

Problematising Sexual Assault Against Dalit Women: An Analysis of Media Reports in the Hathras Rape Case

A Thesis

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by

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Certificate

This is to certify that this dissertation entitled Problematizing Sexual Assault Against Dalit Women: An Analysis of Media Reports in the Hathras Rape Case towards the partial fulfilment of the BS-MS dual degree programme at the Indian Institute of Science Education and Research, Pune, represents the study/work carried out by Gowri Niranjana at Indian Institute of Science Education and Research under the supervision of Dr Chaitra Redkar, Associate Professor, Department of Humanities and Social Sciences, during the academic year 2021-2022.



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This thesis is dedicated to my amma

Declaration

I hereby declare that the matter embodied in the report entitled Problematizing Sexual Assault Against Dalit Women: An Analysis of Media Reports in the Hathras Rape Case are the results of the work carried out by me at the Department of Humanities and Social Sciences, Indian Institute of Science Education and Research, Pune, under the supervision of Dr. Chaitra Redkar and the same has not been submitted elsewhere for any other degree.



Gowri Niranjana

Date: 11/05/2022

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Abstract

India is no stranger to violence against women. For decades since independence, ruthless crimes against women, especially rapes, have coalesced into protests that have paved the way for groundbreaking legislation and changes in public perspective. This has always been delivered to the ordinary person through the language of the media. This social construction of violence by media, however, has always been inseparable from the clutches of power dynamics, patriarchal discourse, caste hegemony, rape culture and now polarisation of media and politicisation of violence.

This study explores the media reporting on the rape and eventual death of a 19-year-old Dalit girl from the Hathras district in Uttar Pradesh on 14th September 2020. Set in the clear context of post-2012 Delhi gang rape, the research looks to identify the media semantics used in portraying the victims, accused, the incident, the influence of caste and the political importance of this case as seen in major print and electronic media.

The study uses feminist critical discourse analysis and intersectionality framework to find that the Indian media's treatment of reporting of gang rape is dependent on the caste of the victim and the accused and the political context in which the case is set. Analysis shows that the unrequited importance given to the political context and politicization of the case by both the ruling and the opposition parties and the media leads to an absence of respectable, legitimate, fruitful discussion in the public sphere on the relevance of caste-gender intersectionality, state impunity and public mentality.

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List of Abbreviations

TOI – The Times of India

HT – Hindustan Times

HN – The Hindu Daily

SI – Scroll.in

TP – The Print

TG – Telegraph India

OP – OpIndia

TW – The Wire India

FSL – Forensic Science Laboratory

DM – District Magistrate

UP – Uttar Pradesh

WHO – World Health Organization

Introduction

The WHO defines sexual violence as a “serious public health and human rights problem with both short and long-term consequences on woman’s physical, mental, and sexual and reproductive health. Whether sexual violence occurs in the context of an intimate partnership, within the larger family or community structure, or during times of conflict, it is a deeply violating and painful experience for the survivor.” (*Sexual Violence | WHO*) Sexual violence also transcends the boundaries of countries and continues to be a challenge in developed, developing and under-developed countries. Even when statistics of various countries may differ according to legal definitions of rape and sexual violence adopted by each and the level of stigma that is widely associated with such crimes, it is a well-established fact that levels of education and other social indicators alone cannot successfully mitigate the issue. However, apart from its effect on the person subjected to the said violence, the outrageousness of the crime itself leaves deep marks on the collective psyche of societies because of its unique ability to transcend the boundaries of physical violence and be an embodiment of power and dominance, be it be of a particular gender over another or of a community over another. Thus, instances of sexual violence, especially rape, have the potential to leave deep marks on the collective consciousness of society at large, triggering outrage and even meaningful change.

Simply owing to the sheer number of women who get assaulted or raped each day, it is practically impossible for all the cases to get the attention it deserves. Even while considering all the cases reported, only a select few get enough attention from the media and political block to make a mark in the discourse or have reforms either as legal amendments or as how society perceives such crimes. These crimes become part of the discourse because they are able to move people. They thus become politicised, albeit for various specific reasons but ultimately for the political capital they possess. However, this also leads to a clash between the discourse that comes with politicisation and the discourse surrounding the crime itself. Thus, it requires examination of how this inherent politicisation of a rape case affects the two intrinsic factors that shape its discourse – gender and identity.

