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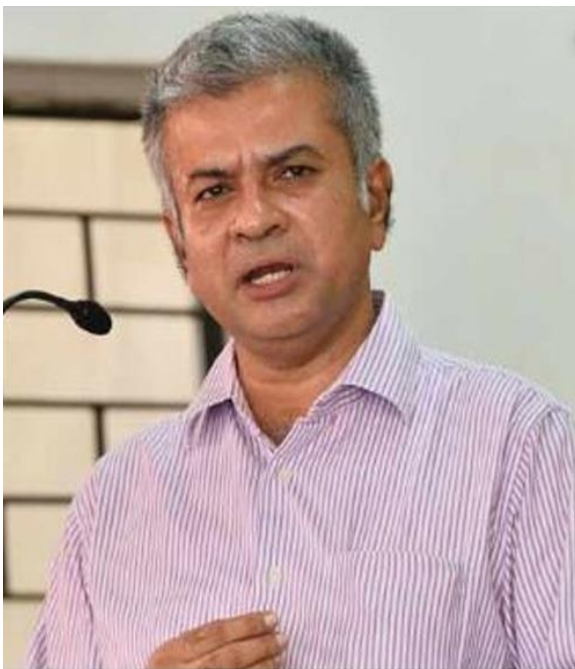
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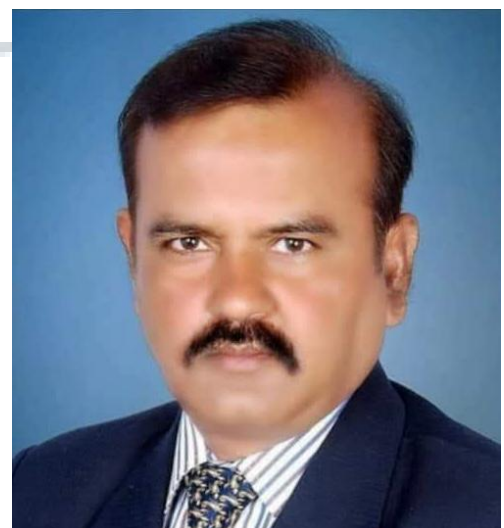
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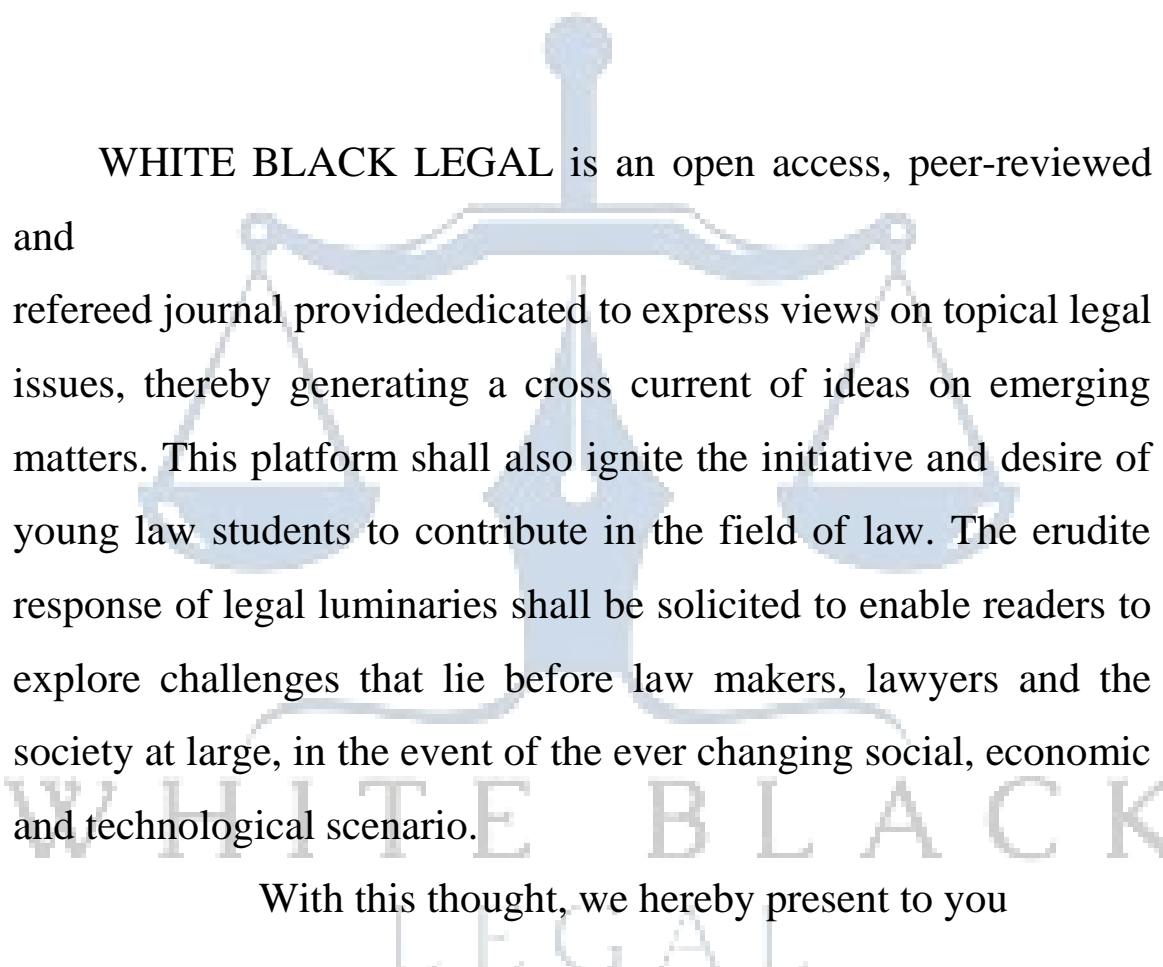


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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

THE IMPACT OF MISINFORMATION IN THE PRESS AND MEDIA ON PRESS FREEDOM AND DEMOCRATIC PRINCIPLES

AUTHORED BY - TREASY NILOPHER,
SREENIDHI S S & ACHUDA MANICKAM

ABSTRACT

India is a country that values democracy and constitutionally protects the rights to freedom of speech, expression, press, and media. However, it is concerning that India ranks 159th in world press freedom. The gravity of this issue is very cavernous. While loosening restrictions could lead to increased productivity, the misuse of these rights and the spread of misinformation and disinformation may leave no other option but to curtail freedom. The paper explores the challenges that currently exist, and the survey conducted included individuals from various fields such as press, media, advocates, academics, students, government servants, and the public.

