

Resistance of Peaceful Expression in India: Implication on the Future of India

Muhammad Hassan, Pallavi Kumaria



Abstract: *The right to free speech stands as a cornerstone of democratic societies. This paper aims to assess the pivotal role of freedom of the press in India, tracing its historical evolution from pre- to post-independence and highlighting its significance in the country's journey towards sovereignty. Through an analysis of legislative interventions, historical milestones, and contemporary challenges, the paper sheds light on the struggles and triumphs of the Indian press in upholding democratic values. Utilizing a library-based research approach, supplemented by online sources, the study investigates the current state of press freedom in India and its implications for democratic governance. Case studies are presented to illustrate the credibility crisis facing Indian media and the threats posed to journalistic integrity. Drawing upon landmark judicial precedents and historical narratives, the paper underscores the indispensable role of a free and independent press in safeguarding democratic principles and fostering informed citizenship. It concludes by advocating for the preservation of freedom of expression as a fundamental human right essential for the vitality of democratic societies.*

Keywords: News, Freedom of Press, India, Democracy, Media Integrity, Independence, Journalism, Evolution.

I. INTRODUCTION

This research paper shows how important freedom of the press is and the struggle of the Indian press to achieve its freedom. It discusses the history of the Indian press from pre-independence to post-independence and highlights the contribution of the press in the independence of the country. It also includes studies on the acts passed by the British government in the past to restrain the freedom of the press and the impact created by the press on the British Empire. It takes us to the journey of evolution of the Indian press, the contribution of famous personalities like Jawaharlal Nehru and Mahatma Gandhi in the field of journalism, and discusses the current status and future horizons of journalism in India and threat faced by the "Freedom of Press" today.

A. Objectives

1. To spread awareness regarding the current scenario of press in India.

2. Stand against the oppression faced by press freedom in India.
3. Case studies that represent the credibility crisis faced by Indian media.

II. RESEARCH METHODOLOGY

The present paper is based on the secondary data. The topic is library-based work. Therefore books, journals, videos, reports of various commissions appointed to look into the various angles of freedom of press in India have been used extensively. Besides Google, YouTube and other internet sources have also been used during this study.

III. REVIEW OF LITERATURE

India is the largest democracy in the world, has evolved over a period of time. The press in India has also got its evolving phases from time to time and has contributed a pivotal role in shaping the beautiful architecture of India which we are witnessing today.

With the concept of freedom of expression to be the epitome of all existing liberties, it gives a sense of protection to all against all present and future apprehensions. If we look at the history of the press in India, it is Pt. Jawaharlal Nehru who has said "I would prefer to have a totally free press with all perils engaged with wrong utilization of that opportunity than a directed or stifled press [1]." People believe that this was an echoing idea of Jefferson who said... "Were it left to me to choose whether we ought to have Government without press or press without Government. I ought not to spare a moment a second to lean toward the last mentioned [2]."

Looking at the literature, it is evident that how political, social figures have declared the communication as a central point which governs political or social reforms. Literature reveals that time has found the press as a means to disseminate correct news and spread the truth. With the advent of technological revolution, freedom of the press has undergone multifaceted transformations. Be the content, speed, authenticity, ocean of parallel information in and around a particular topic makes the compliance to the guidelines of freedom of the press a herculean task.

A. Freedom of Press in India and Its Constitutional Provisions

Freedom of the press: The right to print or publish without any interference, whether it is governmental or any public authority. The primary role of the press is to highlight the flaws and functions of the government and government bodies. The United Nations General Assembly proclaimed May 3 to be World Press Freedom Day. It is commended to bring issues to light of the significance of courageous news coverage and serves as a reminder to governments to

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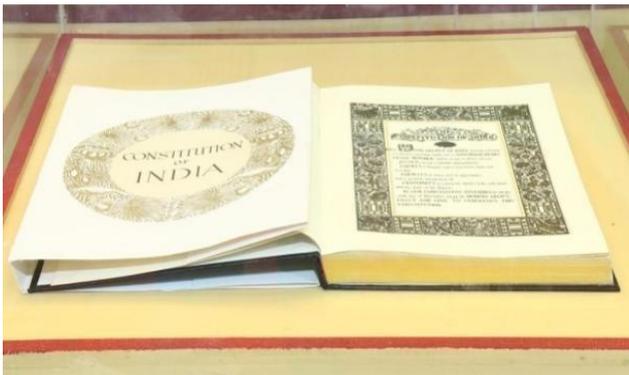
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honor and maintain the privilege of freedom of expression.



