

## STING OPERATIONS: THE ROLE OF MEDIA AS A VIGILANTE

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### INTRODUCTION

A sting operation is an investigative exercise undertaken by media to uncover the malpractices prevalent in the society. It is an inseparable part of the modern news casting, albeit with questionable moral issues included.<sup>1</sup> These undercover operations embark to disentangle the administrative procedures by an agent who pretends to be a part of the game—by acting like a supplicant, a vulnerable candidate, a support-searcher or a potential bribe supplier.<sup>2</sup> Masterminding somebody under the lawful drinking age to request that a grown-up purchase an alcoholic beverage for them or conveying a snare auto (likewise called a honey trap) to get a car thief and recording them on tape are certain examples.<sup>3</sup> Another example might be a journalist pretending to be an interested party looking to get his work done in a government office by bribing the officials.

Sting operations are full of inquiries of legitimacy, and objectivity that are hard to manage in light of the fact that the journalist is a common person loaded with his predispositions for or against somebody or something. Therefore, the rightfulness of a sting operation cannot be determined objectively as the journalist may have a bias towards or against a certain person that he might target. In addition, in the present world where video doctoring tools are easily accessible and widely used, the question of legitimacy of the sting operation audio/video is yet another issue for thought.

The word 'Sting Operation' was first used in the movie '*Sting*' in 1973 which depended on a plot incubated by two men to trap a third individual into carrying out a wrongdoing.<sup>4</sup> The expression 'Sting' is also illustrative of media's power in a democratic set-up and how it can be both potent and venomous for the public at large; potent by exposing the evils, and

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<sup>1</sup>Roshan John, *Legality of Sting operations*, LAW WIRE [www.lawinfowire.com/articleinfo/legality-sting-operations](http://www.lawinfowire.com/articleinfo/legality-sting-operations), last visited 11 June 2017.

<sup>2</sup> Roy Greenslade, *Journalism: To Sting or not to sting?*, THE GUARDIAN, (June 2, 2013) <https://www.theguardian.com/media/2013/jun/02/sleaze-journalist-sting-debate>.

<sup>3</sup>SPECIAL REPORT: *Local Police Crackdown on Adults Buying Booze for Minors*, K.E.S.Q., (May 18, 2004), <https://web.archive.org/web/20090115202841/www.kesq.com/Global/story.asp?S=1878103&nav=9qrxNETb>.

<sup>4</sup>Sherman v. United States, 356 U.S. 369 (1958).

venomous by infringing the fundamental right to privacy of an individual or potentially entrapping someone into accepting a bribe and thereby, causing corruption.<sup>5</sup>

A few nations like US, UK and Canada have perceived sting operations completed by legal enforcement agencies as lawful techniques for gathering evidence.<sup>6</sup> However, there are no directions regarding the test for legality of sting operations in India and there is no nexus in decisions given by various courts, which requires an earnest need to address the issue.

### **Sting Operations: Positive or Negative**

Despite the fact that the freedom of press is not ensured in our constitution unequivocally, a few interpretations by the apex Court have held it as a basic part of our constitution.<sup>7</sup> However, this freedom is not absolute and there are some sensible limitations.<sup>8</sup> In the technological age, the electronic media has assumed control over the print media, and a huge number of individuals have access to and can be strongly influenced by the information published by media.

Media has an incredible role to play as the fourth pillar of democracy.<sup>9</sup> This is based on a simple equivalence relationship i.e. corruption cannot breed within the sight of transparency. The role of media involves uncovering callous and degenerate public servants to the eye of the omnipotent public in a democratic set-up and hence, undoubtedly, media is in its legitimate space while utilizing apparatuses of investigative journalism to make people familiar with the hideous underbelly of the society.<sup>10</sup> However, occasionally, media, in its endeavors to secure efficient administration, over-reaches its assigned obligation of disseminating information and clashes with the judicial functions of law enforcement.

On the premise of purpose, there can be a delegation of string operations as positive or negative. The positive are the ones in light of a legitimate concern for the overall population and planned to penetrate the cover of the government's working procedure.<sup>11</sup> The negative ones don't profit the general public, but are a sensationalized endeavor to build the viewership

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<sup>5</sup>Pramod Nair, *A Sting in the Tale*, (2014) 49(22) E.P.W.

