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## **The fourth pillar: A watchdog of human rights**

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### **Abstract**

Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination. These rights are regarded as the inalienable basic rights of an individual which he is endowed with by virtue of his being born as human being. The Legislature, an Independent Judiciary and a free Press are the three essential pillars of democracy and it is expected of all concerned to play their roles effectively. The press provides a platform for free political discourse which is essential for proper functioning of a government in a democracy. He said that dissemination of information and taking it to the masses to mould public opinion is the duty of the press. As a developing country, the range of human rights issues requiring media intervention are particularly large with a marked social content, and therefore the services of the media are required in furthering the cause of human rights. At the same time, there are a number of genuine concerns about the way the media functions like commercialization of the media, trivialization of news, among others. All these factors, he said, contribute to a slant in the news reporting and raise serious issues concerning media ethics. There is indubitably the need to encourage the setting up of a voluntary code of ethics for the media as a means of greater self-regulation.

**Keywords:** human rights, basic, constitution, safeguard, violation, covenant

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### **Introduction**

The perception of human rights gave the mankind a new vibe to civilization. International human rights law lays down the responsibility of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.

One of the remarkable achievements of the United Nations is the creation of a wide-ranging body of human rights law—a universal and internationally protected code to which all nations can subscribe and all people aspire. The United Nations has defined a broad range of internationally accepted rights, including civil, cultural, economic, political and social rights. It has also established mechanisms to promote and protect these rights and to support states in carrying out their responsibilities.

The foundations of this body of law are the Charter of the United Nations and the Universal Declaration of Human Rights, adopted by the General Assembly in 1945 and 1948, respectively. Since then, the United Nations has gradually expanded human rights law to encompass specific standards for women, children, Persons with disabilities, minorities and other vulnerable groups, who now possess rights that protect them from discrimination that had long been common in many societies.

### **Universal declaration of human rights**

The Universal Declaration of Human Rights (UDHR) is a landmark document in the history of human rights. Drafted by representatives with different legal and cultural backgrounds from all regions of the world, the Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 by General Assembly resolution 217 A (III) as a common

standard of achievements for all peoples and all nations. It sets out, for the first time, fundamental human rights to be universally protected. Since its adoption in 1948, the UDHR has been translated into more than 500 languages, the most translated document in the world, and has inspired the constitutions of many newly independent States and many new democracies. The UDHR, together with the International Covenant on Civil and Political Rights and its two Optional Protocols (on the complaints procedure and on the death penalty) and the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol, form the so-called International Bill of Human Rights.

### **Economic, social and cultural rights**

The International Covenant on Economic, Social and Cultural Rights entered into force in 1976. The human rights that the Covenant seeks to promote and protect include:

- the right to work in just and favorable conditions;
- the right to social protection, to an adequate standard of living and to the highest attainable standards of physical and mental well-being;
- The right to education and the enjoyment of benefits of cultural freedom and scientific progress.

### **Civil and Political Rights**

The International Covenant on Civil and Political Rights and its First Optional Protocol entered into force in 1976. The Second Optional Protocol was adopted in 1989.

The Covenant on Civil and Political Rights deals with such rights as freedom of movement; equality before the law; the right to a fair trial and presumption of innocence; freedom of thought, conscience and religion; freedom of opinion and expression; peaceful assembly; freedom of association; participation in public affairs and elections; and protection of minority rights. It prohibits arbitrary deprivation of life; torture, cruel or degrading treatment or punishment; slavery and forced labor; arbitrary arrest or detention; arbitrary interference with privacy; war propaganda; discrimination; and advocacy of racial or religious hatred.

### **Human Rights Conventions**

A series of international human rights treaties and other instruments adopted since 1945 have expanded the body of international human rights law. They include the Convention on the Prevention and Punishment of the Crime of Genocide (1948), the International Convention on the Elimination of All Forms of Racial Discrimination (1965), the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Convention on the Rights of the Child (1989) and the Convention on the Rights of Persons with Disabilities (2006), among others.

