

# Role of Media and Problems of Human Rights in India

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**Abstract - People are smart, thus they have some inherent protections that we term human rights. As immunities, rights stipulate that no one else's actions can or should go against the will of the person. The idea behind this is that people need to be shielded from cruel and harmful treatment. The media, often regarded as the fourth pillar of democracy, may contribute significantly to the defense of human rights. In your own words, please define "media." The term media, meaning "a way for two individuals to communicate with one another," is the etymological ancestor of the word media. The Yash language is both easy to learn and practical to use. The media's primary goal should be to rapidly distribute information to the general public. This suggests that the sooner human rights are protected, the more active the media is. The media's heightened activity, on the other hand, has the potential to swiftly put an end to social injustices and violations of human rights. The role of the media is to keep a watch on those in positions of authority, to attempt to rein in their arbitrariness, and expose the wrongdoing of those in power to the general public. One must now wonder whether the media is doing its duty effectively and ethically.**

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## INTRODUCTION

Human rights cover a vast area. There are several instances of this if we look closely at the media's impact. When the media has successfully committed to the restoration of human rights under difficult conditions. The media's influence, size, and globalization have all increased dramatically in recent decades, yet the intimate ties that now exist between the commercial world, the political sphere, and the news media make it impossible to describe as objective or nonpartisan. There can be no real value in the media's role in democracies unless its ownership and control are democratic and transparent and promote human rights. However, those who work in the media often know little to nothing about human rights in depth. In any case, human rights are important for the media industry as a whole. Because of the current human rights crisis, the media is likewise having a hard time operating freely. If the media would put aside their biases and do their jobs, they might help steer society in the right direction. The media has a responsibility to report crimes that have occurred, but they should also cover good stories. We need to demonstrate progress in addition to combating social ills. The average citizen must not give up hope that our nation will ever improve. The press and other media have corrected the arbitrary and capricious power of the executive and various institutions charged with the responsibility of dispensing social justice, helped the poor and weaker section to have access to justice, and acted as a "social scientists" in several other ways. They've also helped keep the "rule of law" intact and fought against attempts to undermine democracy and freedom by whatever means necessary. Press power,

as represented in so-called "public opinion," aids the government in its win against the military. In terms of reaching the general public, it has been the primary medium for doing so. It can help people think and talk to one another, progress civilization, and build a global community, all while spreading an understanding and respect for the ideals of a free society.

The protection of press freedom is often seen as serving the larger goal of providing a fourth check on the power of the executive, legislative, and judicial departments of government. Providing thorough and unbiased coverage of the country's social, economic, and political life is the press's fundamental duty. The press is an effective check on the misuse of authority by those in government and helps ensure that those in power are held accountable to the people they have sworn to serve. The freedom of the press is the cornerstone of a flourishing democracy, essential for both the personal and societal growth of every member. The media is the only tool available for investigating the truth. While it is true that media freedom is not total, it is also true that media is now widely recognized as the fourth pillar of democracy. He, too, has obligations, and if the press is preoccupied with them, he may face criminal charges. It is correct that the media's role is to emphasize political, social, economic, and cultural events relating to everyday life, but it is also responsible for making sure that the news it publishes is based on actual events, as stated by the Supreme Court. It's not enough for news to be publishable; it must also inspire public opinion. "The media cannot be granted unrestricted freedom;

doing so would produce turmoil and disorder in society. The media has responsibilities to society that limit its independence. The press must uphold public order and maintain a respectable atmosphere. When we look at the media's role in detail, we see many examples of times when the media has done its job effectively despite the complexity of the situation and has successfully contributed to the restoration of human rights, and many occasions when the media has given its freedom has passed the altitude.

## FREEDOM OF MEDIA

Article 19 (1)(a) of the Indian constitution protects the right to "speak, write, print, photograph, or otherwise visually or audibly communicate" one's ideas and opinions. This provision is understood to include the right to publish and disseminate information in print. This would include the right to speak one's mind and the freedom of the press. Newspapers, magazines, and movies are all viable channels for disseminating information. Freedom of speech is the 'genus' from which press freedom emerges as a species.' Therefore, press freedom in India is on equal footing with the right to free speech and does not enjoy any special privileges beyond those enjoyed by every citizen.

