

Historical perspectives of Sting operations in India

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ABSTRACT

Transparency is a necessity but not without limits. We have seen so many shades and cry in society in such pursuit. Modern modes of journalism scaled it up with the rampant sting operations conducted every other day across the country, class, and business. The idea is to reveal the truth and expose the public business as much as possible, but journalistic integrity must not be compromised in the line of innocence. Sting operations are conducted over politicians, parties, business people, and private parties to reach actual terms of deals, perpetrators' intentions, bribes involved, measures taken, and ways to achieve the objectives as long as it is to access information. Ethics permits it. But the environment is vitiated when their term changes to the use of tape or audio to blackmail, extortion, political vendetta, and tarnish the image. Ethically it must be governed by the self-dictated principles of integrity and honesty and assessing the post-release consequences.

KEYWORDS: Sting Operations, Investigative Journalism, media ethics, Judiciary, media.

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I. INTRODUCTION

In Sting operations, media personnel go undercover and uncover the hidden perversions of corrupt politicians, fraud corporate houses, misogynistic leaders etc. An attempt to trick someone into committing a crime is known as a sting operation and planned and executed a sophisticated confidence game with great care. The term "**sting**" comes from when police used the United States as the base for an undercover operation to apprehend criminals. The phrase "**fitting a trap**" is equivalent to the word "sting," which is how this article uses it. In more formal terms, it might be referred to as research journalism or under-decked journalism. Sting Operation is a data collection activity that seeks out information that is not readily available through straightforward requests and searches or that is actively uncovered. (1)

A sting operation is a media investigation carried out to uncover social injustices. Despite having ethically dubious implications, it is a crucial component of contemporary news casting. This analysis is more significant in t. It creates a more homely environment for the society. The sting operation was human-made. Like police officers can do that, and journalists are the main ones who do this work, but professionals can do this work.

Why is this sting important?

Sting operations are an "important part of society" as they help uncover misdeeds and defamation law cannot be used to gag, suppress and silence the press and the media, (Delhi HC, 2019)

Sting operations are an integral part of investigative journalism to bring issues of public interest to the attention of common people. Where information and information are secret, then the importance of sting operation increases. Sting operations done to expose education, health, economic corruption, political corruption bring a change in the society, due to which people's faith in democracy increases.

Types of Sting Operations

Although sting operations come in many forms and are carried out in many different ways, they can generally be divided into two categories: positive sting operations and negative sting operations.

Positive Sting Operations:

Positive sting operations occur when a sting proceeds according to plan, ideally without any ethically controversial topics, is successful, and reveals hidden or misrepresented facts about a person or a group. These are typically the sting operations that benefit society and follow the rules and regulations of the country.

Negative Sting Operations:

Sting operations are immensely beneficial to a nation, yet being highly contentious. However, not all sting operations work in society's benefit. Many journalists have ignored or blatantly violated journalistic ethics and

the right to privacy of a citizen because of the allure of superficial sensationalism, with little to show for their efforts. Negative sting operations are these specific kinds of sting operations.

Methodology

In this study researcher wants to understand the historical perspective of the sting operation in India. So researcher uses secondary data for from the data collection. As a result, it would be difficult to choose all of the media organisations' sting operations, thus the researcher chose a few well-known cases employing convenience sampling.

Case 1.Narada case

Targets of Mathew Samuel's Narada sting operation included high-ranking members of the All **India Trinamool Congress and politicians (AITC)**. It featured numerous politicians and a senior police officer taking financial bribes to do an organization's unofficial favours.

It was performed in 2014 for the Indian news publication Tehelka, and it appeared months before the 2016 West Bengal Assembly elections on a private website.

The Narada case concerns several sting operations that Narada news carried out in West Bengal recordings showed 12 TMC leaders and ministers and an IPS officer taking bribes from agents of a made-up company in exchange for favours.

After the CBI detained West Bengal ministers Firhad Hakim and Subrata Mukherjee as well as TMC MLA MadanMitra on Monday, the Narada sting operation case is again in the news. SovanChatterjee, a former BJP leader and former mayor of Kolkata, was also detained in connection with the investigation.

The news comes just after the Mamata Banerjee-led TMC won a resounding victory over the BJP in the just-concluded Assembly elections, restoring it to power for a third term.

Case 2.Operation West End

It was the first undercover operation carried out by Tehelka, an Indian news publication renowned for its investigative reporting, in 2001. It was carried out to reveal the NDA, the ruling party led by the BJP, defence deals. The operation took seven and a half months to complete. Many people evolved in this case, like Jaya Jaitly, Rs. 2,00,000. She was the National President of the Samta Party and took bribes. Bangaru Laxman – Rs. 1,00,000. He was the National President of the Bharatiya Janata Party, and many took bribes. This case discussed the fix from politicians and defence employees. This takes a very important thing in India and making history.

