

A critical analysis of the influence of the law of defamation on the freedom of the press in Sri Lanka

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Freedom of expression has been considered a fundamental right that should be ensured for the smooth functioning of a democratic society. Mass media is the main social body that exercises the freedom of expression on behalf of the public. However, there is considerable criticism of the behaviour of the mass media, alleging that they abuse the right to freedom of expression without regard for individual rights, such as reputation or ethical standards. Therefore, the need for the law of defamation, which is closely tied to the right to reputation, has been emphasized as a crucial aspect of the law. In such a context, the right to reputation and the freedom of the press have become conflicting rights. Although the influence of the law of defamation on freedom of speech has been widely discussed and examined in many countries, there is a lack of studies in Sri Lanka. Therefore, the problem that was examined in this research is how the law of defamation has influenced freedom of the press in Sri Lanka. The researcher applied the doctrinal approach to collect data, and accordingly, statutory provisions, instruments such as mass media ethics, and case law were examined. In analysing the data, a thematic approach was applied. The data were categorized into initial codes and main themes, and thereafter, five main themes and fifteen sub-themes were identified. The data were analysed critically, and interpretation rules, press theories, and balancing theories were applied as a theoretical framework for the analysis. It was found that the law of defamation has influenced the freedom of the press in Sri Lanka, with some aspects having a positive impact and others a negative impact. Furthermore, it was found that the purpose of the law of defamation is to balance the right to reputation and the freedom of the press rather than merely to protect the right to reputation. The findings of the research will be advantageous for academicians, researchers, journalists and editors, media owners, policymakers, legislators, judges, and lawyers, and it will result in the development of a highly developed balancing system relevant to the right to reputation and the freedom of the press.

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