to inquire into or try a contempt of itself or of any court subordinate to it, whether the contempt is alleged to have been committed within or outside the local limits of its jurisdiction, and whether the person alleged to be guilty of the contempt is within or outside such limits." How far this provisions removes the difficulty created by Horniman's case is a question on which there has been no decision so far.

1499. It is difficult and almost impossible to frame a comprehensive and complete definition of contempt of court. But the courts in India and England have laid down rules on the subject and have stated the principles governing the exercise of this jurisdiction. If power is exercised as laid down by these authoritative pronouncements, there is no reason to apprehend that any injustice would be caused. No instance, except possibly one, has been brought to our notice where it could be said that this jurisdiction had been exercised either arbitrarily or as a result of over-sensitiveness on the part of the High Court to the criticism of the judicial proceedings. We have examined a few of the important cases on the subject. It is difficult to say that any of these cases were wrongly decided, although it could be argued that in at least one or two cases the comment which was the subject matter of contempt proceedings was provoked by some unfortunate expressions of the Court itself.

1500. We have also examined some cases where comments were made in pending proceedings. A case is said to be pending when a Court has taken cognisance thereof. There have been some decisions which seem to take the view that there may be contempt of court even when judicial proceedings are imminent, though they may not have been actually instituted. Some recent decisions of the Allahabad and Punjab High Courts have doubted the correctness of this view. The publication in newspapers of proceedings before a court of law must be true and accurate and without malice. The privilege does not extend to the publication of false reports or to the publication of material which is calculated to affect the prejudicially the interests of any party to a legal proceeding. The Courts, on the whole, have taken a considerate view of the difficulties of journalists and it has been held that it is undesirable to launch upon contempt proceedings in every case of inadequate or inartistic report of the proceedings in Court published in newspapers, unless it appeared that there was deliberate misunderstanding and suppression of facts in the report.

1501. The Indian Press as a whole has been anxious to uphold the dignity of courts and the offences have been committed more out of ignorance of the law relating to contempt than with any deliberate intention of obstructing justice or giving affront to the dignity of Courts. Instances where it could be suggested that the jurisdiction has been arbitrarily or capriciously exercised have been extremely rare, and we do not think that any change is called for either in the procedure or practice of the contempt of Court jurisdiction exercised by the High Courts.

1502. **Contempt of Legislature.**—Articles 105 and 194 of the Constitution establish the right of the freedom of speech in legislatures, and immunity of the Members thereof from any legal proceedings in respect of anything said in the Legislatures and the immunity of any person in respect of publications by or under the authority of the Legislature. In other respects the powers, privileges and immunities shall be such as may be defined by the Legislature and until so defined, shall be those of the House of Commons at the commencement of the Constitution.

1503. Parliamentary privilege has been described as a sum of all the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament and by Members of each House individually. In India, with its written Constitution and fundamental rights of freedom of expression guaranteed by the Constitution, it may not be wholly appropriate to adopt bodily the basic concepts of the privileges of the House of

Commons as they developed in England, and greater caution is therefore necessary in adopting them, even though permitted by the Constitution and in applying them consistently with the Indian Constitution and Indian conditions. There is nothing sacrosanct about the procedure of the House of Commons, and it is not imperative that the House of Commons practice should be followed in every detail.

1504. The Supreme Court has held in the case of "Blitz" that an arrest which is executed in pursuance of an order of a Legislature is subject to the fundamental right embodied in Article 22(2) of the Constitution which requires that an arrested person shall be produced before a magistrate within 24 hours. It is no answer to that Article that the Legislature was exercising the powers, privileges and immunities of the House of Commons. If so, the wider question would arise whether the powers, privileges and immunities of the House of Commons which a legislature may exercise under Articles 105 and 194 of the Constitution can go so far as to abrogate the right of the freedom of expression save to the extent described in Article 19(2). The permissible restrictions on freedom of speech refer to restrictions in relation to contempt of court, but not to the contempt of legislature. Conceivably therefore a conflict may arise in the exercise of the fundamental right under Article 19(1) on the one hand, and the exercise by the Legislature of the powers, privileges and immunities of the House of Commons conferred upon them by Articles 105 and 195 of the Constitution, on the other. The position must remain fluid until it is set at rest by the Supreme Court, and if the decision of the Supreme Court makes it necessary, the Constitution may have to be amended by making an exception in favour of contempt of legislature also in Article 19(2).

