

Media as a defender of Human Rights issues in India: Myth or Reality?

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Abstract: Human rights are fundamental rights applicable to all citizens of the world, irrespective of race, place of birth, religion, caste or gender. Articles 12 to 25 of the Constitution of India protect and guarantee the basic and civil rights of the people. These rights include individual rights common to most liberal democracies, such as equality before the law, freedom of speech and expression, religious and cultural freedom and peaceful assembly, freedom to practice religion, and the right to constitutional remedies. This paper looks at “Media as a defender of Human Rights issues in India: Myth or Reality,” especially in protecting and promoting human rights. It also looks at the media as the cause for violation of human rights, and lastly, media as the mediator in rethinking human rights. The paper will also look at the issues and challenges facing the media in the existing discourse of human rights and media. The word "media" in this paper refers largely to mainstream media or traditional media. The paper will also examine India’s social system particularly casteism and the role of India’s Constitution in safe-guarding the rights of the underprivileged in the society.

Keywords: Human rights, mainstream media, Constitution, liberal democracy.

1. INTRODUCTION

The idea of Human Rights has been borne out of natural rights of all humans and this concept which dwells on the fact that every person by virtue of his or her humanity, is entitled to certain natural rights, has become the basis for the fight for human rights (Sharma, 2017). A historical perspective to human rights can be traced back to thousands of years from the Vedas to the Hammurabai Code to the Magna Carta, the French Declaration of Human Rights, and the American Bill of Rights, just to mention a few. Historical antecedents have shown that, the existence of human rights has been recognised and accepted as a necessary component for the well-being of civilisation at any given time. The United Nations’ Charter which came into force in October 1945 begins with the determination of the people of member nations to save the succeeding generations from the scourge of war and to reaffirm their faith in the fundamental human rights and the dignity of human being (Sharma, 2017).

Furtherance to human rights concerns, the United Nations created the ‘Commission on Human Rights’ in 1947, a sub-commission on ‘Freedom of Information and of the Press’ to report to the ‘Commission on Human Rights’ on what rights, obligations and practices should constitute the freedom of information. This development was to give a big boost to the respect for human rights especially as the report on the subject, including the draft code of ethics, became the copious contribution to the subsequent charter drawn up (Sharma, 2017).

Nonetheless, years after the creation of this proactive document, most people are still not aware of their rights. In a poll conducted recently by Amnesty International, the largest human rights organisation in the world, only 8% of adults and 4% of youth in the United States are aware of “foundation stone for human rights”. If a country like the United States, with its level of technological advancement, democracy and literacy but its citizens are not aware of this foundation stone for human rights, one can imagine what would happen in developing countries, particularly, India (Sharma, 2017).

Human Rights, basically, refer to the certain basic or fundamental rights which are universal for humanity and each person is entitled to such basic rights of our society irrespective of Caste, creed, color, race, origin, sex, religion, just to mention only a few. The main objective of human rights includes the protection of human life and liberty to preserve the dignity of people, promoting healthy development, maintaining equality, just to mention a few. The constitution of India is very equivocal on the protection of human rights as it is seen that any violations of the rights of the people is tantamount to the violation of the democratic principles enshrined in the constitution. The issues of human rights are no longer the preserves of one single country but an international concern (Chavan, 2018).

India is a signatory to the Universal Declaration of Human Rights since the UN adopted the Universal Declaration of Human Rights for the protection of Human Rights on December 10, 1949. However, there are cases of violation and atrocities that have been recorded in the country's history that cast a lot of slur on the human rights records of India. Articles 12-25 of India's constitution make adequate provisions for the protection and the guarantee the basic and civil rights of the people. These rights include individual rights common to most liberal democracies in the world such as equality before the law, freedom of speech and expression, religious and cultural freedom and peaceful assembly, freedom to practice religion, and the right to constitutional remedies of civil rights by means of writs such as habeas corpus, Mandamus, Prohibition, Certiorari and Quo Warranto (Chavan, 2018)..

Human Rights Issues in India

According to the 2017-18 Amnesty International Report on Human Rights Issues in India there are religious minority groups, particularly Muslims, who face increasing demonization by hardline Hindu groups, pro-government media and some state officials. Adivasi communities continued to be displaced by industrial projects, and hate crimes against Dalits remained widespread. Authorities were openly critical of human rights defenders and organizations, contributing to a climate of hostility against them. Mob violence have intensified, such as vigilante cow protection groups. Press freedom and free speech in universities have come under attack. India failed to respect its human rights commitments made before the UN Human Rights Council. The Supreme Court and High Courts delivered several progressive judgments, but some rulings undermined human rights. Impunity for human rights abuses persisted ("India 2017/2018 | Amnesty International," n.d.).

