

Media Efforts Flushed by Sunken Judiciary: Damini Case Juvenile Verdict

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Abstract

The case presents the sequence of events that occurred in Delhi, on December 16, 2012. It presents the challenges faced by democracy due to poor governance and lethargic judiciary system. Democracy has been stinking since long and patience of the citizens is being tested with the Delhi gang rape case. Then the case highlights the role of print media in taking public opinion to decision making process of government. This journey was started by almost all leading print media houses. But destined platform could not be reached. Media optimally utilized participative journalism and tried to protect the democracy but sunken judiciary flushed away its efforts. The case narrates the changing scenario in media industry and also highlights that how media has devised a new type of journalism for the demanding youth in today's Indian democratic scene.

Keywords:

Democracy, Public Opinion, Participative Journalism, Sunken Judiciary.

Introduction

A Few, Shocking Days

The **2012 Delhi Gang Rape Case** involves a rape and murder that occurred on 16 December 2012 in Munirka, New Delhi, when a 23-year-old female physiotherapy intern was beaten and gang raped in a bus in which she was travelling with her male companion. There were only six others in the bus, including the driver, all of whom raped the woman. The woman was admitted at Safdarjung Hospital and was placed on mechanical ventilation. She since had a number of surgeries performed. On 26 December 2012, she was moved to Singapore for further treatment. The victim continued to be in a critical condition and died on 29 December 2012 at 4:45 am at the Singapore hospital after suffering severe organ failure.

Official Denial

The incident generated widespread national and international coverage and was condemned by various women's groups both in India and abroad. Subsequently, public protests against the Government of India and the Government of Delhi for not providing adequate security for women took place in New Delhi. Similar mass protests took place in major cities throughout the country.

Delhi gang rape case 16/12/2012 made Indian government and Indian Judiciary conscious about their lacunas as media here ensured to make the society and masses aware of the changes needed in law and order. The police

framed murder charges against all the six accused. The sixth accused was a juvenile. Delhi magistrate ordered the trial of five men accused in a fast-track sessions court. The proceedings of the session's court began January 21. The trial of the five men opened on February 5. Sixth accused was found to be a minor and was described as the most brutal of the six accused. This became the concern for the whole country as well as main agenda while framing the laws for rape cases especially when the criminal is juvenile because a juvenile can only be kept at a reform home till he attains 18 years of age and he cannot be sent to jail thereafter, which in effect would result in his release as soon as he attains age of 18. In response to this outrage Government initiated to reduce the age of juvenile, from 18 to 16.

Role of Media

This case in Delhi had shocked the nation and became the focus of television, newspapers and online media coverage. For the first time, the Indian media had made a concerted effort to bring this issue to the forefront of the national agenda. Media also adopted rightly pointed philosophy for Democracy by Mr. Narendra Modi "development is possible only with people's participation. What our country needs is institutionalizing of ideas. The people don't need ACTS, they need ACTION." And hence it could change the definition of democracy from just being "of, for and by the people" to "of, for, by and with the people". Media is almost like the backbone of the Indian democracy. The roots of media can be traced back to the times of the Nationalist Movement in India. Ever since those times, media has been a crucial role in guaranteeing the citizens their rights and liberties. Besides playing these important roles, media has evolved as a much needed agent of change in the society. All over the world, the impact of media and social media has been witnessed in recent years, with online platforms becoming increasingly powerful mechanisms for mobilizing popular support.

Voice of Media

India is no exception, and the media coverage of this particularly horrific case and the online response had applied pressure to the authorities to deliver justice as soon as possible. Mindsets had been changed and it seemed that people are no longer willing to accept rape and sexual assault as "a simple fact of life." People in India started demanding change, and they are harnessing the power of modern media to make their voices heard. In a way media has been successful in bringing the change in the mindset of the people for better. (Refer Exhibit 1). But good intentions and constructive efforts of media in this case were diluted by sunken Indian Judiciary.

Till now investigative journalism came into focus during the murder of Delhi model Jessica Lal by Manu Sharma, Anna Hazare when protested against corruption in the society. Above highlighted case is perhaps among the most prominent cases of media interference seeking justice as a new dimension 'PARTICIPATIVE JOURNALISM' was innovated to protect democracy and society. Henceforth media has helped to form public opinion and has been quite successful in this role.

There are a number of newspapers, magazines and local TV station with rich history. Hindi print media fraternity is one of the oldest, reputed and pioneer of media. Now the geographical boundaries are not limited, every media is making its mark on national scene

because of its quality journalism & technical excellence. Media has successfully instituted norms of credibility and truthfulness for an ideal medium, focused on unbiased and non-prejudiced reporting. Media is focused on how to reach a larger base of people. Media now has to its credit some great innovations. It is very similar to what Mc-Donalds do to its menu in every region –'cater to the taste of people there'. Media prospers on the back of excellent editorial content - fair reporting and quality printing and believes in the core values of credibility, integrity, innovativeness, entrepreneurial respect and appreciation.