[Fig.1: Redefine Freedom of Press issue Once and for All. Source: News Nation] [1]



[Fig.2: The Constitution of India at the Geospatial World Forum 2017 in Hyderabad, India. Source: Geospatial World] [1]

The term “Freedom of the Press” is not clearly mentioned in the constitution, but it is a well-settled law, as declared by the Supreme Court, that “freedom of the press” falls under Article 19 of the Indian Constitution, which provides the freedom of speech and expression. To prevent misuse of this freedom, such as defamation and spreading hatred, the press follows a certain code of conduct under the Press Council of India. The Press Council of India is an organization formed by the Parliament, acting as a watchdog of the press, for the press, and by the press [3].

The prime purpose of “freedom of press” is to keep an eye on the three official branches:

1. Legislature
2. Judiciary
3. Executive

B. Landmark Judicial Precedents Shaping Press Freedom in India

▪ **Bennet Coleman Case:** In this landmark case, the Supreme Court upheld the freedom of newspaper agencies to print an unrestricted number of pages in a single issue. Furthermore, newspapers were granted autonomy in setting their prices and distributing their publications to any audience of their choosing.

▪ **Express Newspaper Case:** In this significant ruling, the Supreme Court clarified that while the press industry is not immune to taxation, any tax imposed must be reasonable. Excessive taxation on the press industry was deemed to potentially infringe upon the fundamental rights of freedom of speech and expression [3].

C. Evolution of Indian Press



[Fig.3: Bal Gangadhar and the Power of Press. Source: Jagran Josh] [3]

In India, the first printing press was introduced in 1556 by Father Casper Calizo in Goa, where he was doing missionary work. Realizing that a printing press could greatly aid his mission, he ordered one from Portugal. Later, in 1670, Bombay also adopted the printing press, but it remained unused for the next 100 years. In 1780, James Augustus Hickey, a failed businessman from London, arrived in India to set up a printing press in Calcutta and published India's first- ever newspaper, the “Bengal Gazette.” The Bengal Gazette was an English newspaper that exposed corruption and malfunctioning within the “East India Company.” Warren Hastings, the Governor General of India, disapproved of Hickey's criticism of the government. As a result, Hickey was imprisoned for his criticisms and his inability to pay a fine of Rs. 80,000. Within two years, the publication of the Bengal Gazette was shut down.



[Fig.4: Hickey's Bengal Gazette Dated March 10th, 1781. Source: Digital Ocean] [3]

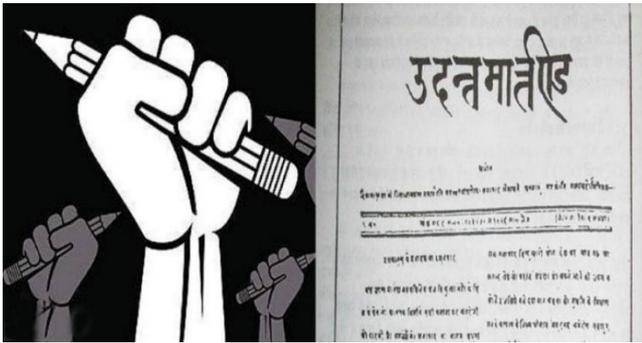
Between 1784 and 1789, several more newspapers came into existence, including the Calcutta Gazette, Bengal Journal, and Bombay Herald. The Bombay Herald, published in 1789, was the first newspaper in Bombay, later renamed the Bombay Gazette.

The Censorship of Press Act (1799) was introduced by Lord Wellesley during the French invasion of India to prevent anti-government publications by the French. According to this act, publishers could not publish anything against the government. Before publishing, they had to submit a copy to the censor board, and each copy had to contain the name of the author and publisher. In 1818, the Censorship of Press Act was abolished by Lord



Hastings. In the same year, India's first vernacular newspaper, "Samachar Darpan," was published in Bengali. In 1822, the "Bombay Samachar," later renamed the "Mumbai Samachar," was published. It is recognized as India's oldest newspaper still in circulation. In the same year, Raja Ram Mohan Roy started "Sambad Kaumudi," which campaigned against the practice of Sati. The Licensing Regulation Act (1823) required every newspaper to obtain a license to continue its publication; otherwise, they were not allowed to operate. This act negatively impacted many newspapers, leading to their shutdowns. Raja Ram Mohan Roy's "Mirat ul Akhbar" also had to cease its publication due to this act.

