

JUVENILE JUSTICE AND MEDIA PERSPECTIVE IN INDIA: - ANALYSIS

by

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ABSTRACT

The media's impact on children's social growth is profound. In modern times, with the advent of communication technologies, the exposure of a child to multiple types of mass media has been diverse. It is in these early years that the child is likely to be vulnerable to developing criminal behaviour. Media generates too much power through its various channels, especially in instilling violent thoughts and desensitising in these young minds, which have in turn contributed to the actions of Juvenile Delinquent. It is therefore necessary to see the role of the mass media as a contributing factor to this delinquent activity. The new form of mass media, which is the Internet has brought a wind of change in today's times and creates the maximum impact on improving delinquent crime.

The rising incidence of juvenile delinquency in India in recent years is discussed in this article. It discusses the issues leading to the gradual increase in juvenile delinquency in India due to the influence of technological innovation on unrestrained and explicit media content. Not only is it an area to be addressed in a legal scenario, it is also a social one. A concern which, despite several research attempts by social scientists, psychologists and other media experts, has not found a convincing response. The need for the hour is to discuss it in an interdisciplinary setting to assess the degree and essence of the effect on juvenile delinquency of unrestrained and explicit media material.

KEYWORDS: -

Juvenile delinquency, juvenile justice act, Care and Protection of Children) Act, 2000, children, gender, prevention, crime, rehabilitation, social causes.

INTRODUCTION

"If the media is not used as a tool for social change, change will happen on its own, with potentially fatal consequences for society."

Mass Media, an important stakeholder holds a significant space in civil society and contributes enormously in bringing about awareness for essential change in any society. Media has this tremendous responsibility to let issues related to child rights – children's safety and protection, their right to Education, their health and development and overall welfare as important questions to keep alive in public debate.

It is continuously felt that Media houses, owned by big corporations have political affiliation and favouritism which contributes in deciding what goes on air, with how much weightage and for how long. Many sociologists think the function of Media has been transformed from facilitating rational discourse and debate into shaping, constructing and limiting discourse to those themes validated and approved by Media Corporation. Due to which the interconnection between a sphere of public debate and individual participation has been thus hampered and transformed into a realm of political information. As a result, 'citizens' become passive observers of media presentations, representations, and discourse that shape public opinion, reducing citizens to news, information, and public affairs.

However, having said that there is no doubt that there are many examples of 'good' journalism in the recent past which has generated mass awareness around issues pertaining to child rights and juvenile justice¹. In the recent past there has been extensive Media coverage on Nithari case (2006) where innocent children were abused and brutally killed and buried, the famous Arushi and Hemraj double murder case (2008) a case of suspected honour killing, and the case of brutal rape of a 5-year-old girl in Delhi. These and many others like dismal status of children

¹ <https://www.ukessays.com/essays/criminology/youth-justice-and-the-medias-society-criminology-essay.php>

living in shelter home etc gathered tremendous media attention and somewhere very boldly questioned accountability of the decision makers.

Media and Communication systems is becoming central areas of profit making in today's modern capitalist societies. Reporting and covering child protection issues is not merely covering a sensational news piece but it goes much beyond it, even not all the news channels and newspaper practice 'responsible' journalism/reporting. Merely by not naming and blurring the picture or giving her a pseudo name does not ensure communicating the right 'news' to the viewers. It is an act of bringing the issue of child rights and child protection in public debate and policy discourse and thus resulting in serious effort to capture the route followed to avail justice.

There is serious challenge for modern day Media to responsibly keep taking up child rights as well as juvenile delinquencies issue and keep them alive in public discourse. A child is born with a combination of innocence, introversion, and fear. However, it is the cruel, despotic, and unfair treatment he received from the cruel world when he was young that causes him to become the 'angry young man' later in life. This could be interpreted as an extrapolated 'poetic justice' provided to the cinematic tale, which many people embrace. However, certain psychological research show that violent delinquent behaviour develops most often during childhood, rather than later in life. Some research signifies that the aggressive children are likely to grow up to be aggressive adults. As a result, from a psychological standpoint, Juvenile Delinquency is defined as a rebellious behaviour in which a person acts aggressively with the intent of destruction, infringement, or alteration in the environment. This aggression is directed at society conditions that deny individuals their fundamental rights and the happiness that comes with them. Criminals are not born criminals; they become so as a result of society conditions and the fulfilment of personal deficiencies.

