Press Censorship in India in the 1950s

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In discussions of press censorship in modern India, two periods stand out: first the colonial, with 'sedition' looming large, and second, that of the internal Emergency between 1975–77. In both periods censorship is seen as the natural accompaniment to authoritarian rule as well as its most visible—even symptomatic—feature. This paper looks at an era sandwiched between—and eclipsed by—these two. It investigates the catalysts behind the First Amendment to the Indian Constitution, outlines reactions to it in the public sphere, and explores the—arguably more crucial—impact of a parallel development: what may be termed the 'informalization of censorship'. The decade after Independence and after the adoption of the Indian Constitution in 1950 was one in which the legal framework of the democratic nation state was laid down and tested. The First Amendment (FA) to the Indian Constitution in 1951 included, among other things, changes in Article 19, which dealt with the freedom of expression and the limits that the state could impose on this freedom.1 The FA debate revolved around the content and meaning of the big questions of the age: the content of freedom, the ramifications of democracy, and the rights of the individual versus state and society. For the generation in transition from colonial to self-rule, the issue of state imposed limits on the freedom of expression was a prickly one. It is therefore not surprising that the parliamentary debate spilled over into debates in the Nehru Memorial Museum and Library, New Delhi, New Delhi, 2 May, 2014. 2 Devika Sethi NMML Occasional Paper to the pages of newspapers, and journalists and readers alike participated in what was then, as now, ‘…too important a matter to be left alone to the press to defend’.2 If the operation of colonial censorship is a window into the functioning of the colonial state, then post-colonial censorship policies provide no less an insight in to the post-colonial Indian nation state. Historians have long debated the nature of the Nehruvian state. Judith Brown has described the period after independence as one where Nehru’s generation had to either ‘work with or transform existing modes of governance’.3 David Washbrook exemplifies the ‘continuity argument’ by suggesting that conservative approaches to democracy and development ‘became embedded in institutional practices and professional ideologies taken over wholesale by the newly independent state’ and exercised ‘subtle, often unseen, restraints on the imagined freedoms which India’s politicians thought they had won’.4 On the other hand, Benjamin Zachariah urges that the continuity argument (with reference to the colonial to post-colonial transition) needs to be more nuanced than has hitherto been the case.5 Sugata Bose and Ayesha Jalal—referring not to the state but to attitudes of Indian nationalists in the colonial and post-colonial period—express the opinion that ‘Official nationalism as articulated and practiced by the post-colonial state became increasingly far removed from the ideals propagated in the anti-colonial period.’ In the realm of press censorship this certainly seems to have been the case.6 The Indian Constitution adopted in 1950 granted freedom of expression to Indian citizens, although this freedom was, like other fundamental rights, not absolute. The state could, therefore, make laws curbing the publication of material constituting ‘libel, slander, defamation, contempt of court, or any matter which offends against decency or morality, or which undermines the security of the state or tends to its overthrow’. These, thus, were the limitations imposed on the freedom. In 1951, the FA enlarged the scope of state censorship by adding three new grounds for the passage of restrictive laws in future: ‘public order’, ‘incitement to offence’, and ‘friendly relations with foreign states’.7 Nehru was initially not in favour of making the restrictions ‘reasonable’ (that is, justiciable, so that courts could Press Censorship in India in the 1950s 3 NMML Occasional Paper intervene and comment on the constitutionality on any act so made) but later gave in to pressure from within and outside Parliament.

Abstract:

In general, censorship in India, which involves the suppression of speech or other public communication, raises issues of freedom of expression to Indian citizens, although this freedom was, like other fundamental rights, not absolute. The state could, therefore, make laws curbing the publication of material constituting ‘libel, slander, defamation, contempt of court, or any matter which offends against decency or morality, or which undermines the security of the state or tends to its overthrow’. These, thus, were the limitations imposed on the freedom. In 1951, the FA enlarged the scope of state censorship by adding three new grounds for the passage of restrictive laws in future: ‘public order’, ‘incitement to offence’, and ‘friendly relations with foreign states’. Nehru was initially not in favour of making the restrictions ‘reasonable’ (that is, justiciable, so that courts could Press Censorship in India in the 1950s 3 NMML Occasional Paper intervene and comment on the constitutionality on any act so made) but later gave in to pressure from within and outside Parliament.

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speech, which is protected by the Indian constitution. The Constitution of India guarantees freedom of expression but places certain restrictions on content, with a view towards maintaining communal and religious harmony, given the history of communal tension in the nation. According to the Information Technology Rules 2011, objectionable content includes anything that"