

INTERNATIONAL  
JOURNAL OF CRIMINAL  
JURISPRUDENCE

VOLUME 1 AND ISSUE 1 OF 2023

INSTITUTE OF LEGAL EDUCATION





## International Journal of Criminal Jurisprudence

(Free Publication and Open Access Journal)

Journal's Home Page – <https://ijcj.iledu.in/>

Journal's Editorial Page – <https://ijcj.iledu.in/editorial-board/>

Volume 1 and Issue 1 (Access Full Issue on – <https://ijcj.iledu.in/category/volume-1-and-issue-1-of-2023/>)

### Publisher

Prasanna S,

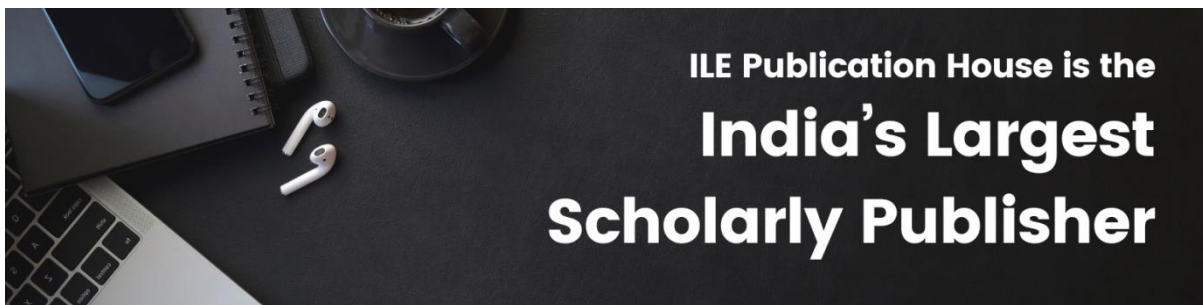
Chairman of Institute of Legal Education (Established by I.L.E. Educational Trust)

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 94896 71437 – [info@iledu.in](mailto:info@iledu.in) / [Chairman@iledu.in](mailto:Chairman@iledu.in)



© Institute of Legal Education

Copyright Disclaimer: All rights are reserve with Institute of Legal Education. No part of the material published on this website (Articles or Research Papers including those published in this journal) may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the publisher. For more details refer <https://ijcj.iledu.in/terms-and-condition/>



## FUTURE OF TRUTH AND FREEDOM OF PRESS IN TODAY'S ERA

**Author** - S.SRINIDHI, Student at SAVEETHA  
SCHOOL OF LAW SIMATS

**Best Citation** - S.SRINIDHI, FUTURE OF TRUTH AND  
FREEDOM OF PRESS IN TODAY'S ERA,  
*INTERNATIONAL JOURNAL OF CRIMINAL  
JURISPRUDENCE*, 1 (1) of 2023, Pg. 17, ISBN - 978-  
81-960677-6-2.

### **ABSTRACT:**

Free press is a sine qua non to a democracy. By allowing people to express their ideas in favour of or against the activities of the government, it supports independent media and promotes egalitarianism. The right to free expression is protected by the constitution as well as other international agreements, but is it truly enforced in its full ambit or neglected upon by the state for convenience? This article examines press freedom as the coeval concern today in India, taking into account both print and electronic media. The free press is crucial to democracy, effective government, and synchronously for human development both inherently and strategically. The unrestrained ability to communicate one's thoughts and opinions is crucial to the growth of any civilization. It is one of the most fundamental components of a successful and fair citizenship universally.

**KEYWORDS:** Free press, Democracy, Digital era, Egalitarianism for journalists.

### **INTRODUCTION:**

The media freedom and journalistic safety have severely eroded around the world, having serious detrimental effects on human rights, democracy, and global growth. Populist politicians have actively worked to malign and vilify independent journalists in an environment of escalating authoritarianism and the reversal

of democracies, and yet many governments have enacted limits on freedom of expression in violation of law. The press has been in an unstable state in the past due to political circumstances, particularly military administration and the fight for democracy. Additionally, religious politics, bigotry, and extremism repeatedly endanger the nation's socio political climate. Some media outlets' roles have been questioned; some were shut down for fabricating news, and afterwards, a number of liberated thinkers and bloggers perished. One of the riskiest places in the world for a journalist to work is India yet with many and prominent laws.