"Whether the mass media distort reality and generate unjust stereotypes, whether the mass media engender moral panics, and whether the harmful overlap between 'real' crime and fictional crime impacts viewers," according to Stan Cohen's landmark book from the 1970s, *Folk Devils and Moral Panics*. There's no denying that portrayals of all types of crime are frequently overstated and overrated. But, we do not have a reliable data to establish what extent and nature of aggression, offense or explicit content may cause the criminal or delinquent behaviour. To be sure, criminology theories are heavily framed in a societal context. They do, however, include assumptions about human desires, developmental weaknesses, and societal

interpretations. Some sociologists, on the other hand, claim that "sociological notions and theories are based on models of human psychology that are often implicit, unexamined, and often outmoded." Crime and deviance may be a socially constructed category, but an effective inquiry may require intervention of psychological science as well, which essentially seeks to discover the devices and processes which produce behaviour, which can be explained as such generalized abstraction which may apply to everyone. Therefore, to study the media impact on delinquent behaviour while it's important to understand the present state of the value systems, cultural tolerance and acceptability towards such exposures and depictions in the media; it's also important to observe how they influence behaviour and induce the psychological impulse, which manifests in conflict with the established norms of social behaviour. Due of its apparent value neutrality, the media frequently faces criticism, rage, and even sanctions in many locations. It'll be difficult to empirically prove to what extent its unrestrained and explicit contents of crime, sex and violence are responsible for delinquent behaviour unless the inquiry is made through an interdisciplinary approach in which this sociological phenomena is analysed from the psychological perspective. It may help shape the media policy in different nations including India.

Role of media:-

1. For long, the media has avoided child rights and child abuse due to the legal aspects attached to it. These issues will always be addressed by responsible media with great skill, empathy, and the greatest ethical ideals.
2. THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015
Sec 3(xi) Protection of right to privacy and confidentiality. Every child has the right to privacy and confidentiality protection at all times and throughout the legal procedure.
3. PROHIBITION ON DISCLOSURE OF IDENTITY, Sec 74 of the Juvenile Justice Act relates to disclosure of identity of children. It forbids the publication of any information that could lead to the identification of any child subject to the Act's requirements in any newspaper, magazine, news-sheet, or audio-visual medium.
4. Sec 74(1) and (2) Children protected by this provision include CCL, CNCP, child victims or child witness of a crime. The prohibited information includes name, address of the child or of their parents, school attending or attended, and pictures of the child

or any other particular that may lead to the identification of the child. The police records are also within the ambit of this prohibition, Sec 74(3). This offence has a penalty of up to six months in prison or a fine of up to two lakhs, or both.

5. **PROTECTION OF CHILDREN FROM SEXUAL OFFENDERS ACT, 2012, Sec 23:-**
The Media Procedure (1) No one shall make any report or provide any comments about any child from any form of media, studio, or photographic facility without having complete and accurate information, which may have the impact of degrading his reputation or infringing on his privacy. (2) No report in the media shall reveal a child's identify, including his name, residence, portrait, family details, school, neighbourhood, or any other information that could lead to the child's identity being revealed.
6. **REPORTING BY MEDIA: -** When a trial is held in camera, it is illegal for anybody to print or publish anything related to the proceedings in the case unless the court gives permission first, as stipulated by Section 327 (3) of the CrPC. This would save any further embarrassment being caused to the victim of sex crime, as was said in “State of Punjab v. Gurmit Singh, (1996)”
7. **TRIAL IN CAMERA** Sub-sections (2) and (3) of Section 327 CrPC casts a duty on the court to conduct the trial of rape cases etc., invariably “in camera”. The courts are required to follow the mandate and must always use the foregoing provisions to hold the trial in private. It would allow the victim of crime to feel more at ease and answer the questions more easily in an unfamiliar environment.
8. A trial in camera would not only respect the victim's dignity and adhere to the legislative intent, but it will also increase the quality of a prosecutrix's evidence since she will not be as hesitant or shy to depose candidly as she may be in open court, in front of the public. The higher quality of her evidence would aid the courts in determining the truth