Even though human rights protected and guaranteed under the constitution of India, such as Freedom of Expression, Rights to Life, Freedom of Religion, Freedom from Slavery and Untouchability, Rights to Cultural Education, Rights to Freedom and Equality, when it comes to implementation of these rights, it is left at the discretion of the political regime, especially the Executive arm of government. For example, in the case of Freedom of Expression as a fundamental right is always curtailed any time there a State of Emergency is declared. This phenomenon was very common during the era of Indira Gandhi.

Additionally, the constitution forbids the phenomenon known as Untouchability and any discrimination based on caste which has been outlawed. Caste-based discrimination and violence. Official statistics released in November stated that more than 40,000 crimes against Scheduled Castes were reported in 2016. Several incidents had been reported about members of dominant castes attacking Dalits for accessing public and social spaces or for perceived caste transgressions. In May, two Dalit men were killed, many others injured, and dozens have their homes burned by dominant caste men in Saharanpur, Uttar Pradesh, following a clash between members of the communities. In September, S. Anitha, a 17-year-old Dalit girl who had campaigned against the introduction of a uniform national exam for admission to medical colleges, committed suicide, sparking protests in Tamil Nadu. Protesters said the exam would disadvantage students from marginalized backgrounds.

The report also said that at least 90 Dalits employed as manual scavengers died during the year while cleaning sewers, despite the banning or prohibition of the practice. Many of those killed were illegally employed by government agencies. In August, the Delhi state government issued a directive that people who employed manual scavengers would be prosecuted for manslaughter. In November, the UN Special Rapporteur on safe drinking water and sanitation expressed concern over government's emphasis on building new toilets as part of its Clean India Mission which could prolong manual scavenging.

.Moreover, on the issue of rights to Life, individuals are legible to access legal resources, including the rights to be represented by a lawyer in case of any infringement on one's rights. Unfortunately, low class or poor people cannot afford

the high cost of legal representation or are denied of access to legal representation in any legal tussle they found themselves and this certainly affect their fundamental human rights. There are reports of public lynching of people or individuals for their choice of what kind of food they wanted to eat. This is a clear case of abuse of their rights to Freedom of Choice.

Another case worth mentioning is the recent situation in Kerala where conservative Hindu group prevented women from entering the Sabarimala temple in defiance of a Supreme Court ruling which ruled that a century old ban of women from the holy site as illegal and infringement of their right to worship. According to reports, the Sabarimala temple had banned women and young girls above ten years, who are said to be in their menstrual age, from worshipping at the temple to incur the wrath of the deity, Ayyappan, a Yoga-practicing god who was considered externally celibate by its followers. Two women, Kanaka Durga, 39, and 40-year-old Bindu Ammini decided to petition the Supreme Court against what they considered to be infringement on their fundamental right to worship and sex. The Supreme Court upheld their concern and ruled that women should be allowed to worship in the temple without any prohibition. It is one thing ruling against the ban and it is another enforcing the ruling. The ruling sparked protests by devotees who vowed not to allow the women enter the temple. The police had difficulties enforcing the ruling. The protest led to the vandalization of private properties and attacks on people including the police and the journalists. The two women had to take cover in an undisclosed location to escape the wrath of the protesters. The law could not save them.

Women's rights

In November, statistics were published showing that over 338,000 crimes against women were registered in 2016, including over 110,000 cases of violence by husbands and relatives. Responding to petitions in courts seeking to criminalize marital rape, the central government stated that doing so would "destabilize the institution of marriage". The Supreme Court has banned the practice of triple talaq (Islamic instant divorce), declaring that it was arbitrary and unconstitutional. However, in other cases, court rulings undermined women's autonomy. In July, the Supreme Court weakened a law enacted to protect women from violence in their marriages, by requiring that complaints be initially assessed by civil society "family welfare committees". The Supreme Court suggested that it would review its judgment. The same month, it ruled that sexual intercourse by a man with his wife, if she was under 18, would amount to rape.

The law permits raped survivors, including girls, who got pregnant could seek for abortion. Many women approached the courts for permission to terminate pregnancies over 20 weeks, as required under law. The Courts approved some abortions, but refused others. Subsequently, the central government instructed states to set up permanent medical boards to decide such cases promptly.

