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ANNUAL REPORT ON FREEDOM OF INFORMATION, 1961-1962

Note by the Secretary-General

Since the issuance of the second annual report on freedom of information (E/CN.4/838), the following information has become available to the Secretary-General:

Bolivia

The 1961 Constitution^{1/} contains the following provisions:

"Article 6. Everyone has the following fundamental rights in conformity with the laws that regulate their exercise:

...

(b) To express freely his ideas and opinions, using any medium whatever."

^{1/} Gaceta Oficial, 1st year, No. 48, 16 August 1961.

Federation of Malaya^{2/}

Article 10 (i) (a) of the Federal Constitution provides for freedom of speech: by extension, this would apply to freedom of expression and thus to freedom of the imparting of information. The Constitution confers upon Parliament the power to restrict this fundamental liberty if necessary to secure the security of the nation, friendly international relations, public order and morality, the maintenance of parliamentary prestige, the dignity of the courts and the integrity of the individual.

^{2/} Information provided by the Government of the Federation of Malaya on 10 January 1963.

India^{3/}

The material supplied to the United Nations last year covered developments from June 1960 to November 1961. Some of the items pertaining to the latter half of 1961 were the Judgement of the Supreme Court of India on the Price-Page Schedule, the introduction of school television programmes, the IPI Seminar for Indian News Editors, the International Film Festival, and the Quinquennial Conference of the Commonwealth Press Union. To avoid unnecessary repetition, all these items, except the first one, have been left out of the present report. The background of the first item concerning the Price-Page Schedule has already been given in the last year's note. A brief reference to the Supreme Court's judgement is also there. But since this judgement from the highest tribunal of this country has an exceptionally important bearing on freedom of information, a copy of the full text of the Court's judgement is enclosed.^{4/}

PRESS

There were 8,305 newspapers and periodicals on the record of the Registrar of Newspapers for India on 31 December 1961. This showed a net increase of 279, or 3.5 per cent over the corresponding figure of 8,026 for 31 December 1960.

Of the total of 8,305 newspapers and periodicals, 591 were "General Interest" newspapers which included 457 dailies, 27 bi-weeklies or tri-weeklies, 8 weeklies (Sunday edition of dailies) of "A" category, and 99 dailies, bi-weeklies or tri-weeklies of "B" category (market reports, weather bulletins, etc.).^{5/}

^{3/} Information provided by the Government of India on 10 December 1962.

^{4/} Extracts from this judgement chosen by the Secretariat appear at the end of the information contributed by the Government to the present document.

^{5/} All papers except those which fall under the category "B" are classified under category "A". Under category "B" all papers not strictly speaking newspapers have been classified and include:

- (i) Market bulletins and commercial circulars.
- (ii) Magazines of educational institutions (schools, colleges, etc.)
- (iii) House magazines and publicity journals issued by commercial bodies.
- (iv) Serialized fiction.
- (v) Journals on astrology.
- (vi) Miscellaneous, including racing calendars, price lists, law reports, crossword bulletins, advertisement bulletins, etc. /...

The number of periodicals was 7,714, of which 6,131 were of "A" category and 1,583 of "B" category (school, college, house magazines, serialized fiction, etc.).

Newspapers of all periodicities and in all languages in the country recorded an over-all increase of 4.7 per cent in their circulation during 1961 as compared to the previous year. The daily press had a noticeable upward trend in circulation, the over-all increase being 4.6 per cent.

Five more dailies, one each in Hindi, Tamil, Bengali, Marathi and Malayalam, crossed the one-lakh mark in circulation during 1961, bringing the total number of such dailies to eleven. There were twenty-two dailies in the country which claimed circulation above 50,000 and 100 which had a circulation between 10,000 and 50,000.

The total circulation of "General Interest" newspapers of "A" category was 50.50 lakhs in 1961. Of these, English dailies had the highest circulation (12.55 lakhs), Hindi dailies coming next with a circulation of 6.16 lakhs.

