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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

IMITATING THE UNLAWFUL: A CRITICAL ANALYSIS OF THE MEDIA'S ROLE IN SHAPING COPYCAT CRIMES IN INDIA'S LEGAL CONTEXT

AUTHORED BY - MANNIYA SINGLA & MS. PARNEET KAUR

Abstract

The factor of copycat crimes, the replication of the crimes popularised in the media, is emerging as a serious issue in the criminal world of India. The combination of the old cinematography, mass media coverage and emerging digital platforms of the new age has boosted the glamourization and mimicking of illegal actions. The importance of the media, whether the gangsters featured in Bollywood films or the social media viral issue, is evaluated critically in this paper as an influence to the idea of criminal imitation. It investigates the criminological basis like the social learning theory, and the theory of imitation put forward by Bandura and Tarde respectively to understand why the vulnerable groups especially the youth are persuaded to replicate illegal behaviors. On the legal case, the research assesses the disjointed regimes of India under the Indian Penal Code, information technology act and cable television networks regulation act and self-governing Press council and NBSA. Court involvement particularly by ground breaking cases such as *Rangarajan v. Shreya Singhal v Jagjivan Ram*¹. Union of India, are both evaluated to point out the inability of the courts to strike a balance between freedom of speech at Article 19(1)(a) and restriction of freedom of speech under Article 19(2) because of public order. Comparable experiences of UK and US show that there are more leads to criminality brought by media than what their regulatory systems can do. As observed, there are serious policy weaknesses, in particular, there are no particular legal tools concerned with the copycat crimes in India. The paper proposes legislative changes, enhanced digital surveillance measures as well as binding ethical codes of journalism to avoid the legalisation of crime by media. It argues that the society needs a rights-based yet socially-responsive framework that would put at check the increasing menace of copycat crimes and maintain the freedom of media.

¹ *Shreya Singhal v. Union of India*, (2015) 5 SCC 1.

Introduction

Copycat crimes are crimes that are motivated or even followed up on a crime which was reported in the media, movies, books, or even online. The term refers to a causal relationship between media depiction of criminals and its later imitation by people who desire to follow the same procedures, intentions or fame. In India, the issue has become topical due to the emergence of Bollywood and movies that glorify gangsters, profitable news coverage, and the spread of digital technologies thanks to YouTube and Instagram several hundred percent every day. The characteristic is characterized by special socio-legal interests: although the freedom of expression is incorporated in the Constitution, the entire aspect of the media being able to make people commit a crime illegally needs a strict regulation within the lawful scope²

The significance of the topic in India is increased by the fact that mass communication and the psychology of criminals interact with each other. India has one of the biggest film industry in the world, and movie representations of outlaws tend to make it more of the icon in the culture. In addition, smartphone and social media penetration have made viral distribution of information that has a thin boundary between entertainment and incitement possible.

There are four objectives of this research. It begins by reviewing criminological theories, such as the theory of imitation by Gabriel Tarde and the social learning theory by Bandura, as well as, theories that can be used to understand the role of media representations in causing criminal behavior. Second, it analyses the sufficiency of the law in India, including an examination of the Indian Penal Code, stupid technology act, and media miscellaneous laws. Third, it evaluates judicial styles in weighing the constitutional right to free speech of Article 19(1)(a) with the restrictions allowable in Article 19(2). Lastly, it determines policy gaps and provides recommendations on curbing risks occasioned by the phenomenon of copycat crimes caused by the media³.

In a methodological perspective, the paper takes a doctrinal and analytical direction. Primary sources are critically reviewed by studying the statutes, case law and the provisions of the constitution. Secondary sources such as literature on criminology, academic commentary, and policy reports are being combined with the purpose of obtaining a global analysis. Comparative

² Indian Penal Code 1860, s 107 (abetment).

³ Constitution of India, art 19(1)(a), art 19(2).

picture is also used to look at the regulatory models in United Kingdom and the United States and hence the current state of the Indian can be tracked to the wider global rationales of media accountability and criminal imitation⁴.

It is therefore in the introduction that the copycat crimes are not only a criminological issue, but a constitutional and policy issue as well. The phenomenon unveils the conflict between the freedom of expression and social security and necessitates a sophisticated system that preserves the freedom without posing a threat in making the media a platform through which illegal imitation will be spread.