Keywords: Misinformation, Restrictions, Media

I. BACKGROUND OF THE STUDY

A. EVOLUTION OF PRESS FREEDOM

The struggle for press freedom started dates back from the Britishers time. It started when the first newspaper of India and the first printed newspaper of the Asia 'The Bengal Gazette' was created, by James Augustus Hickey in 1780. It was a weekly paper and ran only for a short duration as it got ceased on March 23, 1782 as Hicky criticized the East India company, colonial officials and the governor general Warren Hastings and also due to the circulation of another rival paper 'The India Gazette', which was funded by Hastings. Several other newspapers were also created such as 'Bengal Journal' in 1785, 'The Oriental Magazine' or 'Calcutta Amusement' in 1785, 'Bombay Herald' in 1789, 'Bombay Samachar' in 1822, 'The Bombay Times' in 1833, 'The Hindu' in 1878, and 'Swadesamitran' in 1899¹. At that time when the newspapers had started to play a important role in the freedom struggle, the British

¹ BYJUS, <https://byjus.com/free-ias-prep/this-day-in-history-jan29/>, (last visited May 3, 2024)

government brought a lot of bans and restrictions by Acts like the Censorship of Press Act, 1799 to prevent the spread of rumours, Licensing Act, 1823² which mandated to publish with license, Licensing Act, 1857 which gave complete power grant or revoke license, prohibit any newspaper or book without reasonable justifications to suppress the newspaper publications so as to curb the nationalist movements. But whatever Acts or restrictions may be passed by the colonial government the freedom fighters continued their movements by way of protest. These protests peaked when the Vernacular Press Act, 1878 also known as the gagging Act by the press was passed. This Act was mainly passed to curb the Activities of vernacular newspapers. It gave a lot of power to the district magistrate by allowing them to call upon any vernacular newspaper to enter a bond with the government and undertaking not to cause disaffection against the British government, power to seize the deposit if they criticize the government for first time and power to arrest if they criticize the government second time. It gained a lot of opposition as many freedom fighters like Balagangadhara tilak was arrested. However, In spite of all the bans, restrictions and Acts imposed by the colonial government, the newspapers played a prominent role by contributing in its own way to attain the independence apart from the other nationalist movements.

After attaining the independence, the press got more independent role with the enforcement of Article 19(1)(a) and as Jawaharlal Nehru was then Prime minister, a prominent person who considers press as an important pillar for the proper functioning of the democracy. During his period, Press had sufficient flexibility and was seen as an instrument which accelerates the development of the country. This freedom was later misused by the journalists as they were publishing information that could possibly lead to the communal violence, sacrificing their ethics for sensationalism. Hence, in 1951, to maintain the peace of the country, Article 19(2) which imposes reasonable restrictions to freedom of speech and expression and The Press (Objectionable matters) Act, 1951 was passed. But this got ceased in the year of 1956 and the first press commission was set up in the year 1954 under Justice Rajadhyaksha. Upon the recommendations of this commission All India Press Council was established in 1966, with justice J.R.Mudhokar³ with the objective of preserving the press freedom and to improvise the standards of the press in India. It is now governed by the Press Council of India Act, 1978.

² Patil Amrutha, 'Licensing Act, 1857 - Modern India History Notes', Prepp, (last visited May 3, 2024) <https://prepp.in/news/e-492-licensing-act-1857-modern-india-history-notes>.

³ EDITORSGUILD, <https://editorsguild.in/history-of-journalism/#:~:text=In%201951%2C%20the%20Press%20>, (last visited May 3, 2024)

Press was functioning well during the initial days but started to face a lot of challenges after 1970s. After 1970s the press's freedom and functioning was hindered greatly by the then prime minister Indira Gandhi as she was very intolerant to the criticism. Her Actions peaked after the judgement in the case of State of U.P V Raj Narain & Ors⁴ in 1975, as she was found guilty of electoral malpractices in the 1971 elections and the elections was held as null and void which results in removal of her position. Along with this when Jayaprakash Narayan led Opposition party and the press started to criticize her for her malpractices, she infuriated by this declared a state of emergency on the grounds that the stability, integrity, security was under threat due to the movement of Jayaprakash Narayan, to implement a rapid economic development programme for the unprivileged groups and to remove the foreign intervention as it weakened India. This period of emergency was considered to be the dark days of the democracy and Mass media as she controlled the press by passing the Press Censorship Act which mandated that the publishers to submit it's publications before the government authorities for its scrutiny so that its ensured that no one criticizes the government and only pro-government narratives were only allowed to published, by merging four news agencies namely Press Trust of India(PTI), United News of India(UNI), the Samachar Bharti, and Hindustan Samachar to control the contents of the newspaper, threatening to cut off the tele printer services, the most important element in printing newspapers, withdrawing the advertising support from the government side and by threatening to punish if they ignored the warnings of the government and the other medias such as radio was already in the control of the Government. At the onset the emergency the press expressed its opinion against the emergency by protest , printing blank pages, by using the quotations of Rabindranath Tagore , by using code languages and but later gave up due to the fear of punishments as forty six reporters, two cartoonists, six photographers and two hundred fifty eight journalist were arrested during the twenty one month Emergency period and due to the financial instability as the government advertisements were withheld by the government⁵. However this only existed only for a period of two years and later was relaxed in the Morarji Desai's Government. Even after that the press freedom was tried to curbed in 1982 by the Bihar Press Bill but was failed as the public and the press held mass protests against the Bill because of their bitter experience in the emergency period.