The total circulation of all periodicals (7,714) was 136.56 lakhs. Out of twenty-six periodicals with circulation above 50,000, six were in English. There were another 185 periodicals with circulation ranging between 10,000 and 50,000. From the point of view of contents, the largest number of periodicals dealt with news and current affairs (1,744), followed by literary and cultural journals (877) and religious and philosophical journals (754).

On the basis of India's total population as disclosed by the 1961 census, the number of newspapers in all languages including English per lakh of population came to 1.9, and the readership per thousand of population to 43.

Code of Conduct for the Press

The National Integration Conference, convened by the Prime Minister of India in New Delhi in September 1961, suggested the formulation of a code of conduct for the Press with a view to fostering national integration. The National Integration Council appointed by the Conference, at its first meeting on 3 June 1962, gave further thought to this problem in the light of the recommendations of the Press Commission which reported in 1954. The Press Commission had come to the unanimous conclusion that the establishment of a Press Council was a matter of fundamental importance not only to safeguard editorial independence but also for ensuring

objectivity in the presentation of news and views. The Commission had further stated that the formulation and implementation of a code dealing with the rights and responsibilities of the Press will be one of the primary functions of the Press Council when established. The National Integration Council stressed the importance of implementing these recommendations as early as possible.

News Agencies

The Press Trust of India, the premier news agency of the country, has drawn up plans for the expansion of its services in India as well as abroad. It proposed to appoint one hundred more district correspondents to provide a comprehensive regional news service in the country. As regards coverage of foreign news, the PTI has of late developed a sizable service of its own correspondents in the major centres of international news. It proposes to appoint a few more correspondents in Africa and West and South East Asia.

While the Press Trust of India has made progress during the period under review, the Indian News Service ceased operations on 31 December 1961.

Newsprint

With further deterioration in the foreign exchange position, newsprint came in for its share of stricter control on its import. An Import Trade Control Public Notice, issued on 18 April 1962, required newspapers wishing to import newsprint to indicate their average circulation per publishing day during the year 1961 instead of during October-1961-March 1962 as required earlier. They were also asked to notify the number of copies "sold", "distributed free" and "returned unsold" separately. While allotting newsprint, the number of copies distributed free and returned unsold were to be taken into consideration only if they constituted a reasonable percentage of the print order. The average circulation figures were also to be certified by a chartered accountant.

As a result of representations, particularly from smaller newspapers, another Import Trade Council Public Notice, issued on 1 May 1962, announced certain relaxations as follows:

- (i) Up to a circulation of 10,000 copies, there would be no restriction in allotment of newsprint for any increase that a daily newspaper may register during a year;
- (ii) In case of daily newspapers with circulation ranging between 10,000 and 50,000 during October to December 1961, a maximum of 20 per cent increase in circulation would be considered; and
- (iii) For newspapers with circulation above 50,000 during October-December 1961, a maximum of 15 per cent increase would be allowed.

Regarding the allotment of newsprint to new daily newspapers, their basic quota for the first year would be fixed on the basis of their certified circulation achieved during the first three months of publication. Further increase in circulation may be allowed as to other established newspapers. The maximum pages of the standard size will not be allowed to exceed eight for week-days and twelve for Sundays.

By another Notice dated 11 June 1962, newspapers whose circulation is 2,000 copies or less per publishing day were exempted from producing a chartered accountant's certificate for their claim of circulation.

While the Government had no alternative but to place restrictions on the import of newsprint, they have been quite mindful of the anticipated growth in the demand for this essential commodity. The Third Five Year Plan envisages a five-fold expansion from 30,000 tons to 150,000 tons in the production of indigenous newsprint during the Plan period. Besides taking steps to double the capacity of the Nepa Mills, the Government of India have granted licences for the starting of three more newsprint factories. The State Government of Punjab have also issued a licence for the establishment of a newsprint factory in the Himalayan district of Kangra. The new factories would have to be based on soft woods available in the Himalayan region and on baggase which is currently being used as fuel by the sugar mills.