and separating fact from fiction. This was held in “State of Punjab v. Gurmit Singh, (1996)²”.

9. NON DISCLOSURE OF THE NAME OF VICTIM BY THE COURT: - The courts should, as far as possible, avoid disclosing the name of the prosecutrix in their orders to save further embarrassment to the victim of sex crime. The anonymity of the victim of the crime must be maintained as far as possible throughout, decided in State of Punjab v. Gurmit Singh, (1996).

10. DUTY OF COURT TO SEE VICTIM IS NOT HARRASSED: - While the victim of crime is being cross-examined by the defence, the court should not remain silent. It needs to be able to efficiently manage the recording of evidence in the courtroom. The court must make sure that cross examination does not become a source of harassment or humiliation for the crime victim. A rape victim has already been through a traumatic experience, and if she is forced to repeat it in unfamiliar surroundings, she may be too ashamed, nervous, or confused to speak, and her silence or a jumbled stray sentence may be misinterpreted as discrepancies and contradictions in the evidence (1996).

Though, side by side with the gradual growth of mass media the debate over the relationship between media's branches and juvenile delinquency has also grown but without definitive results³. Newspapers, film magazines and comics, radio, films and television have all come under attack, individually and severally. Despite the fact that the word "juvenile delinquency" has remained ambiguous and confusing, (it should be considered as any act, course of conduct or situation which can be taken cognizance of by a juvenile court or similar competent authority, whether in fact it comes to be attended there or by some other resource or indeed remains unattended) some people believe that mass media are responsible for the increased delinquency rates though others feel that they have very little ill-effect, if at all.

Mass communication media have become quite important in the present times for disseminating information and education as well as for providing entertainment. Nonetheless, while they contribute to culture, their contributions to juvenile delinquency and crime, as well

² 1996 AIR 1393, 1996 SCC (2) 384

³ <http://www.legalserviceindia.com/article/1160-Media-and-Child-Protection.html>

as moral laxity, are as significant. Children's learning processes are influenced largely by what they read, hear and observe and when they are provided with the materials which run counter to desired norms in a civilized society, their values and attitudes can get vitiated.

Evidently, though the negative contributions by different wings of the mass media will be differential, collectively they have been condemned on four major counts:

- i. Help children to acquire deviant and criminal techniques;
- ii. Make delinquency and crime appear attractive and encourage the belief that 'crime does pays,
- iii. Lend glamour or sympathy to the criminal;
- iv. Stimulate sexuality.

Indictment of the mass media for their responsibility in the apparent increase of juvenile violations of the legal laws and the moral codes should however not be exaggerated. Contributory cause can be suspected but to what extent still needs rigorous indigenous assessment⁴. Whether the influence in this regard of each medium is substantial or slight will require systematic enquiries before necessary curbs should be imposed; otherwise the mass media can legitimately feel that the censorship is unjustified. The freedom of expression is a very sensitive subject for democracies.

