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Sting Operation by Indian Electronic Media and Journalism Ethics: A Qualitative Analysis

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Abstract:

The practice of sting operations by Indian media earned impressive recognition in the beginning and the electronic media became engrossed in the investigative journalism. Sting dominated investigations by electronic media, exposed unethical, immoral and illegal behavior by individuals, businesses and government agencies. This form of investigative journalism employs special methods that raise ethical and legal issues. The impact these operations had in long run is debatable but they surely broke some sensational stories which grabbed good number of audience at primetime. Despite of many of thundering revelations, unfortunately the sting journalism has been questioned several times it concerns the issues of ethics and professional responsibilities. This paper analyses the sting operations on Utilitarian and Deontology based view of ethics and suggests a set of points to be considered before the journalists decides on conducting the sting operations.

Key words: *Sting operations, media ethics, utilitarianism, deontology*

1. Introduction

After independence, the development of vernacular press and emergence of hundreds of TV channel post 1990 has completely changed the media scene in India. This intensification should have increased public confidence in it, but unfortunately what happened was just opposite to it. Media is blamed for arrogance, insensitivity, bias, inaccuracies, over commercialization, sensationalism and being inconsequential.

Traditionally, the role of the media has been that of a 'watchdog'. The media saw sting operations as a new strategy that would fulfill their role of a watchdog at the same time proved a sense of entertainment. Sting operations make people sit up and watch. The problem is that somewhere the distinction between exposing a wrongdoing and sensationalizing it is lost. In India, it had become difficult to distinguish between serious and tabloid journalism, thus the situation is dangerous to the democratic health of a nation and moreover the credibility and integrity of an institution called media. The questions are on:

- i) Permissible methods to reveal wrongdoings
- ii) The permissible tools (spy-cam, false identity etc.) to catch up the story.
- iii) A journalist's right to record the sound and visuals secretly.
- iv) Precautions to be taken before and during the telecast of sting operations
- v) Parameters for subject selection to conduct sting operations.

Looking back, one traces a long list of stings by Indian electronic media aimed at uncovering scandals and corruption. The impact these operations had in long run is debatable but they surely broke some sensational stories which grabbed good number of audience at primetime. It was either money or sex that sensationalized these stories. The democratic and ethical relevance of some of these operations cannot be denied but at the same time it is also a fact that there are rare cases in the history of TRP driven modern media when a sting is conducted against a social malpractice.

Sting operation often brings to the forefront the questions about Privacy, Defamation, Credibility and Ethics of the practice as well as Profession. There have been instances when the news channels in Indian have violated the prescribed code of ethics and compromised on the content of news.

2. Objectives

The study is descriptive and analytical in nature and carried out by subjecting the content of the sting operations, discourse of articles, analysis and opinion pieces appeared in the newspapers, websites and magazines with the objective to:

- i) Identify the core ethical issues of the practice of sting operations as a tool of investigative journalism.
- ii) Understand the impact of sting operations as a tool of reporting dark, unethical and illegal practices of the county
- iii) Evaluate the sting operations on various ethical parameters.

3. Methodology

The study is predominantly qualitative in nature. The reason for such decision is necessitated by the fact that there is a complexity in the content to be analyzed. Present research adopted the multiple methodologies. An attempt is been made to analyze the modus operandi, outcome and after-effects of the sting operations including the occurrence of non-ethical issues including invasion of privacy, protection of sources of information and concealed audio/video recording. A detailed study of discourses, interviews, news reports, analysis, articles and features released in the newspapers, websites, and TV channels was done to gather most of the inputs for the research. Other major resources were the verdict of the court of law, CBI court, Ethics Committee of Parliament (Wherever applicable) and other government / private censoring agencies.