⁴ State Of U.P vs Raj Narain & Ors. AIR 1975 SUPREME COURT 865

⁵ Dr. Jhumur Ghosh, 'INDIRA GANDHI'S CALL OF EMERGENCY AND PRESS CENSORSHIP IN INDIA: THE ETHICAL PARAMETERS REVISITED', Volume: 7 / Number: 2, Volume: 8/ Number: 1, Global Media Journal – Indian Edition ,(2016-17) ,<https://www.caluniv.ac.in/global-mdia-journal/Article-Nov-2017/A4.pdf>

B. JUDICIAL INTERVENTION ON PRESS FREEDOM

The struggle for freedom of press in India has come a long way and it continues with varying circumstances and difficulties. The first newspaper in India was The Bengal Gazette which was authored by James Augustus Hickey in 1780 but lasted only for 2 years because it criticized the Taj. Several other newspapers were introduced but all were curtailed by censorship measures. Many legislations were introduced regarding press freedom first being press Act of 1835 also known as the Metcalfe Act which introduced a liberal press policy but lasted only till the revolt of 1857 when the licensing Act was introduced. It gave the colonial administration the powers to stop publication and circulation of any printed material. In 1867, the administration enacted the Registration Act, which required every book or newspaper to bear the name of the printer, the publisher, and the place of publication. Additionally, all books were to be submitted to the local government within a month of their publication.

The most famous and stringent regulations was the vernacular press Act introduced by viceroy lord Lytton which gave the govt extensive powers to censor reports and editorials in vernacular languages which criticized British policies. The spirit of Indian press can be seen where Bengals amrita bazar patrika changed into an English newspaper overnight as no restrictions were imposed on English newspapers. The Press Act of 1910 particularly hit Indian papers hard. It empowered the local government to demand a security fee for any 'offensive content' against the government. Nearly thousand papers were prosecuted under the Act. Mahatma Gandhi's Salt Satyagraha widely used the Press to rally the masses against the British. This further heightened the tension between the Press and the government. With Gandhi's arrest in 1930, the government enacted The Press (Emergency Powers) Act of 1931. It gave the provincial governments censorship powers. Amidst such Acts of censorship, the 'All-India Newspapers Editors' Conference was conceived. It was aimed to be a protector of press rights in the country. It fought with the British government to lift the restrictions and advocated for better relations with the government.

C. SOME LANDMARK CASES REGARDING FREEDOM OF PRESS

1. ROMESH THAPPAR V STATE OF MADRAS⁶

Romesh Thappar was a noted political commentator and communist who publicly criticized Nehru's policies, published and edited a journal in English called cross roads. The journal was

⁶ Romesh Thappar v The State Of Madras , 1950 AIR 124

banned in the former state of madras under section 9 (1-A) of the madras maintenance of public order Act, 1949. Challenging this ban Thappar filed a legal petition with the supreme court arguing that powers granted under this Act limited the fundamental right article 19(1)a and state argued saying restriction was necessary for maintaining public order.

The court held the provision unconstitutional as it flouted the permissible limits of restricting freedom of speech and expression. Also, in this case it was held that freedom of press included freedom of circulation.

2. BENNET COLEMAN V UOI⁷

The newspaper policy of 1972-73 was challenged as it imposed a number of restrictions which included establishments owing more than two newspapers with at least one being a daily newspaper not allowed to launch new newspapers the total number of pages for any newspaper being limited ten newspapers with less than ten pages restricted to a 20% increase in the number of pages lastly no interchangeability of newsprint between different newspapers of the same establishment or between various editions of the same paper.

The supreme court held the provisions unconstitutional and emphasized that free press was a crucial component to the freedom of expression in general mentioning that the policy imposed quantitative restrictions on the freedom of press was also considered a direct challenge to the freedom of expression.

3. MADHYAMAN BROADCASTING LTD V UOI (2023)⁸

The supreme court of India's recent judgement ordered the restoration of the broadcasting license of media one a Kerala based television channel. The court held that the critical views of the media one news channel on government policies cannot be termed 'ant establishment' as the use of such a terminology, represents an expectation that the press must support the establishment. The issue arose after intelligence bureau denied security clearance to MBL's media one news channel while making adverse remarks on MBL's main source of income which was alleged to be from Jameet e Islam sympathizers and its anti-establishment stance. References were also made to its reports on UAPA, armed forces (special powers Act),

⁷ Bennett Coleman & Co. & Ors vs Union Of India & Ors ,1973 AIR 106

⁸ Madhyamam Broadcasting Limited vs Union Of India, 2023 (SC) 269

development projects of the government, encounter killings, CAA, NPR, NRC the judiciary's alleged "double standards in terrorism cases", and the alleged portrayal of security forces in a bad light.

The court held in the context of the case that the denial of security clearance to operate a news channel is a restriction on the freedom of press and such restriction is constitutionally permissible only on grounds stipulated in article 19 (2) of the constitution. Stressing the importance of independent press. The court observed, "The press has a duty to speak truth to power, and present citizens with hard facts enabling them to make choices that propel democracy in the right direction. The restriction on the freedom of the press compels citizens to think along the same tangent. A homogenized view on issues that range from socioeconomic polity to political ideologies would pose grave dangers to democracy." It was explained that the validity of the claim of involvement of national security considerations must be assessed on the test of whether there is material to conclude that the non-disclosure of information is in the interest of national security; and whether a reasonable prudent person would draw the same inference from the material on record. The ban was declared unconstitutional and removed.

4. BRIJ BHUSHAN V UOI⁹

The decision was delivered by the honourable justice Patanjali Sastri who stated that there is little doubt that pre censorship on a journal is restriction on the press's liberty, which is confirmed under article 19 (1)a of the constitution's freedom of speech and expression. Freedom of the press consists in imposing no prior restraints on publications, not in freedom from censure for criminal matters when published. The court said, citing on Blackstone's commentaries. Every free man has an undeniable right to express whatever sentiments he wishes in public, to forbid this is to destroy press freedom.

