

ASIC RIGHTS HUMILATING HUMANITY

It is not the education but the ignorance the grund

Cause for violation of human rights

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Introduction

Despite the fact that technologies have developed a lot in India, it has not reached all. A lot of people still live in a dime light. They have access to the least technology when compared to the other parts of India. But anyway they have the access to a television which is considered as the least technology nowadays. The physical coverage of T.V. reach is 82.5% of the total population of the country there were about 33million T.V. sets in India which about one third are in urban areas.² Being ignorant they believe that everything is shown on the television to be true. This belief depends not on education, but on ignorance. India is one of the highly populated and a vast diversified one so the easiest medium to communicate news and other information is through the press³and they believe in all the news and information provided via television to be true. Press is the oldest of mass media and remains one of the most important mediaso it is the important duty of the press to visualise the correct and appropriate information to the people who believe them blindly. It is from the children to elders that they grow by visualising the television. It is the press's obligation to cultivate the society. Though Freedom entitled towards press is not much more than the freedom entitled towards normal people, they are much more given rights to access some critical areas. This bias towards press is due to their immense responsibility vested on them towards society and also that allowing a press to know critical information instead of civilians is because that they may spread information to a luke and corner of the country. But the present day situation is not what expected to be, money factor playing the main role leading to the misconduct of press

towards the belief of the people laid on them.

Impact of press in present India

The Press plays a typical role nowadays. They just don't telecast what they caught, but try to interpret and find the reason for the issues occurrence, the consequences of that issue through debate. The results resulted from these debates or interviews or discussions may or may not happen but a clarity regarding the subject may be received by the general audience. Not only these, but they have been one of the important tools for the democratic state in witnessing the criminal or crime. By publishing the state of the state, they also make all the common people know about the present scenario that may be either infrastructural condition of the state or even moralistic condition of the society. These have also been stepping stones for the government to take actions regarding the unnoticed places noticed by the press and media. Their investigative approaches on the public issue have many times brought even the Very Very Important Persons into trouble.⁴Though this freedom is vested in all the citizen of India, the only press will be able to question higher authorities. This is the present situation of our country. Not only this but they also telecast programs and other shows which are very much knowledge oriented, and also brings the entire world into our eyesight. There are separate channels for the separate genre, such as news, sports, music, movie, kids, etc. Though this may be good looking from outside, they have an inner aspect. Journalists are human beings and need money to survive, also have the characters of jealous in nature. This is a general aspect of human being which may lead them to a biased state.

Legal Liberty toward Press

Unlike the US Constitution, Article 19 (1) (a)⁵ does not expressly mention the liberty of the press. That it is the freedom to publish what one pleases without previous permission. But it is settled law that the right of freedom of speech and expression in article 19 (1) (a) includes the liberty of the press.⁶ Freedom of the press is regarded as species of which freedom of expression is genus.⁷ Article 19(1) (a) is provided to citizens of India and hence a press run by a non-citizen cannot be entitled to the liberty of press in India,⁸ in this aspect the position of press run by a foreigner or of a foreign journalist in India, may be under great control than before independence, when there was no constitutional provision to rely upon,⁹ in favour of either a citizen or a non-citizen. This aspect is because our government does not want any non-citizen to involve in political affairs of the country, also does not want any confidential issues to leak to other countries attained by them being press. Also, the rights vested in the press can't be restricted unless it violates article 19 (2) of the Constitution. As a result of two important decisions,¹⁰ it becomes very difficult to impose restrictions on the freedom of the press.¹¹

The Supreme Court held that this article not only guarantees speech and expression but also right to information.¹² The people of the country have a right to know every public act. It is the duty of the government to ensure that every activity of the state is made notice to the public. The same cannot be done by noticing each but can be done by telecasting it. And the press is the only means to do this, thus they are provided with the right to access certain critical areas so that information can be transmitted to the public.

Press has a dual role – as a medium of expression and of business. Hence complete liberty is not provided to press, as it may lead to an immoral society. And restrictions upon this freedom may be imposed under Cls. (2) and

(6)¹³.the scope of two articles being different, it is necessary to analyse their content and their respective bearing upon the freedom of the press.¹⁴

The grounds of restriction under Cl. (2) are,

- Sovereignty and integrity of India
- Security of the state
- Friendly relation with the foreign states
- Public order
- Decency or morality
- Contempt of the court
- Defamation
- Incitement to an offence

The grounds of restriction under Cl (6) are

- Interest of the general public
- Laying down qualification for carrying on any occupation, trade or business
- Carrying on trade, business, industry or services, by the state or by a corporation owned or controlled by the state.¹⁵

This clearly shows the liberty towards the press under the Constitution. They framed it as much that can be done maximum with the knowledge that they had during the time of enforcing these articles.

Where money overpowers humanity

As said above, all are human beings. Being money oriented for their survival does not matter, but being only money oriented corrupts the society. They have the absolute right of speech and expression under Indian law but they should not play with the ignorance of the Indian people. They do not show what actually is but show what they actually want to. Nowadays it is very much open via advertisement that they want to find consumers to their products by showing whatever they can. Some of the methods such as are,

Puffery¹⁶- critics claim that puffery forms the main element of most advertisements. Products

are shown to have a lot of qualities, which they do not possess in reality. On the other hand, advertisers and advertising personnel defend the use of puffery. The defenders of puffery opine that it helps in differentiating its products from their competitor's products. Puffery is increasingly used as there is no legal ban on it. Puffery is considered an opinion and not factual information and people (here people are considered to be advertisers) are free to give their opinion. Few examples such as washing bar claimed to have the power of 100 lemons, where they have only the lemon essence in it. A motorcycle, when riding past, lights up houses and leaves many wandering.