Since last 10 years many media houses have assumed the role of an opinion maker and creator of public opinion as one of the CSR Philosophy. They have not left a single stone unturned in the 16/12/2012, Damini case (Refer Exhibit 2). All Media were keeping track of each and every happening in the Damini case also it gave path to the anger of youth in the city. 'PUBLIC OPINION' is taken on any issue by almost all media houses and the procedure of converting public opinion into decision making which is quite unique in itself has been adopted. First the research team takes appointment with policy makers, state ministers, central ministers and various politicians in the power and opposition. It takes their stand on a particular issue, and then onwards it seeks public opinion on the same issue. It does not mean that it is simply a mediator but it crucially controls the sentiments of people and even does correction in public opinion. As a result, it has compelled government and the judiciary system to consider public opinion in decision making. The response to the recent horrific gang-rape and murder case has highlighted the power of media to stimulate debate and change attitudes. The police and the law were pressurized by the media and the people for a fast-track verdict. Protests, both silent and candle-lit, sent out messages of contempt for the victim's family and pressure on the Indian Judiciary.

In the above stated case, media interference dramatically changed the course of the case. The intervention of media was very much desired as media helped the case to be highlighted as an example of gross injustice. Media unveiled the corrupt Indian system and the level to which they favoured those with power and money. The mass protests that it sparked resulted in some serious amendments in the Indian judiciary system. From then media conceived the role of protecting democracy from miscarriage.

Sunken Judiciary

On one hand media of the country was rising high in the way that it was fully exploiting their strength, but juvenile verdict given by Juvenile Justice Board (as Supreme Court allowed JJB to deliver its verdict) on August 31'2013, shattered everything. Because of media's effort whole country was talking about the age of juvenile to be reduced so that the accused would be aptly punished. But that wasn't done because of many technical issues which were linked with decreasing the age of minor. Media was altogether fulfilling its social responsibility with full credit. Nine months long efforts of media were diluted as the judiciary verdict came in. The verdict was as follows:-

In the first conviction held on December 16 gangrape case, the juvenile accused was found guilty of murder and rape of the 23-year-old girl but he got away with a maximum of three years imprisonment mandated under the juvenile law. The juvenile who was six months short of 18 years—the age of majority—was,

however, acquitted by the Juvenile Justice Board of attempt to murder of the paramedic's male friend, who was the sole eye witness to the dastardly incident that shook the nation. The Board, presided over by Principal Magistrate Geetanjali Goel sentenced the minor to three years in a probation home, the maximum punishment that can be awarded under the Juvenile Justice Act. The eight months already spent by the juvenile in custody during the inquiry will be considered as period already served and would be deducted from the three years sentence. **And hence** Damini gangrape case, which had the caliber of bringing in some life in our stale and buried judiciary, only remained the tale of a helpless daughter of India.

Much Needed Reforms

To change is the must for the nature, the concept of continuously changing the strategies and the way of working has been very successfully adopted by media of this country. But on the other hand judiciary is becoming stagnant on the face of which the crime, crime rate, criminal psychology as well as brutality is ascending, so why not judiciary system. The December 16 Delhi gang rape

case has involved the public, the media, the politics, and the law to an extent of 'point of no return'. Judgment happened, but what have we learnt from this 9 month –long wait and 130 hearings?

Questions

- Q.1 Do you think media is fulfilling and doing what is expected of them?
- Q2. Discuss the new journalism approaches.
- Q3. Who is to be blamed for sunken judiciary of the country? Answer in light of the above case.
- Q4. Why the judiciary system of this country has been reefed as sunken in this case? How will the verdict affect the worst offenders of society?
- Q5. Will the verdict affect the ongoing hearings of similar natured other cases.
- Q6. According to you what amendments should be brought in law towards 'Juvenile Crime'?

Exhibit1: Role of Media

“I believe through this case, media played an important role to pressurize the government to take some measures for protection of women. I hope be cause of media the family will also get justice for the girl,” said Saeed Ansari, anchor of Hindi news channel Aaj Tak.

Exhibit2: Efforts Timeline of Various Newspapers

Date	Efforts Timeline of Various Newspaper
22/12/12	News updates about the outrage at Delhi and various places throughout the nation. Again a front page coverage regarding the latest happenings of the case, as well as two front pages was attached. Bhaskar Mahaabhiyan started , home minister formed a committee and members had a meeting on 27/12/12 regarding deciding punishment for all the accused. Full addresses as well as phone number of committee members was published in the news paper. Citizens were appealed to give their suggestions i.e. they can write to newspapers further that was transferred to policy makers so that they could conclude in a democratic pattern
23/12/12	Mahaabhiyan continued. A full page coverage to the outrage displayed by Delhi on the front page the heading was given as youth revolution, use of social networking sites came into the picture, these sites are responsible for gathering such number of youth.
25/12/12	PM addressed the nation. Mahaabhiyan continued. Government compelled to react .Prime minister addressed the nation and assured to make strict laws in consultation with the committee formed who had public opinion.
27/12/12	Victim sent to Singapore for better treatment, and been shifted to ventilators, as well as many parts stopped functioning.
30/12/12	The Victim Died.
4/1/13	Vishesh column was added at the editorial side which focused on the moral education and importance of a girl as well as how the society should be treating them. Police filled the charge sheet against 5 accused, state government came up with very strict laws against rape cases and interview of Nirbhayas friend was published.
19/1/13	Government accepted that they have to listen to youth since the country is changing very fast.
24/1/13	A committee was formed for bringing in strict laws against rape victims and the committee was headed by Justice Verma. The committee made certain recommendations and also concluded that the whole credit for this step goes to youth brigade of the country