1505. The question whether the jurisdiction of the State Legislature extends over a person residing for the time being in another State is a point on which there has been no authoritative decision.

1506. It would therefore be desirable that both the Parliament and the State Legislatures should define by legislation the precise powers, privileges and immunities which they possess in regard to contempt and the procedure for enforcing them. Such a law would have to be in consonance with our Constitution and could presumably be challenged, if it appears to be in conflict with any fundamental right. In that event the position would be clarified by the highest tribunal in the land. Articles 105 and 194 contemplate enactment of such legislation, and it is only during the intervening period that the Parliament and State Legislatures have been endowed with the powers, privileges and immunities of the House of Commons.

1507. Till the position is so clarified, we must accept the situation as it is. The justification for the privileges of the House of Commons results from the fact that without them the members could not perform their functions unimpeded. The privileges of a legislature would be entirely ineffectual in enabling it to discharge its functions if it had no powers to punish the offenders, to impose disciplinary regulations on its members or to enforce obedience to its commands. The offences of the nature of contempt have been characterised as "breaches of privileges", though that expression should be more appropriately confined only to the class of contempts consisting of a violation of or an assault on the Parliamentary privileges strictly so called, such as the right of free speech, freedom from arrest, etc. There may thus be contempts without there being breaches of

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privileges properly so called. The question arises in connection with the Press in two ways, (1) the publication of the proceedings of the Legislatures, and (2) comments casting reflection on the individual members or on the House as a whole or its officers.

1508. So far as the publication of the proceedings is concerned, the rule is that there is no privilege attached to the publication in newspapers of statements made on the floor of the Legislature. In Great Britain all reports of Parliamentary proceedings, whether in the whole House or in the Committee thereof, are prohibited and their publication is taken as a breach of privilege. Each House, however, waives its privilege in this respect, so long as published reports are accurate and fair. But if wilfully misleading or incorrect accounts of the debates are published, then those responsible for the publication will be punished, the technical ground for proceeding against them being that to publish the report at all is a breach of the privilege.

1509. In India there is no privilege attached to the publication of proceedings of Legislatures if such publication constitutes an offence against the law of the land. Exception 4 to Section 499 of Indian Penal Code creates a privilege in respect of a substantially true report of a proceeding in a court of justice, but not in respect of publication of a substantially correct report of the proceedings in a legislature. Therefore, although the publication of a substantially true and faithful report of the proceedings of legislature will not constitute contempt of the legislature, the fact that the words complained against were privileged when they were uttered in the legislature will not confer any privilege in respect of the publication of these words, so far as the ordinary law of the land is concerned. In an English case [*Wason v. Walter* (1869) 4 Q.B. 73] it was held that a faithful report in a public newspaper of a debate in either House of Parliament containing matter disparaging to the character of an individual which had been spoken in the course of a debate is not actionable at the suit of a person whose character has been called in question. But the publication is privileged on the same principle as an accurate report of proceedings in a court of Justice is privileged, viz., that the advantage of publicity to the community at large outweighs any private injury resulting from the publication. Articles 105 and 194 of the Constitution afford protection only in respect of publication by or under the authority of the Legislature. We recommend that Exception 4 to Section 499 of the Indian Penal Code be amended by inserting the words "or of Parliament or State Legislature" to give effect to the principle of *Wason v. Walter* (1869) 4 Q.B. 73, referred to above.

1510. We think that no culpability should be attached to the publication of the proceedings of the Legislature before the order of the presiding officer expunging those proceedings reaches the newspaper office. Such unintentional and unavoidable transgression of the rulings of the Chair should not, in our view, be regarded as a breach of the privileges of the House.

1511. So far as the premature publication of the reports of the Committees is concerned, the Parliamentary practice is clear that no act done at any Committee should be divulged before the same be reported to the House. The same principles should apply to the publication of questions or resolutions before they are admitted by the Chair. But where a question or motion sent to the Presiding Officer has been disallowed, a bare mention to that effect, without comment, should not be treated as contempt.

