

Nexus between Media Law and Human Rights

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ABSTRACT

The present scenario gives due consideration to media reports to the extent that a newspaper or social media blog is or can also be treated as a writ petition and a suitable/desirous action can be taken on it by the courts. Its an indisputable fact that, media exercises the defacto rights of the people and is in fact a representative of “public interest “.

INTRODUCTION

Speech is a God’s gift to the mankind to express his thoughts, feelings, sentiment, anguish etc to others. Freedom of speech and expression is thus a natural right which every human being acquires on attaining birth. So we can say it’s a basic human right. We have the right to share and give our opinion without interference. The said fact is proclaimed in the “Universal declaration of human rights, 1948”. Our preamble of the Indian constitution resolves to secure to the citizens ,liberty of thought and expression. Also it is reflected in Article 19(1) (a) which is one of the articles found in part of the constitution which enumerates the Fundamental Rights.

The article reads as under:

“19(1)_All citizens shall have the rights,_ (a) to freedom of speech and expression”.

“Freedom of speech and expression” must, therefore, be broadly construed so as to include the freedom to circulate one’s views by words of mouth or in writing or through audio visual instrumentalities. So it can be said that it includes the right to propagate one’s views through the print media or through any other communication channel eg. the radio or the television. Every citizen of this country which is free has the Freedom to air his/her views through the printing and/or the electronic media subject to of course to the permissible restrictions imposed under article 19(2) of the Indian constitution. Whether it’s the print media, radio, television or the social media ,they all play the role of public educators and are very vital for the growth of a healthy democracy. Any restriction or any attempt to suffocate will act as a gag in the mouth of “Freedom of speech and expression “which is the symbol of human rights.

Article 19 ie freedom of speech and expression is totally in sync with its offspring ie Human rights. The nexus between them is never static and is ever growing and changing with the evolvement of present scenario. A pedantic approach to human rights is neverfeasible, when the media law is so leaping forward taking gigantic steps towards evolvement. Media’s role of recording facts and the expression of opinion is not and should not be coloured, suppressed or distorted. If this is the approach, media can be a potential instrument to evaluate measures to promote economic and social justice which is again a corollary of human rights. It could offer viable and constructive suggestions for effective implementation of laws.

The Indian Parliament has also defined Human Rights, in The Protection of Human Rights Act 1993, to mean:

The rights relating to life and liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by Courts in India....

The International covenants which would be relevant for the purpose would be the Universal Declaration of Human Rights which, as proclaimed by the United Nations in 1948, in Article 1, itself sums up the basic doctrine on which Human Rights are found. all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”...

The Declaration includes various civil and political rights, which we find enshrined in Part-III of our Constitution which was adopted the year after the Universal Declaration (the Constitution of India was adopted by the Constituent Assembly on 26th...

November 1949). However, in addition to these basic civil and political rights, it has also incorporated in Part-IV of the Constitution what are generally viewed as 'socio-economic rights'. For instance, it is expressly stated in Article 23 of the declaration that "everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment; everyone, without any discrimination, has the right to equal pay for equal work; everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection."...

Article 25 of the Declaration states that "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age." Under Article 26, "Everyone has the right to education which shall be free, at least in the elementary and fundamental stages". And finally, Article 8 of the Declaration speaks of "Access to justice for enforcement of these fundamental rights".

CONCLUSION

It can be concluded by asserting that media law and human rights have a direct relation and our present scenario encourages it's shadow on each other. Media law is and will always be the Center stage participant which impacts our important aspects of our society like the human rights.

The constitution of India has clearly enshrined in its principles the importance of human rights and it's enforceability through all means for the proper implementation of justice guaranteed to all citizens of India.

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