<sup>6</sup>*Sorrells v. United States*, 287 U.S. 435 (1932) 441, 451.

<sup>7</sup>*Indian Express v. Union of India*, A.I.R. 1986 S.C. 515; *Romesh Thapar v. Union of India*, A.I.R. 1950 S.C. 124.

<sup>8</sup>The Constitution of India, art 19(2) (1950).

<sup>9</sup>*Sakal Papers Ltd v. Union of India*, A.I.R. 1962 S.C. 305.

<sup>10</sup>*Court on its own motion v. State*, (2008) 146 D.L.T. 429.

<sup>11</sup>*Ethics of Media Sting Operations*, I.A.S. G.S., (April 5, 2017), [www.iasgs.com/2017/04/ethics-of-media-sting-operations](http://www.iasgs.com/2017/04/ethics-of-media-sting-operations).

in the era of 'breaking news' by encroaching the privacy or sanctity of an individual or a body.<sup>12</sup>

### **The Judicial Perspective vis-à-vis Sting Operations in India**

In India, it was 'Tehelka' that foreshadowed the act of sting operations and increased its following, prominence, and circulation to gigantic levels through these operations.<sup>13</sup> The sting recordings of March 2001 demonstrated a few defense authorities, and government officials from the ruling party accepting bribes, which resulted in immediate administrative action that led to their ousting.<sup>14</sup>

India neither has a particular law administering the lawfulness of sting operations nor a judicial pronouncement laying down the guidelines for the regulation of sting operations. Besides the Cable TV Regulation Act<sup>15</sup>, which lays down the guidelines for the channels airing programmes, the Pre-natal Diagnostic Techniques Act is the sole authority that talks about sting operations and maintains the legitimacy of the same for the purpose of the Act. The Courts have decided every matter so far on the actualities of the case.

There are no hard and fast rules to determine the different conditions under which the sting operation will be a legal method of obtaining evidence or a method against law. The Courts, while dealing with different situation have not been able to come to a consensus and there is no nexus between the decisions of various courts on similar situations pertaining to sting operations. The Courts on several occasion have held Sting operations to be a legal method of obtaining evidence<sup>16</sup>, while on some occasions have held them to be an inducement to crime<sup>17</sup> or an invasion of the fundamental right to privacy<sup>18</sup>.

- **Sting Operations as:**

- A. Legal Action**

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<sup>12</sup>*Id.*

<sup>13</sup> Luke Harding, *Website Pays Price for Indian Bribery Expose*, THE GUARDIAN, (January 6, 2003), [www.theguardian.com/technology/2003/jan/06/newmedia.india](http://www.theguardian.com/technology/2003/jan/06/newmedia.india).

<sup>14</sup> Celia Dugger, *The Sting that has India Writhing*, N.Y. TIMES, (March 16, 2001), [www.nytimes.com/2001/03/16/world/the-sting-that-has-india-writhing.html](http://www.nytimes.com/2001/03/16/world/the-sting-that-has-india-writhing.html).

<sup>15</sup> Cable Television Networks (Regulation) Act (1995).

<sup>16</sup> Raja Ram Pal v. Hon'ble Speaker, Lok Sabha (2007) 3 S.C.C. 184; R.K. Anand v. High Court of Delhi, (2009) 8 S.C.C. 106.

<sup>17</sup> Rajat Prasad v. C.B.I., (2014) 6 S.C.C. 495.

<sup>18</sup> Labour Liberation Front v. State of A.P., (2005) 1 A.L.T. 740.

The role of sting operations in deliverance of justice in India cannot be undermined. Media, as the fourth pillar of democracy, has a great role to play in a transparent democratic society driven by certain people with power elected by the public itself or chosen through open public service examinations. These officials get the much necessary autonomy in their work. However, complete detachment from the public interest, and furtherance of individual interest through their discretionary powers or actions behind closed doors, warrant regular check-up.