On 14th September 2020, a 19-year-old girl from a Dalit community in the Boolgarhi village in Hathras in the state of Uttar Pradesh was reportedly attacked by four men from her village. She was critically injured and was admitted to the hospital along with an FIR filed for the attempt to murder. When she regained consciousness at the hospital on September 22, she gave her statement to the police, telling them that she was raped along with naming all four of her rapists. She died of her injuries a few days later at another hospital in Delhi. The death of the 19-year-old from her injuries and the mishandling of her case by the state police already gave her case enough attention. Coupled with this was the fact that she was a Dalit – a Scheduled Caste – in India.

In the Indian context, caste is as relevant as any social institution that has existed ever in history. Far from the superficial understanding of caste being a naïve division of labour, it has overarching consequences that continue to affect day-to-day life decades after the Constitution abolished it and various safeguards were set in place. The relationship between caste and gender norms has been examined widely across disciplines. Culturally sanctioned violence on women’s bodies has historically been part and parcel of the caste system. Positioned at the bottom of the country’s intersectional caste, class and gender hierarchies, Dalit women experience endemic violence on a daily basis as a result of highly skewed social, economic and political power equations. Violence against Dalit women is clear evidence of the widespread

exploitation and discrimination against women who are subordinated in a patriarchal system and also against a community based on caste. Here, the violence perpetrated results from gender-based offences intensified by a hierarchical social order and is crucial to maintaining the Dalit women's position in society.

Even after the momentous public protests that rocked the country to the core a decade ago in response to the rape of a medical student in Delhi, the rape of Dalit women is largely invisible in the public discourse, which is today dictated by media, with even little public outrage. In an era of 'campaign journalism' (D. Arya, 2015), the instances of Dalit women getting raped very rarely get any attention from the media. According to a report by the National Crime Records Bureau of India, at least 10 Dalit women are raped per day, and their vulnerability to rape has increased by 44% in the last ten years ("Crime In India," 2020). Barring the case of the rape of the 19-year-old in Hathras in 2020, there has not been any significant instance when the rape of a Dalit woman got considerable media attention. This makes it imperative to examine how the discourse surrounding the case came about and why.

The brutal gang-rape of a young woman in Delhi in 2013 and the protest-cum-solidarity movement it triggered bought about a renewed enthusiasm for coverage of sexual assault cases in India (D. Arya, 2015). However, has this coverage been in any way representative of the many realities that exist in our country? The victim here was 'an ideal victim' (Estrich, 1988; Nicola, 2005) – she was a young student, was not travelling alone, did not provoke the rapists, and fought back with all her strength. Everything that happened that night in 2012 December was an act of monstrosity done by deviants of the society (Bhandari, 2021; K. Kannabiran, 2008), and most importantly, it happened in the state capital with a high density of media houses and their enormous resources that enable sustained coverage as well interest in the incident and its aftermath. Very rarely has another case gotten this level of attention, even when the impact and reach of media increases day by day.

In her work on the nature of reporting sexual assaults, Divya Arya mentions that the nature of reporting highly sensationalised crime like sexual assaults that tends to get exorbitant media attention happens in three stages - selection, newsgathering, and presentation (D. Arya, 2015). The process of selection is critical not just for reporting the crime and the consequent exposure it will gain but also because, on a broader pool of coverage, it has the potential to reinforce/challenge the perception of the crime and its incidence. It is important to note that even though it falls under the broader purview of violent crime, the sexual component inherent to rape puts it into an altogether different category because of its unique ability to influence and be influenced by deep-seated and often downplayed notions of gender roles, power, and subjugation (D. Arya, 2015).