The Supreme Court has, in several judgments, stressed the need of protecting press freedom in a democratic country. The press serves the public interest by disseminating information necessary for informed decision-making. The press sometimes publishes articles and stories that reveal the government's flaws. Sometimes this causes the government to stifle the press.

## ROLE OF MEDIA VIS-À-VIS HUMAN RIGHTS

Press freedom has become fundamental to political and social discourse in today's free societies. The media has become the new public educator, enabling widespread access to both official and informal education, especially in developing countries. The media can serve as a tool for assessing efforts to advance economic and social justice if it accurately reports the facts and refrains from slanting, censoring, or erasing the expression of opinion. When advocating for economic and social justice, the media often refers to a "little guy" as an example of how many laws, programs, and policies are flawed yet need attention because of media coverage. There are times when a newspaper article is enough to operate as a writ petition in and of itself. There is no denying that the media is a representation of the public interest and an agent of the people's "de facto" rights. The media, in whatever shape they take, has the potential to educate the public about human rights concerns, expose abuses, and equip individuals to take meaningful action. Even in a bad way, the media may affect human rights. It's important to recognize the influence of the media, for better or worse. It guarantees independent and accountable media in India. The

press cannot fulfill its watchdog role successfully unless it has unrestricted freedom of speech, free from interference by governments, institutions, or private parties. It has the potential to educate the public about human rights, shed light on abuses of those rights, draw attention to individuals and communities that are fighting for greater protection of their human rights, and ultimately succeed in securing such protections. Human rights advocates may also benefit from media coverage. The use of social media and large amounts of data may be useful in preventing, evaluating, and reacting to human rights abuses, but these innovations also present new and difficult obstacles. Disinformation, interference in elections, and the promotion and incitement of violence are all examples of how social media may be used as a weapon. A free press that is also professional and accountable is essential to any functioning democracy. One of the functions of the media is to disseminate information, provide critique, and generate discussion. The media has a responsibility to provide the audience with essential checks and balances to advance human rights. To the extent that human rights abuses are being documented, it is the responsibility of the media to disclose the facts to the public. To preserve a robust legal framework for impartial journalism, India's government has guaranteed press freedom via an amendment to the country's constitution, while also protecting India's sovereignty, national integrity, and moral ideals. In India, the MIB (Information Wing) controls newspapers and magazines. Printers and publishers are required to get certain certifications and fulfill certain responsibilities under the Registration of Newspapers (Central) Rules 1956 and the Press and Registration of Books Act 1867. Media law refers to the corpus of legislation that governs the creation and consumption of various forms of mass communication. Broadcast television, online platforms, and print publications are only a few of the many media that might fall within the purview of media law. Practicing media law involves addressing any potential legal concerns that may emerge in the course of creating, distributing, or consuming any type of media. One goal of international efforts to control the spread of information and entertainment through the Internet and other media is to protect cultural variety in media content while yet allowing for unrestricted public access to a wide range of viewpoints and information.

## CURTAILMENT OF THE FREEDOM OF THE PRESS

For decades, governments everywhere have experimented with varied strategies to maintain a tame media. They've been motivated by incentives. One way to influence the media is by covert transfers of money, open monetary donations, grants of land postal concession, Government ads, conferring titles on editors and owners of newspapers, inviting press barons to sit on the cabinet and inner political councils, etc.

Laws that allow for pre-censorship, seizures, interference with the transit of news-papers and demanding security deposit, imposition of restrictions on the price of newspapers, on the number of pages of newspapers and the space that can be devoted for advertisements, withholding of Government advertisement, increasing postal rates, imposing taxes on newsprint, canalizing imports of newsprint to make it unjustly costlier, etc., are enacted. The government has attempted to restrict the press in a variety of ways.

The Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955, however, was upheld as lawful since it was passed to control working conditions at newspapers. Payment, time off, vacation, and other benefits. According to the highest court, journalists are subject to the same taxes, general labor rules, and civil and criminal regulations as any other business. The freedom to publish, the dissemination of information, and the distribution of newspapers are all intimately related to the prohibited restrictions.

