

MEDIA AND PREVENTION OF CRIMES

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ABSTRACT

Freedom of thought and expression is the most basic of all liberties. Dissemination of information by media is considered to be part of freedom of speech and expression under the Indian Constitution. Media is a significant source of information about crime and safety in India. This paper aims to assess the role the media as eye-spies and its influence on the social crimes. An attempt is made to describe the structure of media, media ethics and its functions. Influence of media coverage of information relating to social crimes is dealt with in three ways. Influence of media coverage on prevention, identification and adjudication processes is analyzed in the Indian context. In a transition society like India, it is a very sophisticated issue to expect media to comply with dominant news values. The issue is further complicated due to the fact that media houses are run like business entities. Added to this, there is unhealthy competition. Despite all these implications, at the end of this paper space for positive results is delineated in terms of prevention of crimes, media misuse, misconception and stigmatization.

Keywords: Investigative journalism, Dominant News Values, Crime Prevention, Hyper Publication, De-sensitization, Stigmatization.

I. INTRODUCTION

Democracy requires transparency. Media has a great impact on human behavior and for this reason it is considered as the watchdog of society. Today, despite the mass media's propensity for sleaze, sensationalism and superficiality, the notion of the media as watchdog, as guardian of the public interest, and as a conduit between governors and the governed remains deeply ingrained.¹ Investigative reporting has made the media an effective and credible watchdog in the society. It has also been responsible for the growth of culture of openness and disclosure which has been responsible for accountability of democratic governments. Free and fair media is regarded as sine quo non in every form of government. India is a vast and diverse democracy.

¹ THE ROLE OF THE MEDIA IN DEEPENING DEMOCRACY, by SHEILA S. CORONEL, available @<http://unpan1.un.org/intradoc/groups/public/documents/un/unpan010194.pdf>

Unless the media acts without any bias and prejudice it cannot contribute to healthy democracy. Despite possessing great merits like evoking transparency, investigative journalism has been in controversy time and again. Media eye spies raise several questions regarding media ethics, interference with right to privacy, etc. Nowadays, investigative journalism is mostly related with sting operations to highlight the crimes in society. This role of media has enabled citizens to form opinions about the malpractices of governments and the criminal activities in the society. Media watch of public life can prevent crimes because of its deterrent effect. Media can also take up the issue of investigation into unreported cases. It can also fasten and make effective the investigative process. Even the crime redressal process is influenced by the media. These influences can be both positive and negative.

II. FUNCTIONING OF MEDIA

Freedom of media is considered to be the freedom of people as they should be informed of matters in governance. Free and a healthy press is indispensable to the functioning of democracy. In democracy people are expected to participate in all affairs of the community life. They must be informed about the current political social, economic and cultural life as well as the burning topics and important issues of the day in order to enable them to form opinion.. The right to freedom of speech and expression as contained in article 19 of the constitution does include the freedom of press. However the freedom is not absolute as it is bound by sub clause (2) of the same article.

Modern media consists of different formats like print, television, movies, video games, music, cell phones, various kinds of softwares and the internet. Advancements in technology, new types of information, disseminated, and the new ways of communication have been continuously influencing crimes in the society. During the exclusive print media era people were just passive consumers and their attitudes were not so much influenced by the print media. But today people are active participants in media and they are not aware as to how their attitude gets changed due to media dissemination. Apart from media formats like print, sound and visual media, today digital interactive media is making much impact. Social media is the result of this technology. Facebook, Twitter, Instagram, etc are the widely used modes of communication now a day.

Irrespective of the format, media is disseminating contents in the form of entertainment, advertisement, news and information, then we consider media information on crimes, it serves three purposes such as information, news and entertainment.

III. MEDIA AND SOCIAL TRANSMISSION

The power of media to influence public opinion and even to provoke great movements is already witnessed. Presently India is passing through a transitional period. It can be described as a transition from agri-based economy to modern industrial society. As Justice Markhandeya Katju says, this is a very painful and agonising period in history.²The traditional society and many of the ethos have been uprooted and thrown apart. At the same time, the new or modern society is not yet entirely established. Older values are decaying. What is regarded as bad earlier is now regarded as good and vice versa. Love marriages, caste system, etc are the examples which have received U turn treatment in the transition.

It is the duty of right thinking people and the media to assist this society to get over this transition period quickly and with less discomfort. Since media deals with ideas and ultimately public opinion, it has great role to perform. Media can perform this role to the optimum when it protects society from the social crimes.

At times it is observed that media is responsible for diverting the attention of people from real issues to non-real issues. There is an outcry that instead of focusing on issues like honor-killing and religious fundamentalism, media is focusing more on film stars, fashion shows, reality shows, etc. It is true that entertainment cannot be overlooked but it should be to the reasonable extent. Another problem with the present media is that it is dividing the people. Another flaw is its inability or reluctance to develop scientific and practical attitude in people. Scientific temper in people is low because of factors like casteism and superstition. But the media has a role to play here. It is its primary duty to develop scientific rational ideas in people. Instead considerable portion of media always indulges in propagating superstitious ideas.