In her book "Real Rape," which looks at sexism in rape laws, Susan Estrich comments on how the seriousness of the crime is judged by the extent of physical injury, articulation of threats, whether the people involved knew each other, the location of the crime scene, if the victim resisted so on and so forth. Anything that deviates from "a stranger puts a gun to the head of his to kill her or beats her, and then engages in intercourse" (Estrich, 1988), the interpretation of the seriousness of the crime move farther from ideal. They become less criminal, and guilt is also passed on to the victim (D. Arya, 2015; Estrich, 1988; K. Kannabiran, 2008). There is a well-documented emphasis on 'real rape' and 'ideal victim' when it comes to media also. The ideal victim is weak, respectable, and someone who can garner sympathy in the eyes of the public. It is more so when the victim is vulnerable, like a minor, or the extent of violation done to her is extreme, like in the case of gang rape. These cases have a higher chance of getting better coverage, for it is highly improbable that the victim "bought the assault upon herself"

(Butalia et al., 2019; Kannabirān & Menon, 2007). A similar criterion exists for ideal offenders as well. The most significant is that the rapist should be a stranger and should have a social standing that would let him be described as a ‘monster.’ Here, it is essential to note that statistically, only 2% per cent of rapists are strangers (McLoughlin, 2019; Pal, 2018; S. Rao, 2014; Wright, 2017). The representation is skewed at the very first stage of selection – an over-representation of ideal rapes translates to rape being an overtly violent crime reserved for the strangers hiding in the dark, waiting to pounce on unsuspecting women, rather than the

The second step of a crime becoming a story is newsgathering. This involves sources and resources used. Crime reporters scrutinise information from their various ‘sources,’ cross-checking facts to report back to the media house to determine the feasibility of coverage. It is here that the role of the external institutions, primarily the police, comes in. The media relies a lot on the statements of police officers and the investigations to create the ‘story’ that eventually reaches the public. Thus it becomes crucial to look at whose voice is heard in the reports (D. Arya, 2015). Next comes the presentation of the story, with all in arms to battle for the attention of the audience. By late, there has also been a tendency for campaign journalism, with media houses competing for “successfully owning or leading the coverage, and ‘achieving impact.’”(D. Arya, 2015) In this rush to take credit and outdo the competition, the good practice of sustaining coverage gives way to opinionated media campaigns, a cacophony of debates that push for quick fixes and highlight individual cases that gain traction as a means to an end to keep the audience on their toes (Fonseca et al., 2019; Karunakar, 2021). This, in turn, means an overemphasis on the social stereotype of the rape victim either being a pure, innocent, ‘true victim’ or an immoral woman with questionable characters (Kannabiran, Kalpana Kannabirān, 2002; Kannabirān & Menon, 2007).

The project tries to look into how the public discussion regarding violence against Dalit women is as presented in the media. In light of the dynamics of caste and how they shape women’s identity and the clear absence of Dalit voices not only in the mostly savarna, family-owned traditional media outlets but also in the newsrooms and editorial boards all over, an attempt is made to examine is how media impacts casteism, whether or not it reinforces the systemic disempowerment, misrepresentation, and discrimination of individuals and communities of lower castes. This will be done by discourse analysis of online editions of selected national dailies and digital media outlets reporting on the Hathras rape case in 2020.

[Why Hathras](#)

The profile of the Hathras case falls in a very delicate setting. The events that transpired on 14th September 2020 fit the mould of a ‘real rape’ in every way except that she was Dalit. The woman was attacked in the morning, i.e., not in the dark, when she had gone to the field near her house to gather fodder with her mother. She was not alone, was not travelling at night, was not in someplace she was not supposed to be also. She resisted her attackers, and they had to overpower her. She was also very brutally injured, increasing the news value of the incident. Additionally, she ‘fought bravely’ to survive, even giving a statement that names all the accused. From the point of view of the unfolding of the events in the fortnight from 14th September, the day she was attacked, to 30th September, the day she died, she was a victim of real rape. It is here that an interesting question pops up. Despite being a victim of a real rape, was she an ideal rape victim?