II. LITERATURE REVIEW

A. Literature 1

1. Title: Freedom of Speech and expression with special reference to freedom of press

Author: R Patel & Purvi Pokhariyal

❖ History

Press freedom has been a quintessential part of democracy. The freedom of speech and

⁹ *Brij Bhushan And Another v. The State Of Delhi*, 1950 AIR 129

expression has been trampled since the British era through regulations and Acts

- Crushing of Bengal Gazzate in 1872
- Vernacular press Act, 1878
- Censorship of press Act 1799
- Metcalfe Act 1835
- Licensing Act 1857
- Newspaper (incitement to offences) Act 1908

❖ Rights

The right to freedom of press and media is inclusive under Article 19(1) a of the Indian Constitution 1950. The right however not absolute must be granted to the press as in accordance to the same extent practicable by the citizens. The role of a vigilant media is emphasised throughout the paper. The paper has covered the prerequisites of press freedom including access to information, freedom of publication and freedom of circulation. These rights are subject to restriction, under Article 19(2) wherein if the expression disturbed the sovereignty & integrity of the nation, public security, foreign relation, public order, decency or morality and if in relation to contempt of court, defamation or incitement to an offence. It is also subject to scrutiny under sedition offences under Section 124-A IPC. censorship is another contentious limitation and trend of pre-censorship evolved during the emergency period in the year 1975 in India. However the right cannot be curtailed due to mere apprehension.

❖ Role of courts

The courts in India have played a huge role in guarding this right under part III of the indian constitution, where the deprived can approach the high court under Article 226 & Supreme court under Article 32 over the infringement by both administration and legislative part of the government. The multifarious judgements set by the Supreme court has contributed to the setting of proceedings and safeguarding the right to freedom of press under the ambit of Article 19. Nevertheless, the paper also delves into the intricacies of the Contempt of Court Act 1971 imposing restrictions on freedom of the press to avoid its interference or obstacle in rendering justice.

2. Criticism

While the paper does provide insightful information regarding the significance of freedom of speech and the judiciary's responsibility in safeguarding it, it neglects to acknowledge the

matter of misusing this right. Specifically, it fails to address the prevalence of misinformation and disinformation in media and press, and the potential consequences of such manipulation on democratic processes. It is crucial to recognize that if the fourth pillar of democracy is constructed upon faulty foundations, it can jeopardize the strength and integrity of the entire system.

B. Literature 2

1. Title: *Media Houses: Misuse of press freedom and its effects*

Author: Siddhant Krishna Jaiswal

- Media Acts as a check & balance to avoid arbitrary behaviour of the government, sustaining democracy and protecting rights of citizens by Acting as a bridge between people and government.
- Role of media in upholding justice: in the case of Ruchika Grihotra where the media was the reason for conviction and in the case of Priyadarshini Matoo where the media provided with fresh evidences
- Media becoming a wrecker of cognitive reasoning, justice & fairness; misuse of press freedom for TRP by vilifying minority, infringing privacy, inculcating hate speech.
- Balancing Article 19 - Right to freedom of speech and expression and article 21 - right to life and liberty inclusive of right to privacy as an integral part of individualism. The paper has included the cases of Sushant Singh Rajput and the Auto Shankar case to substantiate this point.
- The paper has also covered the aspect of media trials as a parallel investigating house for high profile cases, though there are pros there is also criticism of this process as a dirty game of TRP. The media plays a role in unearthing fActs but also the authenticity of the data must be validated.
- Right to reputation is a right in rem available to all people, and to protect democracy the protection of individual rights should be balanced with freedom of speech and expression.
- Need for reasonable restriction: media houses are needed to be self regulatory by bodies like News Broadcasting Association and other statutory bodies

In conclusion, the paper covers the existing significant roles of media and the constraints and its dirty plays and regulations that have been in India through boards and bodies.

2. Criticism

This paper effectively emphasizes the critical role of a vigilant media in society, while also acknowledging its potential to disrupt cognitive reasoning. While the balance is well-represented, there is room for further exploration of the global landscape, ethical journalism practices, and the impacts of political and corporate influence.

C. Literature 3

1. Topic: The Freedom of speech and privacy in the press and media; when should the journalists right to freedom of expression be restricted?

Author: Ritika Srivastava

- Freedom of press under article 19(1)(a) as the fourth pillar of the Indian democracy, watchdog against corruption and disaster .
- Media must fulfil its responsibilities within the boundaries of respecting an individual's privacy under Article 21 of the Indian Constitution.
- The paper has dealt with the constitution provisions which include freedom of press, commercial advertisement, right to telecast, right against telephone tapping, right against bundh, right to information, right against pre censorship imposition, freedom of silence, etc.
- The paper has upheld the balance of right to privacy too by supporting it with provisions and case laws.
- Failure of the media would lead to dictatorship, it plays an important bridge between an individual and government. It treats everyone on an equal footing and plays a very neutral role. Media is the most influential role of democracy. The first prime minister of India Pandit Jawarharlal Nehru coined it as the 'watchdog of democracy'.
- The words of Thomas Jefferson have been highlighted in this paper where he prefers a newspaper without government over government without newspaper.
- Pre-independence era focused on the censorship around congress but post-independence the whole concept changed in accordance with Article 19. The view of the Indian press commission regarding how the vigilant eye of the legislature and public opinion formulating the press is in par excellence in upholding democracy.
- Freedom of press being the heart of social and political intercourse should be safeguarded by the courts.
- This right is not absolute and is restricted subject to the provision of article 19(2). The right should be exercised without harming the emotions and sentiments of the

individual, there shouldn't be a wrongful advantage taken and shouldn't humiliate or abuse anyone.

- The paper concludes stating that the right to freedom of press is not absolute and is bound to reasonable restrictions. Substantiating with judicial precedent and legal statutes such as IPC and cyber law.

2. Criticism

This paper sheds light on the crucial significance of Article 19(1)(a) and the indispensable role of the press and media in our society. It lays a strong foundation for understanding how the media upholds democracy and navigates the delicate balance between press freedom and individual rights. Nevertheless, there remain some aspects that would benefit from further exploration or emphasis, such as media literacy, limitations, and the international stance.

