

## Role of media in the modern human right regime

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### Abstract

Liberty of thought and expression are among the highest ideals of a modern democratic society which our constitution also resolves to secure to all citizens and this can only be done with the help of media. Democracy relies on the freedom of the media. Today media has become very powerful medium and it affects whole society not a single individual. In short we can say that media act as a 'mirror of the society'. It facilitates thought and discussion, advances civilization and help in promoting comprehension and appreciation of the goals of a free society. Today most of the people have access to all these new kinds of media and it is where these new kinds of media playing a very important role in protecting and addressing various human rights issues.

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### Introduction

#### Media as opinion framer and awareness creator

Journalist and the press are the active members of society who bring to public notice about the happenings in the world. Awareness is the key to the promotion of rights. Media has covered a long distance from its traditional approach of mere a news delivery to awareness creator. Today media's role is not limited only to broadcasting of the news but it is extended to news analysis and the making commentary on the facts. By this media shape the views of the people as it purveys ideas, opinions and ideologies. Media nowadays even sets up the cultural, social, and economical agenda of country by influencing the thought process of various groups through its articles and creative writing. And this also helps in developing a free society all over the world. Free press acts as guardian of human rights of the common citizenry and voice of democracy. Media also plays a role of communication between the state and the public. Media not only report the incident but it also connects the event with rights.

Media exposes the violation of human rights at different level whether it is local or international, improves the climate of democratic debate and help in reducing the corruption in public life. Media also do work of making people sensitive towards human rights as it provides relevant and reliable information through which citizens, human rights group, public authorities and private organization can work together to promote and development and to eliminate arbitrary abuse. On this Mr. Kofi Annan, former secretary general said that "press freedom is a corner stone of human rights. It holds government responsible for their acts and serves a warning to all that impunity is illusion"<sup>[1]</sup>.

In a democratic set up a very active and intelligent participation from all spheres is very much required. To achieve this people need clear true account of events, so that they may form their opinion and offer their own comments and viewpoints on such matters and issues after which they can take their own position. Media has role in generating the strong public opinion and it act as supporting role to judiciary

and the administration to bring about changes in the society. Media acts like a forum for discussion. This can be very well observed from the various programmes which are being broadcasted by various news channels like Big Fight, Walk the Talk etc.

Media is a potential instrument to evaluate measures to promote economic and social justice. Media stands for social reforms and public welfare and creating public opinion on various issues like education, child marriage, widow marriage and sati. Media offers innovative ideas on social legislations and by publishing the views of affected interests can pinpoint the ill effects of the social welfare measures and the correctives needed to deliver justice to the people. The need for new type of legislation or a policy may be highlighted by the media and from this the authorities can take note in shaping up the laws conformable to the needs of the society. Most of the national newspapers publish very good quality scholarly articles and also there are very good quality magazines which by doing news analysis help in building informed citizenry.

And also it is the right of citizens to be kept informed about current political, social, economic and cultural life as well as the burning topics and important issues of the day. Media plays educative role and has a great mobilizing force as we have recently witnessed in Anna hazare's movement, where due to continuous broadcast of the news channels thousands of people gathered in Delhi from different parts of India. On this Mahatma Gandhi mentioned in his autobiography as "one of the objectives of the newspaper is to understand the proper feeling of the masses and give expression to it. Another is to arouse among the people certain desirable sentiments"<sup>[2]</sup>. In India since pre-independence time independent minded journalist are playing very good role. Many have put their life and freedom at risk in order to promote transparent and accountable governance. Many journalists have been arrested, prosecuted and condemned to heavy fines or prison terms. There have been many instances of censorship or suspension of publications even. It is said that without press freedom, truth cannot be ascertained.

### **Expansion of media and its impact**

In India if we see then all forms of media like print, television, and internet are expanding. The multiplicity of media and its pluralism is very useful to maximize the human rights coverage in the media. One major impact is that it prevents the homogenization of the content and by providing various platforms it also make people easy to express themselves. The variety in the type of media and the information technology revolution actually made the access of citizens to the media very easy.

### **Investigative journalism**

Before emergency the news were mainly reported by the daily news papers and the source of the information was basically agencies like PTI, UNI etc. but the censorship measures adopted by the then central government led birth to various news magazines like India Today, The Sunday etc. and with this the definition of journalism got changed in India and what is called as “Investigative journalism” started in India.

