

## **The Media, Crime Prevention and Contemporary Society: A Qualitative Approach**

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### **Abstract**

Media plays an important role in providing the general public with information that they demand to consume. Being aware of the crimes happening in the world is something that is of great interest to the general public. Though it may be of an unpleasant nature, the media's portrayal of crimes plays a very important role in influencing the public's perspective on the crime. The role that mass media plays in spreading awareness not only on the crimes but also the legislative system that punishes these crimes is quite a big one and is one of the most important duties of being the fourth pillar of democracy. Besides print and visual media, social media has also become a large influence on the public with several justice campaigns being run on social media platforms. Considering the issue and efforts for prevention of crime through social media is therefore especially important to deal with. This paper tries to explore the different perspectives that need to be adopted by media for prevention of crime which is the need of the contemporary society.

**Keywords:** Media, Crime, Society, Prevention, Democracy

### **1. Introduction**

The media is perceived to be one of the four democratic pillars. Media plays a vital role in influencing society's perception, which can shift the public opinion on certain events. Media should be credited for launching a movement in which the media knowingly leads to the accused. The proliferation of cable TV, local radios and the Internet have dramatically expanded the coverage and influence of the mass media, particularly in the last two decades. The circulation in English and in different vernacular languages of newspapers and magazines has also continuously increased in our region. In conjunction with the use of digital platforms for news events, this growing readings and audience has allowed media groups an unparalleled role in influencing public opinions. Media access, however, still requires a degree of accountability (Harber, A. (2014).

It is well known how powerful and significant the media are in democracy. The free speech and expression of Article 19(1) (a) of the Indian Constitution requires freedom of press within its scope (Jain MP, 1973). The presence of independent and strong media is the fundamental pillar of a country, especially diverse society like India. It's not only a way of sharing one's feelings, thoughts, and viewpoints, but also of developing opinions and views on different state, national, and foreign

agenda topics. The media play a vital role in mobilising the mechanism of thought of millions. In today's globalised and technologically stable world, the growing position of the media has been properly explained by Justice Learned Hand of the U.S. Supreme Court, "the man who controls news, air, screen and the large magazine rules the nation."(Jain, M. 1973).

Democracy is the people's constitution, the three-pillar framework. However, considering the fact that Indian society has now become somewhat dysfunctional on three fronts, the executive body, law-making and the judiciary, a fourth pillar known as press or media is considering a guarantee under Article 19(1)(a). It plays the main role of an informed monitor, watchdog for the officials of our society and manages, by taking them to the attention of anyone in our system, in the hope of changing them. The recent change in the media has certainly brought great benefits for the general population on many levels. Also the judiciary has benefited from responsible journalism and, in the use of records and reports, has taken up the issues suo-moto in numerous cases, exposing significant human rights abuses. (Anderson, S., & McLaren, J. 2012)

However, two sides of the coin still remain. The need for transparency and professionalism in reports cannot adequately be underlined with this expanded position and significance attached to the media. In democratic society it cannot be considered absolute, unrestricted or unqualified in any situations as an inestimable right to freedom as it may be. The freedom of the media must be practised within acceptable limits, as every other liberty recognised in the Constitution. Big obligation comes with tremendous strength. Similarly, the right provided in Article 19(1) (a) relates to an obligation not to break any statute.

## **2. Research Methodology**

The research is primarily focused on qualitative data derived through primary and secondary sources. Researcher have analyzed the provisions of the legislations, case laws, reports, conventions etc. for better understanding of the position of law with respect to the role of media. To determine the role of media, various case laws and law commission reports are analysed.

## **3. Effect of Media on Crime Prevention Policies**

In the collection and distribution of information about crime, media representation can have a negative effect about crime-related beliefs which can conflict with the application of policies and strategies for crime prevention. Crime media analysis may be misleading, biased and facilitate inappropriate and counterproductive crime prevention measures, "the picture of spontaneous and violent crime ... that the media convey leads to knowledge of crime and justice reflecting in public policies which also pursue simplistic solutions to complex problems." The core aspects of the media do not appear to contribute to awareness of the reduction of violence, and this is progressively concerning.

The management of crime media information is focused on brief, fast-track, and surface-level reporting that can restrict the category of information circulated and ignores main problems. Press accounts on incidents sometimes sound as a police blotter containing information about the suspect, the crime scene and the victims, and are not too concerned with how the crime or victimisation is committed. In addition, a quick media review and examination of criminal activity and findings will impede efficient and active deterrence in execution of local police policies. Crime prevention

professionals highlight the importance of long-term preventive measures focused on a systematic analysis that covers the complexities of the causes and the interactions of violence. The media reports on violence are also not receptive to such methods.