In *SP Gupta v Union of India*<sup>19</sup>, “No democratic Government can survive without accountability and the basic postulate of accountability is that people should have the information about the working of the Government.” The public entrusts the media with the task of acting as a regulatory mechanism for these power-holders. Though the Indian constitution does not expressly guarantee the freedom of press as a fundamental right, various interpretations of the apex court under Article 19(1) (a) have enshrined it as a basic constituent of right to freedom of speech and expression.<sup>20</sup> The media, therefore, has a right to impart and disseminate information in public interest in correspondence to the public’s right to know about the public acts performed by the public officials and the sting operations, aim at, nothing more than public interest.<sup>21</sup>

In various cases, the media made a special effort in public interest to get the haughty crooks penalized for their blameworthy activities.<sup>22</sup> “I thank god and the media for helping me out in this long battle”, these words of the victim’s mother, in *Nitish Katara*<sup>23</sup> murder case indicate the role played by the sting operations.<sup>24</sup>

In the disputable cash-for-queries swindle, the Delhi High Court endorsed the legality of the sting operations directed to uncover the misconduct of the Parliamentarians that led to the ousting of 11 members from their term in the office.<sup>25</sup> The single judge bench of the Delhi High Court opined that such a privilege spilled out of the fundamental duty to treasure the

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<sup>19</sup> A.I.R. 1982 S.C. 149.

<sup>20</sup> *Bennett Coleman v. Union of India*, A.I.R. 1973 S.C. 106; *Sakal Papers v. Union of India* [1962] 3 S.C.R. 842.

<sup>21</sup> *State of U.P. v. Raj Narain*, A.I.R. 1975 S.C. 865.

<sup>22</sup> *Manu Sharma v. State*, (2010) 6 S.C.C. 1; *Sanjeev Nanda v. State*, (2007) Cri.L.J. 3786.

<sup>23</sup> *Vikas Yadav v. State of U.P.* (2016) 9 S.C.C. 541.

<sup>24</sup> *Nitish Katara case: SC upholds conviction of Vikas Yadav, Vishal Yadav*, THE INDIAN EXPRESS, (October 3, 2016), <http://indianexpress.com/article/cities/delhi/nitish-katara-murder-case-sc-upholds-conviction-of-vikas-vishal-yadav/>.

<sup>25</sup> *Raja Ram Pal v. Hon’ble Speaker, Lok Sabha* (2007) 3 SCC 184.

noble ideals that inspired our struggle for freedom as under Article 51A (b)<sup>26</sup>, and making a pure and autonomous India is one such ideal.<sup>27</sup>

The apex court in *RK Anand*<sup>28</sup> deferentially removed itself from meddling with the autonomy of media by dismissing the request to set down rules for sting operations stating that this would be a transgression of the media's privilege of the freedom of expression ensured under Article 19(1) of the Constitution. Therefore, the call for accepting sting operations as a legal method of obtaining evidence is merely an extension of the right to freedom of press as ensured through judicial activism in India. Therefore, obliteration of the concept of liberty of press through a proscription on sting operations by media due to isolated incidents of misuse of the power vested in the media is not a way out.

### **I. Entrapment or Inducement to Crime**

A sting operation has genuine legal ramifications. In the event that it uncovers the defilement of a public servant, the columnist in charge of it wins ubiquity. If not, it leaves him vulnerable to criminal accusations.<sup>29</sup>

When a particular journalist goes undercover and plays to be a part of the scheme of things while trying to uncover the corruption in a particular department, he is simply resting on the allegations on and image of the public officials working in that department. Even if they were not involved in corruption before, this might be their first encounter with a person trying to bribe them and with such a lucrative offering at hand, they might accept the bribe; which will lead the media to the conclusion that the ghosts of corruption already haunted such department, even if they did not. You cannot hold a person guilty for a crime that he would not have committed, had he not been encouraged to do so.

A sting operation aired by '*Live India*', demonstrated Ms. Uma Khurana, a teacher, purportedly compelling a young student into prostitution.<sup>30</sup> In the mayhem that took after, a few people physically assaulted her and even tore her clothes. The Court took suomotu cognizance of the matter and started proceedings where the Court discovered that the accused

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<sup>26</sup>The Constitution of India, Art 51 (1950).