2. Theoretical & Criminological Foundations of Copycat Crimes

A copycat crime refers to a criminal act that is inspired or imitated after exposure to a previous offence, often through media coverage, films, or social networks. It arises when individuals replicate methods, motives, or styles of earlier crimes that have been sensationalised or glamorised.

From a social perspective, copycat crimes highlight the powerful influence of mass communication on behaviour. Media portrayals can normalise or romanticise unlawful acts, particularly among impressionable audiences. They also reflect deeper issues such as societal fascination with violence, the desire for recognition, and the impact of cultural narratives that valorise rebellion or notoriety. Thus, copycat crimes are not only legal concerns but also social phenomena, shaped by collective attitudes, peer influence, and the consumption of mediated content.

The copycat crimes phenomenon would be impossible to react to using only legal focus, as it is also necessary to involve criminological and psychologic aspects of reasoning, which clarify why people repeat illegal actions⁵. Both classical and modern theories indicate the role of social learning, imitation and association in determining deviant behavior, more so with the contribution of media representations.

The Albert Bandura Social Learning Theory is one of the most persuasive models that explain

⁴ Law Commission of India, *Report on Obscenity and Violence in Media* (Report No 277, 2018).

⁵ Albert Bandura, *Social Learning Theory* (Prentice Hall 1977) 22–25.

how people acquire their behaviours because they observe others, imitate them, and model their behaviours. The well-known experiment made popular by Bandura called the Bobo doll experiment proved that those children who got involved with the aggressive behaviour repeated such behaviour as well and this is how observational learning impacts the behaviour. In the Indian scope wherein the industry films and digital products in many of its pieces tend to focus on the exaggeration of violence and criminal smarts, the theory can be used to explain how the viewer may become emulated in the reality of those things produced in the digital world. Media thus occupies not a passive role of reduced in society but a proactive role of fashioning patterns of behaviours.

The Theory of Imitation by Gabriel Tarde as a primary approach to criminology sheds more light on this process⁶. Tarde maintained that crime disseminates in the society just like a fashion, custom, and he proposed that people actualize actions because of their social surroundings which they witness. The media has been a second catalyst of this making the criminal models, which are limited to local societies, extend into national and international spheres. Obsession with bad people, both underworld actors of Bollywood and glamourised real-life offenders exemplify how imitation is not accidental, and often it is focused on people who are viewed as a strong or glamorous.

This understanding is further elaborated by Differential Association Theory produced by Edwin Sutherland. In this theory, learning of criminal behaviour occurs during the interaction with other people who support deviant norms⁷. As an online age, said interaction can be virtual where online society praises illegal activities or invites people to get involved in risky activities. Deviant subcultures thrive in platforms like Instagram or WhatsApp, and social stigma is minimized and making criminal imitation normal.

Psychological frailty is also highly critical in the aspect of copycat crime. Young people are quite gullible and people are searching their identity. The rebellious, notorious or self-expression scripts are given by sensationalist media content. These occurrences, known as identity crisis, whereby people are struggling to establish themselves in the personal axis in a society that has lost landmark identifiers, also place them at a risk of emulating criminals in the

⁶ Gabriel Tarde, *The Laws of Imitation* (Henry Holt 1903) 84–90.

⁷ Edwin H Sutherland, *Principles of Criminology* (4th edn, J. B. Lippincott 1947) 76–81.

limelight as depicted on media⁸. There is the issue of the sensational news coverage, which glorifies the criminals, consequently, placing criminals as examples instead of discouraging them.

The media is, therefore, the physician of crime in which various techniques of crime and means of its execution are passed across other than just the concept of a crime being carried out. However, unlike scholarly teaching, this education usually has no critical context omitting the implications of punishment or social damage. The consequences are an unbalanced education on criminality, in which attraction stimulation supersedes deterrence.

There is one essential difference, however, which needs to be made between description of crime and instigation of crime. Whereas depiction can be a narration or a description of illegal acts of art, or literature, or journalism, incitement encourages or promotes people to commit crimes. This distinction has been recognised in jurisprudence in different jurisdictions who recognize that even as a depiction may be covered under the field of the freedom of expression, incitement is a justified restriction of the law⁹. However, in reality, there is no clear demarcation of this line since too much sensationalism can be de facto incitement, by normalising or fetishising the illegal action.