Education in Journalism

At its annual meeting held in Nagpur on 21 February 1962, the Indian Association for Education in Journalism pleaded for the introduction of a one-year

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Bachelor Degree course and later a Master's Degree course in journalism in Indian universities. The Association also requested the University Grants Commission and State Governments to give liberal grants to the existing departments of journalism in universities to enable them to improve their efficiency by conducting campus newspapers and maintaining laboratories, libraries and reading rooms.

While the universities of Poona and Delhi have decided to start new courses of journalism, the Osmania University has taken a decision to convert its Diploma in Journalism course into a Bachelor's Degree course from the academic year 1962-63.

Other Facilities

On 31 December 1961, a total of 217 correspondents, representing 184 news agencies, newspapers, broadcasting and television organizations in India and twenty-six foreign countries, were accredited to the Government of India at New Delhi. Compared to the corresponding figure of 156 towards the end of 1956, this marked an increase of nearly 40 per cent in five years. In addition, there were thirty-seven accredited cameramen, representing nineteen Indian and eighteen foreign newspapers and photo agencies. Nearly 240 foreign journalists and cameramen on ad hoc assignments also visited the country during 1961. The Press Information Bureau of the Government of India provided facilities to all these accredited and visiting journalists.

An idea of the scale on which the Government provides facilities and information to journalists can be had from some of the following figures for 1961. The Bureau organized a total of 168 Press Conferences to enable the correspondents to seek direct information from Ministers and high officials of the Union Government. It supplied 12,259 Press releases in English and 32,544 in Hindi and eleven other languages to about 3,800 addressees on its mailing list. The Bureau distributed 47,213 photographic blocks to over 900 second and third line newspapers and periodicals published in different languages. In its Pictorial Service, the Bureau distributed 76,544 prints of news and feature photographs to 374 newspapers and other recipients in India on its daily mailing list. Another 86,363 prints of photographs of news and cultural interest were supplied to Indian diplomatic missions abroad.

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At the time of the third general elections to the Indian Parliament and the State Legislative Assemblies, held in February 1962, the Press Information Bureau set up a special Press Room for instantaneous relay of election results to the Press and the public. Working round the clock in three 8-hour shifts, the Press Room handled over 4,500 telegrams and issued over a thousand releases with a total wordage of nearly three lakhs.

BROADCASTING

Keeping in view the basic details included in earlier notes, only the more significant events relating to the period June 1961-June 1962 and having a direct bearing on freedom of information are noted below.

The most important development of the period under review has been the progress made in the execution of the Mediumwave Plan, under which fifty-six new transmitters including two of shortwave at Trivandrum and Kurseong, are being added to the existing network of All India Radio. The bulk of the installation equipment has already been obtained. Acquisition of land and construction of buildings are going ahead at a fast pace and it is hoped that by the end of 1962 several centres will go on the air. When completed, the Plan will (i) enable those areas and population groups to hear programmes on mediumwave channels, which are not at present within the listening range of such programmes; (ii) encourage the production and use of low-cost radio sets, a single-band medium-wave set being cheaper to produce than an all-wave set; (iii) provide an alternative light programme on medium-wave (Vividh Bharati), and (iv) cover any other areas at present not satisfactorily served by A.I.R.

A significant addition to the physical facilities has been the completion in November 1961 of a new multi-purpose Studio-Auditorium, adjoining the Broadcasting House in Delhi. Specially designed for the broadcast of sound and television programmes in the presence of audiences, the auditorium has a seating capacity for 650 persons. Another addition to the AIR network has been the new station of Radio Goa at Panjim. It went on the air on 9 January 1962, and broadcasts programmes in Marathi, Konkani, Hindi, English and Portuguese in three transmissions for over nine hours a day.