So, now the news reporter themselves participates actively and gathers information instead of depending on the government agencies. Independent journalism and free media act as a bed rock for democratic change and respect for human rights. Therefore, the media sensitive to the importance of human rights problems provide reliable sources of information through which citizens, human right activists, human right groups, private organization and public authorities can work together to promote development and to eliminate arbitrary abuse. Scam hunting is one such area of investigative reporting is very much popular these days. Cash for vote scam, Tehelka expose are some of the notable example of investigative journalism where the corrupt practices has been exposed by media and as result of which these perpetuators could be brought to justice.

### **Role of international media**

International media also play a very important role as its reports are more supposed as more accurate and unbiased and they are relied upon across the globe. International media reports human right abuses and then the public opinion outside tend to come to aid of the victims. As a result of such reporting often the recalcitrant governments are sanctioned by the international community. There are many incidents where international media played a very vital role in reporting human suffering in various disturbed zones across the globe like in Afganistan, Sri-Lanka, Palestine, Cuba, Mynamar, Vietnam so on and so forth.

### **Duties of media**

The freedom of media is not to be understood as to be a press free to disregard its duty to be responsible. The element of responsibility should be present in the conscience of the journalists. It is the duty and responsibility of media to respect the public order, decency and morality etc. rather than to violate them. If media publishes something wrong, untrue, improper, and illegal or abuses its liberty then it must be punished in the court of law. Media affects a large portion of the society by its publication so a very high duty lies on the editors to guard against untruthful news and publications because they are likely to be believed by the people who will watch or read it. Before making any publication it is expected

from a responsible media that before reporting they shall exercise restraint and try to ascertain the genuineness, correctness and the authenticity of the report to be published. It can be said that it is the duty of a true and responsible journalist to strive to inform the people with accurate and impartial presentation of news and their views after dispassionate evaluation of the facts and information received by them and to be published as news item. Therefore it can be said that the presentation of the news must be truthful, objective and comprehensive without any false and distorted expression. On this aspect Mr. F. S. Nariman, the noted jurist, had once observed, “A responsible Press is the handmaiden of effective judicial administration. The Press does not simply publish information about cases and trials but, subjects the entire Justice - hierarchy (police, prosecutors, lawyers, Judges, Courts), as well as the judicial processes, to public scrutiny<sup>[3]</sup>.”

It is also duty of responsible press to not unnecessary malign the character of responsible citizens with its careless reporting or due to the reason of its hidden political or monetary motives. So this freedom nowhere grants media to act irresponsibly and no where grants it a prime position. The right to freedom of press follows from the citizen’s right to speech and expression. And media cannot misuse it in a way suiting to its own interests. It is rather the citizens ‘right to know’ which is prime one over the publishers freedom to print.

### **Media as protector of human rights: Few instances**

The exposure of instances of the human right violation by the media acts an effective check on the impunity of the human right violators. Media by covering the incidents of mass crime, communal and caste violence, violence against women, child sex abuse, political crimes have direct impact on the minds of judges who keep themselves informed about the print and electronic media. As a result of which based on these reports many a times *suo motu* action is taken up by the courts. And also based on the media reports public spirited individuals take lead and files PIL in the Supreme Court and High Courts.

In case, *M C Mehta v. Kamal Nath*<sup>[4]</sup> court took up the cognizance of a news article mentioning the grave environmental violations done by the company owned by Environment minister Mr. Kamal Nath while building the hotel on the bank of river in the higher reaches of Himalayas and ordered to cancel the lease and to stop any construction and also compensation was ordered to pay by the motel.

In another case *Ram Payari v. Union of India*<sup>[5]</sup> case which is a perfect example that shows how press and media can do great job to bring the much needed justice to the weaker sections of society. In this case a news item was published in a news paper that ‘a widow of army personnel is not able to get pension for past 40 years’. The chief justice of Rajasthan High Court took cognizance of the report and in this case she was granted compensation and benefits.

In one another case *Anil Yadav v. State of Bihar*<sup>[6]</sup> (Bhagalpur blinding case), where a public interest litigation was filed in the Supreme Court by some public spirited lawyer after reading a story covered by the Indian Express newspaper on a incident in which 17 under trial prisoners were blinded by the acid and piercing of eyes and about their plea being ignored by the local magistrate. As a result of this

active role played by the media in covering this gross human rights violation lead to ordering of enquiry by the Supreme Court in which police was found guilty and an immediate medical examination and treatment for the blinded prisoners was ordered by the court.