Public opinion media impacts are often debated but hard to quantify. Various scholars, including Tom Rogers, who have researched and analysed the topic extensively, examine how some facets of print media news create apprehension of crime in society, but it is difficult to establish such a causal relation. 'The "Towards an Empirical Context for the Fear of Crime" by Rogers,' reviews how public attention has been identified in terms of locations for violence, decrease in cultural expectations and deterioration of the city that lead to increasing victimisation and insecurity: "disorganization and physical / social disabilities of contemporary urban life, typified by symbols of disorder and crime, teenagers on the streets, abandoned buildings, graffiti, illegal drugs, public drunkenness and vandalism are thought to increase urban unease and consequently fear of crime."

The criminal news is placed as an 'issue structure' that drives the 'inner distrust of crime,' influences opinion of people and understanding, and reinforces repressive and 'stronger' state policy on crime and criminal punishment. Kenneth Dowler (2003) maintains that the obsessive emphasis of the media on crime has contributed to a disproportionate exposure and thus that people exposed to media abuse perceive crime as a danger which increases their fear of illegal activity and therefore their punitive attitudes. "Is juvenile violence out of control? John Howard Society? "It acknowledges and suggests that misunderstandings of violence tend to intolerance and harsher behaviour.' Increased public coverage of juvenile violence, for example, was related to more repressive social justice initiatives, such as the implementation of the Canada Youth Crime Act. In comparison to lesser offences, the Act requires 16 to 17 years of age to be charged by an adult judge. Public reports can affect the adoption, particularly though prior policies have not been tested or created, of new legislation, whereas a single incident can impact large-scale adjustments. However, it remains a daunting challenge to argue that media reports immediately follow 'hard' policing strategies and draconian behaviours.

#### **4. Media Effects on Judicial Process**

The best way by which the public learns about the legal proceedings should be decided unanimously. As for journals, this can be published. Some others, such as video clips and radio captured on TV, are never omitted, mostly at specified frequencies. Both these online channels have heterogeneous and anonymous audiences of differing interests. Some are involved in the case for their own purposes of research, while others want to assess the structures responsible for justice in a given region. But the media will cloud this view with the way it is reported.

Media is responsible for generating the public's hype about the way the cases are displayed. The media may put the accused on a side in the case of Rodney King, for example. An example of how the media can affect justice in a court phase, Rodney King is documenting it. This comes from reported footage of police officers who assaulted him unarmed and obviously subdued him. This study established the opinion that the victim was discrimination precisely because of the extra-judicial case of racialism.

The O J Simpson trial also reveals the situation where the general public is involved and due to media attention, it turned out to be like a race war. Simpson, a black man, had been charged that his white wife has been murdered and it is clear that the black and white races had competed and that the jurors could believe the race-hype argument (Upadhyaya, C. 1995). In comparison, the newspapers appear to cover incidents involving celebrities to the detriment of high-profile offenders. In the time of Simpson's litigation, the top newspapers and journals as well as network news programmes were most frequently at night and provided little exposure to some high profile cases. For example, it only took five minutes to investigate the murder of JonBenet Ramsey.

The legal procedure is typically very appealing to the public and they want to see the outcome of the trial. The media will relay the trials of the legal process and the public's opinions on the ruling produced by the judiciary. This will lead to media sources. Many media seek to manipulate the public's reception towards any particular subject (Khan, M. 2011). The media recognises the distortion of this strategy and reflects on the trivial and unrealized justice that can evoke a malaise in the public's judicial process.

A variety of questions occurred as a result of the consideration of whether the legal hearings should be published in broadcast and internet coverage. The object of the discussion is to reach the balance between the public's access to this legal procedure and the detrimental consequences inside the courtroom. Some of these emerging issues include openness of the field of government and democratic principles, due process, power separation, public education, protection and dignity observance during judicial proceedings. Because of these questions, the points and defences of both the supporters and the opposition are clear.

## **5. Regulatory Measures**

As regards the limitations on the media, it is evident from the above that there is a great deal of latitude in the case for a court determining the rationality of a restraint on a fundamental right secured by Article 19. All courts shall ensure that the limitations enforced on media legislation are fair and that they adhere to the reasons laid down in Article 19(2).

The Supreme Court has defined some standards and criteria in *Papnasam Labor Union v. Madura Coats Ltd.* (1994) to be observed when considering the constitutional validity of a legislative provision that imposes restrictions on fundamental rights as provided by Articles 19 (1)(a) to (g), if it is challenged on the grounds that it does not have authority to limit.