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Spoken-word Programmes

Under this category, All India Radio centrally planned for broadcast over 250 programmes in connexion with the Tagore Centenary celebrations. These consisted of features, documentaries, music compositions, talks, interviews, discussions, plays and operas etc. and were prepared with the co-operation of scholars and composers both in India and abroad. Besides collecting a vast wealth of material on Tagore from all parts of the world, A.I.R. broadcast a programme based on rare recordings of the poet's own voice spanning a period of over twenty years. "Tagore Centenary Around the World", based exclusively on recorded material and eye-witness accounts received from overseas on how the world celebrated the occasion formed one of the highlights of the concluding phase of the programmes. In this connexion A.I.R. supplied over 150 programmes to twenty foreign broadcasting organizations and 1,542 programmes to seventy-three Indian missions abroad.

Under the National Programme of Talks, A.I.R. broadcast five to eight talks under each of the series entitled "A Philosophy of Love", "Close-up on Films", "Administration and the Citizen", "Second String to My Bow", and "The Return to Faith". The scope and variety of subjects on which A.I.R. broadcasts talks by eminent people in their respective fields, can be had from some of the following titles: The Writer Today, Atomic Energy in the Service of Mankind, Philosophy of History, Effects of Nuclear Fall-out, Freedom Movement in Modern Asia - An Outsider's Comment, The Spirit of Europe, Liberty and Democracy, etc.

Rural Programmes and Community Listening

All India Radio's rural programmes are now broadcast from all stations and their total duration per day exceeds thirty hours. The country-wide scheme of Radio Rural Forums, launched in 1959, made significant progress during the period under review. Compared to 864 such forums in 1959, their number exceeded 2,000 by the end of 1961.

There was also appreciable progress in the Community Listening Scheme under which the Government of India subsidizes 50 per cent of the cost of radio sets supplied to the State Governments for installation in rural areas. During 1961-62, 6,315 sets were supplied under the Scheme.

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News Services

The News Services Division broadcasts ninety-nine news bulletins ranging in duration from five to fifteen minutes. These are broadcast in twenty-nine Indian and foreign languages in the Home, Regional and External Services and extend over a total broadcasting time of eighteen hours per day. The Division made special arrangements for the coverage of the polling and the results of the general elections of 1962. It broadcast thirty-six additional bulletins every day in different languages.

Radio Receivers

Compared to 2,011,244 radio receiver licences in force on 31 October 1960, the number of such licences went up to 2,245,548 by 31 October 1961.

Television

The Experimental Television Service of All India Radio launched a School TV Service on 23 October 1961, with the help of the Ford Foundation. Under this scheme, eight lessons of twenty minutes each are broadcast in a week and are repeated in the afternoon for the benefit of the second-shift students. These consist of three lessons each in chemistry and physics, one lesson in Hindi and one in English. Directly related to the curriculum, these lessons make full use of visuals - film strips, photo stills, maps, drafts and pictures and laboratory experiments.

Begun in September 1959 with the installation of about 250 television sets in 146 secondary schools, the project will ultimately cover nearly 60,000 students. Work on a 5 Kw. television transmitter at Delhi has made considerable progress and it is expected to go on the air early in September 1962.

FILMS

The number of feature films certified for public exhibition in 1961 was 303. Of these, Hindi films accounted for the largest number (98), followed by films in Telugu (55), Tamil (49), and Bengali (36).

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Production of short films and newsreels is largely being done by the Films Division of the Union Ministry of Information and Broadcasting. Till the end of 1961, the Division produced 690 newsreels and released 555 short films for exhibition in cinemas. The Division today produces nearly 120 documentary films and 52 weekly newsreels per year. These include newsreels, documentaries, educational and scientific films.

Supply of Raw Film

Although India is one of the three leading producers of feature films in the world, the country is almost entirely dependent on imports for its requirements of raw film. Extreme stringencies of foreign exchange compelled the Government of India to impose a cut of 25 per cent on all imports including raw films in June 1962. An element of regulation in the system of distribution of the available supply among producers has also been introduced, with the co-operation of the industry.

There has been progress in the construction of India's first raw film factory at Ootacamund. The project is being executed by the Hindustan Photo Film Manufacturing Co. Ltd. in collaboration with a French firm which has undertaken to train Indian personnel in their own factory in France. A batch of twenty engineers left for France in August 1961 for training. Orders have been placed for plant and machinery. Equipment of the value of Rs. 10 lakhs has already arrived.

