
CRIME AND JUSTICE IN MASS MEDIA

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ABSTRACT

The term "mass media" describes a wide range of media technologies that, through mass communication, can reach a sizable audience. A wide range of outlets make up the technology that enables this communication.

Through media like movies, radio, recorded music, or television, broadcast media deliver information electronically. Internet and mobile mass communication are both included in digital media. Internet media include products and services like email, social media platforms, websites, and online radio and television.

In this approach, they can take advantage of the Internet's outreach and easy accessibility features to quickly and cheaply disseminate content over a wide range of global regions. Aside from billboards, blimps, and flying billboards (signs attached to aircraft), outdoor media also includes placards and kiosks placed inside and outside of buses, stores, sports arenas, subway vehicles, and trains, as well as signs and skywriting.

Print media uses tangible items like books, comics, magazines, newspapers, or pamphlets to deliver information. Public speaking and event planning are examples of mass media.

The term "mass media" also refers to the companies that govern these technologies, including movie studios, publishing houses, and radio and television stations.

Keywords: mass media, crime, justice, legal system

Significance of Mass Media

1. The decision of which stories to highlight is heavily influenced by the media. It affects and moulds our thoughts by concentrating on specific concerns. People's agendas are allegedly set by the media.
2. Incredibly high quantities of pesticides have recently been reported in the media. Due to this report, cola safety regulations were established.
3. As it informs us of how the government functions, the media plays a significant part in our lives. Media outlets should be allowed to report on occurrences without restriction.¹

Role of Media in a Legal System

A legal system's criminal justice system can be expanded in important ways thanks to the media and broadcasting organizations. Although Article 19(1)(a) of the Indian Constitution provides freedom of speech and expression, which indirectly allows media outlets the authority to report on social events, there are no clear provisions for media freedom.

Because of their extensive networks, news organizations frequently report on crimes directly from the scene. The media brings these issues to light and aids in doing justice to them in some situations when they are not being publicized owing to social fear or ignorance of the poor and indigent people.

The Central Information Commission Regulations of 2007; the TRAI (Levy of Fees and Other Charges for Tariff Plans) Regulations of 2002; the Telecom Regulatory Authority of India Rules of 2000; the Newspaper (Prices and Pages) Act of 1956; and the Bombay Cinemas (Regulation) Act of 1953 are some recent Acts and Regulations relating to Media.²

Media Elements that impact the Crime Rate

1. Movie and T.V shows

¹Sastry CBSE, "Understanding Media Class 7 Notes Civics Chapter 6" (2019) <https://www.learnbse.in/understanding-media-class-7-notes/>

²ANIKET VASHISTH, "Mass media, crime, law and justice" (2020) <https://lawtimesjournal.in/mass-media-crime-law-and-justice/>

It has long been a favorite past time of people to watch acts of violence. For the same purpose, studies that emphasized television violence were done. These studies have found that watching violent content on television can have some detrimental impacts, but they do not always prove a cause-and-effect connection. Instead, they raise the likelihood that those who watch violent content on media may act aggressively in the future.

2. Video Games

Since a player of a video game actively participates in the game rather than simply watching it, the introduction of video games has increased concerns about the possible impact of violence. Ninety-seven percent of teenagers between the ages of 12 and 17 play video games on a computer, a portable device like a Smartphone or tablet, or a console like the Play station, Xbox, or Wii.

The majority of the video games they play, like "Grand Theft Auto" and "Call of Duty," contain violent material. To advance to the next level, players frequently engage in combat with the other characters, hurting or killing them. Also, some of these games feature explicit sexual content.

Such assertions have been made in the past as well. There is some evidence that violent video games and aggression are positively correlated, similar to studies done on violence in movies and TV shows. On the other side, some refuse to draw any connections between them despite the fact that they have faced criticism for their technique.

3. Pornography

The creation and distribution of sexually suggestive media, such as audio, animation, toys, movies, and other forms of media, is known as the pornography industry. Magazines, CDs, and the internet are the three most used access methods.