4. Ethics and Media

Ethics makes the core of media practices. Journalists have certain duties towards the society. And these duties are accompanied with the core concepts of freedom and responsibility. When responsibility is associated with an action, the agent automatically becomes accountable for the consequences and it is expected that he maintains high degree of utility in his decisions. Keeping a constant account of duty, utility and consequences, requires a person to be high on virtues and morals. Thus, the study of media ethics is an amalgamation of variety of ethical theories combining together to scale the act of journalism on the parameters of 'social responsibility'. In any given situation, a person who holds the status of a media person can't deviate from two core concerns: first his duties as a journalist (duty based action-Deontology) and second, the utility and the consequences of his actions (larger good for larger number of people). Ethics as invention is not just a theoretical notion. As journalists, teachers and ethicists, 'we need a mindset that allows us to bridge the old and the new — to retain what is valuable from the past yet embrace new and valuable ways of communication. Thinking of ethics, as always evolving and contested; helps us to reform applied ethics.'ⁱ

The study of ethics of journalism is not limited to the methods of information access and methods of deception. Journalism ethics is a wider term which includes personal behavior and attitudes of journalists while operating on the field. Often investigative journalists (and specially sting journalists) are blamed for doing stories to blackmail people and to gain personal, institutional benefits out of it. Thus, it is important to understand the journalist's view on the ethics of the practice. Clarifying ethical codes and crystallizing them into journalist's conscience and everyday practices remain a key problem for journalism in each of the three societies.ⁱⁱ

5. Media Ethics and Sting Operations

Media ethics is a complex and often controversial subject. Journalists are expected to uphold prescribed codes of conduct to ensure the veracity and authenticity of their work. These codes of conduct comprise what are broadly understood as media ethics. However, whether or not the journalists follow the guidelines and codes is an ethical inquiry in itself. Being subjective, ethics do not stand alone and are stringed with a number of circumstantial obligations and necessities.

Media practices often struggle between two views of ethics- Duty based (Deontology) and Utility based (Utilitarian). While Deontology seems to be more focused about the role of a person and less concerned about the set of situations and means, Utilitarian view adopts a liberal approach and evaluates the ethical quotient of an action, on the amount of utility it generates for larger number of people. While, ideal journalism maintains sound balance between the both these views on ethics; journalists or media (as a whole) seems to be more inclined towards the Utilitarian approach as it gives them a wider freedom to operate.

Keeping in view various ethics theories for media like Utilitarianism, Aristotle's Golden Mean, Consequentialism, Deontology or Social Responsibility; the practice of Sting journalism has been under microscopic examination and it developing defense on ethical parameters is been tough for undercover journalists. Especially when a stronger set of opinion on sting still believes that the overreliance on sting operations and subterfuge can weaken the public's trust in the media and compromise journalists' claim to be truth-tellers.

A Survey conducted by Wulfemeyer, found that about 84% of the news directors thought it was okay for electronic journalists to go "undercover" to gather news.ⁱⁱⁱ In a study of two newspapers, it was found that codes of ethics did not necessarily influence the decisions journalists make. The code of ethics "is one ingredient in a rich stew" and unwritten professional norms play a big role in the decision-making process, and that codes may only be symbolic.^{iv} Defending themselves against the blames of deception and invasion of privacy; media professionals on occasion claim that certain facts are in the 'public interest' to disclose and need wide dissemination for that purpose.

Ethics with special reference to Sting journalism becomes further debatable. The questions are on the tools and methodology, Sting Journalists uses to bring out the so called 'truth'. Questioning the practice of sting operations, Supreme Court bench headed by Chief Justice P. Sathasivam in its verdict on one of the sting operations^v said, "being essentially a deceptive operation, though designed to nab a criminal, a sting operation raises certain moral and ethical questions. The victim, who is otherwise innocent, is lured into committing a crime on the assurance of absolute secrecy and confidentiality of the circumstances raising the potential question as to how such a victim can be held responsible for the crime which he would not have committed but for the enticement. Another issue that arises from such an operation is the fact that the means deployed to establish the commission of the crime itself involves a culpable act,"