### **THE CONTEMPORARY LOCUS OF JOURNALISTS:**

The most common treatment for the journalists happening is the silencing of them by killing them which is the most egregious form of censorship. Reporters Without Borders (RSF), a Paris-based organisation, releases the World Press Freedom Index (WPFI) every year in an effort to assess the level of freedom enjoyed by the media in 180 different nations. India's position dropped from 80 in the 2002 WPFI report's first year to 122 in 2010 to 131 in 2012. There has been a lot of discussion and controversy about the newly released 2020 WPFI, which placed India at 142, down two places from 2019, among media professionals, political parties, governments, bureaucrats, and on social media. There are assaults against journalists. 455 journalists were killed between 2016 and 2021, either while doing their jobs or as a result of those jobs. The number of journalists being imprisoned has also increased to unprecedented levels. New legal restrictions erode press freedom rather than enhancing it. Since 2016, a plethora of countries have enacted or changed laws and rules that restrict online press freedom and freedom of expression. The old business paradigm of the news industry is about to collapse. Media organisations have been compelled to reduce their employee sizes or shut their doors



permanently in increasing numbers. Data may help and aid in understanding the media industry and freedom of speech. However, in the nations and areas wherein media is most at danger, the state of the media system stays unhealthy

#### **PRESS FREEDOM AND THE DEMOCRACY:**

*Freedom of the press is not just important to democracy, it is democracy-* Walter Cronkite.

Guidelines for a healthy democracy include citizen rule, free and fair elections, the defence of constitutional freedom, and collaboration. Journalism is crucial to ensuring that these values are realised. However, around the world, there are threats to the press. Even when in democratic countries, press freedom may confront several obstacles, albeit some areas are harsher than others. Reporters Without Borders and other organisations keep tabs on the number of reporters who are threatened, detained, or murdered. This information conveys to the world the gravity of the issue. The most glaring sign of press freedom is the ability of those who disagree with the government, its officials, laws, or policies to publish effective critiques without fear of punishment from the government in the form of fines, jail, or even death. Communications that could violate laws with broad application, such as the law of fraud or a contract, are not included by this definition. Additionally, it excludes extralegal restrictions like a communicator's perception (Czepek & Hellwig, 2009) of the scope of socially acceptable communication or public pressures (particularly mob action) on the media during times of crisis. Because after *Romesh Thappar v. State of Madras* (1950 AIR 124, 1950 SCR 594) judgement made clear how crucial the media are as the cornerstone of any democratic organisation, Article 19 came to light. However, it rejected the case and acknowledged "public safety and public order" under Article 19 (1-A). In today's free world, freedom of the press is at the core of social and political discourse, according to Venkataramiah

J. of the Judiciary through *Indian Express Newspapers (Bombay) (P) Ltd. v. the Union of India* (1986 AIR 515, 1985 SCR (2) 287). In the advanced economies, when television and other forms of contemporary communication are still not widely accessible to all segments of society, the press has now taken on the position of the public educator, enabling technical and non-formal education on a global scale. By providing information and viewpoints that are necessary for a fair electorate (Government) to make informed decisions, the press serves the public interest. Newspapers frequently publish articles that would offend gov'ts and other authorities. A democratic module cannot persist without a free press. In fact, the press is an astonishing medium for conveying the truth to people. However, it is not possible fully if the press is not given free. But the freedom of the press is always not easily won or handed over; it has emerged through various struggles and evolutionary feats. The, both of which are absolute inevitabilities in our future. Freedom of press means:

- There cannot be pre-censorship in the press;
- No pre-stoppage of publication in newspapers of articles or matters of public importance;
- Freedom of receive and circulation;
- No excessive and undefined taxes on the press, etc.