<sup>27</sup>*Aniruddha Bahal v. State*, (2010) 172 D.L.T. 269.

<sup>28</sup>*R.K. Anand v. High Court of Delhi*, (2009) 8 S.C.C. 106.

<sup>29</sup>*Madhubhushi Sridhar, A Sting Without Public Interest is a Crime*, THE HOOT, (July 30, 2014), <http://www.thehoot.org/media-watch/law-and-policy/a-sting-without-public-interest-is-a-crime-7672>.

<sup>30</sup>*Fake Sting: Uma Khurana Withdraws Defamation Case*, THE TIMES OF INDIA (October 22, 2008), <http://timesofindia.indiatimes.com/city/delhi/Fake-sting-Uma-Khurana-withdraws-defamation-case/articleshow/3629666.cms>.

was innocent and a piece of the sting operation had been arranged dramatically.<sup>31</sup> The court, relying on the decision in *Keith Jacobson v. United States*<sup>32</sup>, held that media in its endeavors to reveal truth in public interest ought not to go too far by turning to entanglement of any individual.<sup>33</sup> The US Supreme Court had held that “*in their zeal to enforce law, law protectors must not originate a criminal design, and then induce commission of the crime so that the government may prosecute.*”<sup>34</sup>

The Supreme Court in *Rajat Prasad v. C.B.I.*<sup>35</sup> held the journalist, who conducted the sting operation, guilty of abetment to bribery by stating that where a man draws another to acknowledge a payoff while covertly video recording the demonstration, it is ensnarement, which could be legitimate or criminal, relying upon the goal and thought process of the bribe supplier.

If the allegations are baseless, the sting operations might as well serve as entrapment for the honest public officials. The question is one of public morality i.e., firstly, you induce a person into committing a crime by promising him a reward for breaking the law and then hold him guilty for accepting the bait. Scholars have suggested, every now and then, that the public officials are subject to wider scrutiny of the media in general interest and, therefore, there should be no entrapment charges on media for sting operations conducted against them. The term ‘public servant’ finds its definition in the Prevention of Corruption Act.<sup>36</sup> However, one more aspect that requires contemplation is whether a sting operation is permissible when the public servant is not acting during the course of his duty; bringing in, the question of invasion of an individual’s privacy.

## **II. An Invasion of Privacy**

Despite the fact that the right to privacy had not been specifically revered in the Indian Constitution, the development of Right to Life under article 21<sup>37</sup> has given a sanctuary to Right to Privacy through different points of reference set by various case laws which have ceaselessly expressed it as an imperative element for a cheerful life.<sup>38</sup>

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<sup>31</sup> *Supra* note 10.

<sup>32</sup> 503 U.S. 540 (1992).

<sup>33</sup> *Supra* note 10.

<sup>34</sup> *Supra* note 32.

<sup>35</sup> (2014) 6 S.C.C. 495.

<sup>36</sup> Prevention of Corruption Act, § 2(c) (1988).

<sup>37</sup> Constitution of India, art 21 (1950).

<sup>38</sup> *Kharak Singh v. State of U.P.*, A.I.R. 1963 S.C. 1295; *Govind v. State of M.P.*, A.I.R. 1975 S.C. 1378.

Furthermore, a nine-judge bench of the Supreme Court, in a recent judgment, pointed out that privacy is an essential element of life and personal liberty and is a part of the fundamental right guaranteed under Article 21 of the Constitution in its spirit.<sup>39</sup> The autonomy of an individual's existence should not be meddled with; neither by state nor by any other entity. Sting operations in public interest, have been acknowledged as a lawful technique to uncover wrongdoings on various events. However, one of the essential motivations to carry out these operations is to expand the TRP evaluations or to 'intrigue the general population' as opposed to 'public interest'.