We have glaring examples of Indian print media responding to social issues even during pre-independence period. Rajaram Mohan Roy wrote against sati and child marriage in his newspaper 'MiratulAkhbar'. Feudal practices and women's oppression was agitated through print media by Munshi Prem Chand and Sharath Chandra Chattopadhyaya.

However, today's TV Channels rampantly show astrology. This is nothing but spreading of superstition. Despite these observations there are good numbers of media attempts which can be considered as idealistic. For example, Good number of journalists are efficiently reporting farmers' suicides and honour-killings in India. The most important democratic functions that we can expect the media to serve are surveillance of sociopolitical developments, identifying the most relevant issues, providing a platform for debate across a diverse range of views, holding officials to account for the way they exercise power, provide incentives for citizens to learn, choose, and become involved in the political process, and resist efforts of forces outside the

² The Hindu, Justice MarkhandeyaKatju on "The Role of Media in India" appeared on 8th November 2011 and updated on 21st April 2017.

media to subvert their independence.³ Expecting this from media is not interference with its freedom under Article 19(1)(a). This freedom is subject to restrictions under Article 19(2) and basically media is expected to know that all freedoms are coupled with responsibilities.

IV. MEDIA AND PREVENTION OF CRIMES

Can the media help in preventing the occurrence of crime is a very difficult question to answer. Media watch as a surveillance can have different impacts but its deterrence effect on crimes is highly suspected. It is evident all over the world that surveillance through CCTV has made criminals to plan their activities than being deterred. Deterrence theory of surveillance has no nexus with motivations to commit crime. Idea of committing street offences in an unplanned way is almost bankrupt when there is surveillance. Hence perpetrators make choice of plan depending upon the type of acts they intend to execute.

Yet the deterrent effect of media information cannot be side lined in the total analysis. Media can contribute towards crimes prevention strategies in the following ways:

1. Media exposure of crimes can sensitize and educate people on underestimated or overlooked social problems.
2. Media coverage and campaign about violence against women and children has led to great social awareness. Law and policy are coming out with new strategies to prevent these crimes.
3. Media coverage of crimes like child sexual abuse can affect cultural standards and thereby overcome the stigmatisation of the victim.
4. Media can help to develop newer self- protection and safety strategies.
5. Democratic role of media in crime prevention is very crucial in a country like India. Media dissemination of information can make people to develop critical thinking about the issues of crime and its prevention. The media can help to guarantee transparency of institutions specialising in crime prevention and safety.⁴
6. The modern media which is very much participative can ensure civic journalism. Such a state of affairs will foster responsibility on the part of the media to provide trust worthy information and to take up positive crime prevention initiatives.

V. MEDIA AND ITS IMPACT ON INVESTIGATION INTO CRIMES

³ The supposed and the real role of mass media in modern democracy, by Agner Fog, available @ <http://www.agner.org/cultsel/mediacrisis.pdf>

⁴ Vivien Charts, "The Media, Crime Prevention and Urban Safety: A Brief Discussion on Media Influence and Areas for Further Exploration"

Media as eye spy on society is well known in the present day society. Investigative journalism is much into practice, these days. However, this has been a controversial issue ever since it was practiced. Although this type of journalism raises several questions regarding ethics, privacy, etc., this has radically helped to shape public opinion. Investigative journalism revolves mainly around scandals, crimes, politics, corruption, etc. But this is not restricted to the above mentioned fields in India.. In India Bofors scandal and the type of reporting done by the media made the country take notice of a new form of journalism that was previously limited to magazines and journals. Nowadays, media is very busy with sting operations. They are widely carried out to report corruption and misdeeds of politicians and bureaucrats. Due to the interference of the media, many cases have attracted the attention of the masses to form a particular public opinion. Tactics like live shows, debates, discussions, talk shows, etc help bring these critical issues into the public sphere. This can enable people to know, enjoy and enforce their rights. This has often led to aggrieved parties getting much needed justice.

Jussica Lal and Priyadarshini Mattoo Cases are the clear examples of effects of investigative journalism in India. Role of media in these cases is indicative of voice of people. None of the cases would have got so much of importance had the media not intervened. The investigations on part of media helped to accelerate the trials of the cases. These cases exposed the loopholes and showed how influential and powerful people can manage to get away even after committing serious crimes. Power of media is shown in these cases which ultimately influenced the public and ensured justice to the citizens. Thus, media interference helped the hidden facts to be unearthed. Judiciary took notice of the loopholes and extensive malpractices of the administrative system in India. Indian media is witness to various incidents ever since its inception. Media intervention is also very important when police are bit reluctant to register and act upon the informations received. Media at times makes higher police officers to act upon the inactiveness of the subordinate police officers.