In *Rajendra Sail v. M.P. High Court Bar Association* (2005), the editor, printer, publisher, and journalist were summarily prosecuted and brought to a high court for a six-month incarceration, along with the complainant who was a trade union activist. They were accused of reporting false remarks against the judges of a High Court made by a trade-union leader in the workers' rally on the grounds of a paper submitted by a trainee's correspondent. The findings were made that the High Court ruling was wasteful and was sufficient to chuck into a dustbin. The Supreme Court of Appeal upheld their contempt but revised and lowered the decision.

In *Dr. D.C. Saxena v. Chief Justice of India* (1997), the Apex Court held that no one person should suspect a judge of his incompetence, bias or incapacity. It is to ensure the integrity of the judiciary in such a manner that judges can rule cases without fear or favour, as the courts are legally formed with a view to dispensing justice.

Through these findings and by the decision, it may be seen that Article 19(2) of the prohibitions on freedom of speech, namely freedom of the press, enshrined in Article 19(1)(a), has a two-fold purpose: They show on the one hand that this is not an unconditional right but is subject to legislation and, on the other hand, restrict the legislature's authority to regulate the press / media freedom (Wani, M. 2000). However, this right cannot be restricted by the legislation above and beyond the provisions of Article 19(2) of Indian constitution, and any restraint shall be logical and can only be enforced by or through statute, rather than by executive order alone.

The Press Council of India (PCI) has been formed with the goal of upholding press freedom and increasing news reporting standards in India (Dhavan, R., 1984). Under the 1978 Statute on the Press Committee, if anyone claims that a news agency has perpetrated some professional misbehaviour, the PCI can "alert the news agency, alarm or blacklist the newspaper" whether it agrees with the complainant or requires the news agency "to print in the subsequent issue the complainant's incrimination."

The PCI has set a number of recommended guidelines on journalistic behaviour along with certain powers. These principles stress the importance of consistency and integrity, and urge the press to "prevent the publishing of inexact, groundless, ungrateful, deceptive and skewed content." These guidelines also require that reporters resist unfair inferences, and instead strive to retain an objective and serious sound. However, these requirements cannot be applied lawfully substantially and are mostly dealt with in violation.

Finally, the PCI also has criminal disrespect powers to prevent the dissemination of news of negative papers. However, only pending civil or felony litigation can the PCI exercise its disregard powers. This constraint lacks the degree to which pre-trial publicity will influence justice policy.

## **6. Regulations of Children's Identity**

The Juvenile Justice Act (Treatment and Safety of Children) provides that the media should not reveal, or can lead to recognition, identities, addresses or schools of minors that are contrary to legislation or the identity of the child who needs treatment and security. The exception is where the child's priorities lie in finding a young person or a kid in need of treatment and security. In these cases the media are not allowed to disclose the child's name.

Similarly, Article 16 of the Convention on the Rights of the Child (CRC) states that:

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

Article 40 of the Convention on the Rights of the Child, 1989 allows for the preservation of privacy at all levels of the prosecutions of minors convicted of violating criminal law.

Nearly all newspaper, published and broadcasting, does not conform to these guidelines. Recently, the Reuters photographer a few years back, said that Reuters do not modify or edit images taken by journalists to ensure that they are genuine (Reuters Staff, 2007).

As regards taking photos of any needy people, he confessed to taking images of road children on the streets of Mumbai who are drug addicted. Reuters released the photos. The NGO, however, informed him of photonic children who are drought-dependent in order to maintain their privacy when he was assigned to an NGO working with kids. Similarly it should be covered and not disclosed the identity of HIV and AIDS patients including infants. In the case that the consent of the parents / guardian of the minor is provided, children afflicted by HIV and AIDS should not distinguish by name or image.

Kulkarni generally said that when he took his photos in a public location, he did not request the permission of individuals. If they do not protest, they are believed to be shot relaxed. The PCI requirements are not explicitly intended to require an individual's approval. However, in some cases journalists are supposed to be restrained. The recognition of youth who are in trouble with the law is also restricted. This involves taking photos of young people that can recognise them.

## **7. Regulation of Rape Victims Identity**

The disclosing of a rape victim's name is punishable by section 228A of the Indian Penal Code (Gangoli, G. 2011). In Aarushi Talwar's recent killing and raping of a foreign student who studied at the Tata Institute of Social Sciences (TISS), the media frenzy influenced and blurred the anonymity of the survivor of TISS. In the case of the TISS, the newspapers reported not the girl's identity, nor the identity and the direction she took, which undermined the PCI requirements. The PCI criteria specifically specify that the visual depiction of personal grief moments should be avoided, of addition to disclosing the identities of people. The media have consistently breached this norm in the Aarushi murder case.