There have been quite a few instances where media has encroached upon the right to privacy of an individual exposing his private life to the scrutiny of general public. The production of what a Mumbai newspaper asserted were photos of Kareena Kapoor and ShahidKapoor sharing intimate moments, the revelation of Shakti Kapoor's casting couch controversy, and the video of Swami Paramahansa in a compromising position with a Tamil actress, that ended her career, have all collectively added to the outcry for a more characterized right to privacy in the nation.<sup>40</sup>

Grave mishandling of innovative progress and the unhealthy rivalry in the field of news coverage has brought about the pulverization of the standard sense of duty expected in the noble profession.<sup>41</sup> Wiretapping or telephone tapping, a part of sting operations, was held to be a gross violation of privacy, and as such regulated, both under a legislation<sup>42</sup> and guidelines laid down in a judicial pronouncement<sup>43</sup>.

The right to express freely, which is the backbone of media, has been subject to abuse and the question of privacy in contrast to expression remains unanswered, with no legislation to regulate and balance the two rights.

#### **REPERCUSSIONS OF STING OPERATIONS ON FAIR TRIAL**

The role of media has been in question, every now and then, in relation to running media trials before the actual hearing of a case in the court of law. Media trials become more influencing, particularly, when they happen because of a sting operation. The broadcast of sting operations happens in such a manner that a prejudice is set in the minds of the public.

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<sup>39</sup> K.S. Puttuswamy v. Union of India, 2017 S.C.C. OnLine 996.

<sup>40</sup>Shoma Chatterjee, *Sting Operations and the Ethics of Journalism*, KERALA MEDIA ACADEMY, <<http://mediamagazine.in/content/sting-operations-and-ethics-journalism>.

<sup>41</sup>Labour Liberation Front v. State of A.P., (2005) 1 A.L.T. 740.

<sup>42</sup> The Telegraph Act (1885).

<sup>43</sup> P.U.C.L. v. Union of India, A.I.R. 1997 S.C. 568.



The video object produced by stings circulates all around and influences a variety of environments, including judiciary. As soon as a sting operation takes place, media transforms itself into a public court. As per the Indian Criminal Law, a person is innocent until his guilt is proven in the court of law. Media trials completely ignore this ideal notion and the person against whom the sting operation is conducted is exhibited as the convict. Running a parallel trial also adds pressure on lawyers; who end up not taking such cases.

Trial run by media does not only add prejudice against the accused but also does severe damage to the person's reputation, even after his acquittal. A classic example of this would be Uma Khurana's case<sup>44</sup> where the court found that the sting operation was false. Though the accused was acquitted but the media trial following the sting, resulted in her termination and she was assaulted by the protesting mob.<sup>45</sup> This case demonstrates how sting operations can victimize an innocent and cause damage to one's reputation.

Delhi High Court, in a recent case, has made an observation stating, "Media trials do tend to influence judges. Subconsciously a pressure is created and it does have an effect on the sentencing of the accused/convict".<sup>46</sup> Various courts and law commissions all around the world have seconded this view.<sup>47</sup> The Supreme Court too, in various cases, has observed that the media publication of a sub-judice trial tends to induce the judges subconsciously.<sup>48</sup> There has also been an instance where the Apex Court passed an order restraining media from publishing about the pending trial of a civil case in order to prevent any prejudice.<sup>49</sup>

The concept of fair trial becomes enormously crucial in case of criminal law because it deals with community at large. Apex Court in has categorically explained the concept of fair trial. The court in this case held, "*It has to be unmistakably understood that a trial which is primarily aimed at ascertaining the truth has to be fair to all concerned. It will not be correct to say that it is only the accused who must be fairly dealt with. Each one has an inbuilt right*

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<sup>44</sup>I.L.R. (2008) 2 Delhi 44.

<sup>45</sup>*Fake sting: Uma Khurana withdraws defamation case*, THE TIMES OF INDIA, <http://timesofindia.indiatimes.com/city/delhi/Fake-sting-Uma-Khurana-withdraws-defamation-case/articleshow/3629666.cms>, last visited September 25, 2017.

<sup>46</sup>*Media Trials Tend to Influence Judges: Delhi HC on India's Daughter Documentary*, FIRST POST, (March 12, 2015), [www.firstpost.com/india/media-trials-tend-influence-judges-delhi-hc-indias-daughter-documentary-2149773.html](http://www.firstpost.com/india/media-trials-tend-influence-judges-delhi-hc-indias-daughter-documentary-2149773.html).