This is evidenced by theoretical and criminological knowledge to reveal that copycat crimes are not an isolated occurrence but are rather expected consequences of social learning, imitation and mental fragility. Media as a carrier and an agent of transmission take center stage in solving the problem of transmission of crime through the society.

3. Media Influence: From Cinema to Digital Platforms

Media impact on imitation of crimes in India is quite extraordinary as it depends on a length consisting of traditional cinema all the way to emergence of digital media. The media has changed not only into a reporter of crime but also actively creates the criminal imagination, although various types of media, including cinema, television, social media, etc., would leave their unique trace in the minds of people.

⁸ Erik H Erikson, *Identity: Youth and Crisis* (Norton 1968) 128–133.

⁹ *Rangarajan v. Jagjivan Ram*, (1989) 2 SCC 574.

3.1 Cinema and the Glamorisation of Crime

Traditionally, the popularisation of the gangster or anti-hero has been centred on Bollywood. Movies such as *Deewaar* (1975), *Satya* (1998) and *Gangs of Wasseypur* (2012) have shown that these members of the underworld are not only unlawful, but also their role models are acceptable and likeable. These kinds of representations obliterate morality by glorifying and demonizing crime¹⁰. Experimental evidence implies that movie glorification helps to make viewers entertained by outlaws, condoning the need to gain fame as a means of social advancement. In most cases, notorious offenders in real-life situations have confessed to be inspired by what they have seen in the cinema, and this highlights the concrete impact of the medium¹¹

3.2 Television and News Sensationalism

In the post-liberalisation period, television stations changed character and reported on sensational topics in the attempt to attain high ratings. The reporting of crimes usually involves a lot of graphic representations of crimes and thus criminals become household names. The so-called phenomenon of media trial, which is seen in the Jessica Lal murder case, Aarushi Talwar case among others, depicts how news channels fueled by their desire to attract ratings made judicial court collapses in to showmanship¹². This does not merely affect (or violate) due process, it can also tempt impressionable spectators to repeat crimes in order to capture the eye.

3.3 Digital Media and Viral Challenges

The digital ecosystem has increased the velocity as well as the depth and intensity of criminal imitation. Instagram, YouTube, and, at one time, Tik Tok serve as the drivers of social media whereby bad habits are not just shown but also praised, usually in the name of being trendy, taking a challenge or getting entertained. What seemed to be an innocent online activity can soon transform into a mass behavioral imitation, cutting across demographics and geographical boundaries within hours.

A conspicuous case is the Blue Whale Challenge, which began as an underground online game, and which played around with vulnerable adolescents by having them follow a sequence of

¹⁰ Shoma A Chatterji, *Subject Cinema, Object Woman: A Study of the Portrayal of Women in Indian Cinema* (Parumita Publications 1998) 142.

¹¹ Rachel Dretzin, *Frontline: The Merchants of Cool* (PBS Documentary 2001).

¹² *R.K. Anand v. Registrar, Delhi High Court*, (2009) 8 SCC 106.

self-harming tasks until they committed suicide. A number of unfortunate deaths in India associated with this challenge showed how virtual spaces would easily transcend parental control, psychological fortitude, and even institutional authority. The semblance of community that these challenges produce is that the participants are being made to feel that they have been a part of something significant or rebellious when in reality they are being psychologically trapped with fear, being manipulated and isolated emotionally.

Likewise, the PUBG and other violent online games have shown that the digital interaction could make aggression a norm and desensitize the users to violence. Crime reports that are impacted by game stories, like attacks, theft or suicides after a game ban, are indicative of how entertainment can easily cross the boundary between entertainment and reality, particularly in the minds of the easily affected. These games offer a stimulus (the violent nature of the games) and a mechanism of reinforcement (the reward of achievement) that ultimately conditions the user to equate success or domination to aggression.

Contrary to conventional media, where the editors, producers, or broadcasters acted as gatekeepers, social media platforms are driven by the algorithmic virality. Malicious material is able to pass through moral and editorial filters before anyone can even realize what has happened to them. The loops of sharing and engagement in real time do not only enhance visibility but also emotional contagion - viewers imitate behaviors in order to gain attention, validation or curiosity. In this regard, social media has made influence democratic but at the same time, it has broken accountability.