Children's rights

Statistics published 2016 showed that over 106,000 cases of violence against children were recorded. In June, India ratified two key ILO conventions on child labour besides being a signatory to the UN Convention on the Rights of the Child. Activists remained critical of amendments to child labour laws which allowed children to work in family enterprises. According to national survey data released in March, nearly 36% of children aged below five were underweight, and more than 38% were short for their age. In September, 70 children died at a hospital in Gorakhpur, Uttar Pradesh, allegedly because of disruption to the oxygen supply. The share of public spending on health remained low at 1.2% of GDP. Spending on government programmes to provide nutrition and pre-school education to children under six remained inadequate.

2. STATEMENT OF THE PROBLEM

By virtue of the responsibility bestowed on the media, the media is entrusted with the responsibility of guarding the fundamental rights of the people in a democratic dispensation. This is against the background of the pivotal role the media can play in safeguarding the right of the citizens as they enjoy the outcome of political system they have decided to embark upon. The sustenance of all democratic societies depends largely on the fact that the media is the eyes and ears of any democratic society. The society may not be aware of what is happening to it and its members, the media justifies its existence by fulfilling the role of raising questions or bringing to the fore issues of protecting or promoting human rights. It is therefore important to note the significant role of the media, both print and electronic, in India have played in educating and informing citizens of the rights as well as the violation of any such rights.

3. OBJECTIVE OF THE STUDY

The general objective of this paper is to look India's social system particularly casteism and the role and the role of India's Constitution in safe-guarding the rights of the underprivileged in the society.. The study specifically looks at

1. Media as a defender of Human Rights issues in India: Myth or Reality.
2. Media as the cause for violation of human rights,
3. Media as the mediator in rethinking human rights.
4. To examine issues and challenges facing the media in the existing discourse of human rights and media.

4. RESEARCH METHODOLOGY

This study is conceptual, descriptive and qualitative in nature. Sources for this study are obtained from secondary data such as journals, theses, articles, working papers and conference proceedings on human rights and the role of the media. Some related literature were reviewed.

5. FINDING AND DISCUSSION

Media and Human Rights

The Media-Free Press, Legislature and an independent Judiciary are three important anchors on which the pillars of democracy hinge. The press provide the needed platform for free political discourse which is key to proper functioning of any government in a democracy. It is the duty of the Press to disseminate information and take it to the people (masses) in order to influence public opinion. In developing countries like India, the level of human rights issues or challenges demand media intervention, especially social issues that affect human rights. The services of the media are therefore needed to safeguard such any human rights violations under social system.

One of the major roles of the media in the world today is to create the awareness in the advancement of human rights which are paramount in shaping the values of mankind. The media is enjoined to facilitate peace, non-violence, discrimination, maintenance and promotion of ecological balance, non-pollution of the environment, climatic change, ensuring the need for the respect of human rights irrespective of caste, colour and creed. It is the duty of the media, as in having the platform, to create awareness among ordinary people and expose any human rights violation and also draw the attention of the government to areas that have been seen to have been violated in terms of human rights. It is also the duty of the media to follow up to such issues to their logical conclusion (Anil, 2007).

The media can also give publicity to individuals and or organisations that seek to address human rights issues. It is noted that by highlighting the positive activities of such organisations or individuals in the media, it will encourage others to emulate the gesture.

The media is also considered as power to the people, the voice of the voiceless as through their advocacies and champions of the cause of the ordinary people, the people become empowered to protect their rights. Playing the role of a mediator or communication, the media plays the role of the linkage between the government and the governed. The media can be very effective in drawing the attention of the government to their responsibilities and duties towards the people (Anil, 2007).

Freedom of expression

Journalists and press freedom came under increasing attack. In September, journalist Gauri Lankesh, an outspoken critic of Hindu nationalism and the caste system, was shot dead outside her home in Bengaluru by unidentified gunmen. The same month, journalist Shantanu Bhowmick was beaten to death near Agartala while covering violent political clashes. In September, photojournalist Kamran Yousuf was arrested in J&K for allegedly instigating people to throw stones at security forces, under a law which does not meet international human rights standards. In November, journalist Sudip Datta Bhowmik was shot dead, allegedly by a paramilitary force member, at a paramilitary camp near Agartala. In December, a French film-maker conducting research for a documentary on the Kashmir conflict was detained for three days in J&K, allegedly for violating visa regulations.

Journalists continued to face criminal defamation cases filed by politicians and companies. In June, the Karnataka legislature sentenced two journalists to one year's imprisonment each for allegedly writing defamatory articles about

members of the state assembly. Repressive laws were used to stifle freedom of expression. In June, 20 people were arrested for sedition in Madhya Pradesh and Rajasthan, following complaints that they had cheered the Pakistan cricket team's victory over India. In July, 31 Dalit activists were arrested and detained for a day in Lucknow for organizing a press conference about caste-based violence. State governments banned books, and the central film certification board denied the theatrical release of certain films, on vague and overly broad grounds. In November, five state governments banned the release of *Padmaavat*, a Hindi period film, on the grounds that it would "hurt community sentiments".

