

MEDIA AS A BOON TO THE DEMOCRATIC SPIRIT

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The voice of media to propagate the laws in general and women is a minute welcome step. The Legal Maxim “Ignorantia juris non excusat” means Ignorance of Law is not an excuse. Media helps as a tool to create legal awareness to the public in general. A media democracy focuses on information technologies to both empower individual citizens and promote democratic ideals through the spread of information. In India the role of non-profit Media Access project is a public interest law firm that advocates media democracy by protecting freedom of expression as enshrined in Article 19 (1)(a) of the constitution of India and promoting universal and equitable access to media outlets and Tele Communication Services, and encouraging vibrant public discourse on critical issues of women in our society like child marriages, Domestic violence, Sexual harassment of women at work place and crime against women i.e. Acid attacks.

At present Scenario the media plays a pivotal role to educate public on various legal topics in general like Insurance, Taxation, Corporate and consumer Laws and to enlighten about the legal Maxim “Ubi jus Ibi Remedium” which denotes where there is a right there is a remedy. A Media democracy advocates for using the mass media to promote democratic ideals. The Fifth estate in modern times Social Media is to awakening the public to understand the Laws of the land to be governed to them. However, the media does play negative role as well. It should be used as a tool to educate people in a right way. Media, too is subject to Transparency and accountability for its proper junction in democratic systems. Media has become noteworthy, in creating Legal Awareness to World(LAW).

¹The primary function of communication is to inform, instruct, entertain and influence people to make them function smoothly and efficiently, communication has a secondary function too to perform; through debate and discussions. It fosters consensus, creativity and understanding

¹ Media Law Dr. S.R.Meneni 2nd edition Asia Law House, Hyderabad

among people, groups and societies so that they live in peace and harmony. “ Mass Media” is a term used to denote a section of the media specifically designed to spread a very large audience such as population of a nation/ State, Mass media may be divided broadly into two namely, print media and electronic media. Print media consists of books, magazines and newspapers. Electronic media are radio, television, cable TV, Cinema etc.

Radio broadcasting form a very large segment of the mass media. Nations radio net work has been incepted in the 1920s in India, the network has expanded a great deal and it offers a daily service for many hours transmitting news, comments and special programs for children, women, youth¹ etc.

MEDIA: Crime Against women:

Today the issue of rape and acid attacks is gained gigantic proportions. Almost every day somewhere or the other a woman is being raped. Unfortunate woman is resorting to suicide as she is not in a position to speak out to others and lead a life of respect and dignity in society. In our country statistics are not satisfactory. There are thousands of cases which do not see the light of day or which go unreported. It has become a common occurrence, the life and honor of women of all victims wherever there is any agitation. It is mainly the poor women who are subjected to these atrocities.

Today, the people’s consciousness has been aroused and a hue and cry is raised at such injustice. In a peculiar psychopathological state of mind men, rape women. It is woman of the poorer classes who wear coarse clothes who happens to be the victims. Taking advantage of woman’s weakness the culprit remains unpunished.

Section 375 defines the offence of rape . The revised section 375 has widened the definition of rape ² . It, unlike its earlier version, not confined ‘rape’ merely to penile-vaginal penetration (in the circumstances specified there under), but is also extended to (i) penile-urethra, penile-oral, or penile-anal penetration; (ii) object- vaginal , object -urethra , or object-anal insertion ; (iii) insertion of a part of body, other than the penis, in the vagina, the urethral or anus of a women; (iv) manipulation of any part of body of a women for causing

² Criinal law P.A.S.Pillai,Dr.K.Vibhuti,Lexixs Nexis Haryana 12th edition P 713-P 730

vaginal, urethral or anal penetration , and (v) application by a man of his mouth to the vagina, urethra or anus of a women or making her to do so with him or any other person.

nevertheless , the offence of ‘rape’ retains, in essence, the idea of coercive non-consensual (as well as consensual in certain situation)’ sexual intercourse’, 14in an extended form, between a man and a women in a set of specified circumstances.

Section 376A. punishment for causing death or resulting in persistent vegetative state of victim.

Section 376A is inserted in the IPC by the criminal law (Amendment) act 2013. It criminalise the act of inflicting injury on a woman while raping her that results in her death or causes persistence vegetative state and provides for rigorous imprisonment for a term not less than 20 yrs. Which may extent to imprisonment for remainder of his natural life . in this sense, sec 376A constitutes one of the aggregative forms of rape.