In Ruchika case, the victim girl was a budding tennis player who was molested by the accused IAS officer as a result of which she committed suicide. Every attempt to register a FIR failed because of the clout of that officer. Then media took up the issue and continuously published about the incident. As a result of civil society also stood with the parents for their cause and ultimately as a result of this public awareness generated by media, the accused got sentenced.

In another incident, Priya darshini matto murder case, where the accused was son of senior police officer who murdered the victim. Being a son of high police officer it was very difficult to register a FIR against accused Santosh Singh but it was the constant media coverage of the incident which resulted in to the registration of FIR and ultimately he got convicted.

In Jessica Lal Murder Case a large number of available witnesses had turned hostile. The case was closed but it was through the efforts of the media that the case was again brought up and a trail was conducted which led to sentencing of the main accused Manu Sharma with life imprisonment.

### **Delhi gang rape case**

In this incident a para medical girl student was raped in a moving bus in National capital Delhi. This incident spread a shock wave across the country and the matter was continuously highlighted by the news media for many days as a result of which a lot of pressure built on Delhi police and it swiftly carried out investigation and all the culprits were nabbed by the police. There after a fast track court was established and these offenders are even sentenced after a fast track trial of 7-8 months.

So, with the above case discussion we can see that media put a lot of positive pressure on the system and it really act as protector of human rights of common people.

### **Role of social media**

Recently with the internet revolution a new form of media came into existence that is social media in the form of social networking web sites and blogs. This new type of media provides a platform to discuss various socio legal or current happenings. One of the main features of this media is that it allows very fast dissemination of the information. With the help of multimedia mobile phones or digital camera any one can record any incident and then can upload it to social networking sites. This all creates awareness and spreads the news to every nick and corner of the country. Facebook, Twitter, free messaging applications like Wats app, Hike, We Chat are some of the notable examples of this social media. In the recent incident of 'Nirbhaya Gang rape' case a large campaign was being carried out by social media users on different social media.

### **Problems**

Though media is doing commendable job in the field of human rights protection but there are certain loopholes and grey areas which are discussed below.

### **Privatization of news channels**

In today's liberalized economy there is huge competition among the private news channels as a result of which the product line topics and news content depends on the market factors. The problem before the news media is that how to maintain the balance between its sustenance and the role as the fourth estate. And this situation is leading to commercialization of media as a result of which it is now lacking in the quality journalism and content. This further leads to trivialization of the content which raises serious concerns regarding the quality of coverage and the accuracy of reporting. This close nexus of media and big corporate houses lead to a tainted corporate communications and usually media reports. The freedom of speech and expression has unfortunately become freedom of rich and powerful to own means of production and dissemination of ideas. Therefore, nowadays one of the biggest challenges is that media also suffers from the elitist bias. And as a result of this issues of poor people do not get that much attention.

### **Curtailment of freedom of media**

Governments in different parts of the world use different and diverse methods to keep press under its control. Some of the methods are secret payment of money, open monetary grants, and subversions, grants of lands, postal concessions, government advertisements, conferment of title on editors and proprietors of newspapers, inclusion of press baron in cabinet, and inner political councils. Another is pressure tactic, one of using force against the press. This is done by applying pre-censorship laws, seizures, interferences with the transit of newspapers and demanding security deposit, imposition of restriction on the price of newspapers, on the number of pages of newspapers and demanding security deposit and the area that can be devoted for the advertisements, imposition of tax on news print, increase of postal rates, canalization of import of newsprint with a object of making it unjustly costlier. But this practice of interfering the free flow of information is somewhat taken care by the constitutions of the modern democratic states all over the world. In *Indian National Newspaper v. Union of India* <sup>[7]</sup> court mentioned that it is the duty of the national courts to uphold the said freedom and to invalidate all laws or administrative measures which interfere with it contrary to the constitutional mandate.

### **Political parties and media**

Also in order to get favorable coverage, big political parties use to field media house owners in the election fray. Other threat to the independence of media is from the political parties. Political parties themselves own or **control** newspapers and television channels. Most of the political leaders are either advocates or journalists. So the production of these news channels in the form of news items is obviously tainted by the particular angle and information that is inconvenient to their own interest is usually blocked out. And this can be realized from the Supreme Court's judgment in *State of Punjab v. Sukhdev Singh* <sup>[8]</sup> where it is pointed out that "a few newspaper giants grab and pose a serious threat to the free press and fearless journalism with audacity to bring out the plain truth in black and white. But there are many crossroads with the politico economic interest of various

chauvinistic groups. The free press is basically cornered to withstand threats from different counters and blandishment from various interested groups. The susceptibility of the press and barons of this field intertwined with the police state the freedom of press or even the freedom of every information will be the first casualties.”