ACROSS FRONTIERS

The most important event under this category was the first United Nations Human Rights Seminar on Freedom of Information held in Delhi in February-March 1962. The seminar was attended by representatives of the ECAFE region countries, Australia and New Zealand and observers from ILO and UNESCO. among the subjects discussed by the Seminar were: the Role of Government, Press Laws, the Role of the Publisher and the Proprietor, the Role of the Professional Journalist, Standards of Journalism and the Role of the Reader.

JUDGEMENT OF THE SUPREME COURT

On the Newspaper (Price and Page) Act, 1956 and Daily
Newspaper (Price and Page) Order, 1960

The Newspaper (Price and Page) Act 1956 and the Daily Newspaper (Price and Page) Order 1960, made thereunder, have been described in document E/CN.4/822/Add.1 which also contains a short extract from the decision of the Supreme Court, of 25 September 1961, declaring the Act unconstitutional in the light of the guarantee of "freedom of speech and expression" contained in clause (1) (a) of Article 19 of the Constitution of India. The following excerpts are taken from that judgement:

"The only question that would then remain would be whether the impugned enactment directly impinges on the guarantee of freedom of speech and expression. It would directly impinge on this freedom either by placing restraint upon it or by placing restraint upon something which is an essential part of that freedom. The freedom of a newspaper to publish any number of pages or to circulate it to any number of persons is each an integral part of the freedom of speech and expression. A restraint placed upon either of them would be direct infringement of the right of freedom of speech and expression.

...that the impugned Act was intended to affect circulation and thus directly affect the freedom of speech is discernible ... from the preamble which we may here quote. It runs thus:

'An Act to provide for the regulation of the prices charged for newspapers in relation to their pages and of matters concerned therewith for the purpose of preventing unfair competition among newspapers so that newspapers may have fuller opportunities of freedom of expression.'

Its object thus is to regulate something which, as already stated, is directly related to the circulation of a newspaper. Since circulation of a newspaper is a part of the right of freedom of speech the Act must be regarded as one directed against the freedom of speech. It has selected the fact or thing which is an essential and basic attribute of the conception of the freedom of speech viz. the right to circulate one's views to all whom one can reach or care to reach for the imposition of a restriction. It seeks to achieve its object of enabling what are termed the smaller newspapers to secure larger circulation by provisions which without disguise are aimed at restricting the circulation of what are termed the larger papers with better financial strength. The impugned law far from being one, which merely interferes with the right of freedom of speech incidentally, does so directly though it seeks to achieve the end by

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purporting to regulate the business aspect of a newspaper. Such a course is not permissible and the courts must be ever vigilant in guarding perhaps the most precious of all the freedoms guaranteed by our Constitution. The reason for this is obvious. The freedom of speech and expression of opinion is of paramount importance under a democratic Constitution which envisages changes in the composition of legislatures and governments and must be preserved. No doubt, the law in question was made upon the recommendation of the Press Commission but since its object is to affect directly the right of circulation of newspapers which would necessarily undermine their power to influence public opinion it cannot but be regarded as a dangerous weapon which is capable of being used against democracy itself."