Juvenile justice and role of media

The creation of separate institutions for the treatment of youth who engage in illegal or immoral behaviour is a recent development. Up until the 1800s, youth were subject to the same criminal justice process as adults. Consequently, children who were apprehended for crimes were tried in the same courts, and when found guilty, were subject to the same punishments, although there is considerable evidence that many youth were spared the harshest of punishments. Today, most people are unaware that there is a separate judicial process for juveniles. Despite the fact that many people are unaware of how the juvenile justice system operates, they frequently voice strong opinions regarding the causes of delinquent behaviour and how such behaviour should be addressed. Such views can be found in letters to the editor, radio talk shows, and television remarks. Increased efforts to prevent delinquency and rehabilitate juvenile offenders are being advocated by some members of the public. From a legal aspect, delinquency refers to behaviours that are prohibited under the state's family or juvenile code

⁴ <https://www.latestlaws.com/articles/overview-of-juvenile-justice-law-in-india/>

and subject adolescents to the Juvenile Court's jurisdiction. Behaviours can be categorized into two categories:

1. Behaviours that would be defined as criminal offenses if committed by adults, and
2. Behaviours that are only prohibited for minors, which are called status offenses.

Therefore, it is simple to define delinquency as a behaviour violating the legal code of the state, but it suffers from shortcomings. The treatment of juvenile crime by the print and television media has historically been both insufficient and overblown. It has been “not enough” because coverage is mostly episodic and the context of individual events is largely ignored. This dynamic, in turn, creates a new world in which a disconnected series of discrete incidents receives attention out of proportion to the actual frequency and severity of juvenile crime as a whole. Juvenile crime news does not mirror crime trends, with stories regarding a small number of sensational or unusual crimes receive the maximum coverage⁵. The number of stories on juvenile crime may even increase as crime rates decrease.

India's Statutory Framework:-

The Apprentice Act of 1850 was the first piece of child-related law, requiring that minors aged 10 to 18 who had been convicted by a court be given vocational training that would aid in their rehabilitation. It was followed by Reformatory Schools Act, 1897. The Indian Jail Committee (1919-1920) brought forth the vital need for separate trial and treatment of young offenders. The twin concepts of "juvenile delinquency" and "juvenile justice" have been evolving and refining since the 1920s, when comprehensive Children Acts were first enacted in the Provinces of Madras (1920), Bengal (1922), and Bombay (1924) as a result of the Indian Jail Committee's (1919-20) recommendations. That is why, today, we can identify certain key thoughts and ideas as distinctive aspects of the Indian juvenile justice system, which are utilised as a touchstone for both internal and transnational evaluations, with a good degree of certainty. Such fundamental beliefs alter as a result of purposeful law reforms, which involve both legislative and judicial improvements. However, we occasionally come across thinking currents that run opposite to established beliefs and tend to destabilise accepted interpretations and understandings. This problem was explored and certain therapeutic recommendations were made at the second United Nations Congress on the Prevention of Crime and Treatment of Offenders in London in 1960. The Central enactment, the Children Act, 1960 was passed to

⁵ <http://www.legalserviceindia.com/article/1160-Media-and-Child-Protection.html>

cater to the Union Territories. To remove some inherent lacunae in the Act, the Children (Amendment) Act was passed in 1978. However, despite the fact that the necessity for uniform juvenile justice law for the entire country had been raised in different places, including the Parliament, it could not be passed because the subject matter of such legislation lay under the State List of the Constitution. In order to bring the country's juvenile justice system into compliance with the UN Standard Minimum Rules for the Administration of Juvenile Justice, Parliament appears to have used its power under Article 253 of the Constitution, read with Entry 14 of the Union List, to make law for the entire country in order to meet international obligations. The Juvenile Justice Bill, 1986 was introduced in the Lok Sabha on August 22, 1986. Apart from the need for a uniform Act regarding children, the Juvenile Justice Act, 1986 was a result of the Sheela Barse case⁶.

The goals of this law were to establish a uniform framework for juvenile justice in India, to provide a specialised approach to the prevention and treatment of juvenile delinquency in all of its forms, to spell out the machinery and infrastructure required for the care, protection, treatment, development, and rehabilitation of various categories of children who fall under the jurisdiction of the juvenile justice system, and to establish norms and standards for the administration of the juvenile justice system. It also establishes the coordination between the formal system of juvenile justice and voluntary agencies engaged in the welfare of neglected or socially maladjusted children. It outlines their obligations and functions, as well as creating unique offences and punishments for juveniles, and bringing the country's juvenile justice system into compliance with the UN Standard Minimum Rules for the Administration of Justice. Certain terms are defined under Section 2 of the 1986 Act.