Sting operations are fraught with questions of authenticity, integrity, and objectivity that are difficult to sustain because the journalist is a normal human being with his biases for or against someone or something.^{vi} While some media critique rejects the future of sting journalism as a part of main stream media saying that, "Sting journalism can never aspire to occupy the high moral ground that a rigorous investigation could achieve and deliver for genuine public interest";^{vii} other still feel that "Undercover reporting can be a

powerful tool, but it's one to be used cautiously: against only the most important targets, and even then only when accompanied by solid traditional reporting."^{viii}

Investigative journalists often apply different means and methods to attain the information about a story. This might include accessing the copies of official orders, talking to someone in disguise, using sources to dig out the information etc. But often these methods are not questioned as they do not affect people's rights directly but the Stings do. In reference with sting operations, it is really difficult to establish that the journalists did not have any vested interest in the sting and the content shown to the public is not a creation of edit desk.

6. Observations & Discussions

The study shows that every sting by Indian electronic media was challenged on the grounds of ethics and legality in and outside the court. Despite of the controversies, in most of the cases, the issue raised in the sting was investigated either by the court or high profile enquiry committee. A few of the cases discussed are a remarkable example of contribution of media in social justice and/or strengthening democracy. However, there are sting where the ensnarement puts serious question mark on the intentions and motives of journalists and media organization as a whole. Sting is expected to be done only when no other tool could help journalist reveal a wrongdoing which has a major impact on larger number of people. However the trend of the sting shows that subject of sting narrowed down from issue to individuals. Operation Casting Couch; Operation against Delhi based school teacher are the examples of such sting.

For a journalist and the media house there could be two reasons for doing the sting: one, they are aware of the wrong practices and thus want to act as a whistle blower/ change maker who would pursue the matter till the end. Two, the sting would not only ensnare the wrong doing but will also earn TRP on the charts. While the first objective completely fits into the framework of the theories of ethics, the second leaves the room for manipulation. Personal interest, preferences and desires of the channels/journalists/editors may lead to manipulation in the outcome. It simply means that the concern is paid more to the result and not to the method and widely served benefit.

It was also observed that Sting Operations are a good way to get evidences for exposing things and submitting these in court, for instance Operation BMW Hit and Run case and Jessica Lal Murder Case. It is a way of helping law, as media is the fourth estate of governance. But, on the other hand, such cases cannot be filed in courts with these tapes, or audio or video recording as evidence or proof because courts do not consider sting as credible evidence.

The ethical and moral challenges in the process of conducting and approving the sting; the editorial judgment has to consider three major issues- one, the authenticity and factual accuracy of the content captured by the journalist; two, the appropriate case of crime where the deception and other form of violation of rights could be justify to ensure that the sting does not gets challenged in the court of law and three the duration, length and editing requirements (along with justifications) of the sting. Sting operations by Indian media despite of thundering revelations; couldn't contribute to a permanent change in the status quo. All the socio-political issues covered in the sting operations, still exist and are well known facts. Reports of corruption and social evils (like female feticide) are a regular feature. Thus this may be said that the sting operations could not succeed in the change of the status quo, except in two cases. However, irrespective of huge controversies and allegations, it can be seen quite clearly, that the practice of sting came as a threat for the corrupts in the society- be it politicians, celebrities or common men.

There is still a vagueness surrounding the term ethics in journalism in relation with sting operation leaving out interpretation and justification at an individual's disposal. Although News Broadcasters Association poses as a body to ensure self regulation over the content, it Even the general guidelines by News Broadcasters Association are attuned with the general guidelines of Press Council of India. The Electronic Media in India still lags at the job specifications and the declaration of editorial responsibility.