In 1826, the first Hindi newspaper, "Udant Martand," was published in Calcutta. Every year, May 30 is celebrated as "Hindi Journalism Day."



[Fig.5: Udant Martand, the first Hindi Newspaper Published in India. Source: Navodaya Times]

In 1835, Charles Metcalfe abolished the Licensing Regulation Act. Due to his liberal policy towards the press, Lord Metcalfe is known as the liberator of the press. However, the directors of the East India Company were not convinced by his policy, leading Metcalfe to resign within a year. In 1868, the "Amrita Bazaar Patrika," a Bengali newspaper, was published. During the 1870s, numerous Indian language newspapers began to be published. Criticism of the British government appeared in various Indian languages like Punjabi, Gujarati, and Bengali, making news easily accessible to the public and causing significant trouble for the British government. This era marked the beginning of social reformers and political leaders contributing to journalism.



[Fig.6: Amrita Bazar Patrika, dated 8th June 1948. Source: Samachar4media]

The Vernacular Press Act of 1878, a legislative measure enforced under the governance of Lord Lytton, marked a

pivotal moment in the history of Indian journalism. This act, aimed at regulating the burgeoning Indian press, mandated the cessation of operations for all newspapers published in various Indian languages, affecting approximately 35 publications across the nation. Among the impacted newspapers was the prominent Bengali publication "Amrita Bazaar Patrika," which, in response to the Act, made a strategic shift in its language of publication, transitioning from Bengali to English to circumvent the regulatory restrictions imposed by the colonial authorities.

However, the landscape of press freedom in India underwent significant transformation in 1882 when Lord Ripon, recognizing the importance of a free press in a democratic society, repealed the Vernacular Press Act. This repeal was a monumental step towards restoring the autonomy of the Indian press and fostering a climate conducive to journalistic freedom and expression.

Fast forward to 1919, amidst the fervor of India's struggle for independence, Mahatma Gandhi, the towering figure of India's freedom movement, recognized the power of the press as a tool for social change. In a bid to amplify his message of non-violent resistance and socio-political reform, Gandhi initiated the publication of two weekly newspapers, namely "Young India" and "Navjivan." These publications served as bastions of Gandhi's ideologies and principles, providing a platform for the dissemination of his visionary ideas to a broader audience, thus igniting the flames of national consciousness and mobilizing masses towards the pursuit of freedom and justice [4].



[Fig.7: Covers of "Navjivan" and "Young India," Publications Initiated by Mahatma Gandhi. Source: National Herald] [4]

In 1927, G.D. Birla inaugurated the "Hindustan Times," while in Mumbai, S. Sadanand established the "Free Press Journal" during the same year. The year 1931 saw the enactment of the "Indian Press Act," exacerbating tensions between the press and the government, culminating in the Press Emergency Act. During Gandhi's Satyagraha, he adeptly utilized the press to galvanize public sentiment against British rule. Subsequently, in 1933, Gandhi launched "Harijan," advocating for his principles. Jawaharlal Nehru introduced the "National Herald" in 1938. By 1941, Gandhi vociferously opposed restrictions on press freedom, emphasizing its critical role during wartime. The Quit India Movement emerged in 1942, demanding an end to British colonial rule.



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[Fig.8: Poster Commemorating the Quit India Movement. Source: Jagran Josh]

In 1946, the Press Trust of India commenced regular news agency services in India. Additionally, in September of the same year, an interim government was established to facilitate the transfer of power from the British and assist in the independence of both India and Pakistan. During this period, the British government relinquished its control and relaxed restrictions on press freedom [5].



[Fig.9: Two Girls Stand United Over a relief of the India-Pakistan Map, 1947. Source: Military Trader] [5]

After independence, significant changes occurred in newspapers, leading to shifts in the functions of journalists. Many newspapers came under the control of Indian editors. Previously, people worked with a sense of mission, but post-independence, a more professional approach emerged in newspapers, resulting in increased employment and various technical advancements. In 1956, the "Newspaper Price and Page Act" was introduced. The Press Council of India was established in 1966 by Parliament, serving as a watchdog for the press under the Press Council Act of 1978.

