

## LEGALITY OF STING OPERATION

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The expression '**sting operation**' has emerged from the title of a popular movie called "**The Sting**" which was screened sometime in the year 1973. The movie was based on a complicated plot hatched by two persons to trick a third person into committing a crime.

The word "sting" derives its origin from American usage to mean a police undercover operation designed to ensnare criminals. The word "sting" is a synonym for the expression "set a trap to catch a crook". Sting Operation is an information-gathering exercise; it looks for facts that are not easy to obtain by simple requests and searches, or those that are actively being concealed, suppressed or distorted. A sting operation is an operation designed to catch a person committing a crime by means of deception. Typically, a sting operation involves an investigative agency such as the police or the media, who lure a criminal to commit a crime in order to trap them red-handed. They might pose as a criminal themselves, and thereby set up a trap in terms of an alluring offer, often known as a **honey trap**. Once the target takes the bait, the trappers "sting" them by way of arrest or publication.

In more refined terms, sting operations can be called as **Investigative Journalism or Undercover Journalism**. Media is termed as the fourth estate or pillar of any Democratic Government. In fact, the extent of freedom enjoyed by media in a particular state is now considered as one of the most essential democratic credentials of that state. *Pandit Jawaharlal Nehru called media 'the watch dog of our democracy'*. This is why most constitutions worldwide have guaranteed freedom of the press as a fundamental right.

Sting Operations are generally undertaken with a view to look into the working of the government or to see whether the acts of any individual is against the public order. On the basis of the purpose Sting Operations can be classified as positive and negative.

**Positive Sting Operation** is one which results in the interest of the society, which pierces the veils of the working of the government. It is carried out in the public interest. Due to positive sting operation society is benefited because it makes government responsible and accountable. It leads to the transparency in the government.

On the other hand **Negative Sting Operations** do not benefit the society, but they do harm the society and its individuals. It unnecessarily violates the privacy of the individual without any beneficial results to the society. These types of Sting operations if allowed will hamper the freedom of the individuals and restricts their rights.

But in India, the press' freedom of expression is akin to that of a citizen and hence either restricted or not duly regulated. The Constitution of India does not expressly mention the liberty of the press. Instead, Article 19-1-A includes it under citizens' freedom of speech and expression.

Liberty of the Indian media may be understood by Article 19-1-A which incorporates within itself right to receive information about any event, happening or incident etc. and freedom of speech includes freedom to communicate, advertise, publish or propagate ideas and the dissemination of information.

Dissemination of information is inevitably preceded by uncovering information, which brings us to Sting Operations. Sting Operations were initially about exposing acts of an institution or individual those are against the public order. They were meant to empower society with enhanced awareness, but several instances over the years have been more about the pursuit of profit and short-term sensationalism.

Being essentially a deceptive operation, though designed to nab a criminal, a sting operation raises certain moral and ethical questions. The victim, who is otherwise innocent, is lured into committing a crime on the assurance of absolute secrecy and confidentiality of the circumstances raising the potential question as to how such a victim can be held responsible for the crime which he would not have committed but for the enticement.

Such journalism has been raising issues regarding law and ethics and has resulted in various questions; whether deception is legitimate when the aim is to tell the truth or can journalists use false identities to gain access to information. The critical question is "to what extent can the media go and to what extent should a person be informed?"

The carrying out of a sting operation may be an expression of the right to free press but it carries with it an indomitable duty to respect the privacy of others. In India we have no specific laws to govern such operations but a person can go to the court under different laws to protect his rights and freedom. A private action for damages may lie for an unlawful invasion of privacy under Torts. They also

violate the right to privacy guaranteed under Article 21 according to Supreme Court and such a violation is protected under Article 19(2). A person who welcomes media interest in his life will not be able to claim a right to privacy as easily as a private individual. The apex court, however, has always upheld the importance of an informed citizenry.