Sting operation violates a person's right to privacy to a great extent. The only justification of such violation could be established larger public interest. This study established obtaining hidden information is never easy and news organizations resort to use undercover reporters or private investigators who might use covert methods to invade the privacy of individuals or hack into people's telephones and computers besides secretly recording people; loads ethical burden to investigative journalism. With reference to sting operations it is extremely important for media (as a whole) to have a clear understanding of objectives, impact and expected outcome. Every sting operation struggles with the controversy on the validity of recorded content and the intentions of the media house that aired the sting. Thus, a journalist need to be fully convinced on the lines that no method other than sting; may be bring out the desired result. Thus it is obvious that while planning a sting a journalist has a clear understanding of desired result. The concerns of ethics arise right here when the result rules the operation. Ethics of investigative journalism is a difficult subject area to study because different journalists, different media houses and different authors have divergent and opposing opinions on the strict observation of ethics when it comes to the actual practice of journalism.

7. Conclusion

Public Interest is the soul of Journalism. Ethical behavior constitutes a harmony between the enrichment of the soul and the requirements of the body. People's trust on a person/body, is the fruit of selfless ethical actions proving people's interest. Media provides food for thought, decision making and survival of a citizen. It is important for the Media to gain and maintain public trust. A journalist without freedom cannot be expected to be ethical. They must have freedom to decide where to go, what information to seek and what to report. While many use this freedom strictly for the discharge of their professional obligations in a conscientious way; many other chose to act otherwise.

If we acknowledge the commercial imperative of the mass media, then to legitimate entrapment as a journalistic practice, is to license commercial organizations to engage in a practice, which, whatever its public interest merits, also produces private gain for the media organization's shareholders. To maintain a detachment towards the business benefits of the sting operations is not an easy thing to do especially for an establishment which stands on huge monetary investment and has high running cost. The profits are carrots and sting proved to be a good way to harvest profit carrots.

Investigative journalists often apply different means and methods to attain the information about a story. This might include accessing the copies of official orders, talking to someone in disguise, using sources to dig out the information etc. But often these methods are not questioned as they do not affect people's rights directly but the Stings do. In reference with sting operations, it is really difficult to establish that the journalists did not have any vested interest in the sting and the content shown to the public is not a creation of edit desk. However, irrespective of all huge controversies and allegations, it can be seen quite clearly, in the study, that the practice of sting came as a threat for the corrupts in the society- be it politicians, celebrities or common men. The study suggests that before deciding on conducting sting operations for investigative purpose by media, following points should be carefully examined to ensure the best served purpose:

- i) Why it is important to mount the sting against a person? Are there any evidences of his controversial/objectionable behavior in the past as well? Can the story be told through any other means?
- ii) Who will conduct the sting and how long it will continue?
- iii) How the information/video footage be verified and authenticity of the footage be established?
- iv) How to establish that the sting is not an outcome of provocative proposal and the person caught on camera has a habit of corrupt practices.
- v) When did the recording started and when was it stopped? Is there any editing in the conversation/action? The editing of tape develops doubts on the intentions of the journalist/media house.
- vi) Who will approve the proposal of sting, content and broadcast? Who will share the responsibility of the content shown in the sting?
- vii) When will the original tapes be submitted to the court of law? (before or after the broadcast)
- viii) Whether the modus-operandi and process of information access process is discussed transparently with the audiences and authorities or not?
- ix) How with public-interest be established and how the journalist and media house will defend themselves from various allegations of personal and professional interests?
- x) What is the expected outcome and how will it be ensured?
- xi) How far the objective is being served by the sting? And how will it affect the status quo?
- xii) What are the personal, professional and social benefits and harms to the target, journalist and media house?

Sting is a difficult and journalists put their life at stake to capture the people at fault. A sting operation, with genuine motive of ensnaring the ongoing corruption; establishes the high degree of public interest. In all such cases, media acts as whistleblowers highlighting the flaws in a democratic system. It is the responsibility of media to ensure 'Uniform Purity' in its actions. Deontology and Utilitarian view of ethics approves the duty of journalist to bring out the truth before the society; Utilitarianism supports the act of sting if it ensures larger good for the larger number of people, thus overseeing the means.

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