VI. MEDIA AND CRIMINAL JUSTICE

Media plays crucial role in shaping the public opinion and it is capable of changing the perceptions of people about various events that take place. Crimes are evils and they need to be condemned and the media is justified in calling for the perpetrators to be punished in accordance with the law. However, the media cannot usurp the functions of the judiciary. It must stick on to its basic function of objective and unbiased reporting. While a media over-regulated by government is unhealthy for democracy, the implications of continued media unaccountability are even more damaging. Steps need to be taken in order to prevent media trials from eroding the civil rights of citizens, whereby the media have a clearer definition of their rights and duties, and the courts are given the power to punish those who flagrantly disregard them.

Democracy is the rule of the people with a system having three strong pillars viz., legislature, executive and the judiciary. But the guarantee of Article 19 (1)(a) in multi-dimensional way has given rise to a fourth pillar known as media or press. It acts as a conscious keeper, a watchdog and points to the wrongs in our system, by bringing them to the knowledge of all, with the hope of correction. There is no dispute that the unprecedented media revolution has resulted in great gains for the general public. Even the judiciary has been assisted by the ethical and fearless media. Suo-moto cognizance of the matters in various cases, reliance on newspaper reports about violation of rights has been the hallmark of dynamic judiciary.

Media has now started acting like a 'public court' or Jantaa Adalat. It completely overlooks basic principles of criminal justice. The principles of 'presumption of innocence until proven guilty' and 'guilt beyond reasonable doubt' are sidelined here. In media trial, the media itself does a separate investigation, builds a public opinion against the accused even before the court takes cognizance of the case. In this way the public and even judges are prejudiced as against the accused. Excessive publicity in the media about a suspect or an accused before trial prejudices a fair trial or results. Unfortunately, there is no specific law to deal with regulation of media in this country. Such a move can even attract charge of constitutional invalidity.

Restrictions on media report about pending cases is well summarised by the chief justice Gopal Rao Ekkbote of Andhra Pradesh High Court in the case of Y.V. Hanumantha Rao v. K.R. Pattabhiram and Anr.⁵ wherein it was observed by the learned judge that:

"..... When litigation is pending before a Court, no one shall comment on it in such a way there is a real and substantial danger of prejudice to the trial of the action, as for instance by influence on the Judge, the witnesses or by prejudicing mankind in general against a party to the cause. Even if the person making the comment honestly believes it to be true, still it is a contempt of Court if he prejudices the truth before it is ascertained in the proceedings. To this general rule of fair trial one may add a further rule and that is that none shall, by misrepresentation or otherwise, bring unfair pressure to bear on one of the parties to a cause so as to force him to drop his complaint or defense. It is always regarded as of the first importance that the law which we have just stated should be maintained in its full integrity. But in so stating the law we must bear in mind that there must appear to be 'a real and substantial danger of prejudice'."

Thus the media must not make a party to drop the idea of complaining when he is supposed to complain. At the same time it must not induce anyone to take an unnecessary step in judicial process. Judges are also Human Beings they too care about the reputation and promotion. That time is gone when judges are not considered as social because it will harm their reputation. Now

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days Judges are social and being humans they care about their wellbeing also. In high profile cases they tend to be biased and give verdict as per as media reports. Media is so much into our daily life that people are expecting the organs of government to act according to media reports.

The media can create unconscious pressures on judges in a high-profile cases. This is especially possible when the cases come to the courts and applications for interim orders are placed. Judges know that they are being watched by the public. This may elevate their verdict at least in terms of IA orders to a level beyond the existing norms applicable to them. But in India, by and large we have rarely seen media reports affecting the judgments.

VII. CONCLUSION

Crime and criminality have always been a social problem for a country like India. But the worrying factor is that the number and brutality of these crimes is increasing. As India pushes itself to emerge as a developed nation, crime too seems to be growing as a natural consequence. There has to be a framework which works with the collaboration of government, stakeholders and the media to curb crimes and criminality in the society. Within this framework, the government could focus on media literacy education as a necessary crime prevention tool. The increasing impact of different media programmes on youth has been witnessed in some live shows and reality shows conducted by celebrities. As the media continues to be a socializing agent, discussing the complex links and relations between the media and crime prevention and safety of the people is very important for the community at large. Media literacy education deserves more attention, as it can help future generation to interact and make use of the media in crime prevention. Unfortunately today's media is being influenced by liberalisation like any other field. Accordingly they are after those reportings which are profitable than relevant. Because of liberalization of the media market stories are selected for profitability rather than relevance. Most media in modern India are privately owned and organized as firms and companies. There are many other possible forms of ownership. Newspapers, radio stations, cable Channels, televisions can be owned by public bodies like Universities, non-profit corporations, community-based associations, employee-owned cooperatives. Each of these has advantages and disadvantages. Healthy media environment means a good distribution of all these forms of ownerships. Professional journalists want to be more autonomous. They feel less comfortable when they work for newspapers controlled by capitalist firms. In this way there can be newer initiatives by the right thinking people.