Section 376E. Punishment for repeat offenders.

SECTION 376E , which is inserted in IPC by the criminal law(Amendment) Act 2013 provides severe punishment for the repeat offenders. A person, who is previously convicted of committing rape of inflicting, in the course of committing rape, injury that caused her death or resulted in persistence vegetative state of his victim or was guilty of gang rape , if subsequently found guilty of committing the same offence, will be punished with imprisonment for life ,which means imprisonment for the remainder of his natural life, or with death.

Section 376C .Sexual intercourse by person in authority.

For seeking conviction under S 376C,it must be proved that:

- (i)the accused is a person belonging to any of the four categories mentioned in clauses (a)to (d) thereof, namely, a person: (a)in a position of authority or in a fiduciary relationship, (b)a public servant,92 (c)superintendent of jail or remand home or a women’s or children ’s institution, (d)a member of the management or staff of a hospital;
- (ii)he must take advantage of his official position;

(iii) he must induce or seduce a woman;

(iv) such woman must be in his custody⁹³ or under his charge or present in the premises; and

(v) he must have sexual intercourse with her which does not amount to rape.

Such a sexual intercourse must take place within the precincts of the place where the woman was in his custody.⁹⁴

ASSISTANCE TO VICTIMS OF RAPE

In *Delhi Domestic Working Women's Forum v Union of India*³, the supreme court, highlighting ordeals of victims of rape and defects in the present criminal law system vis-a-vis victims of rape, outlined a set of broad parameters to assist them. They are

(1) The complainants of sexual assault cases should be provided with Legal representation. It is important to have someone who is well-acquainted with the criminal justice system. It is important to secure continuity of assistance by ensuring that the same person who looked after the complainant's interests in the police station, represents her till the end of the case;

(2) Legal assistance will have to be provided at the police station, since the victim of sexual assault might very well be in a distressed state upon arrival at the police station, the guidance and support of a lawyer at this stage and whilst she is being questioned, would be of great assistance to her;

(3) The police should be under a duty to inform the victim of her right to representation, before any questions were asked of her, and that the police report should state that the victim was so informed;

(4) A list of advocates willing to act in these cases should be kept at the police station for victims who did not have a particular lawyer in mind or whose own lawyer was unavailable;

(5) The advocate shall be appointed by the court, upon application by the police at the earlier convenient moment, but in order to ensure that victims were questioned without undue

³ 1995(1)SC 14
AIR 1995 SC 392
AIR 1996 SC(2)284

delay ,advocate would be authorized to act at the police station before leave of the court was sought or obtained;

(6)In all rape trails, anonymity of the victim must be maintained ,as far as necessary;

(7)It is necessary ,having regard to the directive principles contained under art 38(1) of the Constitution of India , to set up criminal injuries compensation board. Rape victim frequently incur substantial financial loss. Some ,for example , are too traumatized to continue in employment;

(8)Compensation for victim shall be awarded by the court on conviction of the offender and by the criminal injuries compensation board , whether or not a conviction has taken place . The board will take into account the pain, suffering and shock, as well as loss of earning due to pregnancy and the expenses of childbirth, if this occurred as a result of the rape.

The Code of Criminal Procedure (Amendment)act ,2008 (Act 5 to 2009) has added s 357A, dealing with ‘victim compensation scheme’, in the CrPC. All state Governments, in co-ordination with the Central Government, are required to prepare a scheme for victim compensation.

There is also a provision for relief after inquiry by the State or District Legal Service Authority in those cases where no trail takes place because the offender cannot be traced or identified, but the victim is identified.

VICTIMOLOGY

First and foremost, the victim of rape must be given shelter and help. She has to enabled to get over the shock and regain a balanced state of mind. Then she has to be medically examined and her statement recorded. If investigation into the crime is then conducted and case filed against the accused, there will be chances of the accused being proved guilty. Awakening in women’s orgnisations, self confidence in women, necessary courage and presence of mind in women for self defence are absolutely necessary. Young women must learn the martial arts like karate. There should be rape victim’s aid centres to give them succor, support and shelter at all times. Sympathy towards such victims is need of hour.