A legal provision requiring printing of the name of the printer, place of printing, name of the publisher, and the place of publication on every paper or book does not infringe Art. 19(1)(a) of the Constitution for the intention of the provision is to inform the public as to who the printer or publisher is. If a book or newspaper is found to contain seditious material, material that seeks to incite enmity or hatred between groups of citizens, or material that seeks to outrage the religious feelings of a group of citizens, the State Government may seize and destroy the book or newspaper by Section 99A, Cr. P.C., 1973. However, the aggrieved party might appeal to the High Court against the decree of forfeiture. These regulations are upheld as constitutional under Article 19(2) as serving the public good of maintaining public order, decency, and morality.

On behalf of the newspaper, it was argued in *Reliance Petrochemicals Ltd. v. Indian Express* that the ban on the front page of newspapers publishing on matters of public significance violated the right to freedom of the press guaranteed by the Constitution. *Anita Whitney v. California's reasonable cause standard* was approved by the Supreme Court.

the conviction that the perceived threat was both genuine and immediate. The fact that the above-mentioned speech was likely to result in some violence or damage to property was not enough to warrant its suppression, as *BRANDES, J.*, has pointed out. There must be a substantial danger that the State will be harmed. The court has affirmed the public's right to know in *Reliance Petrochemicals Ltd. v. Indian Express*. In this instance, the Court has noted, it must strike a balance between two interests of significant public importance: the right to free expression and the fair administration of justice. The court has noted that "a balance, in our judgment, needs to be achieved between the requirements of a free press and free trial."

To determine whether the injunction should be maintained, we must determine if there is an immediate and substantial threat. A continuation of this order would constitute an infringement on the right to free speech in the form of a preventative injunction, which can only be justified if doing so is essential to ensuring that justice is administered without hindrance. The general public has a right to information that will allow them to have an active role in shaping the future of industry and democracy. Article 21 of the United States Constitution guarantees all citizens the right to access government documents and information that may affect their daily lives. The significance and importance of this right have grown. Those who choose to exercise their duty to inform have a higher responsibility because of this choice.

The Gauhati High Court has reviewed another important press freedom case in *Daini Sambad v. the State of Tripura*. Does the government's unequal distribution of its ads across publications in the same category violate the right to freedom of the press and equal protection under the law? In the case of *Indian Express*, the Supreme Court stressed the significance of press freedom in fostering citizen engagement in government decision-making. The people's right to information is, in a nutshell, the underlying concept at play here. All those who value public input into government should be staunch advocates for press freedom. In this way, the public has an investment in journalistic freedom. The State must share its advertising budget with all publications, including the petitioner, as ordered by the High Court. The Court said: 'Such authority should not be utilized on the newspaper establishment to render the institution subordinate to the Government.'

The High Court ruled in the case *Sushil Choudhary v. State of Tripura* that unequal distribution of government advertising across newspapers restricts the right to free expression because readers may stop purchasing publications that get fewer ads. Most newspaper readers are curious about government ads and are more likely to subscribe to publications that include them. A newspaper's rising readership threatens the basic basis of the right to freely express oneself because of the enormous impact it will have on the public psyche.

In addition, *R. In Rajgopal v. the State of Tamilnadu*, it was at issue how much coverage might remark on the actions and behavior of public officials. The highest court in the land ruled that journalists had a right to speak freely about the participation of public people in political and social problems and events. However, in terms of their personal lives, the democratic way of life outlined in the Constitution necessitates a correct balance of press freedom, the right to privacy, and the right to be free from defamation.

As a result, the Supreme Court has declared that neither the State nor its officials may legally prohibit,

restrict, or censor the publishing of any content in the press because such content is defamatory to the State or its officers. In the case of defamation, the only recourse is a lawsuit filed after the fact.