By the 1970s, newspapers had attained industrial status, making the Indian newspaper industry the largest globally. Newspapers like Times of India, The Hindu, The Hindustan Times, The Statesman, Economic Times, The Tribune, Dainik Jagran, Dainik Bhaskar, Amar Ujala, among others,

became the most circulated in the country.

During the Emergency imposed by Indira Gandhi from 1975-77, oppressive policies were at their peak. However, later, the status of the press changed, reaching its peak [6].

D. Current Scenario of Press Freedom in India

India's current track record on press freedom stands at 142 out of 180 countries. While the nation has historically fostered a vibrant media culture and upheld free-speech laws, press freedom has deteriorated over recent years, primarily for a variety of reasons. The increasing number of journalists killed, coupled with the unjust filing of FIRs and sedition charges against journalists, paints a concerning picture of the state of the world's largest democracy.



[Fig.10: India Ranks 142nd in the World Press Freedom Index 2020. Source: Bankers Adda]

An independent news portal named "Cobrapost" has exposed the mainstream media's credibility. Specializing in investigative journalism, undercover operations, and sting operations, Cobrapost journalist Pushp Sharma visited 36 media houses, posing as a member of a Hindutva organization. He solicited favorable news coverage for the BJP and negative coverage of opposition parties in exchange for large sums of money. Shockingly, all the channels, including India TV, DNA, Sab TV, and Rediff.com, were willing to accept bribes. Cobrapost dubbed this operation "Operation136", referencing India's World Press Freedom Index rank of 136 in 2017 [10].



[Fig.11: Cobrapost's Investigative Journalism Named Operation 136. Source: Cobrapost] [10]

A person named Bharat Bhushan Gupta, a village-level entrepreneur, discovered that someone was providing admin-level access to the



entire Aadhaar database for ₹500. He brought this matter to the attention of the media, and The Tribune newspaper published his story. Before publication, the journalist from The Tribune verified the case by contacting the WhatsApp number involved in the scam and indeed received admin-level access to the Aadhaar data. However, UIDAI denied the fact and instead filed an FIR against the journalist.



[Fig.12: The Tribune Reporter Facing FIR After Aadhaar Expose. Source: Tribune India]

On 25th July 2019, the RTI amendment bill was passed in the Rajya Sabha. The RTI Act has proved to be the most powerful and successful act, exposing numerous scams such as the Commonwealth scam, 2G scam, and failures of demonetization. However, after changes made in sections 13 and 16, the government now has the authority to determine the tenure and salary of Information Commissioners. These amendments curtail the independence of Information Commissioners [9].



[Fig.13: Caricature Depicting Right to Information (RTI) Amendment Protests. Source: National Herald] [9]

Journalist Rana Ayyub has been receiving death and rape threats on social media for many years. UN human rights reporters have urged India to protect her. The threats do not come from anonymous trolls; rather, they proudly identify themselves as "Hindu nationalists" and supporters of India's ruling BJP and its ideological mentor group, the RSS, which is hostile towards minorities.



[Fig.14: Rana Ayyub During her "Gujarat Files: Anatomy of a Cover Up" book launch. Source: The Quint]

The revocation of Article 370 in Jammu and Kashmir on August 5, 2019, triggered a significant communication blackout in the region. Consequently, media outlets in Kashmir were unable to operate, and political leaders were arbitrarily detained without valid charges. The events following the abrogation of Article 370 underscored a blatant violation of human rights in Kashmir.



[Fig.15: Barbed Wire is Seen Laid on a Deserted Road During Restrictions in Srinagar, August 5, 2019. Photo: Reuters/Danish Ismail]

During the specified timeframe spanning from 2014 to 2019, a comprehensive investigation into the frequency of assaults targeting journalists within India has revealed deeply concerning statistics. Shockingly, the findings unveiled that a total of 40 journalists tragically lost their lives during this period. Moreover, the report documented approximately 200 instances of severe assaults directed at journalists, highlighting the perilous environment in which media professionals often find themselves while carrying out their vital work [8].