### **Trivialization of media reports**

These days the mainstream media is not intellectually serving the society as it used to do in earlier days. Entertainment and news items are very much mixed these days. News are covered only in such way that in could serve only entertainment purpose nothing much and this entertainment is killing the instinct to read and imagine which leads to dumbing down of society. Therefore, the separation between the quality journalism and trivial journalism is disappearing these days<sup>[9]</sup>. It is important to note that only few newspaper and media channels are worth providing quality readership otherwise all are below the required intellectual standards. One reason of this problem is the new concept of ‘breaking news’ culture. Usually the journalists are in pressure to produce news on a daily basis. In such breaking news culture there is no such time for editorial and ethical reflection so the quality of reporting of human rights issues seriously coming down day by day.

### **Sensationalisation of reports**

Media’s role is to spread awareness rather than spreading sensationalism or to arouse the sentiments of the people which are good on to a limited extent. So, the projection and language should be decent and civilized. Journalist should not add insult to inquiry and media should refrain from giving statements and pictures that are flaring. Since media is the mirror of the society so care should be taken that the mirror is not hazy. Media should look deep into the problem of human rights issues and provide long lasting solution to them. So, mere reporting of the facts is not enough. Media should provide durable suggestion to these problems.

### **Irresponsible reporting**

The media can serve as powerful instruments for causing violence and if not controlled, could induce large-scale human rights violations through hate speech and violence. Sometimes media misinforms the masses about certain facts which may lead to a law and order situation. The professionalism in journalism is as sacred and its responsibility as onerous as that of any other service oriented profession like medical or legal. In post Godhra riots in which several thousand Muslims were killed in retaliation for the brutal burning of returning pilgrims in railway carriages at the Godhra railway station. One of the reasons which are cited for this is that the local press instigated the rioters through exaggerated and repeated reporting of that incident. The reason for this might be that the pressure to attract reader interest and in order to respond to the most topical and controversial issues media forgets its duty to provide comprehensive human rights coverage.

### **Narrow focus of media**

It basically means that in the media items only certain items get routine coverage and because of this certain other human rights issues do not get so much of attention. We must say

that only certain issues related to Socio, political rights find place in popular media. The conventional issues are not given well importance by the media like the problem of hunger, beggary, malnutrition, poor government health services, illiteracy etc. Only certain incidents like custodial violence, corruption by lower administration, sexual harassment and rape are the staple of the human rights discourse in much of the media.

### **Paid news as a big problem**

Some media houses rather acted like a money spinning machine. They blackmail cash rich parties to fall in line or to face complete media blackout. It is worth noting here that media does not enjoy the freedom of misinforming and to project views of particular party or group in the guise of news for monetary consideration. Therefore, in 2009 the Election Commission of India took note and the press council of India was ordered to constitute a committee to go into the complaints lodged against numerous newspaper and channels for demanding and accepting money for publishing advertisements as ‘news’.

### **Media trial**

Trial by media is one such issue which ultimately leads to violation of Human rights of the accused who is still not proven guilty by the court of law. There are certain requirements of fair trial which are many a times violated by the media and the suspect is usually portrayed as accused by the media. In order to get rid of this nuisance Supreme Court in *Reliance Petrochemical Ltd. v. Proprietors of Indian Express News Papers* passed a judgment restraining newspaper to publish “any article, comment, report or editorial on any of the ongoing is platforms which lead to a large public outrage on this issue.

### **Conclusion**

The power and reach of media is tremendous and it has to be exercised only in the interest of public good. Free media is one such pillar on which the foundation of the rule of law and democracy rests. Social justice can only be achieved through concentrated and extensive activities of the media in coordination with the social organization. Media is playing a constructive and productive role in the protection and development of human rights. Media guards public interest by to fore the misdeeds, failings and lapses of the Government and other bodies exercising and governing power. Free and robust reporting, criticism and debate contribute to public understanding of the rule of law, and to a better comprehension of the entire Justice system. It also helps improve the quality of that system by subjecting it to the cleansing effect of exposure and public accountability. Media strengthens the human right movement by involving a huge number of people by making them aware. Professionalism among the journalists, editors and publishers and quality in source of information are vital to the defense of human rights for all. But nowadays one of the biggest challenges is objective and accurate reporting of the issues of human rights without any fear and favor.

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