### **Human Rights Council**

The Human Rights Council, established on 15 March 2006 by the General Assembly and reporting directly to it, replaced the 60-year-old UN Commission on Human Rights as the key UN intergovernmental body responsible for human rights. The Council is made up of 47 State representatives and is tasked with strengthening the promotion and protection of human rights around the globe by addressing situations of human rights violations and making recommendations on them, including responding to human rights emergencies.

The most innovative feature of the Human Rights Council is the Universal Periodic Review. This unique mechanism involves a review of the human rights records of all 192 UN member states once every four years. The Review is a cooperative, state-driven process, under the auspices of the Council, which provides the opportunity for each state to present measures taken and challenges to be met to improve the human rights situation in their country and to meet their international obligations. The Review is designed to ensure universality and equality of treatment for every country.

### **Un High Commissioner for Human Rights**

The United Nations High Commissioner for Human Rights exercises principal responsibility for UN human rights activities. The High Commissioner is mandated to respond to serious violations of human rights and to undertake preventive action.

The Office of the High Commissioner for Human Rights (OHCHR) is the focal point for United Nations human rights activities. It serves as the secretariat for the Human Rights Council, the treaty bodies (expert committees that monitor treaty compliance) and other UN human rights organs. It also undertakes human rights field activities.

Most of the core human rights treaties have an oversight body which is responsible for reviewing the implementation of that treaty by the countries that have ratified it. Individuals, whose rights have been violated, can file complaints directly to Committees overseeing human rights treaties.

### **Human Rights and the UN System**

Human right is a cross-cutting theme in all UN policies and programmes in the key areas of peace and security, development, humanitarian assistance, and economic and social affairs. As a result, almost every UN body and specialized agency is involved to some degree in the protection of human rights. Some examples are the right to development, which is at the core of the Sustainable Development Goals; the right to food, championed by the UN Food and Agriculture Organization, labour rights, defined and protected by the International Labour Organization, gender equality, which is promulgated by UN Women, the rights of children, indigenous peoples, and disabled persons.

### **Role of Media, the Fourth Pillar IN Protecting Human Rights**

Besides legislature, executive and judiciary- the three pillars of democracy, media acts as the fourth pillar to safeguard the interests of the common mass. Media can play a key role in protecting and promoting human rights in the world. It can make people aware of their rights, expose its violations and focus attention on people and areas in need of the protection of human rights and pursue their case till they achieve them. Social media networks have access to that information, and because they want to make information more public, they will allow access to users' private information by advertisers and the like, without the user's consent-which technically is a violation of people's right to privacy.

### **Rights Related To the Application of Media and Reason Thereof**

Freedom of expression gives special rights and duties to the media. The media inform society on matters of public interest and create an important platform for public debate, scrutiny and reflection. Therefore, independent media and quality journalism are considered to be the "watchdog" of a democratic society in particular and that of a nation in general.

### **Significance of Human Right**

Apart from other things, human rights also pledge people the means necessary to satisfy their basic needs, such as food, housing, and education, so they can take full advantage of all opportunities. Finally, by guaranteeing life, liberty, equality, and security, human rights protect people against abuse by those who are more powerful. Media can play a major role in protecting and promoting human rights in the world. It can make people aware of their rights, expose its violations and focus attention on people and areas in need of the protection of human rights and pursue their case till they achieve them. It acts as a reflection of the society and thus, reporting these will increase the awareness of the existence of such atrocities.

### **Media as the Promoter Of Human Rights In India**

Since media are the eyes and ears of any democratic society, their existence becomes detrimental to the sustenance of all democratic societies. Unless a society knows what is happening to it and its members, the question of protecting or promoting rights does not emerge. Hence, it is in fulfilling this function that media justifies its existence.