Freedom of expression in universities remained under threat. The student body of the Hindu nationalist organization Rashtriya Swayamsevak Sangh used threats and violence to block events and talks at some universities. In June, eight Lucknow University students were arrested and detained for 20 days for protesting against the Uttar Pradesh Chief Minister. In September, Uttar Pradesh police personnel baton-charged students, mostly women, protesting against sexual assault at Banaras Hindu University. India's Supreme Court ruled in a landmark judgment that the right to privacy was part of the constitutional right to life and personal liberty.

Media in the Abuse of Human Rights

However, much as the media is considered as the champion of human rights and playing its watchdog role, gatekeeping and other roles in protecting human rights, the same media, through its role of reporting, analyzing and commenting on issues, is faced with challenges in living up to expectations. According to Chavan (2018) and Anil (2007) it is true that contemporary media influence by sheer numbers is gradually becoming a cause for worry in the violations of human rights. Media does not only play the role of a witness but also a promoter of violence. "The then *India Today* reporter Shyam Tekwani involved in covering Indian Peace Keeping Force (IPKF) operations in Sri Lanka took photographs of the Indian soldiers captured and killed by the LTTE only to realise they used to mutilate the bodies because he would click the photographs." Also in the period of the 1992 riots, the presence of photographers energized 'mobs' to burn more houses and other building in order to create spectacle for the photographers. The Taliban in Afghanistan had also burned the dead bodies and mutilate them in order to get better publicity through the so-called foreign journalists. A lot of child welfare NGOs in India have spoken about how European and American documentary film makers have subjected street children to inhuman conditions to get better visual impact.

The continuous insensitive reporting in the name of truth has not only claimed a number of innocent human lives, but also created and gave grounds for numerous stereotypes.

"The way media harassed and treated Sabeel's pregnant wife in Bangalore calls for serious reconsideration of media as fourth estate" (Anil, 2007). The above instances demand a close and serious questioning of numerous media practices which violate or cause human rights violations.

Changing Media Mindset

Anil (2007) opines that, the Media has largely become "mass *information* rather than mass *communication*." As a way of having a critical discourse of human rights and their violations, the Media needs to exert its influence and communicate with the governments, NGOs, human rights activists and the public on the need for the protection of such rights.

6. CONCLUSION AND SUGGESTION

In other not to create the leeway for the media to abuse its powers, there is the need for safe-regulations including respect for ethical norms while reporting human rights violations. The journalist should report facts and not create sensationalism to arouse public sentiments. The journalist must be measured in the use or projection of decent language and must be civil. Journalists should desist from adding insult to injury. They should refrain from giving statements and showing pictures, videos that infringe on sensitivity. The media as the mirror of society, should not create bad image of that society.

Again, the media should not allow itself to be influenced by politicians and their quest for profit-making in the name of commercialisation. They should not be perturbed as they dig deeper to bring out the solution. It is observed that merely reporting the issues or facts is not enough. It should focus on the reason of the problems and the nature of the violations and give solutions. The media is an active member of the society and not a passive one. Whatever affects members of the society also affect the media that is why the media cannot extricate itself from the society. The media should bear in mind that it is its sacred duty to focus on human rights violations and then outline measures for protecting them. Freedom of

expression is a sacred right well accepted all over the world and journalists should respect this freedom. They must also ensure that political authorities respect this freedom.

Finally, there is the need for a paradigm shift in media communication as community interaction rather than *mass* communication. Such a shift would then justify the sacred role that media has been called upon to play. If the media does not take up the role of enabling protection of human rights of the citizens, then it would become an accomplice to the violation of human rights.

As the saying goes, “who watches over the watchman,” since media cannot be completely trusted, there is the need to strengthen advocacy groups, especially civil society organisations, citizen groups and media watch groups to ensure that the media does not stray off course.

After 70 years of Independence, India still continues to suffer from significant human rights violations, despite framing many laws and policies and promising and making commitments to tackle the problems. Problems of human rights violations would continue to exist but a vibrant and independent media and civil society organisations would ensure that such violations are kept to the barest minimum. It is therefore conclusive to say that when it comes to human rights issues in India, the media have been a strong defender of the rights of the ordinary people. There is however, more room for improvement. The media can do better.

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