III. RESEARCH PROBLEM

In an era marked by the rapid dissemination of information through various media channels, including traditional news outlets and social media platforms, the prevalence of misinformation poses a significant challenge to press freedom and democratic governance. this will be research problem

IV. RESEARCH OBJECTIVE

- To understand the relationship between press and democracy.
- To understand the need for a separate institution and a regulatory board for press.
- To understand the misinformation spread and whether any measures were taken by the government to curb it.

V. RESEARCH HYPOTHESIS

Increased exposure to misinformation in the press and media leads to decreased trust in journalism and news outlets, thereby undermining press freedom.

VI. RESEARCH QUESTIONS

- To what extent does the spread of misinformation contribute to the erosion of democratic principles such as informed citizenry and government accountability?

- What are the mechanisms through which misinformation spreads in the press and media, and how do these mechanisms influence perceptions of press freedom and democratic governance?
- How do different types of misinformation (e.g., disinformation, misinformation, propaganda) impact the ability of individuals to make informed political decisions, and what are the consequences for democratic processes?
- How do regulatory approaches to addressing misinformation, such as content moderation policies and fact-checking initiatives, impact press freedom and democratic principles?
- How do different cultural, social, and political contexts influence the impact of misinformation on press freedom and democratic principles?
- What strategies and interventions can be implemented to mitigate the negative effects of misinformation on press freedom and democratic governance, while preserving freedom of expression and information?
- To identify the relationship between misinformation, press freedom, and democratic principles.

VII. RESEARCH METHODOLOGY

The first part of the paper includes analysis of the existing literature followed by, a pilot survey which was conducted online by circulating google forms. The survey consisted of 12 questions regarding press freedom and more than 30 responses were recorded. The questions were both subjective and objective. The data has been analysed with the help of pie charts and graphical representation for simple understanding.

VIII. CURTAILMENT OF PRESS FREEDOM

In a democratic country like India, where the government is of the people, for the people, by the people and every citizen has the right to participate in the formation the government. This should not be limited till the elections but also after the elections by expressing their opinion about the laws, policies framed by the government, criticizing the government if they are not functioning properly. In 2020, when three laws – The Farmers’ Produce Trade and Commerce (Promotion and Facilitation) Act, The Famers (Empowerment and protection) Agreement of Price Assurance and Farm Services Act, and The Essential Commodities (Amendment) Act was passed, by which thousands of Farmers from the region of Punjab, Haryana and

Uttarpradesh held a protest against the government demanding guarantees for the Minimum Support price. Due to this the Government had repealed the passed bills in November 2021 and announced to form a committee to look into the Issue of Minimum support price and other issues. From this instance, we can see how people's opinion plays a important role in the proper functioning of the government and how people's opinion helps to uphold a strong and healthy democracy. For this purpose, Constitutional makers have framed Article 19(1)(a) which guarantees the right to freedom of speech and expression.

Freedom of speech and expression means the right to freely express one's own opinion by words of mouth, writing, printing, pictures or by any other mode. It is a exclusive right granted only to the citizens and has no geographical limitations. This freedom of speech and expression is not only recognized by the Indian Constitution, but also have been recognized under international bodies such as the International Covenant on Civil and political Rights (ICCPR), the Universal Declaration of Human Rights (UDHR)¹⁰, etc. Apart from this, the Judiciary has also recognized the freedom of speech and expression in the case of Mahesh Bhatt v Union of India & Anr¹¹,

The role of the press cannot be ignored in the discussion of freedom of speech and expression as it is considered to be the fourth pillar of the democracy. Mass media plays an important role by upholding the democratic country's values, as it meets two ends – providing information about the problems faced by the citizens to the parliament by which the government can resolve those issues, create legislations and by informing the people of what is happening in the parliament. By this way, the press maintains a strong link which connects the people and the Government. Therefore the ultimate goal is to provide truth so that people become aware and reflect about what is happening. But while providing the truth, it faces many challenges like media bias which can totally dilute the truth and convey the information which is not correct due to being in supportive or being opposite against the government leaving out the Actual problems , Misinformation by which the fake news spreads quickly which creates a chaos among the people and often leads to curtailment of press which intends to provide genuine information , Disinformation in which people spread the false news intentionally to disturb the country's internal peace , by government censorship through which sometimes the government

¹⁰ Tejaswini Kaushal 'A Bird's Eye View of the Right to Freedom of Speech and Expression in India' (2023), (May 4, 2024), <https://articles.manupatra.com/article-details/A-Bird-s-Eye-View-of-the-Right-to-Freedom-of-Speech-and-Expression-in-India>

¹¹ *Mr. Mahesh Bhatt And Kasturi And Sons vs Union Of India (Uoi) And Anr*, 2008BUSLR366(DEL)

bans and restricts the information even if it is correct and is of public interest only because it is against the government, gender diversity through which women's perspective and ideas is limited and Media trial by which the media takes the administration of justice to increase their Television rating point or Target rating point (TRP) by which many innocents are projected as guilty in front of the public. Because of these challenges press freedom has been curtailed a lot in India due to which the media literacy in India is lacking by which people could not access the truth which results in non-transparency and non-accountability which are the basic principles of a democratic government.

IX. INSTANCES LEADING TO CURTAILMENT

After 1980s the press again started to function freely without much restrictions, and the trends have changed now. Nowadays the mass media and the press have evolved in such a way that they have sacrificed their professional ethics by passing information and the news which is dramatic, by probing a situation and taking the work of judicial system and making a person guilty in front of the public before the judiciary does, by intentionally passing fake news so as to get more readers and viewers rather than passing the true information for the welfare of the public. Not only by this the truth is diluted, it is also due to being in favour of the ruling party and by ignoring their mistakes or by being completely against the ruling party by criticizing every Action taken by them even it is taken genuinely. Apart from these issues which leads to the curtailment of the press, Misinformation by which the fake news is passed unintentionally through the mass media plays a significant role in the curtailment of the press freedom as it creates chaos, fear, excitement or such similar emotions among the public at large which may lead to protests or such other things which could disturb the country's internal peace which results in greater scrutiny of genuine information or news published by the press.