Yugoslavia^{6/}

The general development of the Press, radio, television and documentary film production continued during 1961-1962. The number of daily newspapers increased by 5.26 per cent. The consumption of newsprint was 45,239 tons in 1960, 44,605 tons in 1961 and, on the basis of average monthly consumption, will total 47,000 tons in 1962, which represents an increase of 5.7 per cent. At the same time, two new newsprint plants are under construction: one adjoining the present Djuro Salaj paper mill at Videm Krsko and another at Sremska Mitrovica. Considerable quantities of newsprint will thus be provided to meet the country's needs. During this period, discussions took place in the Press and Publishing Council with a view to improving and increasing internal self-management. This has been a particular concern of the publishing councils, the organs responsible for the social aspect of administration which has been emphasized in the newspaper and publishing undertakings. The Yugoslav Institute of Journalism handles the training of staff for publishing and newspaper undertakings. In 1961-1962, forty-eight students were enrolled in the one-year course at the School of Journalism. The Institute also organized one-week seminars on such subjects as foreign policy, cultural and educational activities, economics and sports, as well as discussions on the draft Constitution. Special seminars were organized for foreign students of journalism studying in Yugoslavia. There were thirteen such students in 1961-1962, from Africa, Asia and Latin America. Exchange visits were arranged between Yugoslav journalists and journalists from foreign countries. During the period, some 650 foreign journalists and technicians visited Yugoslavia. They included a considerable number of foreign sportswriters who attended the European Athletics Championships.

Additions were made to the plant of the Yugoslav publishing industry during the period. Several major daily newspapers - Delo of Ljubljana, Vjesnik of Zagreb, Politika and Borba of Belgrade and Nova Makedonija of Skopje - are completely renovating their plants and introducing new rotary presses and other modern equipment which will increase printing and publishing capacity. During the period under review, the local district and commune newspapers again proved their

^{6/} Information provided by the Government of Yugoslavia on 26 December 1962.

usefulness. The public's interest in local events helped to increase their circulation. Approximately eighty such newspapers are published at the present time. Some of them, originally weeklies, are now appearing two, three or even four times a week.

The total power of radio and television stations in Yugoslavia was constantly on the increase during the period 1961-1962. The total power of radio broadcasting stations was increased by 25.1 KW and that of television stations by 3.3 KW. The number of radio receiver licences increased by 192,526 in 1962 and of television receiver licences by 47,059 as against 1961. Work to extend the television network is proceeding and, by next year, the network is expected to cover 41.7 per cent of the national territory or 52 per cent of the population. A network of micro-wave transmitters has been installed in certain regions of Yugoslavia (e.g. the entire territory of the People's Republic of Slovenia), while in other areas reception of micro-wave programmes had been considerably improved. The radio and television stations at Belgrade, Zagreb and Ljubljana broadcast Programme I on medium and micro-waves and Programme II mostly on micro-waves. Stereophonic recording studios have been built at Belgrade and Ljubljana and a concert studio has been built at Novi Sad. The television studios at Belgrade and Ljubljana have acquired TV tape recording equipment. In 1961, there were fourteen larger local radio broadcasting stations with a total power of 22 KW. In 1962 their number was increased to twenty-three, with a total power of 27.5 KW. Production of the Yugoslav radio industry now fully meets the national demand and surplus output is being exported.

Changes leading to an improvement in programming have been made at certain radio and television stations. Following extensive technical surveys conducted during the period, structural changes have been made in programmes intended for certain categories of viewers and listeners.

The developing of films by the Filmske novosti (newsreel films) has been improved as a result of the construction of a new laboratory. Films of the Belgrade Conference and of the European Athletics Championships show what the newsreel service can do. During the Conference, thirty-four newsreel firms in twenty-nine countries and twenty-seven other countries were supplied daily with documentary films in the appropriate official languages. Twenty-one countries

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received films of the contests during the Athletic Championships. Co-operation with foreign newsreel services was extended during this period to include, among other countries, Ghana and Portugal. In addition, events were filmed on the spot in Algeria, Austria, the Congo, Egypt, Germany, Greece, Guinea, Italy, Mexico, Scotland, the Sudan, Sweden and Switzerland. Two Yugoslav documentary film cameramen are at present abroad, one making a tour of Africa, the other of Asia. The newsreel service has sent a group of young film editors to receive practical training abroad.

The news agencies Tanjug and Presse-service and other information services in the People's Republic of Yugoslavia have also expanded their activities. The draft of the new Yugoslav Constitution further emphasizes the obligations which State institutions, social agencies and economic undertakings have vis-à-vis the public. During the period under review, there was considerable discussion in the Press and in political and other organizations, of the need to improve and perfect the methods of informing the public.