A lawyer named Kamlesh Vaswani filed a Public Interest Litigation (PIL) before the Supreme Court in 2013, requesting that pornographic websites be made inaccessible to all citizens on the grounds that doing so encourages sexual and aggressive behavior. However, the Court denied his requests, and at the time, Chief Justice HL Dattu of the Supreme Court said that adults in India have the freedom to access pornographic media as long as they are doing it

inside of their own house. A restriction of this nature would go against Article 21 of the Constitution, which protects an individual's right to personal liberty. The government attempted to outlaw pornographic material in India in 2015, but both attempts were unsuccessful. In 2018, they tried again.³

Media Trial

There is always an anticipated increase in public curiosity whenever a delicate matter is brought before the court for consideration. The media, including newspapers, television stations, news websites, etc., always looks forward to sensational news and begins publishing their own interpretation of the facts. Investigative journalism is what it is called, and it is legal in India. The term "Media Trial" or "Trial by Media" refers to the impact of media coverage on an individual by instilling a sense of innocence or guilt even before the court announces its decision.

Criticisms of Media Trial

The Supreme Court should investigate this matter in light of the rise in media trials since they cause the public to judge the accused based on information provided by the police and prosecutors even if the legal process has not yet begun.

The reports of a media briefing by the police and other investigating agencies have been taken seriously by the courts. Nothing should be done to obstruct the investigation's progress or confidentiality. All of these require specific scrutiny since they are covered by Article 21 of the Constitution.

The simultaneous procedure of a trial by media should not be permitted when a trial is already underway in court. The Supreme Court is now anticipated to examine formulating rules for the media's coverage of criminal proceedings and briefings by the investigating authorities.⁴

Famous Indian Media Trial Cases

³Rachit Garg, "Impact of media on the crime rate" (2020) <https://blog.iplayers.in/impact-of-media-on-the-crime-rate/>

⁴Vanya Verma, "Famous cases of media trials in India" (2021) <https://blog.iplayers.in/famous-cases-media-trials-india/>

Many cases have been tried by the media; a few of the well-known ones are discussed below:

Sheena Bora Murder Case, the stunning revelation in this case was that Sheena was the daughter, not the sister, as Indrani Mukerjea had claimed when she was arrested in 2012 for the murder of Sheena Bora. The case received global attention, and even after her imprisonment, Indrani refused to acknowledge that she had two children and stood by her assertion that Sheena was her sister. The shady financial practices of Indra Mukerjea and her husband Peter Mukerjea were also exposed as a result of the murder. Since they were successful in manipulating the facts, no prosecution against them was brought for three years. Indrani Mukerjea's private life had come under the scrutinising gaze of the media, opening the door for new discussion on the accused's murder trial. The public and the media scrutinised Indrani's personality and personal life, all of which had no bearing on the investigation into Sheena's murder. Due to their interference in the accused's personal problem, the journalistic ethics had once again become the subject of heated controversy.

Ayodhya Dispute

One of the most well-known and talked-about cases in India is this one. Strong religious, political, and historical roots can be found in this case. The issue centers on a plot of land in Ayodhya, the city where Lord Rama was born. The crucial disagreements in this case were the Hindu and Muslim populations over a plot of land that was associated with certain religious beliefs shared by the two faiths. The infamous Babri Masjid, supposed to be built in the same location as the Ram Temple and the site of Lord Rama's birth, was destroyed by violent Hindu militants during a demonstration on December 6, 1992.

A case for the entitlement of land was filed in the Allahabad High Court as a result of the violent riots caused by this demolition act. The case grew increasingly contentious over time, and after 18 years, the verdict was finally rendered. The religious sentiments of the two communities were taken into consideration when making the decision. The 2.77 acre Ayodhya property will be divided into three pieces, according to the court's judgment. The Sunni Waqf Board registered one-third of the land, the Hindu Mahasabha registered another one-third to build the Ram temple, and Nirmohi Akhara registered the remaining one-third (Hindu religious group). This case had a lengthy media trial, and the media's coverage of minor issues and other matters only served to highlight the conflicts between the two communities throughout India.