Comparative advertising¹⁷ - these types of advertisements lead to ad war. Where they compare their products openly with its competitors and their lacking gets exposed by the competitor. While few other try to make packages look like major brands. Some other use similar sound and wordings such that of the superior and leading brand this practice clearly depicts their intention is only to sell and not concerned about people.

Advertisement for children¹⁸ - advertising directed at children is another problem area. Children are a very important part of most markets. Children spend a lot of money on their own, doing their own shopping. Children force parents to buy their favourite product. They are considered as an influence mechanism for the advertisers. Children are an impressionable age. The ability of thinking is not developed in them. Thus they are very much vulnerable to whatever they visualise and get noted of particularly to the advertisements. The glamour and hype on TV attract the immature minds. Advertising appears during their favourite programmes and they get affected in a natural way.

These kinds of expression by the press and media though comes under the right guaranteed under the article,¹⁹ they are very much wrong that

is practised without even being acknowledged. Advertisements are just a part which influences consumers but aspects such as sexual content in media influence the society. They trigger various aspects of sexual behaviour in children.²⁰ With a lot of exposure to sexual content and lack of sex education children, the mind goes wandering desiring for sex. This aspect impacts the entire society.

Last but the biggest drawback of the right is that media cannot tell anything bad about a person but can tell anything good about a person whether they are true or false none will question them. This aspect remains as one of the biggest drawbacks as money can popularise a person even with the false depiction of his character through media.

Suggestion and conclusion

This clearly shows that the right for which it is provided been violated. Not the press or government can be blamed for this drastic condition of ²¹violation of the rights and liberties provided to them. It is the public who believe everything shown in the media, the sole responsibility for this condition. While the people give more responsibility for the expression of commercial and immoral things, then the media throws these useless things more. At the same time, money factor influences the media at a high rate. India ranks 76th in the corruption prospective index 2016 released by the transparency international organisation²². This clearly shows the practical condition of the state.

Unless few changes been taken by the government regarding this right of speech and expression, this drastic condition of the press and media contaminating the society will be a continuous process. Few of the suggestions regarding the steps to be taken are-

- Law- a new special law governing the liberties, privileges, punishment and limitation of

the actions of the press should be brought into force, like as of the US and other nations.

- Censorship- proper censorship certificate to be provided for TV channels regarding the suitability for children and the certified channels should not even be allowed to advertise or telecast any show inappropriate to children. And the parents must be notified about it.
- Campaign- campaign should be held by volunteers and NGO's educating the rural people about the law and removing their ignorance regarding mass media.
- Institutions- many more national institutions for journalism should be set up and more proper ethical journalists should be brought to the society. And only the properly graduated journalists should be allowed.
- Ethics- ethical view of journalism should be thought in the college. All the students should be cultivated with the ethical perspective.
- Social view- not only journalists but the public should be cultivated with the thought of social welfare and awareness of the media and their expressions.

Thus the rights just provided can never fully fill the actual need of it been established. Only when the right of speech and expression been corroborated with these suggestions or any better the violation of this right by the press and media can be stopped.

(Endnotes)

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- 2 *Media development in India*, citeman, available at <https://www.google.co.in/amp/s/www.citeman.com/241-media-development-in-india.html/amp>, last seen on 11/01/2018.
- 3 The word press encompasses the electronic media also.
- 4 Even the recent condition where four Supreme Court judges conducted press meet and D.Raja met judge Chalemeshwar, happened on 13/01/2018.
- 5 Art. 19(1)(a), the Constitution of India.
- 6 *Express Newspapers (p) Ltd v. Union of India*, AIR 1958 SC 578: 1959 SCR 12
- 7 *Beauhasnass v. Illinois*. 72 SCT 1070.
- 8 *Sharma v. Srikrishna*, AIR 1959 SC 395 (402).
- 9 *Ibid*.
- 10 *Ramesh Thopar v. State of Madras*, 1950 AIT 124, 1950 SCR 594 and *Brij Bushan v State of Delhi* 1950 AIR 129, 1950 SCR 605.
- 11 T.Tripura Sundari, *Press freedom in India legal and ethical dimensions*, 26 (1st ed., 2013).
- 12 *State of Uttar Pradesh v. Raj Narain*, AIR 1975 SC 865, 884.
- 13 Art 19(2) and 19(6), the Constitution of India.
- 14 Durga Das Basu, *Law of the press*, 108 (5th ed., 2016).
- 15 *Supra* 14.
- 16 K.C.Sharma, *Journalism in India*, 322 (1st ed.,2007).
- 17 *Ibid*, at 324.
- 18 *Ibid*, at 326.
- 19 *Supra* 5.
- 20 *Media influences positively on sexual behaviour of teens*, TOI, available at <https://m.timesofindia.com/city/Kanpur/media-influences-positively-on-sexual-behaviour-of-teens-study/articleshow/6593660.cms>, last seen on 16/01/2018.
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- 22 *India a special case in fact of natural disaster*, India real time, available at <https://blogs.wsj.com/indiarealtime/2013/10/21/india-a-special-case-in-face-of-natural-disasters/>, last seen on 16/01/2018.