In the case *Hamdard Dawakhana v. Union of India*, the Supreme Court examined the scope of Article 19 (1)(a) for commercial speech. It was decided that advertisements are a kind of communication, but their meaning depends on what they're trying to sell. Therefore, it might be considered a kind of free speech protected by Article 19(1)(a) of the Constitution since it could amount to the dissemination of any ideas. However, since its purpose is not the dissemination of any ideas-social, political, or economic-or the advancement of literature or human thinking, commercial advertising with an element of trade and commerce and promoting business no longer comes under the notion of freedom of speech.

However, the Supreme Court has revised its position from the *Hamdard Dawakhana* decision in the following case. The Supreme Court said in the *Indian Express Newspaper v. Hamdard Dawakhana* case that "all commercial ads cannot be denied the protection of Article 19(1)(a) of the Constitution solely because they are published by business individuals." Printing and distributing newspapers is expensive, but advertisers cover much of the expense. The advertising "subsidy" is essential for a free and independent press. Reducing advertising would increase the cost of newspapers, which will hurt their readership and violate their constitutionally protected right to free expression under Article 19(1)(a).

*Tata Press Ltd. v. Mahanagar Telephone Nigam Ltd.* The Supreme Court has ruled that businessmen's "commercial speech" is entitled to constitutional protection under Article 19(1)(a). A portion of the right to free expression known as "commercial speech" is enshrined in Article 19(1)(a). 'The commercial speech' should be available to the whole public. The right "to listen to, read and receive" "commercial speech" is guaranteed to all citizens under Article 19(1)(a). Both the speaker and the hearer are afforded the privilege of immunity under Article 19(1)(a).

### JUSTICE ACHIEVED THROUGH MEDIA

There is no reason for a media representative or journalist to be unprofessional when writing a story in the newspaper columns to bring the attention of the court to serious infractions of the law when ordinary citizens can write letters to judges seeking justice for a defenseless woman detained illegally or in violation of the law. It has been done on several occasions, as shown by a September 1985 article in a British newspaper titled "Sainik Ki Patni Chalis Sal Se Pension Ke Liye Bhatak Rahi Hai" (Widow of a havaldar denied pension for the last 40 years). After reviewing the report, the Chief Justice of the Rajasthan High Court ruled that the widow was entitled to the concession and benefits normally granted to the

deceased's family, and ordered the government to pay her all of the pension arrears within a month, with interest added at the rate of 12% per annum for the delay. Regarding the overdue payments. It might be argued that the widow would not have been eligible for the pension had the tale not been reported in the media.

### CONCLUSION

Existing laws or laws enacted after the Constitution's enactment may put reasonable limits on the right to freedom of the press in the interest of or in connection to the various issues listed in the Constitution. What is needed now, however, is a fair compromise between press freedom and such regulations that is in keeping with the democratic norms enshrined in the Constitution. It's undeniable that the press and electronic media have been more influential in American society over the last several decades. They're still growing and developing curious minds. A good government, like those in the United States and the United Kingdom, requires ongoing monitoring of the use of governmental authority by the press and the media, among others. However, we should keep in mind that the level of public knowledge in our culture may be different from that in the United Kingdom or the United States. The First Amendment's scope and our Constitution's protection of free speech and expression are not identical, albeit they share important principles. The implications of all this for the applicability of the principles arising from the judgments made in England and the United States to our legal system may need some revision.

Therefore, to sum up, a few suggestions can be given where media can take an active part in achieving justice:

1. Role of Media in offering innovative ideas on social legislation, new plans, or schemes for better delivery of justice.
2. By studying and eliciting public opinion.
3. Proper coordination amongst various agencies.
4. The media can undertake legal literacy schemes like periodical writing on 'law and the citizen'.
5. Media can take part to evaluate and assess performance at all levels through (a) Dramas (b) T.V. Serials (c) Editorials (d) Investigative reporting (e) Projecting injustices done to the people. E.g. did in the case of 'Buddha' (Orissa boy) stopping him from a Marathon race.
6. The media can report T.V. interviews with authorities like 'Aap Ki Adalat'.
7. The media should resist the programs or acts which run counter to the theme of 'social justice or 'economic justice' which

tend to promote communal disharmony or tensions.

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