Thelka published video CDs of the sting operation that sparked a political uproar in India on March 13, 2001. Bangaru Laxman was forced to quit as president of the BJP. It became clear that political and bureaucratic avarice, not national security concerns, motivated the defence transactions. Both George Fernandes, the defence minister, and Jaya Jaitly, the leader of his party, resigned. An n significant coalition ally named Mamata Banerjee resigned from the administration.

Court said about the judgments The former BJP President, Bangaru Laxman, was found guilty of corruption on April 27, 2012, by a special CBI court. On April 28, 2012, the Court sentenced him to four years of solitary confinement and assessed a fine of one lakh rupees. (7)

This case was very important in India because it created bad reputation. People were very angrily. When this case ended, teheloak news was investigated, and her editor were too. Prison someday, they very strict in the investigation.

Case 3 .Operation Duryodhana by Cobrapost

Eleven members of the Indian Parliament were caught on camera taking payment to put questions on the floor of the Parliament during a sting operation known as Operation Duryodhana, which took place in 2005. All of the members of the Parliament were expelled because of this, the first such sting operation in the history of the Republic of India. Ten came from the 14th Lok Sabha, and one from the Rajya Sabha. (4)

Eleven MPs were expelled from the Parliament due to this probe, making it the largest expulsion of MPs in the nation's history. Seven members of the Bharatiya Janata Party, two of the Bahujan Samaj Party, one of the Rashtriya Janata Dal, and one of the Indian National Congress were among the eleven MPs who were expelled in December 2005 as a result of Cobrapost's sting operation.

A Rajya Sabha committee led by the leader of the Congress party, Karan Singh, claimed in 2007 that Cobrapost encouraged corruption by providing a shady deal to lawmakers. By conducting Operation Duryodhan and airing the footage, it filed a criminal complaint (FIR) against Cobrapost and AajTak for the "**offence of abetment as defined under Section 12 of the Prevention of Corruption Act 1988.**" according to The Times of India. (5)

Case 4.'Operation Karaoke by Cobra Post

A 60-minute documentary that claims to expose 36 Bollywood celebs taking sizeable sums in exchange for promoting different political parties with statements that seem to be their own beliefs. They have to post their message to their social media account because they have a million followers; if they pass out the messages, they can be given money by politicians, around 1 to 2 lakh rupees,

Cobrapost claims the celebrities were willing to accept large amount of money—the majority of which would be in cash—in exchange. (6) This activity is not legitimate political party campaigning, according to Cobrapost's proxy PR firm; rather, it is a covert, agenda-driven pre-election strategy.

According to Cobrapost: *"The names of political parties were used, in good faith and public interest, for narrative purpose only, and this is not an insinuation of their actual involvement in the practice. The investigation was made to expose the celebs willing to endorse a political agenda in return for monetary gains."* Amounts purportedly promised per SMS range from 2 to 50 lakh rupees. Some actors, including SonuSood, allegedly wanted 20 crores for an eight-month contract and made grand promises about how they would fulfil their obligations. (6)

After the recordings were released, neither the mainstream media nor the celebrities were willing to remark on them. The operations have cast serious doubt on the political positions and beliefs of the stars. Politician wants to create their content to promote their policy to win their election with these tweets; we can say hateful tweets that can misunderstand by the public.

Recent sting operation

January 12, 2020, the investigation by a news channel, 49 People Receive Notices from Delhi Police to Participate in JNU Violence Investigation.

As part of its probe into the JNU violence, the Delhi Police Crime Branch announced on Sunday that it had notified 49 people, including Rohit Shah and Akshat Awasthi, who had appeared in India Today's sting operation.

The Whatsapp group "**Unity Against Left**," which is thought to have been founded as the violence on the JNU campus grew, had 60 members. Thirty-seven of their addresses have been located, and invitations inviting them to participate in the investigation have been sent, according to the police. (8)

This investigation happened when JNU central university was in big trouble. The student was protesting, and (ABVP) was in the leading team, suppressing another student. Many people were very badly injured, and ABVP hurt so many people.

These sting operations make a very important concern in society who can. Question people can ask the question to governments or politicians in any system. And we have seen many cases show the change in society, and the judiciary makes very relevant judgments. That applies to the policy system.

May 25, 2018, Cobrapost Sting: **Big Media Houses Say Yes to Hindutva**, Black Money, Paid News Cobrapost has released the second batch of undercover video recordings that show managers and owners of some of the biggest newspapers and TV channels giving in to the same package of Hindutva advertorials, nearly two months after the website first revealed how some media outlets were willing to strike business deals to promote the Hindutva agenda and help polarise voters in the run-up to the 2019 elections.