[Fig.16: A Candlelight Vigil Held in the Memory of Gauri Lankesh. Source: Live Mint] [8]

In 2019, journalist Pawan Jaiswal faced arrest and was charged with criminal conspiracy [13]. This came after he produced a video report investigating the



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implementation of the critical mid-day meal scheme in Uttar Pradesh, under the governance of Yogi Adityanath [14]. The mid-day meal initiative aims to ensure that government school children receive at least one nutritious meal per day [15]. In his report, Jaiswal uncovered instances where children were compelled to consume roti with salt [16], a stark deviation from the expected meal standards [17]. This revelation led to widespread condemnation from organizations such as the "Editors Guild of India," which called for the withdrawal of legal action against the journalist and an end to any further harassment [18].



[Fig.17: Journalist Pawan Jaiswal was Charged Following his Investigation into Alleged Negligence by the UP Government Regarding the Mid-Day Meal Service for Primary School Children. Source: NDTV] [18]

Kashmiri photojournalist Masrat Zahra has been booked under terror charges for allegedly uploading anti-national posts with criminal intent to induce youth to promote offenses against tranquility, whereas the post simply depicted the reality of the situation in Kashmir [11].



[Fig.18: Photojournalist Masrat Zahra in Action [Left] and her Protest Against the UAPA Charges [Right]. Source: LokMarg] [11]

Numerous journalists assert that it is increasingly difficult to report openly. Some once-fair news outlets and writers have chosen a "side". One of them is Arnab Goswami. Goswami, formerly of the Times Now 24-hour news channel and now of Republic, which has quickly become the nation's most famous English-language channel, is a prime-time TV anchor known for his aggressive, shouty style. He is one of Narendra Modi's most passionate supporters, and the channel's coverage largely focuses on the BJP [7].

On the contrasting end of the spectrum lies NDTV, another 24-hour news network renowned for its commitment to fact-based reporting. However, despite its steadfast adherence to journalistic integrity, NDTV has

encountered challenges, including instances such as police raids in 2017.



[Fig.19: Cartoon of Ravish Kumar Highlighting Media Challenges in India. Source: Talented India] [7]



[Fig.20: NDTV's Most Trusted Companies Award 2019 Certificate. Source: NDTV] [7]

IV. FUTURE OF INDEPENDENT MEDIA

Since the BJP came into power in 2014, the world press freedom index has been continuously degrading and now stands at 142 out of 180 countries in 2020.

If we look at the current scenario, we find that today's mainstream media is very irresponsible in terms of performing its duty as a fourth estate.

Mainstream media focuses more on the IPL rather than children dying in hospitals in Bihar. It is because mainstream media today is profit-driven and believes that its audience wants this kind of information. For them, the wardrobe malfunction of a model is much more newsworthy than a farmer committing suicide. Technology has changed the media in ways we could never imagine. The BJP has been using WhatsApp not just to put forth its opinions and messages but to weaponize it to purvey and disseminate disinformation, fake news, hateful information, and half-truths, dividing the country on religious lines.

In this age of information overload and news as entertainment, how will independent media survive? It is still a suspenseful theory.

Indian media is facing a huge credibility crisis in the current scenario. There are some media channels, including Zee News, Times Now, Aaj Tak, ABP News, Republic TV, and many more, that have been praising Narendra Modi and his party constantly despite the fact that the country has been going through huge economic crises and a rapid increase in the level of poverty. From the failures of demonetization to the Rafale controversy, these media



channels have been filtering all the faults of the government and trying to portray a positive image of the BJP [12].

V. CONCLUSION

The right to speak freely of discourse and articulation is an urgent human right which is significant for a general society to be majority rule. It allows the free trade of thoughts, feelings, and information and consequently permits individuals from the general public to frame their own assessments on issues of open significance. The aforementioned right serves open discussion and supports a free and autonomous press, educated citizenship, and the straightforward working regarding the state.

Opportunity of articulation offers uncommon rights and obligations to the media. The media educates society on issues regarding open intrigue and makes a significant stage for open discussion, examination, and reflection. In this way, free media and quality news coverage are viewed as the "guard dog" of a fair society.

The media have uncommon rights, opportunities, and obligations since they have an extraordinary capacity as a "guard dog" in a fair society.

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After aggregating input from all authors, I must verify the accuracy of the following information as the article's author.

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