1512. The other branch of the law relates to the contempt of legislature in making comments which cast reflection on individual members or on the House generally. It has long been recognised that the publication of imputations reflecting on the dignity of the House, or of any member in his capacity as such, is punishable as contempt of Parliament. Reflections on Members, even where individuals are not named, may be so framed as to bring into disrepute the body to which they belong, and such reflections have therefore been treated as reflections on the House itself. If the publication was intended to bring to light matters which were true, so that an end might be put to them, then however, discreditable the fact, such a publication for such a high purpose would constitute a defence.

1513. We have examined a few of the more recent cases of contempt of legislature. Some of these cases, in our opinion, disclose oversensitiveness on the part of legislatures to even honest criticism. When the decisions of the High Court and Supreme Court are liable to be criticised without any action being taken for contempt of court, there appears no reason why legislatures should claim excessive immunity from criticism in Press or public. The Courts recognise, as pointed out elsewhere, that contempt proceedings should be resorted to in extreme cases only. It behoves our legislature also not to resort lightly to contempt proceedings. The Press, as a whole, is anxious to maintain and enhance the dignity and prestige of our courts and legislatures and recognises that within the precincts of the Assembly hall the presiding officer's ruling is supreme and the freedom of the members absolute. It is, therefore, all the more necessary that the legislatures should respect the freedom of expression where it is exercised by the Press within the limits permitted by law, without imposing additional restrictions in the form of breaches of privilege, unless such restrictions are absolutely necessary to enable them to perform their undoubtedly responsible duties. No one disputes that Parliament and State legislatures must have certain privileges and the means of safeguarding them so that they may discharge their functions properly, but like all prerogatives the privilege requires to be most jealously guarded and very cautiously exercised. Indiscriminate use is likely to defeat its own purpose. The fact that there is no legal remedy against at least some of the punishments imposed by the legislatures should make them all the more careful in exercising their powers, privileges and immunities.

1514. **Law of Defamation.**—Under Article 19(2) of the Constitution the fundamental right of freedom of speech and expression can be curtailed by the imposition of reasonable restrictions in relation, *inter alia*, to defamation. Defamation would mean both civil and criminal libel. It has been urged that the Constitution should be amended so as to restrict the operation of the word "defamation" to cases involving civil liability only or to such cases involving criminal liability as are likely to disturb the public peace.

1515. We think that it would not be desirable to amend the Constitution in such a way as to permit restrictions being placed on the fundamental right to freedom of speech and expression only in respect of civil defamation. This view gains support from the Constitutions of other countries also.

1516. The second suggestion is to amend the Constitution in such a way as to permit restrictions being placed on the freedom of speech and expression in the form of a criminal offence for libel, but only when such libel is likely to lead to a breach of the peace. This point was present in the minds of the framers of the Indian Penal Code, and the observations made by them

are equally applicable at the present time. We do not think that the state of the society has altered to such an extent as to justify alteration of the law which has stood the test of time. We do not therefore think that criminal defamation should be confined to cases where there is an apprehension that a breach of the peace will be caused.

1517. It has been urged by several State Governments that there is wide prevalence of writings making allegations, sometimes well-founded and mostly unfounded, defamatory of public officials or Government servants. It is urged that public servants are debarred by Government Servants' Conduct Rules from making any rejoinders to false allegations. Prosecution of the offending person or of the offending paper is beset with numerous difficulties. There is dilatory procedure in the Courts, there is inconvenience and labour involved in collecting evidence for prosecution and the cross-examination of the complainant, is aimed at besmirching his character in order to prove that he had no reputation to lose. When there is no possibility of escaping a conviction, an apology is tendered, and even if a conviction takes place, the Courts impose only a nominal fine. We appreciate what has been urged, but we note that most of these difficulties are common both to public servants and private individuals, except the difficulty created by the Government Servants' Conduct Rules. There is no substance in the argument that a special provision for public servants would be an unreasonable discrimination. Public servants are recognised as a special category in the Indian Penal Code and the Criminal Procedure Code. We look at the problem not from the point of view of giving any favoured treatment to public servants, but from the point of view of public interest. As a public servant is liable to be transferred, he cannot vindicate himself by resorting to a remedy which is more easily available to others. It is also very desirable in public interest that there should be, in suitable cases, a magisterial inquiry or a police investigation in respect of serious allegations against a public servant even if the public servant himself is unwilling to initiate proceedings and clear himself of the charges.