The media invested ample time in both cases specifying the offences. The senior journalist Abhinav Pandey who covers crime admits that in the case of the TISS, the media have breached its borders by publishing sordid facts about the way the rape was done. "Names of victims of sexual crime cannot be reported. In fact, in many instances the place of stay and any college affiliation should also be avoided, as they could be easily identified. Explicit details of the offence drawn from the statement given by the victim to the police are irrelevant to the investigation or to the public at large. Similarly, names of minors and pictures, including those of juveniles, have to be safeguarded."

"Crime reporters receive most of their stories from the police. Therefore, one has to be careful before publishing the story. At times in the rigour of competitive journalism, if you decide to publish an unverified story, as a good journalist you should present a counter-point. As a seasoned journalist it is easy to sense when a story is being planted by the police. If you still want to carry the story, one has to be careful not to taint the character of a person," he adds.

"I would not, for example, include it in my copy of my report if I notice out the details will not be related to the inquiry. We have been circulating confidential letters to reporters of crime who have

claimed out corruption is being committed by IPS senior officials last year. But in Pakistan we released only a correspondence between him and those administrators, which we knew would hinder the inquiry. Our work allows us to exchange public domain information, often breaching privacy. But you must be careful.”

## **8. Government Actions**

In late February 2019 the Indian Government published the Department for Business promotion and Internal Trade's Draft National e-commerce Strategy, which states that "the duty and accountability of online platforms lie with us." to guarantee that the information shown on their websites is real. (Government of India, 2019)

On 2 April 2018, the Press Information Bureau of India 'advised the public that fake news is growing in many media including print and electronic media,' amended the Rules for Journalist Accreditation to suspend journalist accreditation in order to generate or spread fake news in the following process:

“Now on receiving any complaints of such instances of fake news, the same would get referred to the Press Council of India (PCI) if it pertains to print media & to News Broadcasters Association (NBA) if it relates to electronic media, for determination of the news item being fake or not. Determination is expected to be completed within 15 days by these regulating agencies. Once the complaint is registered for determination of fake news, the correspondent/journalist whoever created and/or propagated the fake news will, if accredited, have the accreditation suspended till such time the determination regarding the fake news is made by the regulating agencies mentioned above. The Accreditation Committee of the PIB which consists of representative of both PCI and NBA shall be invariably be reached out to for validating any accreditation request of any news media agency. While any confirmation of publication or telecast of fake news having been confirmed by any of these agencies, the accreditation shall be suspended for a period of 6 months in the first violation and for one year in the case of 2nd violation and in the event of 3rd violation it would be cancelled permanently.”

But the law is stated shortly after to be dropped by the government as "it insulted journalists and opposition leaders, who called it an effort to drag the media in preparation for the next year's national elections."

## **9. Conclusion**

It is evident from the aforementioned account that there has been a more negative impact than a positive one on the media. The media must be controlled appropriately by the judiciary. In legal cases, the journalists cannot get a free hand because they are not entertainment.

The only way of regulating the media is to demonstrate the court's indifference of authority in punishing those that breach the universal code of ethics. In a variety of occasions, the Supreme Court has allowed the use of forces of scorn toward television networks and newspapers in the course of the trials. To the point of prejudicing the trials themselves, the media cannot afford freedom of speech or expression.

All exploit the media in order to serve their own interests or damage their competitors. The concern is not that media outlets reveal a weakness in police miscarriage or breakdown in civil service duties; but, whenever media outlets overturn their legal authority to do something they do not have to do, they are beginning to lift their interest. Be it to emphasise sub judgements in order to uphold the sacredness of the legal process and the right of people convicted and defendants to live with dignity. The media trial has now gone on to a media decision and media penalty that certainly transgresses the wise demarcation of legal limits and unconstitutional use of liberty.

It is obvious from the above that the media has a more negative and not a positive one. The media must be controlled appropriately by the judiciary. In legal cases, the journalists cannot get a free hand because they are not entertainment. Every entity, be it a legislative, executive, judicial or administrative agency, is liable to be misused if its valid expertise and responsibilities exceed it.

The media should understand that everything they write has a major effect on the audience. The legal obligation of the media is also to reveal the facts and at the right moment. The only way of policing the media is to demonstrate the court's indifference of authority in penalising those that breach the universal code of ethics.

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