Additionally, the motivations of psychological imitation on the internet are such factors as FOMO (fear of missing out), peer acceptance, and dopamine cycles of engagement. The perception of the desirability or acceptability of the content, even that which propagates harm, is supported by each like, share, or comment. This feedback system turns deviant behavior into digital spectacle, which promotes imitation and not thought.

Simply put, the digital environment has ceased being a passive reflection of society and has become a shaper of group behavior. The speed of its imitation, the moral brakes, and the normalization of the extreme acts are a new level of criminological interest, because now crime is not only done but crowdsourced, aestheticized and algorithmically boosted.

3.4 Comparative Insights

Copycat effects are generalizable as transportable by global experience. The phenomenon of the Columbine effect in the United States was proven in regard to how publicity of widespread school shootings in the media succeeded in unconsciously motivating the future actors of the crime¹³. The Columbine effect became an example in the context of how extensive media reporting of company shootings in schools specifically led to the accidental inadvertent encouragement of IPR by the future actors of the vice. Such debates on anime and video games on Japan also illustrate youth desensitisation to violence. It is on the basis of these comparative insights that the India government should be ever on the lookout to scrutinize the uncontrolled depiction of crime in different mediums since media actually unknowingly scripts how illegal acts can be practiced.

3.5 Media as a Double-Sided Sword

Still, it should be noted that there is an ambiguous nature of media influence. In as much as irresponsible content can be stimulative of imitation, responsible journalism and film have also revealed endemic corruption, broken down roles vested to the hierarchy, and inv these masses to discuss issues of justice. The point, however, is not about the media as such, but the lack of normative structures which would inhibit the glamorisation or sensationalisation of crime. In the absence of the said boundaries, media could easily degenerate into a tool of illegal imitation as opposed to being the tool of democratic accountability.

4. Legal and Regulatory Framework in India

The Indian law is responding to the problem of copycat crimes in a fragmented manner surrounding general law, media specific laws as well as judicial interpretations of the constitutional guarantees. Although no particular statute is solely devoted to the imitation of crime that is based on media, there are certain frameworks put at our disposal that at least offer indirect means of handling the specified problem, though its flaws are quite pronounced.

4.1 Bharatiya Nyaya Sanhita, 2023

The Bharatiya Nyaya Sanhita, 2023 (BNS) has replaced the Indian Penal Code and restructured several provisions relevant to media content and criminal responsibility. Section 111 of the BNS deals with abetment, penalising instigation, conspiracy, or intentional assistance in the

¹³ Ralph W Larkin, *Comprehending Columbine* (Temple University Press 2007) 56–62.

commission of offences. This can extend to media portrayals or broadcasts that deliberately encourage unlawful acts.

Similarly, Section 194 criminalises the promotion of enmity between different groups on grounds such as religion, race, language, or community affiliations, while Section 196 penalises deliberate and malicious acts intended to outrage religious feelings. These provisions update and continue the role of the earlier IPC sections (153A and 295A) but in a more consolidated framework.

Issues of obscenity are covered under Section 292, which prohibits publication or circulation of obscene material that can corrupt or deprave individuals. Courts have historically applied this to films, print, and now digital media, with contentious debates where morality and artistic expression intersect.

While these provisions regulate harmful or provocative content, they remain reactive and general. The BNS does not yet directly address the specific phenomenon of copy-cat crimes arising from glamorisation or sensationalisation in media portrayals, leaving this area to judicial interpretation and policy evolution.

4.2 Information Technology Act, 2000

Online content and intermediary liability is governed by the Information Technology Act, 2000 (IT Act) which has been revised in 2008. The Supreme Court overturned section 66A that made it illegal to send offensive messages in *Shreya Singhal v. The union of India*¹⁴ on the basis that it is generic and excessive, therefore contravenes the article 19(1) (a). Nevertheless, Section 67 still punishes the posting or distributing of obscene content in electronic format and the government gets capacity to block the online information under Section 69A with the interest of the overall order in the society¹⁵. Significantly, Section 79 of IT Act defines a structure of intermediary liability which secure safe harbour to the sites such as YouTube and Facebook under the condition that they respond promptly to the notification regarding the presence of illegal content. This has put the responsibility of monitoring unhealthy trends which encourages copy cat crimes on the intermediaries albeit with inconsistency in its enforcement.