The 19-year-old girl who was raped and murdered belongs to the Valmiki community in Uttar Pradesh, a scheduled caste (Dalit) in North India. It would be naive not to consider the implications of this when trying to paint the profile of the victim. The caste system and the

associated theorisation of Brahminical patriarchy (Butalia et al., 2019; Chakraborty, 2018; Rege, 1998) have been extensively developed to understand how caste relations and gender equations work in tandem to conserve the hegemony upper castes have enjoyed for centuries. This hegemony translated to not just traditional occupations and notions of purity but also complete control of social capital and thus social, political, and cultural power by the upper castes. This hegemony has been maintained by the continued appropriation of capital, labour and social capital from those in the lower rungs of the caste hierarchy, most prominently the Dalits. This entitlement to labour also involves access to the sexual labour of Dalit women. This is very vital to understanding how caste and gender pan out in the discourse surrounding the rape of Dalit women. First, the women's bodies become sites where the identity of a community is constructed. The ultimate punishment for a community thus lies in the honour of its women's bodies. Secondly, it reinforces the upper caste privilege that lower caste women are more "available", and any digression from it is dealt with the use of force, i.e., culturally and ritually sanctioned physical, violent use of force, including rape (Chakraborty, 2003; V. Kannabiran & Kannabiran, 1991; Teltumbde, 2007b).

In the Hathras case, there were multiple reports of existing caste tensions between the victim's Dalit family and the accused Thakur family over land. Land, the most critical social and economic capital in rural India, has always been at the centre of caste conflicts. Thus, here we have a victim whose profile falls at the centre of the caste conflict, but with a very newsworthy and sensational story. This makes it important to examine how various media platforms follow her story and what narrative each tries to focus on.

Research Method

Based on the studies mentioned above, this study will look into the specific intersection of these two areas; about how the misrepresentation of Dalit voices and narratives in media, in turn, shapes how rapes of Dalit women are portrayed. This will be done by examining how the story of the Hathras rape and murder case unfolds itself on prominent Indian media platforms. The premise of the study will be the prevalence of rape of Dalit women as a function of her communal identity and a misrepresentation of the community in an institution that wields more power to influence public opinion.

The feminist critical analysis will look at victimisation, sensationalist vocabulary, naming as a psychological tool, rationalisation of sexual violence, victim-blaming, shame-blame framework, and misrepresentation dictated by stereotypes/popular narrative etc. It will look at questions like - What information is included in the news report? Does this information in any way reflect the location of the victim vis-à-vis her caste? How does caste feature in these reports, beyond just a classification to identify the victim? How are the above-mentioned questions featured across newspaper/news websites based on their political leaning? What do the comments reflect about the public opinion regarding the same? How many times was poverty/low levels of education/ bad neighbourhood mentioned? How often did language reflect it as 'normal'? Was the crime rationalised? Who were the sources? Which media outlets report what and why? How often did rehearsed narratives hijack the incident? Who emphasised what parts of the narrative? How many were rationalised as caste conflict? Was caste mentioned concerning the victims' location/context rather than the caste of the victim? How often did the shame/blame framework incorporated into the rhetoric and language? How is caste perceived outside the country? How is the 'rape culture' in India depicted?

The Nirbhaya case (2012) bought the issue of rape back into public debate. The political and social capital of brutal rapes, like Nirbhaya, has only increased. However, the invisibility of Dalit voices on media platforms can lead to a biased and inaccurate portrayal of these stories, especially in traditional, family-owned newspapers. Even when we expect the “alternate media” to treat these cases with the required sensitivity; however, they are also found to have little to no representation in newsrooms (Oxfam, 2019) which raises serious concerns about how their narratives pan out. We also expect an exoticisation of rape of lower caste women as a problem in rural India, a continuation of decades of ‘Rural Developmental journalism’ focusing on caste disputes and conflicts in villages throughout the country.

In our society, the role of media has risen from a means of mass communication to an authority with immense power to control and even generate a public opinion. This coincides with a very significant effort to underplay the existence of caste and how even under constitutional protection, the Scheduled Castes and Scheduled Tribes are institutionally marginalised. In such a political climate, the study would give a better idea of 1) how her communal identity influence if her case is reported, and if yes, how and 2) how her representation in media, even today, follows notions of Brahminical Patriarchy.