No doubt in India, media in particular the print media, has played an important role in educating and informing citizens of their rights as well as the violations of such rights. One cannot forget

that the origin of newspapers in India itself lay in challenging the denial of rights. Hicky's Bengal Gazette was begun in 1780 to challenge the autocratic rule of the East India Company. Of course, James Augustus Hicky paid dearly for fighting for the rights and against their violations. In South India, The Hindu, we are given to understand, constantly attracted the rage of the then British government, because it drew attention of the readers to the gross violation of people's dignity and rights. In the post – independence India too, the newspapers have constantly attracted the anger of and harassment by the governments for trying to take the truth to the people. Significant section of the national press has dared to oppose events that have changed the course of history in India – Emergency, Babri Masjid demolition, murder of Graham Steins and his children, the Godhra carnage, and lately Nandigram.

However, one cannot forget that for much of the press, the rights of the dalits, women, rural poor, urban poor, and workers in the unorganized sector increasingly remained outside the purview of human rights. Further, only the human rights violations by the state against the middle class became violations of human rights for media.

### **Demerits of Media as Human Rights Violation**

Although it sounds paradoxical, it is factual that current media driven by numbers is increasingly becoming a cause for violations of human rights. Media is not only 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 realize they used to mutilate the bodies because he would click the photographs. During the 1992 riots, 'mobs' burnt more houses and other building in order to create spectacle for the photographers. The Taliban in Afghanistan has also gone on to burn 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. Communally insensitive reporting in the name of truth has not only claimed a number of innocent human lives, but also created and perpetuated numerous stereo types. The way media harassed and treated Sabeel's pregnant wife in Bangalore calls for serious reconsideration of media as fourth estate. The above instances demand a close and serious questioning of numerous media practices which violate or cause human rights violations.

### **Rethinking Human Rights and the Responsibility of Media**

Contrary to the belief that human rights are an uncontested terrain, there is a vibrant history of challenging them. The questioning has been there right from the time of the conception of human rights to the post-globalised world. The momentum perhaps built up with signing of trade related treaties by the 'developing and third world countries' which expedited the process of globalization and the emergence of post-national societies. The most important critique of human rights has been, what Upendra Baxi calls, 'authorship,' in other words human rights have been seen as 'the gift of the West to the rest'. He says that the while such a metanarrative has disabled 'any intercultural, multi-civilisational discourse on the genealogy of

human rights, it has also imparted 'a loss of reflexivity in the terms of intercultural learning, for the Euro American traditions (Baxi, 2002) <sup>[1]</sup>. Post-GATT, many thinkers see human rights as the strategy of neo-colonialism to further the economic and political interests of the 'first' world countries. As Susan Kosy argues "Neocolonial strategies of power are increasingly articulated ... through a new Universalist ethics of human rights, labor standards, environmental standards, and intellectual property rights (Koshy, 1999) <sup>[2]</sup>." While such claims are valid one needs to pay attention to the politics of claims which have significant consequences in the modern-day postcolonial societies. I wish to draw attention to only three such issues. First, there are conceptual problems in the 'authorship' metanarrative. Such a conceptualization denies the historical experience to a society and does not acknowledge that the present is transformed and acted upon by modernity, thereby proposing a sanitized and linear culture, denying the plurality of culture and societies. By so doing, such claims also land them into the same trap of non-self-reflexivity that they accuse the West of. Through such claims there is also a greater danger of hampering inter-cultural learning for a culture. The claim also does not take into account the fact that with the eleventh hour exit by the US from being a part of shaping UDHR, the UDHR became socialist in its outlook, incorporating many a concern of the third world nations. Second, it is important to see who is articulating such claims. In the last two decades one notices that such claims have been increasingly voiced by Hindutva organisations in India, and dictatorial regimes in the neighbouring countries in Asia and Africa which have a record of human rights violations themselves. Baxi says, "The originary stories about human rights equip dictatorial regimes in the Third World to deny wholesale, and in retail, even the most minimal protection from human rights violations and serves such regimes with an atrocious impunity of power (Baxi, 2002) <sup>[1]</sup>. In India such claims hide the pre and post independent nationalist politics of creating a homogenous Hindu identity, at the cost numerous communities and cultures within the subcontinent. This also masks the larger political equation that Nandi and many other scholars have pointed out of -Indian =Hindu = upper caste male Hindu. Third, human rights discourse emerges in the mid-twentieth century in the background of the experience of the two World Wars, the fear of nation-states exploiting their subjects. However, with globalization multinational corporations becoming more powerful than nation-states, shouldn't there be a serious rethinking of human rights? If one has a look at the instances of protest against violations of human rights in India, they have largely been against the violations of human rights by the state. However, there is hardly any protest against the violation of human rights by the MNCs, who are mostly invisible in our imagination of human rights violations. It is in this context that I propose for the media a newer role. Media needs to develop a critique of existing frameworks human rights, and develop a plural and more nuanced discourse of human rights in the public domain.