¹⁴ *Shreya Singhal v. Union of India*, (2015) 5 SCC 1.

¹⁵ Information Technology Act 2000, ss 67, 69A, 79

4.3 Cable Television Networks Regulation

Cable Television Networks (Regulation) Act, 1995 is a statutory social regulation of the television over air. The Act forbids broadcasting of any programmes that offends decency and subsequently incites violence and/or weakens national integrity¹⁶. The code of the Act that is the Programme Code stipulates the rules to be followed by the broadcasters, which include the ban on glamorising violence. But it is usually said that these codes are extremely unclear, and least intended to be effective in deterring. The regulatory framework of the 21st century is still inadequate to such kind of decentralised user-generated content that is reigning in the digital spheres.

4.4 Self-Regulation Mechanisms

The self regulatory agencies like the Press Council of India (PCI) and News Broadcasting Standards Authority (NBSA) have a role to play along side those that are statutory. The mandate of the PCI covers the maintenance of journalistic ethics, whereas the NBSA provides the advisories on the responsible accounts on issues related to sensitive areas of interest¹⁷. They, however, have no powers to punish wayward media houses but administer censure or warnings. This is further watered down by the competitive nature of ratings which encourages sensationalism as opposed to restraint.

4.5 Constitutional Framework and Judicial Balancing

Article 19(1)(a) and Article 19(2) respectively are constitutions that guarantee freedom of speech and expression and conditions of reasonable restrictions, respectively, with provision of such reasons as order, decency and even morality. The crucial aspect of jury interpretation on this balance has been at the forefront in determining the media regulation. In *Rangarajan v. Jagjivan Ram*¹⁸ The Supreme Court, in *Jagjivan Ram*, explained that censorship should pass some prong of proximate danger, which the court warned against censoring free speech only because of conjectural threats. Conversely, in *Aveek Sarkar v. State of West Bengal*¹⁹. The Court followed a modern community standards test of obscenity, thus emphasizing the dynamism of allowable restrictions, *State of West Bengal*. That jurisprudence blends bitterness in trying to balance media freedom and its harmful potentiality.

¹⁶ Cable Television Networks (Regulation) Act 1995, s 5; Cable Television Networks Rules 1994, r 6.

¹⁷ Press Council of India Act 1978, s 13; News Broadcasting Standards Authority, *Code of Ethics and Broadcasting Standards* (2008).

¹⁸ *Rangarajan v. Jagjivan Ram*, (1989) 2 SCC 574.

¹⁹ *Aveek Sarkar v. State of West Bengal*, (2014) 4 SCC 257.

5. Judicial Responses and Case Studies

The Indian court has been in the forefront of shaping the boundaries of free speech, media responsibility, and the civility. Although it has not been directly involved in handling copycat crimes on its own, looking at the way courts have reacted to some of these issues causatively effecting such as censorship, obscenity, media trials, and online challenges the cumulative effect of such fears has been seen in dilution to the unchecked disposal of dangerous media portrayal. The jurisprudence shows an awkward balances one being protection of Article 19(1)(a) and the *other being the threat of imitations and social vices*.

5.1 Landmark Judgments on Media and Expression

In Rangarajan v. Jagjivan ram, as stated by the Supreme Court that freedom of expression cannot be throttled unless the circumstance poses an evident and immediate threat of violence. It is possible to say that the Court noted that simple speculation about harm is not enough to restrict it, the threat should be proximate and necessarily certain²⁰. Although this ruling safeguarded creativity in film making, it had a slew of opening the circle to whether glamorisation of crime, which is not immediately harmful, would result in long-run imitation attempts.

In Shreya Singhal v. Union of India, The Court held that IT Act Section 66A was unconstitutional due to its vagueness and being over broad²¹. The decision strengthened India's support of free speech in digital, but nevertheless undermined the role of the state in controlling dangerous online communications including viral challenges that can provoke criminal imitation. This tension highlights the superior approach of the judiciary when they are concerned with rising in favour of liberty against the possibility of unregulated damaging expression.

Aveek Sarkar v. India, entered into law, July 1, 1959, leading to 1960. The Supreme Court in Aveek Sarkar v. State of West Bengal abandoned the Hicklin test to the modern day community standards test in declaring obscenity²². This liberal trend made Indian law compliant with contemporary concepts of morality as it also led to doubts over subjectivity when it is asserted that the media is idealising perception over illegal actions. Devoting attention to the modern

²⁰ Rangarajan v. Jagjivan Ram, (1989) 2 SCC 574.