1518. One of the remedies suggested is that when a public servant is defamed, it should constitute a cognisable offence. It is said that such a procedure would enable the police to make investigation and relieve the public servant of collecting the necessary evidence. It is also argued that it might act as a deterrent if it is feared that the offender is likely to be arrested by the police without a warrant. We think it would not be safe to make such offences cognisable, with all the consequences flowing from such a provision. As to whether any particular allegation is defamatory or not must to some extent depend upon the subjective appreciation by the police officer as to what constitutes defamation. Some cases may be simple. But in other cases it would not be so easy to decide the question. To make all such allegations cognisable offences may lead to harassment of the alleged offender. On the other hand, there may be cases where serious allegations are made which would require police investigation. There may also be public servants who would not be willing to bring cases into the Court and to clear themselves of the defamatory allegations, in which case, under the law as it stands, no action can be taken. A procedure has therefore to be devised which will strike a balance between the two considerations, *viz.*, (1) frivolous action (2) the desirability of police or magisterial inquiry in some cases where it is necessary that the public servant should clear himself of

the defamatory allegations. The first result is achieved by not making defamation of a public servant in the discharge of his public duties a cognisable offence. But to achieve the second result, some amendment of the law is necessary.

1519. Under Section 198 of the Criminal Procedure Code it is only the aggrieved party that can set the law in motion, and if he happens to be hundreds of miles away or is unwilling to take any steps, nothing can be done. We think that in such cases it should be within the power of a superior officer to initiate proceedings. We therefore recommend that a third proviso may be added to section 198 to the effect that when the person aggrieved under Chapter XXI of the Indian Penal Code is a public servant within the meaning of Section 21 of the Indian Penal Code by reason of allegations made in respect of his conduct in the discharge of his public duties, the magistrate with jurisdiction may take cognisance of the offence upon a complaint made in writing by some other public servant to whom he is subordinate. When the law is thus set in motion, it should be obligatory on the magistrate to order a police investigation or a magisterial inquiry. We therefore suggest that a proviso should be added to section 202 of the Criminal Procedure Code that where the complaint is in respect of defamation of a public servant in the discharge of his duties, a magistrate shall make the inquiry himself or direct an inquiry or investigation into the complaint. We think that it would be desirable, by an administrative order, to direct that such complaint should be filed in the court of a District Magistrate.

1520. This procedure will secure the following advantages:

- (1) The alleged offender will not be liable to an arrest without warrant in every case where a police officer may think that there has been a defamation of a public servant in the discharge of his duties.
- (2) When the public servant is physically unable to file a complaint some other officer can set the law in motion.
- (3) If the public servant concerned is unwilling to file a complaint and the matter is of sufficient public importance, the law can be set in motion by his superior.
- (4) The benefits of a magisterial inquiry or a police investigation are secured by making it incumbent on the magistrate to direct such inquiry or investigation before he decides whether to issue a process or not.
- (5) If the inquiry or investigation shows that the allegations are false, process can be issued against the offending person. If, however, it transpires that there is some truth in the allegation the proceedings against the alleged offender may be dropped and action, if any, would be taken against the public servant concerned.
- (6) If the complaint is filed in the Court of a District Magistrate under an administrative order, a senior magistrate will be able to decide after reading the report of the inquiry or investigation, whether any further action should be taken or not.

1521. The main reason which deters a person from instituting a prosecution for defamation is the discursive cross-examination aimed at attempting to prove that the person has no reputation to lose, because the existence of the reputation is considered by some courts to be a fact in issue or a relevant fact. The Allahabad High Court has held that it is a fact in issue or a

relevant fact. The Patna High Court has taken the contrary view. According to the latter High Court, the law does not contemplate that any person's reputation is so low that it cannot fall lower by the publication of fresh defamatory matter relating to him. It is also unthinkable that the law can intend that defamatory matter about a person of high reputation can be published without incurring liability for prosecution under Section 500 of the Indian Penal Code merely because his reputation stands so high that the imputation is not likely to be believed. We think that the view taken by the Patna High Court is correct and legislative approval should be given to it by adding an Explanation to Section 499 to the effect that every person has a reputation and that it is immaterial for the purpose of the section whether the reputation of the person defamed is high or low. This will effectively stop any cross-examination directed merely to show that the person has no reputation or that his reputation is so low that it cannot be lowered further.

