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## MEDIA AND HUMAN RIGHTS VIOLATION BY POLICE: ISSUES AND CHALLENGES



Arun Pratap<sup>1</sup> and A. R. Dangwal<sup>2</sup>

In a country such as India it is exposing human rights violations issues of all means and fostering awareness among people towards their rights. This issues discussion on paper focus on human rights issues raised by Police who do human rights violation on Police investigations. Human rights violations in police custody can be evaluated only from the historical and social context whenever violation of human rights by police is reported it causes an overall effect of loss of faith in the police as a protector and upholder of citizen's rights. The failure to respect human rights in everyday police process alienates public sympathy and support, which lead to decline the people's confidence in police. The police powers and functions related to investigations involve

### ABSTRACT

*This paper identifies some of the current and future trends of media verses the human rights issues in India. Media is not a judge, not an advocate, not an activist, not a social agent or not a social reformer. Media is a mirror; it is a torch bearer, a catalytic agent, who tries to give new directions and new dimensions to the society. Media has emerged as an industry but its primary concern is public utility service. The realities are affecting coverage of issues related to natural human rights and consequence of legal human rights and human duties. The print media is now trying to mould public opinion about human rights and duties. Media is playing a vital role with regards to addressing human rights issues. Media creates opinion of public at large and works towards abolishing social discrimination and exploitation, harassment of deprived.*

**KEYWORDS :** Human Rights, Media, Police, violation, Medieval, Classical, Contemporary Social.

### SHORT PROFILE

Arun Pratap is a Research Scholar at Centre for Journalism and Mass Communication in HNB Garhwal University, Srinagar, Garhwal, Uttarakhand.

Human Rights Commission in India and associated case law – developed primarily for the offline world; other conventions and

search, seizure, questioning, interrogation, arrest, etc. These powers and functions are defined by law and process the individual liberty and freedoms guaranteed under the constitution and other criminal laws limit the power and functions of police officers in discharge of their duties. Section two examines the legal issues raised by such counter-measures, and suggests how human rights protections could be improved. We describe the body of principles that aims to orient legislation in Indian Police member of states. Its sources include the

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resolutions, including the Human rights commission on human rights violation made by Police and an emerging body of Police authority principles. The Ongoing study will be a conclusive analysis of human rights violation issues made by police, contemporary trends and upcoming challenges.

## INTRODUCTION

India, is continues to have human rights problems (World Report, 2013). Civil society, free media, and an independent judiciary are key of India's democracy, but enduring offensive practices, corruption, and lack of accountability for perpetrators foster human rights violations. Human rights in India is an issue complicated because the country has large size, its remarkable diversity and its status as a developing country and a sovereign, secular, democratic republic. The Constitution of India provides defined fundamental rights to all its' citizen. The constitution also highlights the right of 'freedom of speech' and 'freedom of movement within the country'.

The National Human Rights Commission (NHRC) of India is the national human rights institution, responsible for the protection and promotion of human rights, defined by the Act as "rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants". India has been a nation where many of its people have been denied their rights and the exploitation of human life has desensitized many of us. The human rights commissions established under The Protection of Human Rights Act, 1993 (the Act) provide another means of holding the police accountable in cases of misconduct. The commission undoubtedly has some achievements to its credit, in terms of its efforts to make the police accountable for their actions. However, the Commission's work has suffered due to certain infirmity and deficiencies in the law governing its functioning. The Commission is supposed to be completely independent in its

functioning, but there are certain provisions in the Act, which underscore the dependence of the Commission on the Government.

The police are public servant and in democracy it is responsive to the people. It is that public institutions which has the wider possible contact with the people and affects large sections of populations in their everyday lives. Police functions are mostly prohibited and regulatory in nature and this leaves an impression on the individual citizens that police interferes with the life, liberty and freedom of the people. It is the duty of the police to preserve order and prevent crime. When there is a violation of law, it is the duty of the police apprehends the offenders and produces them before the court to be dealt with the procedure established by law and therefore must be more responsible to people.

It has been observed and widely published in media that the police itself violate the human right. Any malpractice or violation of human right committed by police comes into critical public gaze. Whenever violation of human rights by police is reported it causes an overall effect of loss of faith in the police as a protector and upholder of citizen's rights.