Misinformation also leads to increases social division by passing false information, fake pictures and videos about particular religions, linguistic groups, communities and ethnic groups which weakens the unity of a diverse country like India. This can be seen from the violence rosed in Manipur, where the violence have been initiated due to the fake photo of a tribal murder was passed in the Imphal Valley. Because of this video clashes began between the Kukis and Meities. It peaked and gained the country's attention on May 4, in Kangpoki district, where two women were subjected to naked parading and assault. In spite of the steps taken by the police by establishing a 'Rumour Free Number' to verify the information and curb the

spreading of the false information, the violence still continues in the Manipur District¹², in the Ayodhya dispute in 1992, where misinformation and rumours about the construction of Babri masjid's led to Hindu-Muslim Riots and the destruction of the mosque and from the Muzaffarnagar riots in 2013, where the riots resulted between Hindus and Muslims due to a passage of a video, wherein two majority community youths were killed after they allegedly murdered a youth of a minority community in the Kawal village of Muzaffarnagar¹³.

Apart from the social division, Along with the development in the technology the misinformation has also evolved with the passage of time as such from forwarded WhatsApp messages, Facebook posts to AI generated messages, posts, digital avatars, memes, songs from voices or speeches, auto tune content, etc .For example in May 2021, a deepfake video was posted by 'The Indian Deepfaker' which depicts a humourous skit portraying Rahul Gandhi and Narendra Modi as quarrelling roommates. Another similar incident took place in February 2020, where a deepfake video of Bhartiya Janata Party (BJP) member Manoj Tiwari was posted in the YouTube. These kind of Acts not only create sensationalism but also politically manipulate the society especially passage of these fake motion pictures during the election times. At present, Many right agencies are sounding louder warnings than ever before, cautioning that average Indian voter in 2024 faces the highest risk of electoral misinformation as People's capacity to differentiate between reality and AI is flawed, leading to vulnerabilities where they can be deceived and marginalized¹⁴. Other instances in which the fake messages had been spread is in 2016, where the news was passed that UNESCO has declared that the prime minster Modi as the best prime minister, Jana Gana mana as the Best National Anthem in the world and the Rupees two thousand note as the best currency in the world Misinformation has also created economic impacts which can be seen in the incidents like in the 2016 where the news that new 2000 rupees notes have a GPS chip to detect black money, new notes have a radioactive link by which the income tax department uses it to trace large quantities of cash and messages of salt shortages which created a high demand for the salts¹⁵. Rapid

¹² THE ECONOMIC TIMES, [https://economictimes.indiatimes.com/news/india/how-fake-news-and-videos-
inciting-violence-in-manipur/articleshow/102065845.cms](https://economictimes.indiatimes.com/news/india/how-fake-news-and-videos-inciting-violence-in-manipur/articleshow/102065845.cms), (last visited on May 6, 2024)

¹³ Rajesh Ahuja, 'Muzaffarnagar riots: fake video spreads hate on social media', HINDUSTAN TIMES (May 7, 2024), [https://www.hindustantimes.com/india/muzaffarnagar-riots-fake-video-spreads-hate-on-social-
media/story-WEOKBAcCOQcRb7X9Wb28qL.html](https://www.hindustantimes.com/india/muzaffarnagar-riots-fake-video-spreads-hate-on-social-media/story-WEOKBAcCOQcRb7X9Wb28qL.html)

¹⁴ Sahana Venugopal & Saumya Kalia, 'From IT bots to AI deepfakes: The evolution of election-related misinformation in India', THE HINDU (May 7, 2024), [https://www.thehindu.com/elections/lok-sabha/from-it-
bots-to-ai-deepfakes-the-evolution-of-election-related-misinformation-in-india/article68015342.ece](https://www.thehindu.com/elections/lok-sabha/from-it-bots-to-ai-deepfakes-the-evolution-of-election-related-misinformation-in-india/article68015342.ece).

¹⁵ Alison Saldanha, '2016: Top 10 Fake News Forwards That We (Almost) Believed', INDIASPEND (May 8, 2024) [<https://www.indiaspend.com/2016-top-10-fake-news-forwards-that-we-almost-believed-59828/>](https://www.indiaspend.com/2016-top-10-fake-news-forwards-that-we-almost-believed-59828/)

advancements in technology have made it easier to create and spread misinformation especially through social media. Social media companies are facing challenges in curbing the spread of fake news and propaganda, while the Indian Government is in the process of updating current legislation to effectively address the rise of deepfakes and fake messages on the internet.

X. SCRUTINIZING EXISTING REGULATIONS

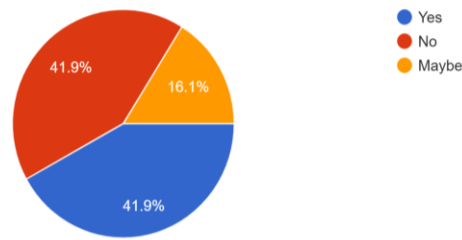
Misinformation erodes trust in traditional media, institutions and experts when people are constantly exposed to the false information, fake messages, fake photos and videos. Apart from creating a buzz among the public this also destroys the main function of the press which is to provide truth to the public so as to make them aware and reflect upon the things happening in the country which in turn affect the principles of the democracy i.e, non-transparency and non-accountability. For the following reasons, the government is forced to create rules and regulations which in the passage of time has lead to the curtailment of the press freedom unreasonably.

At present there are no specific laws for the Act of Misinformation but the Activities of the press and the other media are governed by regulating bodies such as the Press Council of India which censure the newspaper if they find that the newspaper or news agency has violated the journalistic ethics, News Broadcasters Association (NBA) which probes the complaints against electronic media, Indian Broadcast Association (IBF) which looks the complaints against contents aired by channels, Broadcasting Content Complaint Council (BCCC) which takes complaints against TV broadcasters for objectionable TV content and fake news and also governed under sections 153 of the Indian Penal Code which punishes a person who intentionally spreads the fake news with the intent of creating enmity between different groups.