1522. It is suggested that the law as it stands does not give sufficient protection to a newspaper in exposing administrative and commercial scandals and thus acts as a deterrent to the Press in the performance of its legitimate duties. There is some justification for this complaint, and the nervousness on the part of the newspapers can be considerably allayed if the law is amended on the lines of the English Defamation Act of 1952 which gives protection to a person in respect of unintentional defamation. Under Section 4 of the English Act, a person who has published words alleged to be defamatory of another person may, if he claims that the words were published by him innocently, make an offer of amends. If the offer is accepted by the party aggrieved and is duly performed, no proceedings for libel or slander can continue against the person making the offer. If the offer is not accepted by the party aggrieved, the offer itself constitutes a valid defence, if it is proved (1) that the words complained of were published by the defendant innocently, and (2) that the offer was made as soon as practicable after the defendant received notice that they were or might be defamatory of the plaintiff and that the offer had not been withdrawn. For the purpose of that Section the words shall be treated as published by one person innocently in relation to another person if the following conditions are satisfied:

- (1) The publisher did not intend to publish them of and concerning that other person, and did not know of circumstances by virtue of which they might be understood to refer to him; or
 - (2) the words were not defamatory on the face of them, and the publisher did not know of circumstances by virtue of which they might be understood to be defamatory of that other person;
- and in either case, the publisher exercised all reasonable care in relation to the publication.

We think that such a provision should be adopted as a general law and not merely for application to the newspapers.

1523. Four of our colleagues Acharya Narendra Deva, Sarvasri A. D. Mani, M. Chalapathi Rau and Jaipal Singh dissent from some of the conclusions and recommendations made earlier. Their views are summarised below:—

Article 19(2) of the Constitution

1524. They believe that the decision of the Supreme Court in *Shailabala's* case knocked out the major premise for Government's case for amending the Constitution. They think that if Government had only waited for the

judgment of the Supreme Court, there would have been no necessity for amending the Constitution in such haste. Freedom of expression is such an important fundamental right that its abridgments should not be contemplated unless a clear case exists for the imposition of the restrictions. No such case existed in 1950.

1525. Although by the introduction of the word "reasonable" in Article 19(2) there was an advance over the original Article, they hold that in regard to two fresh limitations which had been placed on the freedom of expression, the amended Article does not fulfil adequately the requirements of the concept of the freedom of the Press. As incitement to crimes has been held all the world over to be an abuse of the freedom of the Press, they have no intention of suggesting that the words "incitement to an offence" in the amended Article 19(2) of the Constitution should be dropped. But in respect of the other two fresh limitations, *viz.*, "public order" and "friendly relations with foreign States", they disagree with the majority view.

1526. As there was a conflict of opinion about the desirability of the Covenant drafted by the United Nations Conference at Geneva in 1948, they think that it would be dangerous to regard the Covenant or the decisions of the United Nations Bodies as a source for drawing support for fresh restrictions. They take into account the difficulties experienced by the authorities in the maintenance of public order and concede that it would be an abuse of the freedom of the Press if a newspaper indulged in publications which aggravated the situation. They would like the words "in the interest of public order" to be substituted by the words "in the interest of prevention of public disorder". They think that the expression "public order" is capable of a multiplicity of interpretations. They find that there is considerable international support for the expression "for prevention of public disorder", and that the phrase is not capable of ambiguity of interpretation.