Sunanda Pushkar Murder Case

Shashi Tharoor's ex-wife was Sunanda Pushkar, a former minister in the Union. After two failed marriages, Sunanda wed Shashi Tharoor in August 2010. Sunanda was discovered dead on January 17, 2014, in a hotel suite at the Leela Palace in New Delhi, under eerie circumstances.

Another media trial occurred in this instance, with the media alleging that Shashi Tharoor was the murderer even though the matter was still being investigated and the court case hadn't yet begun. Following that, Shashi Tharoor had to deal with a lot of backlash.⁵

Role of Media and Justice

A democratic nation's media landscape is important. In our nation, it is referred to be the fourth pillar of democracy. A free media is the voice of the people and a reflection of society, and it has a duty to inform its audience about events in their immediate surroundings. The protection of people's freedom of speech and expression is provided by the media.

The media has recently been instrumental in raising awareness and ensuring that justice is served. The media highlighted instances when justice was not only delayed but but denied, such as the murder of Jessica Lal and the Priyadarshini Matoo case. But later, the pressure and awareness that the media had induced were effective. The court didn't rule in Jessica Lal's case for seven years. The Jessica Lal family had given up all hope. However, Media made the decision to pursue Jessica's justice. They started from the exact spot where the police had left off. The media's instillation of the public's demand for justice put pressure on the government, administration, and police to swiftly handle the issue. In the end, the accused Manu Sharma, a prominent political figure's son, received a life sentence. The Priyadarshini Matoo Case is another well-known case where media should be credited. In this instance, Santosh Singh, a senior IPS officer and the son of a young law student from Delhi University, brutally murdered the 23-year-old victim after raping her. After three years of court proceedings, Santosh Singh was found not guilty, and it appeared that Priyadarshini Matoo would never receive justice. However, the media launched a massive effort for investigative journalism to uncover the flaws in the police investigation, and it was ultimately because of their effort that the CBI was able to apprehend the offenders. Media have demonstrated that a responsible media can play a good

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role in society and can aid in the cause of justice in circumstances like these.

In a free society, the media plays an important role. It might be said to as the most effective medium of communication because it has the capability to influence people's thoughts. Due to this, the media must act responsibly in its capacity.⁶

Role of Media and Judiciary

The judiciary is impacted by media in specific ways. These days, it's simple to acquire information about what's occurring throughout the world, and the judge or jury member presiding over a case is aware of the public opinion that has developed. Human psychology is connected to viewpoints, hence it can be claimed that public opinion influences court decisions. Quantum differs from person to person; the less impact, the better for the outcome of the judiciary.

Even judges are subject to criticism, which may focus on their judicial behavior or activity only in a private role. The criticism of the judges, however, turns into a concern when it is unfounded or wholly unfounded and has the potential to erode public confidence in the judiciary.

As a human being, judges are susceptible to such indirect impacts, at least subconsciously or unknowingly, therefore they must guard against media pressure that can "unconsciously" affect juries or judges.

The Supreme Court ruled in the case of *State of Maharashtra v. Rajendra Jawanmal Gandhi* in 1997 that a trial conducted through the press, electronic media, or public agitation is contrary to the rule of law and may result in a miscarriage of justice.⁷

Media Law

The corpus of law that controls the creation and consumption of media is known as media law. Broadcast television, the internet, and print media are only a few of the many media platforms to which media law may be applied. The practice of media law includes any legal matters that could come up during the creation or consumption of various forms of media. Media law

⁶<https://allianceuniversitycampus.blogspot.com/2021/04/media-trial-media-intervention-and.html>

⁷Supra note 4

controls what can be spoken and broadcast. This area of law also includes intellectual property law. For instance, ownership and copyright. Based on the types of activities, the law of the media is divided into groups, each of which has its own set of rules, standards, case law, etc.