²¹ Shreya Singhal v. Union of India, (2015) 5 SCC 1.

²² Aveek Sarkar v. State of West Bengal, (2014) 4 SCC 257.

norms, the Court tacitly received the active role of media, but stopped the analysis and examination of copycat phenomena.

5.2 Media Trials and Copycat Linkages

Opinion by the judiciary on court cases involving media is yet another indicator of how sensational cases can be reported. The excessive frequency of coverage of a case by television networks in the Jessica Lal murder case mobilized opinion among the populace, virtually affecting the prosecutorial process in that case as a result (McAnis, 2007). Though this activism led to justice, it also showed the weakness of the judiciary in front of the pressure exerted by the masses by creating narratives in the media. The legislative changes achieved in the Nirbhaya case were not only influenced by the wall-to-wall coverage, as the news stories were extensively covered but also contributed to the imitation events when offenders attempted to imitate the brutality mentioned in the headlines²³. Such sensationalism has not gone unchecked by the courts who have pointed out that such sensationalizing breaks the right to a fair trial and has the negative effect of encouraging the repetition of crimes.

Such cases as the Blue Whale Challenge came to court because of the emergence of the digital copycat crimes. The Supreme Court in their response to petitions gave the government a direction to control hazardous online games and this is because of the contribution of the digital platforms in facilitating harmful imitation²⁴. Likewise, there were numerous controversies about PUBG, and a number of High Courts accepted petitions to essentially have online game bans, with the important premise that online games are particularly addictive and violent (Bonnin 7). Although certain bans were imitato termini, the judiciary tended to leave regulation of the virtual spaces to the executive agencies, thereby pointing to the lack of consistent doctrinaire understanding of the matter.

5.3 Comparative Perspectives

The Indian discourse is enhanced with comparative observations. The Of com Broadcasting Code is a binding regulation in the United Kingdom, which obliges the broadcasters not to glorify too much violence, safeguard minors, and be accurate²⁵. It is a proactive statutory model

²³ Flavia Agnes, 'Nirbhaya and the Emergence of a New Legal Discourse' (2013) 48(50) *Economic and Political Weekly* 23.

²⁴ Press Trust of India, 'Blue Whale Challenge: SC Asks Centre to Respond' *The Hindu* (25 September 2017).

²⁵ Ofcom, *Broadcasting Code* (UK, 2017) Section 1.

that is unlike that of India, where there is dependence on scattered legislations and the absence of self regulation. In the United States, however, the court, following the First Amendment, greatly holds media freedom, enabling it to only restrict under the imminent lawless action test, and thus proximate, harm proves pervasive and diffuse over the long run damage caused by media.

A judicial disposition to conserve expressive liberties in preference to confronting the insidious threats of copycat-crimes comes out in Indian jurisprudence. Cases of landmark cases strengthen free speech without much room to preventive regulation. Although it has been seen that courts have sometimes evergrasped into digital problems and media trials, these solutions are repressive and temporary. Experience itself indicates that India needs to further work on its policies and judicial practice to respond to the mimics created by the media without compromising the constitutional freedoms.

6. Challenges, Policy Gaps & Recommendations

Laws governing copycat crimes in India have not been sufficiently developed and this is mainly due to the fact the treatment of the law system, which evidently treats it as a side by- productive, resulting out of obscenity, defamation or incitement legal issues rather than a socio-legal problem. Due to the lack of coherent doctrine, there have been incoherent statutory responses, judicial interventions on a case-by-case basis and scant enforcement frameworks. This section examines the key hurdles and challenges, highlights the existing policy gaps and outlines recommendations on how to create a rights based but a socially responsible framework.

6.1 Challenges

One of the dilemmas of censorship and freedom of expression has reached fundamental stages. Article 19(1) of the constitution guaranteed protection to free speech in the article 19(1) under a reasonable restriction in Article 19(2)²⁶. It has been reiterated by the courts that restrictions should be only limited to preclude proximate danger but not behaviour with a speculative harm. The copy cat crimes can however arise in a slow process that it is hard to prove that it is proximate causation. Over censorship will have a threat of chilling artistic and journalistic freedoms on the other hand surveillance will not control criminal counterfeiting.