1527. They think that when the words "friendly relations with foreign States" were introduced in the Article, no adequate case was presented to the public justifying the amendment. The foreign policy of Government has been the subject of considerable discussion in the Press, and the performance of the Press in this regard did not justify the restrictions. Government had also not included these restrictions in the definition of "objectionable matter" in the Press (Objectionable Matter) Act. It would be a useful factor for the maintenance of world peace if there is a free and unregulated exchange of information between different countries. On this ground the free Press all over the world has protested against curbs being imposed on its discussion of foreign affairs. They desire that these words should be omitted because Government should not be placed in a position that a foreign Government could draw its attention to the enabling restrictions under Article 19(2) and suggest restraints being placed on the Indian Press. It was not possible to say what the character of Governments would be 10 years hence, and some of those Governments may take a highly intolerant view of any criticism of their foreign policy. They think that there is a substantial volume of international opinion against restrictions being placed on free discussion of foreign affairs. If any emergency arises, the Constitution can always be suspended in which case the fundamental rights would be in abeyance and Government would be fully armed to take any measures they desired in the interests of national security. It is therefore not necessary that an enabling provision should be made to validate restrictions imposed on freedom of expression of views on foreign affairs during peace-

time. They therefore feel that if at any time in future the Constitution is amended, Government should agree to delete this restriction.

Press (Objectionable Matter) Act

1528. They are opposed to the Act on the grounds of principle in that it provides for demand of security, a provision unknown to the law of any other country. Further, it is preventive in effect and is a special law, applicable to the Press, whose freedom of expression is a part of the general freedom of expression. The Press Laws Enquiry Committee also rejected the suggestion that security provision should be incorporated in the ordinary law as a preventive measure. They do not understand why that Committee came to the conclusion that in the case of a newspaper personal responsibility can hardly be defined or fixed. They consider that the demand for security is unwholesome in principle and detrimental to the exercise of legitimate freedom of expression. However much the Press (Objectionable Matter) Act may be an improvement on the 1931 Act its provisions do not meet the main objection, *viz.* the security provision.

1529. They concede that there is some distinction between an individual and the Press giving expression to objectionable matter, but think that there is no difference so far as the essence of the freedom of expression is concerned. They consider that the principle of proceeding against the Press as an institution has no sound argument to support it. Although the legislation is designed to strike at an insignificant minority which tends to indulge in anti-social activity, the possibility exists, whether such legislation could be regarded as a stigma or not, that it can be used against the members of the significant majority whenever Government, present or future, want to do so. As a result of taking security, the newspaper has to conduct itself every moment of its life with the fear that the security would be confiscated. The objection is to the stultifying effect of the imposition of security, and the threat of confiscation. The security provision also undermines the independence of the editor by increasing the proprietor's fiduciary interest and providing him with an excuse to interfere with the editor's discretion.

Section 108 of the Criminal Procedure Code

1530. They do not think that the provisions of Section 108 of the Criminal Procedure Code should be extended to cover matters at present dealt with by Press (Objectionable Matter) Act, as it would be tantamount to re-enactment of the Press (Objectionable Matter) Act in another form, although such an extension would have the effect of removing the distinction between the Press on the one hand and the individual on the other. They therefore cannot agree either to the continuance of the Press (Objectionable Matter) Act or to changes in Section 108 of the Criminal Procedure Code.

1531. They are of the view that no material had been placed before Parliament to justify either the enactment of the legislation in 1952 or the extension of its life in 1954. They do not accept the contention of the State Governments that they did not take action in a number of cases because they chose not to give undue publicity to objectionable matter. As almost every one of the offences mentioned in Section 3 is also an offence under the ordinary law of the land, the Act, they think, serves no useful purpose except to make it easy for the State Governments to muzzle the Press by hitting at its financial resources and by taking preventive action. They are against the inclusion of scurrility in the list of objectionable matters because

it is a vague chunk of offensiveness and also because it would mean vesting extraordinary powers in the hands of State Governments, some of whom have not demonstrably proved that they have the capacity to exercise them with restraint and moderation.

1532. They are confident that if the Press Council is properly constituted, it will be able to deal adequately with matters of social responsibility, public taste and morals which can never be adequately dealt with under law. The existence of the Press Act would greatly weaken its position. If the Press Council is to be given a proper trial, it is the duty of Government to see that it starts functioning with a clean slate, and in that view, the Press Act should not be allowed to be renewed after the expiry of its present term. A fair start for the new set-up would be to scrap the Act and to forget Section 108 of the Criminal Procedure Code.