Advantages of studying media law

The following is a list of the advantages of studying media law:

1. Because "media law" spans a wide range of legal specialties, it serves as both a useful introduction to the legal system for journalists and practitioners and a productive setting for law students to practice and review. As the freedoms of speech, information, and the press compete with other crucial rights like those to a fair trial, privacy, confidentiality, intellectual property, and national security as well as the freedom from all forms of discrimination, media law offers a fantastic opportunity to examine society's many competing rights and interests.
2. Because governments choose different points at which free expression should be regulated, it serves as a superb illustration of the role of the news media in the many political systems found around the world. One should learn that the degree of repression varies across countries, with some having less restrictions than others on the right to free speech.
3. Media law gives light on so-called "fake news" and "false news" by describing how accurate and reasonable reporting and publishing can receive specific safeguards and how courts can promote ethical research and reporting, just as some governments and individuals may shackle the truth.
4. When competent reporting reveals power abuse, media law cases are frequently intriguing portraits of human flaws, egos, and temptations that can remind one of plays by William Shakespeare.
5. As we watch real-world cases involving real people contested in courts and covered by the news media, instances and reforms influencing media law are frequently in the news, adding importance and factual correctness to one's study.
6. Finally, as all laws require changing, anyone can participate in the continuing media legal reform process. The capacity to submit your own reforms in areas of interest, access to previous reform proposals, and an understanding of the reform process will all be provided.

Legislations

Numerous Acts have been established within India during the years to address the legal challenges confronting the media business:

1. The Press and Registration Books Act of 1867 were put into effect to control printing presses and magazines for the preservation and registration of books. It was a turning point in media legal history. It included guidelines for registering books and disclosing press owners and newspaper publishers.
2. The Indian Telegraph Act of 1885 gave the government exclusive power to issue telegraph licenses. It gave the government permission to eavesdrop on communications and seize authorized businesses in the event of a public emergency or for the sake of public safety.
3. Press Act of 1910 - This law's main provision allowed the government to require security from every newspaper in circulation.

The Information Technology Act and Media Law

For an Intermediary to qualify for liability exemption under Section 79 of the IT Act, they must follow specific rules. The Intermediary must remove any content that is, among other things, grossly harmful, harassing, blasphemous, defamatory, obscene, pornographic, pedophilic, libellous, invading another person's privacy, hateful, or racially or ethnically objectionable, disparaging, relating to or encouraging money laundering or gambling, harming minors in any way or otherwise unlawful in any way whatsoever, acting on a private complaint.

In India, social media legislation is governed by the Information Technology Act, which was passed in 2000 to manage, regulate, and address concerns related to IT. According to the Indian Information Technology Act of 2000, social networking sites are considered "intermediaries" (IT Act 2000). As a result, social networking sites in India may be held accountable for a variety of actions or inactions that are illegal in India.

The IT Act's Section 66A, which governs social media law in India, is significant since it handles all legal matters pertaining to social media law in India. The transmission and

publication of messages, emails, and comments that may be offensive or unjustified are expressly prohibited by this section. Any electronic record that can be communicated, including text, images, audio, and video, can include the offensive message. Given the current circumstances, the IT Act's broad powers give the government a tool to prevent any misuse of the Social Media Law India.

However, in 2015, the Supreme Court invalidated Section 66A of the Information & Technology Act, 2000 in a significant ruling affirming the right to free speech in modern times, *Shreya Singhal and Ors. Vs. Union of India*. The decision, which is being applauded by both the general public and legal experts, judged the Cyber law provision to be open-ended, imprecise, and illegal because it curtailed the right to free speech of Indian residents.⁸

CONCLUSION

The project's main focus was on:

- 1) A framework for analyzing mass media behavior,
- 2) Organizational imperatives that affect mass media decision-making and
- 3) The role of the media in both reporting on and preventing crime.

In today's age of globalization, the media is one of the most important platforms with the ability to openly communicate societal viewpoints and leave the decision of what is good or bad up to the public. In terms of swaying people's opinions, it is essential. It can lead people in both positive and negative directions. Positive media use has the potential to benefit society and a nation.

However, if the power is abused or handled improperly, it can have a negative impact on society and the government. People believe what they read, hear, or see in the media because of its influence.

⁸Sidharthan R, "The Information Technology Act And Media Law"
<https://www.legalserviceindia.com/legal/article-417-the-information-technology-act-and-media-law.html>