<sup>47</sup> 200<sup>th</sup> Law Commission Report on Media Trial, 51-57.

<sup>48</sup> P.C. Sen (In Re), A.I.R. 1970 S.C. 1821.

<sup>49</sup> Reliance Petrochemicals Ltd. v. Proprietors of Indian Express, (1988) 4 S.C.C. 592.



*to be dealt with fairly in a criminal trial. Fair trial means a trial in which bias or prejudice for or against the accused, the witnesses, or the cause which is being tried is eliminated.*"<sup>50</sup>

The Constitution of India guarantees the right to a free and fair trial.<sup>51</sup> When media broadcasts sting operations, the prejudice against the accused violates his right to fair trial. This fundamental right comes in clash with Right to Freedom of Speech and Expression, which is also a fundamental right.<sup>52</sup> In such cases, it becomes the duty of the courts to develop progressive measures so that both the rights get appropriate space in the constitutional system.

It is the media's responsibility, which executes such trials. A journalist should not approach the affair in the question with an attitude of a prosecutor. While dealing with matters that are sub-judice, the media should have a fair, broad-minded, and balanced attitude.<sup>53</sup>

#### **THE QUESTION OF ADMISSIBILITY OF EVIDENCE OBTAINED THROUGH STING OPERATIONS**

The debate on admissibility of evidences obtained through acts like sting operations is largely political than solely evidential.<sup>54</sup> It is said that, "*It matters not how you get it; if you steal it even, it would be admissible in evidence*".<sup>55</sup> Common law seems to be following this principle while examining admissibility of evidence obtained through illegal means. Evidence stays to be admissible even in cases of *agent provocateurs*<sup>56</sup> and invasion of privacy.<sup>57</sup>

However, it is regularly contended that the evidence procured by a sting has been gotten by actuation and consequently, inadmissible. Nonetheless, others trust that when evidence is convincing, it ought to be permissible; and little heed should be paid on the methods through which it was secured. Some argue that sting operations should only be allowed and be admissible in a proceeding if media has received prior approval for the conducting the same. However, such a setup will render media as some kind of vigilance agency for the courts.

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<sup>50</sup>Zahira Habibullah Sheikh v. State Of Gujarat, (2006) 3 S.C.C. 374.

<sup>51</sup>The Constitution of India, art 21 (1950).

<sup>52</sup>The Constitution of India, art 19(1) (1950).

<sup>53</sup>Press Council of India, *Norms of a Journalist Conduct*, PRESS COUNCIL OF INDIA, <http://presscouncil.nic.in/OldWebsite/NORMS-2010.pdf> (last visited September 28, 2017).

<sup>54</sup>David Anthony Brooke, *Confessions. Illegally/ Improperly Obtained Evidence and Entrapment Under the Police and Criminal Evidence Act 1984: Changing Judicial and Public Attitudes to The Police and Criminal Investigations*, Thesis submitted for the Degree of Ph. D. University College, London 1999.

<sup>55</sup>R. v. Leatham, (1861) 8 Cox C.C. 498.

<sup>56</sup>R. v. Sang, [1980] A.C. 402, H.L.

<sup>57</sup>R. v. Khan (Sultan), [1997] A.C. 558, H.L.

This would not only be equivalent to pre-censorship of broadcasting of court procedures but also curtail media's right to freedom of speech and expression warranted under Article 19(1) of Indian Constitution.<sup>58</sup>

The status remains to be foggy, as courts have also given clashing elucidations. As per the general guideline, evidence is overlooked when it is secured by charming the charged into executing a wrongdoing.<sup>59</sup> Nonetheless, Indian courts have disregarded the above stated principle having in mind the larger public interest.<sup>60</sup> Evidence collected by a sting operation is an extra-judicial statement given to a third party in specific circumstance, which makes it admissible.<sup>61</sup> Truth be told, the announcements made through sting operations are more convincing than other additional legal explanations since they are recorded, which makes them practically verifiable.<sup>62</sup> However, the Apex Court has taken a contradictory view by holding that tape-recorded statements represent inducement and are therefore, inadmissible.<sup>63</sup> Consequently, there is an absence of well-defined law and courts' interpretation becomes the final law.