- section 2(e) 'delinquent juvenile' means a juvenile who has been determined to have committed an offence;
- section 2(h) 'Juvenile' means a boy who has not attained the age of sixteen years or a girl who has not attained the age of eighteen years, unless the context dictates otherwise.

Following India's adoption of the United Nations Declaration on the Rights of the Child, the country's child welfare and child-related programmes and activities have been adjusted to align with the principles of the Convention. In 1992, India adopted the Convention on the Rights of the Child, which promotes social reintegration of child victims, to the extent practicable,

⁶ JT 1986 136, 1986 SCALE (2)230

without resorting to judicial actions, through a set of principles to be followed. Accordingly, the Juvenile Justice Act of 1986 has been repealed by the Juvenile Justice (Care and Protection of Children) Act, 2000.

The Juvenile Justice (Care and Protection of Children) Act, 2000 was enacted with the purpose of consolidating and amending the laws relating to juveniles in conflict with law and children in need of care and protection. This will be accomplished by providing proper care, protection, and treatment, as well as adopting a child-friendly approach in the adjudication and disposition of matters in the best interests of children, and for their ultimate rehabilitation through various institutions established under this enactment. Aside from that, the Constitution, in numerous clauses, notably clause (3) of Article 15, Clauses (e) and (f) of Articles 39, 45, and 47, places a main obligation on the state to ensure that all of a child's needs are satisfied and that their fundamental human rights are adequately protected.

In India, there are three basic kinds of duties imposed on the media with respect to protection of children, namely:-

- a) Positive duty:- Duty of the media to expose the violation of any rights of children,
- b) Objective duty: - Duty of the media to objectively report of any such violations, and Juvenile Justice.
- c) Negative duty: - Duty of the media not to reveal the identity of a child (in any manner), who is in conflict with law.

Media as a Tool for Social Activism:-

The following are two cases where the media has been used as a dynamic tool of social activism with respect to the protection of rights of juvenile delinquents:-

Sheela Barse v. Union of India, is one of the best examples of the impact of social activism on rights of juveniles. In this case, the appellant was an active social worker who had made historic contributions towards the development of laws for protecting children. On September 10, 1985 she approached the Supreme Court with information supplied by the Ministry of Home Affairs and Ministry of Social Welfare that there were some 1,400 children under the age of 16 years in the jails of 18 states and 3 union territories. The Ministries could not do anything in this respect because the state governments had exclusive jurisdiction in these matters. The laws applicable to children at the time did not uniformly prohibit imprisonment of juveniles in jails.

Her petition alleged that the absence of a children's act in Nagaland, non-establishment of alternate custodial institutions for children and processing of delinquent juveniles by ordinary Criminal Courts due to non-constitution of Juvenile Courts violated the Fundamental Rights of Equality and Liberty guaranteed under Articles 14 and 21 of the Constitution of India. She pleaded that laws permitting imprisonment of children in jails in some states were arbitrary and unconstitutional. She further asked the Court to release all children (below 18 years of age) who were detained in various states and to direct district judges to visit jails and police lock ups to identify and release children and to ensure follow-up action after release. She also wanted the Court to direct respective State Legal Aid Boards and District Legal Aid Committees to appoint 'duty counsel' to ensure protection of children housed and to be housed in homes.

Pursuant to the filing of the petition, 25 notices were issued to the respondent states. The Supreme Court through its subsequent orders expanded the scope of the case and sought information on various other aspects relating to the juvenile justice system. These included the conditions of homes under the Children Acts, reasons for non-enforcement of the Act and the names of governmental and non-governmental organizations for the care of mentally and physically handicapped juveniles. Through its first order, the Court directed district judges throughout the country to nominate appropriate judicial officers to visit jails and sub-jails in their sub-district and report by a certain date and provide complete details about the number of children at the jails, the offences with which they are charged, etc. The Court also issued directions to the State Legal Aid Boards and any other legal aid organization to arrange a visit of two advocates to custodial institutions once a week.