### **Media Redefined**

In this day and age media has largely become mass information rather than mass communication. Media needs to communicate with the governments, NGOs, human rights activists and the public the critical discourse of human rights and the violations. May be a paradigm shift is required to look at 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. However, since media cannot be completely trusted, thanks to the changes brought about by the economic and political developments, especially post liberalization, we need to strengthen advocacy groups, citizen groups and media watch groups. Due to various historical reasons our imagination of media has largely been dominated by print media. With print media increasingly losing its foothold in forming public opinion, there is a pressing need to look at recent developments in new media, especially the cyberspace, and mobile phone convergence and the consequent possibilities, to engage with discourses of human rights through these media. Media is increasingly getting concentrated in the hands of a few. While such a concentration will reduce media spaces for plural voices, they also make such voices look non-significant. With media becoming an industry, and profits becoming a priority, audience, who are increasingly referred to as 'eyeballs,' become merely numbers to determine the amount of advertisement revenue that will flow into the organization. While media has played a significant role in the promoting the cause of human rights in India, it has largely been by the print medium. There is an increasing need for the various other media which have emerged post-independence to also engage with the discourse of human rights. This calls for a departure from our own obsession with print medium as the medium, with marginal inclusion of news-based television channels. There is also a critical need to engage with and problematise the present binary discourse of human rights as well as the conception of mass media. An inquiry and experimentation with alternative ownership and communication patterns of media are also the need of the hour.

### Conclusion/suggestion

Freedom of expression is a sacred right well accepted over the globe and journalists should respect this freedom. In Indian constitution, it finds place as a guaranteed fundamental right. The Government of India in tune with constitutional mandate professes its anxiety to protect and safeguard this fundamental right. But no right and for that matter the right to freedom of expression is absolute and unfettered in all circumstances but bound by duty to maintain peace and harmony of the body polity by exercising prudence and restraint in the exercise of right to freedom of speech. If exercise of this right is likely to inflame passion, the right to freedom of expression needs circumspection and consequent restraint for greater good of the society. The apex court of the country in a watershed judgment in the case of Olga Tellis declared that a man has not only a right to live but to live with human dignity. Consequently all attributes for living with the dignity of a human soul namely education, shelter etc. are to be guaranteed and welfare activities of the State must be directed to ensure socio-economic condition where no one in the country is deprived of the basic requirements to lead a dignified life. The media being the watchdog of the nation must work for guiding the people and the government to move towards such goal relentlessly and in right direction. A free press is important because it is an essential ingredient in a democracy. The press, when it does what it should, speaks truth to power. It is a check

on corruption, excesses, and stupidity in government and in business. To expose all these what requires is how public spirited, the media people are. Individual integrity which is the hallmark of people in media who should have in mind that their free thinking is key to constructive building of the nation. They ought to be a voice, not an echo.

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