²⁶ Constitution of India, art 19(1)(a), art 19(2).

The second issue is the problem of improving digital enforcement. On contrary to the old models of broadcast, the digital platforms are decentralised and user-made. This is because nasty content could be viralized within minutes, something that the state officials cannot control. Tackling intermediary liability according to the IT Act has been evaluated to be placing unrealistic anticipations on platforms to monitor content and even giving them extensive security measures with the help of safe harbour behaviour,²⁷. The recent viral spread of malicious problems such as Blue Whale and violent video games scandals describe this enforcement dilemma.

Lastly, one cannot mention the lack of a certain legislation on copycat crimes brought forth as a result of the media. The current laws in either the IPC or the IT Act deal with the obscenity, public order or abetment but arguments do not directly involve the glamorisation of felons or indirectly promoting illegal behaviour. This absence is indicative of a larger avoidance of the criminal actingness of media.

6.2 Policy Gaps

The regulatory system of India is intermittent. Scattered are found in the IPC, IT act, Cable Television Networks Act and in the self-regulatory codes, and no single piece of legislation is available to hold media responsible in case people commit crimes by following their TV programmes.

The self-regulation has failed tremendously. The News Broadcasting Standards Authority and other bodies like Boustitution Bodies like Press Council of India have no binding powers to enforce; they normally restrict themselves to censure or warnings²⁸. The mechanisms in the extremely competitive media market based on ratings and virality have minimal of deterrent effects against sensationalism.

No anti-glamourisation deterrent exists as well. The issues of glorifying gangster or normalising violent behaviour have not been dealt with in courts yet and have not dealt with issues of obscenity or hate speech. Consequently, it is possible to avoid investigations of the media materials presenting the criminals as the cultural icon, either on the film or digital scale,

²⁷ Information Technology Act 2000, s 79.

²⁸ Press Council of India Act 1978, s 13; NBSA, *Code of Ethics and Broadcasting Standards* (2008).

without facing any prosecution according to the current legislation.

6.3 Recommendations

(i) Code on Crime Depiction in the Media: India needs a statutory code which is similar to the Ofcom Broadcasting Code in UK and which directly governs representations of crime and violence. This code would also forbid glamorisation, be obligatory to put crime into perspective, and would specify disclaimers which would note the legal repercussions of illegality of the act²⁹.

(ii) Intensified Digital Surveillance: The IT Act should enforce digital monitoring through making intermediaries install AI-based devices to compute returning of harmful tendencies and transparency reporting as well. It is necessary that such measures are anchored in the middle between monitoring and the rights to privacy and not exceeded at the expense of accountability.

It is (iii) Judicial Rules about Responsible Media Reporting: The Supreme Court under its Articles 141 and 142 may also provide procedural direction on responsible reporting of sensitive cases, as was done by the Vishaka directive on workplace harassment³⁰. Court rulings would assist in harmonisation efforts of practices though different jurisdictions till legislative changes were implemented.

(iv) Comparative Best Practice Adoption India can borrow the best practices elsewhere. A UK statutory Ofcom Code gives one example of how preventive regulation might work, but the experience of self-regulation in the US just has underlined the perils of over-reliance on self-regulation under the First Amendment. There is a middle way that India can cement of providing protection to the free speech and instituting mechanisms of enforcing accountability measures in the country³¹.

6.4 Concluding Remarks

The inherent difficulties in controlling copy nature crimes points out to the lack in the legal provisions in India. An unreasonably active censorship also endangers the democratic liberties and laissez-faire control invites the media to become a channeler of illegal activities. What is

²⁹ Ofcom, *Broadcasting Code* (UK, 2017) Section 1.

³⁰ *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241.

³¹ *Brandenburg v. Ohio*, 395 US 444 (1969).

needed is a middle ground: that both now recognises the need to exercise the expressive exception rights within the Constitution, but that also should consider the duty of the media not to pluralise or romanticise a life of crime. One can have a dignified digital surveillance, socialization through a stronger law, guidelines by the judiciary and imitation of comparative optimum practices can result in making sure that India develops a social and rights consciousness system. The response to copycat crimes should never be concerned with a silence of media but with some sort of responsibility in covering crime in the technology and cultural era like never before.

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