XI. SURVEY ANALYSIS

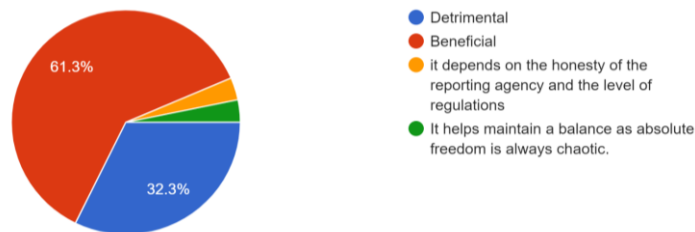
Regardless of one's workplace, age, or profession, the influence of press and media in Indian society is undeniably significant. With its constant presence in our daily lives, there seems to be no difference in responses across subgroups.

1) Do you feel press freedom is in line with democracy?



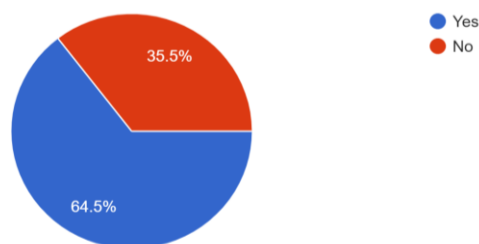
Democracy and Press Freedom: The alignment of democracy and press freedom is crucial in upholding the spirit of democracy. However, the survey indicates that this alignment is uncertain and not very evident.

2) Do you consider press regulations as detrimental or beneficial?



Regulations: More than half of the respondents support the regulations and restrictions placed by the government on press and media. It is believed that a regulatory body should be established to ensure the smooth functioning of any field, and any entity that informs the public must be thoroughly checked and validated.

3) Should press be a separate entity?



Separate Entity: Although the trend for press regulations is high, the need for press as a separate entity is still at 62.1%. The legislature may place regulations on the workings of the press, and the executive may hold implementing power, with scrutinizing power in the hands of the judiciary. Media should be treated as a separate fourth pillar of Indian democracy, and the other

three organs should refrain from encroaching into the watchdog role of media. This system of checks and balances will ensure the best working of democracy.

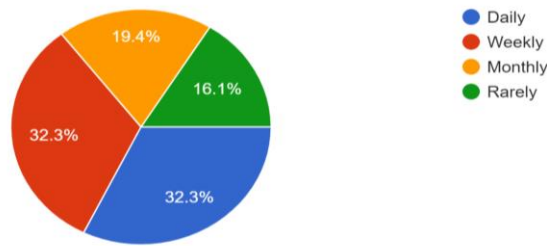
4) Could you cite any examples of censoring and restricting genuine information curtailing press freedom?

The respondents to the survey have highlighted multiple examples pertaining to their knowledge. The issues range from the lack of protection for whistleblowers to the constraints caused by politicians on journalists, the manipulation of information by ruling parties, and the censorship of genuine incidents. The survey analysis reveals that the press is often threatened and censored for reporting genuine information that could expose the wrongdoings of the powerful. Media ownership and shares are often concentrated in the hands of the affluent, leading to biased reporting. Around the world, governments use censorship and restrictions to control the flow of information and curtail press freedom. Examples include China's Great Firewall, Turkey's Media Crackdown, Russia's Control of Media, Saudi Arabia's Suppression of Dissent, and Egypt's Crackdown on Press Freedom. In India, curtailment of press freedom is evident in the coverage of issues like the IT rules amendment, the AAP case, CM Jayalalitha, Barkha Dutt's live streaming during the Kargil war, the Taj bomb incidents, Manipur issue where the other side was not shown, Pegasus issue, defamation law, corruption of big shots in government postings, and limited coverage of the farmers' protest.

Prejudiced media coverage: Based on the numerous examples provided by respondents, it is clear that various incidents have hindered the press from reporting the truth, and have been unjustly covered up by those in power who have political and corporate biases. To address this problem, transparency can be increased by requiring all media outlets to disclose their ownership and funding sources, and establishing committees to regulate and prevent inaccuracies. Additionally, a diverse media environment can be fostered by promoting diversity among journalists and ensuring multiple perspectives are represented.

5) How often do you come across misinformation?

Frequency: According to the survey, a significant portion of respondents, encounter misinformation daily or at least weekly and 19.4% monthly. Only a mere 16.1% have reported experiencing it rarely. These figures underscore the magnitude of the issue and the



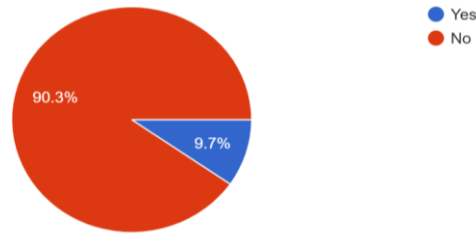
arduous task of distinguishing genuine news from the deluge of misinformation and disinformation. The problem can be tackled only with a collective effort. It is important to recognize and address the underlying factors that contribute to the spread of misinformation, such as political polarisation, echo chambers, and the financial incentives for creating and sharing clickbait content.

6) List some instances of misinformation which leads to conflict.

Respondents to a survey have cited various examples of how misinformation can cause conflicts and issues. Misinformation spread like a wildfire and cause serious issues. Instances of Hindu-Muslim riots, caste-based riots, and communal violence triggered by rumors about cow slaughter or desecration of religious sites are just a few examples. The recent Manipur incident and Ayodhya dispute also demonstrate how misinformation can lead to violence and destruction. Elections are not immune either, with false information often circulated about polling percentages, candidates, and government schemes. Misinformation about ongoing wars, such as the Russia-Ukraine or Israel-Palestine conflicts, can also fuel further conflict. It is important to be aware of the impact of misinformation and to fact-check information before sharing it to prevent the spread of false rumours and prevent conflict and violence.

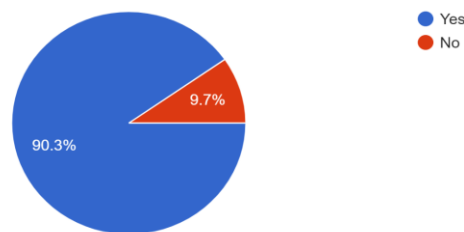
Conflict : through the survey we can easily understand that there is multiple evidence that these misinformation by the press has led to public unrest and social conflict and to address the issue the media's fact checking responsibility and social obligation should be overviewed by the government.

7) Have you witnessed any misinformation which has been penalized?