## REVIEW OF LITERATURE

Many of the violations of human rights occur in the management of law and order, by the police. Human rights violations in police custody can be evaluated only from the historical and social context. Investigation generally through interviews and interrogation is most important in criminal trial (Bhosle, S. 2003). The endeavour for the protection of human rights of the persons in custody against the coercive powers of the state as part of human rights propaganda was initiated by the United Nations Organisation and expressed in International Covenant on Civil and Political Rights (ICCPR, 1966), which added teeth to the Universal Declaration. The above attempt was strengthened by Standard Minimum Rules for

Treatment of Prisoners (1977), Code of Conduct for Law Enforcement Officials (1979), Principles of Medical Ethics of Doctors in the Protection of Prisoners and Detainees against Torture (1982) and Convention against Torture (1984).

Despite state prohibitions against torture and custodial misconduct by the police, torture is widespread in police custody, which is a major reason behind deaths in custody (AHRC Report 2004). The police often torture innocent people until a 'confession' is obtained to save influential and wealthy offenders (ALRC 2004). G.P.Joshi, the programme coordinator of the Indian branch of the Commonwealth Human Rights Initiative in New Delhi comments that the main issue at hand concerning police violence is a lack of accountability of the police.

### ROLE OF MEDIA AND HUMAN RIGHTS VIOLATION BY POLICE

Media is the most vigilant watchdogs over the police functioning in this country. It enjoys a wide measure of freedom, enormous reach and power. Technological advancement have revolutionized the world of media and communications and opened frontiers. The news occurring anywhere in the country is spread to the rest of the country within minutes. The rate of human right violation has increased in last few decades and media has shown great interest in reporting on human rights violations committed by police. The communal riots in Gujrat during the year (2002) was broadcasted to the rest of India and the world by the media and it was considered as human right violation. The role of media against the human right violation can be understood by the following cases:

**Case: 1-** "Two girls arrested for Facebook post questioning 'Bal Thackeray shutdown' of Mumbai, get bail ( ref.indianexpress 20 Nov.2012 )"

Two girls were arrested over their Facebook post questioning the shutdown in the

city for Shiv Sena patriarch Bal Thackeray's funeral with the comment also leading to an attack on the clinic of an uncle of one of them by Sena activists. Two girls-shaheen and Renu Shrinivas were sent to 14-day jail judicial custody by a court.

The arrests sparked an outrage with Press Council of India chief Markandey Katju demanding "immediate" action against police personnel involved. This news surged across the country and become arrived in social media. Media actively raised this issue and both girls granted bail by the court.

**Case: 2** "Similarly another case occurred "Uttarakhand Police gunned down a MBA student in fake encounter" the news surged across the country. Media actively raised this issue and the police personnel were punished by the court. (ref.www.thehindu.com 5 june 2012)"

Mr. Ranbir Singh, a MBA graduate from Ghaziabad walking on the road in Dehradun was arrested on July 3, 2009 on pretext of being involved in some robbery by Uttarakhand police. Police pumped 29 bullets into his body and the incident was passed off as an encounter. Again after complained by his relatives in court it was found that it was fake encounter. All involved eighteen police personnel were charged for various offence viz. Murder, kidnapping, criminal conspiracy, destruction of evidence and public servant framing incorrect record. Again, the media actively raised and made a positive favour of human rights freedom.

We have inadequate and selective media for wide coverage in India. Most media organisations are either state or corporate owned. The media is said to be fourth pillar of democracy, it means that it will work for public interest. But it is being observed that it has taken more interest in projecting issues which are lucrative rather those that are of public interest. Political news, politicians and celebrities are

dominating the media coverage. Such issues involved have affected the quality of coverage, the selection of subjects and contents. The tendency to ignore sensitization the social issues has often been noticed.

### DISCUSSIONS AND CONCLUSION

The government reports and many studies reveals that there are large numbers of human right violation are reported by police throughout the country. Many a times it can be seen that even after reporting the human right violation by police, they are hardly charge-sheeted and convicted negligibly. India has the second largest population of the world. The ratio of police over total population is a serious issue as per as duties and responsibilities of policemen. India has 141 police per lakh population which is not sufficient to stop the crime and minimize the ratio of human right violation by police.

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