It is suggested that in cases where evidences are supposedly procured by illegal means, courts should only exercise discretionary powers when such illegality has influenced reliability of the evidence, thereby, affecting fairness of the trial.<sup>64</sup> While securing the uprightness of the criminal justice system is certainly a rationale for not admitting the evidence obtained through sting operations, the courts have held in numerous judgments that this discretionary power should not be used to discipline the procurer. Further, courts are not supposed to balance the reliability of such evidence with their onus of protecting the right to a fair trial.<sup>65</sup>

Sting operations are a tool that aids in dispensing justice. Although, under the shade of journalism, this tool could be used for personal and political benefits but that should not prevent courts from reaping the benefits it offers. The courts have a responsibility of ensuring the fairness of proceedings, and it will not be possible if the court does not hear all relevant

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<sup>58</sup> R.K. Anand v. National Capital Territory of Delhi, 2009 S.C.C. OnLine C.A.T. 1818

<sup>59</sup> R. v. Sang, (1979) 2 All E.R. 1222.

<sup>60</sup> Sri Bhardwaj Media Pvt. Ltd. v. State, W.P. (CrI.) Nos. 1125 and 126/2007.

<sup>61</sup> Piara Singh v. State of Punjab, (1977) 4 S.C.C. 459; Barindra Kumar Ghose v. Emperor, I.L.R. (1910) 37 Cal. 467.

<sup>62</sup> Indian Evidence Act, § 24 (1872).

<sup>63</sup> State of Haryana v. Ved Prakash, 1994 Cr.L.J. 140 (SC).

<sup>64</sup> Adrian Keane, James Griffiths & Paul McKeown, *The Modern Law of Evidence* 52 (8<sup>th</sup> edn., Oxford University Press 2010).

<sup>65</sup> *Id.*

evidence which either sides puts forward.<sup>66</sup> Thus, while examining the admissibility of sting operation as an evidence, the court should look if the sting operation has an intention of greater public good or not. This demands balance with the defendant's right to a free and fair trial. There cannot be a rigid law on the admissibility of evidence procured through sting operation because if one approach hinders justice dispensation mechanism, the other could violate one's right to free and fair trial. Therefore, the courts should follow a middle path while providing their valuable interpretations. Moreover, while interpreting the facts of a case, the courts ought to take into consideration the seriousness of the crime committed. This would depend on facts of a case and would vary from case to case.

## CONCLUSION

Sting Operations have been an incredible instrument in uncovering wrongdoing and defilement in the public arena. We have seen various situations where sting operations have assumed a noteworthy part in securing justice for all. Be that as it may, a line is required to be drawn between sting operations that assault privacy and those which reveal debasement and like others with a particular objective to secure the very soul of the Constitution of India. In any case, in the present circumstances where political corruption is at its apex, it is difficult to essentially discover which sting operations are politically invigorated, which are truly proposed to filter the social order, or which are truly the results of fabricated broadcast bolstered by different political gatherings, their corporate benefactors.

A set of accepted rules and effective regulation is required. It is henceforth recommended that a sovereign quasi-judicial organization should be established that has forces of both censure and execution. It is also suggested that a law should be enacted to avoid media from meddling into the privacy of individuals. A set of guidelines<sup>67</sup> relating to broadcasting of sting operations have been provided. Since, there is no immunity provided by law, journalists ought to adhere to the guidelines to prevent any liability.

Since, there is no law that deals with admissibility of evidence procured by a sting operations, courts need to give less recognition to Factum of Entrapment and alluring the suspect into conferring an offense when weighed against admissibility of evidences. More accentuation ought to be laid on the way the crime has been committed which would have been committed anyway even if inducement was not there.

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<sup>66</sup> R. v. Quinn, [1990] Crim. L.R. 581, C.A.

<sup>67</sup> *Supra* note 53.

Sting operations are every now and again guarded on the ground that the media has a commitment to put the unscrupulous criminals in the sight of people when the law-enforcement agencies are unwilling to do so. However, without a strong arrangement of standards and regulations, these operations can similarly change into a race to build greater viewership ratings.