The Court deprecated keeping of children in jail even if they were kept in a separate wards away from other prisoners, due to the lack of institutions for children. The Court further directed that no children were to be kept in jails and in the event that the state government does not have sufficient space in its remand/observation homes, the children should be released on bail. Directions were issued for expeditious enquiries and disposal of cases concerning children preferably by a Juvenile Court. Due to the vastness and deep rooted nature of the problem, deadlines set by the Court for filing reports was not followed. The court issued a Contempt Notice and subsequently modified its stand requiring each state to enforce its Children Act. The Supreme Court suggested that the Union Government enact a legislation to provide for uniformity of provisions relating to children in the country. This led to the enactment of the Juvenile Justice Act, 1986 which prohibited the imprisonment of children in all states. The case

proved to be a boon to hundreds of children detained in the various prisons all over the country. They were all either released or transferred to homes established or recognized under the Juvenile Justice Act. The reports on juveniles in jails from all districts led to awareness of the illegality of detaining juveniles in the future. Even though the case may not be credited with the implementation of various provisions on the Juvenile Justice Act, it was the main initiator for the process of implementation of the Act. The case also resulted in the creation of functionaries under the Juvenile Justice Act.

*Munna v. State of Uttar Pradesh*⁷ involved three writ petitions filed on the State of Uttar Pradesh's notice seeking relief for specific juvenile under-trial detainees in the Kanpur Central Jail. The allegations in respect of the juvenile under-trial prisoners was that though there was a children's home in Kanpur, more than a 100 children were lodged in the Kanpur Central Jail and are also being sexually exploited by the adult prisoners. The allegations were based on a news report published in the Indian Express where a reference is made to a visit of Shri Madhu Mehta of the Hindustani Andolan to the Kanpur Central Jail. According to the news report, it was found that young boys, between the ages of 10-14 years were being supplied to convicts for their delectation. Further the findings of the report revealed a boy named Munna whom was in agony because "after the way he was used, he was unable to sit". During this time, an organization by the name Human Rights Organization filed a writ petition in the High Court of Allahabad seeking relief in respect of the juvenile under-trials. The High Court actively decided to investigate into the matter by requesting the senior most Sessions Judge of Kanpur to visit the Kanpur Central Jail and make a report. In pursuance of this, the Sessions Judge visited the Kanpur Central Jail and submitted his report, wherein juvenile under-trial prisoners below the age of 16⁸ had been admitted in the Kanpur Central Jail.

The report noted that, with the exception of one youngster named Deshraj, who was transferred to Children's Home Kanpur two days previous to the Sessions Judge's visit to the Central Jail, the remaining six children were freed on separate dates over the course of a week and a half. The interesting aspect is that the news report in the Indian Express was published days before the release of the juvenile under-trials.

Ms. Lily Thomas filed a writ petition in the High Court the next day after the story was published. Even as far as Deshraj was concerned, he had been admitted into the Central Jail

⁷ 1964 AIR 28, 1964 SCR (3) 88

⁸ 16 years being the limit of age below which a juvenile would be regarded as a 'child' within the meaning of the U.P. Children Act, 1951.

almost 9 months prior to his transfer to the Children's Home. Unfortunately, as a consequence of their release, the Sessions Judge could not interview them.

This is an apt example of media as a strong tool for socialism. Thanks to the article published in the Indian Express, six children were released and one child was transferred to the Children's Home. The release of the children happened even before the formal enquiry took place. That is a great step for the media in reform and portraying the child as a victim of unspoken injustices. Also, the Court noted that children are to be reformed and not punished and that this objective cannot be gained by sending juveniles to jail.