#### **THE ROLE OF LAW:**

In order to preserve a mixed legal system that supports independent media, the Indian Constitution Amendment guarantees press freedom while also generally protecting national sovereignty, national integrity, and moral ideals. Under specific constitutional modifications outlined in the Indian constitution, media bias and false information are prohibited. The Indian Penal Code (IPC), which is relevant to all substantive components of criminal law, addresses media crime. However, there are several limitations on press freedom



in India, including the defamation law, a lack of whistleblower protection, information access impediments, and limitations brought on by public and governmental antagonism toward journalists. Even though Article 19 (which took effect in 1950) mentions freedom of "occupation, trade, or business" and "freedom of speech and expression" without specifically mentioning "press" in clauses "a" and "g," the press—including print, television, radio, and the internet—is principally amended to voice their concerns under the selected provisions. The government has implemented a number of remedies to prevent the spread of false news and limit offensive information across numerous platforms in order to preserve the academic, moral, and basic rights of the populace. Laws and regulations are occasionally used by governments to intimidate, obstruct, or deprive journalists of their resources. However, there aren't many tools in the illiberal arsenal for the kind of heavy-handed legal repression, like censorship, that would immediately draw the ire of surrounding democracies and media watchdogs. Independent sources are instead under attack from the political application of technical law.

#### **INTERNATIONAL COVENANTS ENSURING RIGHTS**

The following are the few international bodies and statutes uplifting press freedom.

- *ICCPR, or International Covenant on Civil and Political Rights (1966)*- The ICCPR's
- Article 19 establishes the freedom to express one's beliefs without hindrance. The rights to life and to liberty and the protection of one's person are outlined in articles 6 and 9, respectively, thereby stating the right to safety.
- *General Comment No. 34 of the Human Rights Committee (2011)*- The HRC is in charge of observing and interpreting the ICCPR's protections for human rights.
- *Additional Protocol I to the Geneva Conventions and the Geneva*

*Conventions (1949) (1977)*- In cases of international armed conflict, humanitarian law grants journalists a privileged position.

- Multiple *UN Human Rights Council resolutions* acknowledge the particular role
- played by journalists in matters of public interest and strongly condemn attacks and take to create and maintain a safe and enabling environment, as well as protect the personnel in armed conflicts.
- *Target 16.10 of the Sustainable Development Goals (SDGs) 2030 Agenda (2015)*- SDG target 16.10 aims to ensure public access to information and the protection of fundamental freedoms.

Nevertheless, there is a definite and alarming general trend, as well as in liberal nations, of authorities restricting lively discussion and debate both inside civil society or among civil society, government figures, and the government.

#### **SOCIAL MEDIA AS THE PLATFORM TO FREEDOM:**

Social media is liberating. It allows us to communicate as never before and is the "golden era for journalism" has been dubbed the "digital transformation." A wide variety of narrative forms have been made available to journalists. More information is available to the public than ever before, and journalists can choose to maintain their anonymity. Social media significantly increase the accessibility of information and freedom of speech, and they continue to be a lifeline for journalists, activists, and regular people seeking to exercise one's democratic freedoms in authoritarian and unstable nations. Authoritarians seeking to strengthen state control over the information era benefit greatly from the dismissal of social media as a swamp of falsehoods and hate speech. The governments that are most notorious for disseminating false information and covertly influencing social media through hired bloggers and computerised accounts are



frequently those who advocate for curtailing civil freedoms as a solution to the issue. Government regulation should focus on certain characteristics of corporations' activity rather than the speech of their users in order to combat misinformation without restricting freedom of expression. The social media press is something of nature to look forward to for journalists.

#### **THE WAY FORWARD:**

The future will include more customised information, cross-media consumption, experiences, challenges, points of view, and voices. The futures of journalism, democracy, and press freedom are all connected. Free speech has never been a given; rather, it has always been the product of struggle and evolution, two processes that are extremely necessary for our future. Free speech acts as the foundation for venturing further into the universal elements of knowledge. The core principle of press freedom or media freedom is that expression and communication through a variety of media, including written and electronic media, especially published information, should be seen as a right to be exercised freely.