Defamation of public servants

1533. They accept the majority view that the defamation of public servants in the discharge of their public duties should not be made a cognisable offence. They, however, think that there is no necessity of making any changes in Section 198 and Section 202 of the Criminal Procedure Code. They are of the view that the State Governments have exaggerated the extent of defamation of public servants. While it may be true that some newspapers had enlarged their liberty into licence, public servants in this country are yet free from the amount of criticism which is due in democratic conditions. Under Section 198 of the Criminal Procedure Code it is only the aggrieved person who can set the law in motion, and to provide an exception in favour of public servants would be to upset the principles of jurisprudence on which Section 198 was based. Moreover, the scheme of the Criminal Procedure Code envisages that the complainant should be examined on oath before the Magistrate can take cognisance of an offence. They cannot agree that public servants are entitled to discrimination in their favour, and think they should not be allowed the benefit of the extraordinary procedure of being exempted altogether from examination prior to taking cognisance of the offence in cases in which they are the complainants.

1534. They think that if a magisterial inquiry or police investigation in cases of defamation of public servants would be in public interest, the same principle would be justified if extended also to cases in which private representations are made against such public servants. They are of the view that it is in public interest that public servants should accept the obligations that are common to all the citizens in cases of defamation. Any other course would be a fetter on the Press in the discharge of its responsibilities and would lead to undermining of public confidence in the administration.

1535. We regret that four of us are not in agreement with certain of the views expressed earlier. This has been the only point of difference and we trust it will serve to emphasise the practical unanimity of the rest of this report. We should, however, like to stress that our differences lie within a narrow compass.

1536. With regard to Article 19(2) of the Constitution, the majority recommend that there should be no change in the wording of the three items that were added by the Constitution (Amendment) Act of 1951: (1) in the interest of public order; (2) friendly relations with foreign States; and (3) incitement to an offence. The others accept the necessity of (3) above.

ANNEXURE

Summary of legislation recommended

A. The newspaper and periodical industry should be brought within the list of industries under the control of the Union Government.

B. An Act should be passed to regulate the industry and should *inter alia* provide for the following matters:—

- (1) The appointment of Press Registrars both at the Centre and in the States, whose duties and functions would be prescribed in the Act on the lines indicated in our recommendations.
- (2) The collection of statistics of the newspaper industry.
- (3) The fixing, by Government, from time to time of a price-page schedule on the lines we have recommended.
- (4) The definition and punishment of practices which are unfair or restrictive.
- (5) Laying down the manner in which accounts of different enterprises shall be maintained by a proprietor controlling more than one newspaper or publishing them from more than one centre.
- (6) Making the issue and publication of fraudulent advertisements punishable.
- (7) Making the new Industrial Relations legislation applicable to newspaper employees.
- (8) Prescribing the method of assessment and distribution of profits from the industry, including the payment of bonus to the employees.
- (9) Prescribing the terms of employment, including the notice period, minimum wage, leave, provident fund, gratuity, etc
- (10) Making it compulsory for newspapers to publish periodically a statement of ownership and control in the form prescribed.
- (11) Making the provisions of the Provident Funds Act applicable to the employees.

C. There will have to be new enactments for:

- (1) establishing a Press Council;
- (2) bringing into existence of a State Trading Corporation for dealing in newsprint and for furnishing finances for the operation of the Press Council;
- (3) establishing a Public Corporation to take over the Press Trust of India;
- (4) defining the powers, privileges and immunities of legislatures.

(ii)

D. Amending legislation would also be necessary, on the lines suggested by us, in the case of:

- (1) the Press and Registration of Books Act;
 - (2) the Drugs and Magic Remedies (Objectionable Advertisements) Act;
 - (3) the Post Offices Act;
 - (4) the Indian Penal Code (repeal of Section 124A, addition of a new Section 121B, amendment of Sections 153A, 295A and 499);
 - (5) the Criminal Procedure Code (amendment of Sections 99A, 198* and 202*);
 - (6) the Sea-Customs Act; and
 - (7) the Indian Telegraph Act.
- (Not accept by minority).