Duty of Non-Disclosure

This negative duty imposed on the media does not allow the media to publish any content disclosing the identity of a juvenile who is in conflict with law. Section 21 of the Juvenile Justice (Care and Protection of Children) Act, 2000 reinstates this by providing that there can be no report regarding a juvenile in conflict with the law, such that the identity of the juvenile or even a picture of the juvenile is not to be published, unless the authority requires this to be done in the interest of the juvenile.

Section 21: Publication of the identity, etc., of any juvenile involved in any procedure under the Act is prohibited.

- i. No report in any newspaper, magazine, news-sheet, or visual media of any inquiry into a juvenile in conflict with the law under this Act shall disclose the juvenile's name, address, or school, or any other particulars calculated to lead to the identification of the juvenile, nor shall any picture of such juvenile be published: Provided, however, that the authority conducting the inquiry may permit such disclosure for reasons to be recorded in writing, if it believes such disclosure is necessary.
- ii. Anyone who violates the provisions of sub-section (1) is subject to a fine of up to one thousand rupees.

The case of Ved Kumari v. Sunday Times is an excellent example of this. The Sunday Times ran a front-page report on September 10, 1995, with the headline '12-year-old servant spun a wonderful storey in murder case: Police,' and on September 12, 1995, Ved Kumari v. Sunday Times, Complainant was filed in the Juvenile Court, Sewa Kartir, Delhi. The news was shocking and distressing for reasons apart from the fact that it was a gruesome murder of a middle-aged woman, allegedly by her domestic servant. Section 36 of the Juvenile Justice Act,

1986 is the corresponding section to section 21 of the present Juvenile Justice Act- which clearly prohibits and penalizes the publication of any information capable of revealing the identity of children under the Act unless such publication was authorized in the interest of the children.

Initial efforts by the author were directed towards mobilizing concerned persons to write letters to the editor of the newspaper however this proved futile as the newspaper refused to publish the letters. It was finally decided to file a complaint in the Juvenile Court to prevent such violations in the future. The complaint was filed in 'my capacity as a person concerned with the prosecution of right and welfare of children' and drew the Court's attention to the gross violation of Section 36. Thinking that the Juvenile Court had the prime legal and moral responsibility to take all actions for the protection of the interests of alleged delinquent children and authority to do so, it was requested to initiate the necessary processes for bringing the wrong-doer to book and save not only the accused child but others who could also become victims of mass media's unawareness or disregard of law resulting in the attachment of a lifelong stigma, dooming them to a life of crime. Another paper, The Pioneer, also published a similar article along with a picture and another application was filed to include it in the proceedings, which was admitted by the Magistrate. The Times of India argued that Section 36 was not violated because the publication was made in the public interest and in compliance with the media's responsibility to inform and protect the public, among other things. The Court held that since the newspaper did not and could not deny publication of the photograph, its publication without proof of intention or object of publication was sufficient for conviction under Section 36 of the Act. Since publication of information could be authorized only in the interest of the child, nobody is exempted from liability for following illegal orders of any authority. Also, the Court noted that the interest of the public could have been served by just the news of the murder, without revealing the identity of the child suspect. This is an instance of the media abusing its power and victimizing the juvenile suspect.

Conclusion

Due to the media's influence on public opinion, even though crimes committed by juveniles have actually decreased, there is a strange belief that crime rates have increased. Fear and ignorance of issues lead people to believe that juvenile crime has increased and not vice-versa. Many research findings have proved that crime has gone down and yet the media seems to portray the image that violence by teenagers and juveniles is raging. This has led to much

insecurity in the United States which leads to further safety measures being taken by schools to ensure that no child is a threat to others. The media should play a role in exposing the reality regarding today's young crimes. Instead of being a foe or a bother to juvenile delinquents, it should befriend them. It must be used to inform the public about the truth of events and not create fallacies for its own convenience. There is still a large role that the media needs to play to bring about changes in the society and to mainly protect the interests of those children who have been punished. Victims should not be portrayed as criminals by the media. Only with the necessary safeguards in place will the media be able to fulfil its objectives.