#### **CONCLUSION:**

If the press were to lose one of these freedoms, the voiceless would no longer have a voice. Even worse, if the press is prevented from doing its job, those in authority will rule the nation as they see fit. Citizens who are not informed as a result will be helpless. In the end, journalism is about people rather than technology or money. The future of journalistic freedom is undoubtedly gloomy if people can be persuaded to think they don't need it, if algorithm-enabled authoritarianism overtakes democracy, if people somehow lose the basic yearning for freedom and choice. The free press, however, has never come about without a fight or via progression, both which are unavoidable developments in our future.. Suggestions

include, The Press Council of India, a national authority, has the authority to issue warnings and impose restrictions on the media if it determines that a newspaper or news organisation has transgressed media ethics. The News Broadcasters Association (NBA), which represents the commercial television current affairs and news broadcasters, should be granted legal standing. Combating Fake News: To combat content tampering and fake news and restore confidence in the press without jeopardising its freedom, public education, and other measures are necessary for regulation and augmentation. Respect for media ethics: It's critical that the media uphold fundamental values including honesty and objectivity, openness, independence, impartiality, responsibility, and fair play. Media independence and freedom continue to be integral parts of democratic administration. Because the media serves as a conduit between the public and the government, they must be free and independent to function.

#### **REFERENCES:**

1. Ananny, Mike. 2018. *Networked Press Freedom: Creating Infrastructures for a Public Right to Hear*. MIT Press.
2. Ausman, James I. 2013. "The World - Socio-Economically and Politically: What You Need to Know." *Surgical Neurology International* 4 (October): 139.
3. Bychawska-Siniarska, and Dominika. 2017. *Protecting the Right to Freedom of Expression under the European Convention on Human Rights: A Handbook for Legal Practitioners*. Council of Europe.
4. (Deb, 2019), Deb, S. (2019). Killing Press Freedom in India. In *Press Freedom in Contemporary Asia* (pp. 281-295). <https://doi.org/10.4324/9780429505690-18>
5. Delanthamajalu, Shwetha. 2020. "Nation, Gender and the Killing of an Indian Journalist." *Gender, Place and Culture: A*



- Journal of Feminist Geography 27 (8): 1115–33.
6. Factors affecting Freedom of the Press. *Nature* 138, 795 (1936).  
<https://doi.org/10.1038/138795b0>
  7. Farkas, Johan, and Jannick Schou. 2019. *Post-Truth, Fake News and Democracy: Mapping the Politics of Falsehood*. Routledge.
  8. Gillers, Stephen. 2018. *Journalism Under Fire: Protecting the Future of Investigative Reporting*. Columbia University Press.
  9. GENEVA (24 June 2022). United Nations (2022). Universal Declaration of Human Rights. <https://www.un.org/en/universal-declaration-human-rights/index.html>
  10. Irene Khan, UN Special Rapporteur. Ensuring media freedom and safety of journalists requires urgent concrete action backed by political will: UN expert. Press releases
  11. McCraw, David E. 2019. *Truth in Our Times: Inside the Fight for Press Freedom in the Age of Alternative Facts*. All Points Books.
  12. McFaul, Thomas R. 2010. *The Future of Truth and Freedom in the Global Village: Modernism and the Challenges of the Twenty-First Century*. ABC-CLIO.
  13. Meyers, Christopher. 2010. *Journalism Ethics: A Philosophical Approach*. Oxford University Press.
  14. Muller, Denis. 2021. *Journalism and the Future of Democracy*. Springer Nature.
  15. Reporters without Borders. (2008). In *Encyclopedia of Political Communication*.  
<https://doi.org/10.4135/9781412953993.n581>
  16. Sudesh a Pal, Media Freedom and Socio-Political Instability, January 2011 *Peace Economics, Peace Science and Public Policy* 17(1):3-3. DOI:10.2202/1554-8597.1196
  17. (UNESCO & University of Oxford (UK), 2018). UNESCO, & University of Oxford (UK). (2018). World trends in freedom of expression and media development: global report 2017/2018. UNESCO Publishing.