Ethical challenges in the sting operations -

Sting operation is an integral part of journalism. It has an important role in bringing issues related to public interest in the society, but along with freedom of expression, the right to privacy has to be taken care of. One of the most important topics in journalism is the ethics of sting operations. How sting operatives manage all this is a very important topic. In this matter of ethics, we can say that they have two sides, negative and positive!

Is sting operation legal in India?

A sting operation is not a legal method in India yet. This can be lead, not good work; no laws currently in effect specifically refer to sting operations. There are also no laws regulating such activities. This can be a violation. In the first instance, it interferes with privacy in violation of (Article 21) and restricts freedom of speech in violation of Article 19(1) (a) of the Indian constitution. (3) Any court has established no rules governing sting operations. The judiciary has given different responses. While many people have raised concerns about sting operations' potential to violate privacy rights and inspire crime, the legal system views them as legitimate overall.

In the judiciary, they have very different opinions. This depends on the case and how the sting operation got investigated. This can be a false investigation. Some people can do for others party for the enemy. Party has been done so many times.

Impacts of the sting operation in India -

A free press is essential to democracy, especially in a multi-ethnic nation like India. The media is utilized to form opinions on a wide range of regional, national, and international issues and express one's thoughts, beliefs, and opinions. The media's main function is to unite millions of people's ideas. According to Supreme Court Judge Learned Hand, "**the hand that controls journalism, radio, television, and the broad magazine dominates the country.**" His assertions capture the media's growing importance in today's technologically advanced and globally interconnected world. (10)

The impacts of the sting operation are very debatable, and it is generally acknowledged that whenever sting operations occur political uproar results. The media now focus on the global because we live in a global village, so till now, the sting operation has been watched as global, and that can appreciate by international media, and this can change the world's politics and economic and social. As we can see, Indians are in around the world so they can watch that news. Now day's internet is very popular you can get every information there. And nowadays, this news has gone viral. Last two weeks ago, one AAP EML went viral in jail because a jail employee doing that person (EML) messenger in jail could a sting operation, and then that video goes viral. Then the public reaction was very bad, and there was a change in the prison. Her facilities were moved. As we can see, if the public were not seen that video, then we don't know that this kind of activity was there.

In this article, we have adapted 4 case studies, which are very important stories. They have given change in society and made very relevant the idea of sting operations; some gave very impactful judiciary judgments on the Court. For example, in Operation West End, when this happened, the government became very strict, and the judiciary saw this case very seriously. The mode they have given the punishment Court said about the judgments The former BJP President, Bangaru Laxman, was found guilty of corruption on April 27, 2012, by a special CBI court. On April 28, 2012, the Court sentenced him to four years of solitary confinement and assessed a fine of one lakh rupees. (7)

And other case studies have given their impact to the Narada case, Operation Duryodhana by cobra post, and this sting operation granted their effects on society like Tehelka and cobra post became very popular in journalism. World's media also appreciate their works.

Challenges of the sting operations:

There are many challenges, and there is a gender gap in the investigative sting operation; women not much participated in the process, they can be mental assaulted or sexually assaulted, and they cannot fit into the environment, which can impact the operation ratio not good. They can face a security threat; even if he goes to conduct the sting operation, he is responsible for security. If he is caught, he may lose her own life.

If the sting operation opposes the government, no popular broadcast station aired this sting operation, which becomes a very rigid problem; by chance mistake, the sting operation can be aired, and then the government and politicians make a very vulnerable person. You may even have to go to jail. Like when the Tehelka journalist showed the CD in public, then they had to go to jail, and they have given punishment.

This kind of sting operation is popular in very popular news platforms but not in the local newspapers in the village. We can't see it there. Sting operation arias are how we should expend sting operation knowledge in different languages and platforms in the news.

II. Conclusion:

Sting operations have been a fantastic tool for revealing misconduct and impropriety in the public sphere. We have witnessed numerous instances where sting operations have played a significant role in ensuring that everyone receives justice. But regardless, a line needs to be drawn between undercover operations that violate privacy and those that expose debasement, with the specific goal of protecting the fundamental essence of the Indian Constitution. However, given the current state of affairs, where political corruption is at its height, it is challenging to accurately determine which sting operations are politically motivated, which are actually intended to check the social order, or which are actually the outcomes of fabricated news reports supported by various political parties and their corporate sponsors.

It is necessary to have a set of agreed-upon regulations and efficient regulation. From this point forward, it is advised that a sovereign quasi-judicial body be constituted with both censure- and execution-based forces. Additionally, it is urged that legislation be passed to prevent media from invading people's privacy. Regarding the broadcasting of sting operations, a series of rules 67 have been given. Since there is no legal immunity granted, journalists should abide by the rules to avoid any penalty.

Since there is no legislation governing the admission of evidence obtained through sting operations, courts must give less weight to the fact that the suspect was lured into committing an infraction and entrapment when compared to the admissibility of evidence. It is important to emphasise the fact that the crime would have been done regardless of the presence of enticement.

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