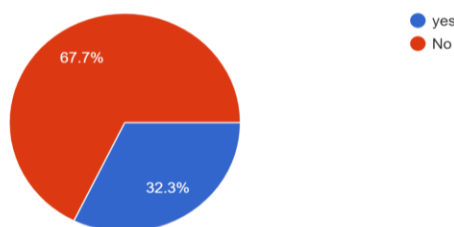
Penalization: despite the existence of multiple provisions such as IT ACT 2000, IPC 203¹⁶ that address the spreading of false information. However, only around 10% of respondents have reported witnessing such behaviour. This could be interpreted in two ways: either the awareness of the respondents is very low, or the enforcement of the penal provisions is poor. Both issues can be addressed through proper implementation and policy awareness.

8) Do you think challenges exist in providing unbiased content in the newspapers or by news channels?



The inordinate percentage of facing challenges in providing unbiased content highlights the gravity of the issue.

9) Is media literacy sufficient to mitigate the issue of misinformation?

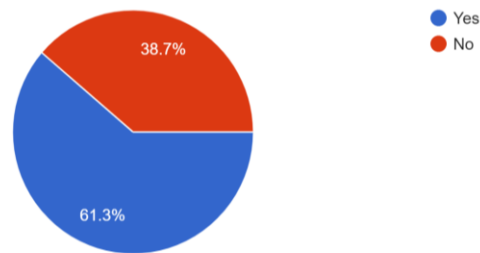


Media literacy: the majority of respondents, 89.7%, have experienced difficulties in providing unbiased content. Unfortunately, only 27.6% feel that media literacy is adequate to address this problem. It's clear that educating citizens about the importance of identifying trustworthy

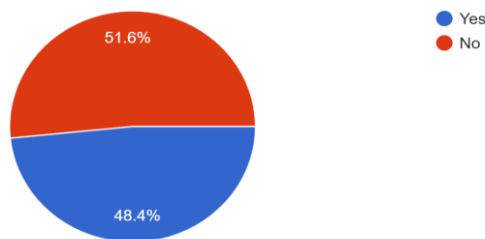
¹⁶ Indian penal code, § 203, No. 45, Acts of the Parliament, 1860 (India)

information is crucial. Informed citizens create a discerning audience, which in turn minimizes difficulties and challenges. This is because they are less likely to circulate false information. When citizens are Active and well-informed, it reduces the prevalence of power plays and corruption. And majority feel pressurized externally to provide unbiased content which must be regulated by separate legal bodies.

10) Do you feel any external pressures while analysing and compiling the data into your news?



11) Is the function rendered by the different boards (Eg : Press council of India, news broadcast association etc) effective for press regulations in India?



Pre-existing bodies: such as the Press Council of India and News Broadcast Association are deemed ineffective by over 50% of people. The main reasons for this include a lack of transparency, judicial scrutiny, and policy evaluation. However, if these issues are addressed and improved, positive results can be achieved.

XII. SCENARIO IN CONTEMPORARY WORLD

According to the World press freedom index, 2024 released by the Reporters Without Borders on the World press freedom day, Reporters Without Borders highlights a worrying trend in which the political protection of press freedom has been decreased. At the whole, press freedom is in stake in majority of these countries and this is due to the increase in the spread of the fake content industry especially during the election times, which has motivated the government authorities to increase the rules and regulations imposed on the Mass media. It is

also reported that in around one hundred thirty eight countries out of the one hundred eighty countries, political Actors are the one who are often involved in the Act of disinformation¹⁷Continued rapid spread of the fake news intentionally or unintentionally can lead to distrust in the media, will lead to a platform where conspiracy theories can be created, this can be seen at the time of the covid19 Pandemic, where the theories about its origin¹⁸, transmission, prevention, and the effectiveness of vaccines led to the vaccine avoidance, mask refusal, intake of medicines with improper scientific data, all of which lead to increase in the death rate and also sometimes may lead to wars between the countries.

In spite of the regulations imposed by many countries on the grounds of Covid19 , misinformation, disinformation, the Scandinavia countries continues to retain their position in the top of table for the past few years. This is because due to the practise of six best practises found in fact-finding mission to Scandinavia. They are, by Media ownership where the media outlets are owned by independent foundations committed to promote media freedom, by Journalists' trade unions in which significant density of union membership among journalists serves as a shield against market instability and also promotes ethical standards within the media, by giving subsidies to media to support diverse group within the media, by editorial independence and a strong dialogue with the audience in each group, by self and co-regulatory frameworks which are a key support to ethical journalism and by national legislations which prevent defamation lawsuits, this also motivates journalists who have the right to access to public documents to hold the higher authorities responsible for their Actions¹⁹.By following these practises, India can also improve the environment of the press freedom, which helps us it to increase the transparency and accountability which in turn results in strong and healthy democracy

XIII. CONCLUSION

By looking at the rules that govern how the press and media work, and seeing how much wrong information is spread and how it affects society, especially because most people don't know much about things like AI-generated messages and Deepfakes, we can see the challenges that

¹⁷ REPORTES WITHOUT BORDER , <https://rsf.org/en/2024-world-press-freedom-index-journalism-under-political-pressure>, (last visited May 8 , 2024)

¹⁸ Maria Mercedes Ferreira Caceres *et al*, 'The impact of misinformation on the COVID-19 pandemic' , NATIONAL CENTRE FOR BIOTECHNOLOGY INFORMATION (May 9,2024) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9114791/>

¹⁹ EUROPEAN JOURNALISTS , <https://europeanjournalists.org/blog/2020/05/06/media-freedom-made-in-scandinavia-six-examples-of-best-practices/>, (last visited on May 9, 2024)

media people, academics, and groups who push for things are facing when they try to give news that isn't biased. This shows that the Indian press and media, which are supposed to be really important for democracy, are in a bad state. Looking at how the courts and things are working today at contemporary world can help make things better. The laws should be made stronger, and there should be more focus on telling the truth and being clear about things, with better oversight and people speaking up for what's right. This will help India move forward and make sure that its citizens get what democracy promises.



WHITE BLACK
LEGAL