29/1/13	Decision of juvenile justice board came where the sixth accused who was the most brutal among all was declared minor on the basis of the school certificate. Newspapers collected public opinion on WHAT DO YOU THINK , gave the contact number and phone number to either sms or write to.
8/3/13	The law which was supposed to be passed on women's day again was in dispute.
12/3/13	Main accused committed suicide. Another controversial suggestion came from the government to decrease the age of sex from 18 to 16.
13/3/13	Government suggestion of decreasing the age of sex from 18 to 16 highly criticized throughout the nation.
14/3/13	Various groups gave their agreement on decreasing the age of sex. This will be further presented in the Cabinet.
15/3/13	Debate regarding decreasing the age continued throughout the nation.
16/3/13	Cabinet, each and every group agreed on decreasing the age of sex.
18/3/13	Debate continued mixed opinions on the topic came from whole nation along with their justifications; newspapers organized talk shows throughout the nation.
19/3/13	Final verdict came that the age of sex will not be decreased and the full credit of this decision went to the youth.
20/3/13	Bill against rape accused being proposed in the loksabha.
31/8/13	JJB's Verdict on Juvenile

References

- "5 special fast track courts by January 3". *Dainik Bhaskar*. 29 December 2012. Retrieved 29 December 2012.
- "CJI Promises Swift Justice for Crimes against Women". *First Post*. Retrieved 2 January 2013.
- "Delhi Gang Rape: Protests go Viral Nationwide, Unstoppable Public Outpouring as Gang Rape Victim Dies". *Dainik Bhaskar (New Delhi)*. 29 December 2012. Archived from the original on 30 December 2012. Retrieved 30 December 2012.
- "Delhi gang-rape case: Delhi police confirm fifth accused a minor". *Zeenews.india.com*. 22 December 2012. Retrieved 26 December 2012.
- "Delhi Gang-Rape Victim Shifted from Hospital, to be Flown Abroad for Treatment". *The Times of India*. 26/12/012. Retrieved 27 December 2012.
- "Delhi Gang-Rape: Need Stronger Laws, says Meira Kumar". *DNA*. IANS. 19 December 2012. Retrieved 19 December 2012.
- "Failure of Governance Root Cause of Crimes Against Women: Verma Committee". *The Hindu*. 23 January 2013. Retrieved 23 January 2013.
- "Medium for the Masses: How India's Local Newspapers Are Winning Rural Readers - India Knowledge@Wharton". *Knowledge.wharton.upenn.edu*. Retrieved 2012-03-09.
- "President Signs Ordinance to Effect Changes in Laws Against Sexual Crimes". *India Today*. 3 February 2013. Retrieved 4 February 2013.
- "When Words Fail, a Dot Speaks Volumes." *TOI article on black dot*. *The Times of India*. 21 December 2012. Retrieved 30 December 2012.
- "Bill against Rape Accused being Proposed in the Lok Sabha". *Dainik Bhaskar*. 20 March, 2013
- "Debate Regarding Decreasing the Age Continued throughout the Nation". *Dainik Bhaskar*. 15 March, 2013
- "Decision of Juvenile Justice Board Came Where the Sixth Accused Declared Minor". *Naidunia*, 29 January 2013
- "Final Verdict Came that the Age of Sex Will Not Be Decreased and the Full Credit of this Decision Went to the Youth". *Dainik Bhaskar*. 19 March, 2013
- "Moral Education and Importance of a Girl". *Naidunia*, 31 December 2012
- "Outrage Displayed by Delhi Youth". *Dainik Bhaskar*. 23 December 2012
- Gardiner Harris (3 January 2013). "Murder Charges Are Filed Against 5 Men in New Delhi Gang Rape". *The New York Times*.
- Kaul, Vivek (24 December 2012). "Shinde-Speak Shows all that is wrong with Government". *FirstPost*.
- Mandhana, Nikarika; Trivedi, Anjani (18 December 2012). "Indians Outraged by Account of Gang Rape on a Bus". *The New York Times*. Archived from the original on 30 December 2012. Retrieved 30 December 2012.
- Neyazi, Taberez Ahmed (2010). "Cultural Imperialism or Vernacular Modernity? Hindi Newspapers in a Globalizing India". *Media, Culture and Society*, Vol.26, No.6, pp.907-924, Sage, London.
- Sengupta Pallavi (11 September 2013). "Nirbhaya Rape Case Verdict, Key Takeaways". *One India News Channel*.