NALSA (LEGAL SERVICES TO VICTIMS OF ACID ATTACKS) SCHEME, 2016⁴

According to the National Crime Records Bureau, 222 cases of acid attacks were reported in 2015. The number of acid attacks have been on the rise.

By virtue of Criminal law (Amendment Act), 2013, Sections 326A and 326B were inserted in the Indian Penal Code providing for punishment to anyone who causes permanent or partial damage or deformity to, or burns or maims or disfigures or disables, any part or parts of the body of a person or causes grievous hurt by throwing acid on or by administering acid to that person, or by using any other means with the intention of causing or with the knowledge that he is likely to cause such injury or hurt or who throws or attempts to throw acid on any person or attempts to administer acid to any person. For Private Circulation : Eduational Purpose Only

- “Acid” was defined to include any substance which has acidic or corrosive character or burning nature that is capable of causing bodily injury leading to scars or disfigurement or temporary or permanent disability.
- In *Laxmi v. Union of India*, W.P. (Crl.) No.129/2006, the Hon’ble Supreme Court of India directed that over the counter sale of acid would be completely prohibited unless the seller maintained a log/ register recording the sale of acid which would contain the details of the person(s) to whom acid(s) is/ are sold and the quantity sold.
- Regarding proper treatment, after care and rehabilitation of the victims of acid attack, a direction was issued by the order dated 10.4.2015 to the State Governments/ Union Territories to take up the matter with all the private hospitals to the effect that private hospitals should not refuse treatment to victims of acid attsck and that full treatment should be provided to such victims including medicines, food, bedding and reconstructive surgeries. It was also observed that action may be taken against hospital/ clinic for refusal to treat victims of acid attacks and other crimes in contravention of the provisions of Section 357C of the Code of Criminal Procedure, 1973.

OBJECTIVES OF THE SCHEME : To strengthen legal aid and representation at the national, state, district and taluka levels for victims of acid attacks • To enable the victims of acid attacks to get access to medical facilities and rehabilitative services; • The ultimate objective of the

⁴ WWW.Legalservices.com

Scheme is to ensure that the victims of acid attacks are appropriately rehabilitated in the society and live a life of dignity.

DISCRIMINATION IN IMPLEMENTING LABOUR LAWS: Women in contemporary India are strong, determined and despite great difficulties get out to work. At work place, women are discriminated against in reality. In factories and offices in private sector they are either paid lower wages or employed on low paid jobs. Many factories were still reluctant to give maternity benefits to their women workers. There was also a reluctance to give equal pay to women. Some employees employ unmarried girls on the condition that they leave their jobs as soon as they marry. This is decidedly, unfair, discriminatory and just.

SOCIAL SECURITY SCHEMES OF UNORGANISED WORKER

On January first, 2017 the A.P. Government launched NTR Health Scheme for unorganized workers. A worker who contributes Rs.100/- per month or Rs. 1200/- per year can claim medical treatment for various diseases as specified in the schemes in various corporate hospitals as notified.

The Central Govt. Scheme.

The Prime Minister Janadhan Yojana scheme aimed to protect the health and interest of the unorganized worker. A worker who had bank account with 'O' balance or Rs,200s on the death of worker Rs.2,00,000/- or on permanent disablement of Rs.50,000/-.

The A.P.Government introduced Chandranna Bheema Scheme to provide Insurance for Death and Disablement of Unorganized workers.

Protective rules for working women in world wide :

MATERNITY LEAVES⁵

⁵ Sakshi Daily News 11.3.2017

NATION	Period of maternity leave	Father	salary	Payment authority
India	26 weeks	NO	Upto two children full salary	Establishment
America	12 weeks	No	No salary	-
Norway	40 weeks	10	40 weeks 100% 50-80%	Govt. social Insurance
Sweedon	480 days	Wife + Husband	390 days 80% extra 90 39 weeks 90%	92% reimbursement organization
Australia	52 weeks	14 days	18 weeks national minimum wage	Govt. pays to private employees
China	14 weeks	No	Full salary	Payment by organisation

Conclusion: The Media Plays a pivotal role in sensitizing the public about the stringent laws for the protection of women. A Media democracy advocates for using the mass media to promote democratic ideals. The Fifth estate in modern times Social Media is to awakening the public to understand the Laws of the land to be governed to them. The Media awakens the mass in general, regarding various state schemes to protect weaker sections in the community.