Media/Sources

The media platforms that are part of the study are divided into two 1) daily newspapers with print circulation and 2) digital media platforms. The national dailies are referred to as traditional newspapers and are selected according to the readership as per the Indian Readership Survey 2019 (IRS, 2020) and the Auditor Bureau of Circulations (“Audit Bureau of Circulations (ABC),” 2019). Even though there is a slight decrease in overall readership according to the Indian Readership Survey 2019, multiple studies have shown that print is still seen as a more credible source of news than TV news. For instance, according to the CVoter Media Consumption Study 2020, 66.6% of the 3,000 respondents cited newspapers as their “most important” source of information, and 72.9% said they believed that print news was more reliable than TV (CVoter Media Consumption Survey 2020, 2020). An April 2021 survey report by the media consulting firm Ormax, which measured the “credibility perceptions of news media”, similarly found that 62% of the 2,400 respondents believed that print media was the most factually accurate source of news (Ormax Media Report | April 2021, 2021). This is a reflection of the strong culture of print media in India. Some of these newspapers have been there since the era of colonisation and hold high esteem in the public eye. This, however, has also not deterred them from expanding to the newer regimes of the internet’s fast-paced, live and breaking news culture. All of them have digital platforms that serve both as a repository of archives and as a platform to ‘break’ new stories throughout the day. This way, they have maintained the perceived credibility that comes with being a print source rather than ‘somewhere on the internet’ while staying ahead of the changing nature of news reporting. This extensive communication using print, electronic and social media makes them immensely powerful and effective in setting the agenda and public opinion. The traditional media outlets also have a very clear upper hand over the new up and coming digital media platforms in terms of being run by a well-oiled network of reporters and bureaus throughout the country. The very strong infrastructure most of these have developed over decades gives them the ability to be able to come across a wide range of stories from diverse settings throughout the country. Their online presence also lets them be able to publish these stories in real-time and without the constraint that comes with the number of pages in print.

The digital media platforms, or “alternative media outlets”, refer to news websites that are solely online, with no print editions. It is important to note that these outlets function under the banner of an alternative to traditional media representing local and marginalised communities ignored by the traditional media and government. They have all come up in the 2010s on a platform that advocates control of news and thus public opinion away from the corporate-owned big media. John Downing defines alternative media as “radical alternative media’ that express an alternative vision to hegemonic policies and priorities and perspectives” (John D H Downing, 2001). They, for the most part, are funded by small donations or sponsorships and have restrictive budgets for their stories. Some of the very established ones have now also started to have some subscriber-only content – mostly analysis and special reports - along with regular reporting. The digitisation of images, sounds and data and the growing power of electronic communication has given way to greater intractability between the users and those who produce the content (Atton, 2002). This is the premise that alternate media works.

Internet media, through its accessibility and real-time approach, has brought a new era of disseminating information to the public. Alternate media takes it one step ahead by trying to bring in perspectives that are not usually discussed by the government or corporate media. Dalit and Adivasi communities and social movements like Narmada Bachao Andolan were some of the earlier beneficiaries of this radical form of disseminating information. They have only grown from there, with entire platforms like Tehelka and Cobrapost.com that began an entire era of investigative journalism in India (D. Arya, 2015; Belair-Gagnon et al., 2014; Diwakar, 2020). Irrespective of restrictions that are placed upon them by restrictive budgets have taken up stories that the mainstream stays away from, uncovering the scams, fraud, scandals and illegal activities by the corporate sector and strong takes on the political elite (Nagar, 2016; Pande & Nadkarni, 2016). The very thing that restricts them – lack of corporate or government backing – makes them independent to publish stories that may not sit well with the ruling and political elite. The lack of print structure also gives them the freedom to bring out stories about the marginalised and minorities without fearing backlash in the form of loss in circulation or ad revenue. They also have been some of the strongest critics of how media itself works, with platforms like Newslandry actively analysing media and Alt news fact-checking media reports irrespective of source.

In the reporting of the Hathras rape case, it is thus expected that the alternate media sources considered will take a more grounded, intersectional perspective of the 19-year-olds position as a Dalit woman. It is expected that the discussion spearheaded by these is focused on how the system is still vulnerable to the dictates of the caste system. It is also expected that the traditional media, mostly owned and operated by upper-caste families, reflect less upon the caste dimensions of the crime and refrain from outrightly criticising the government, given they rely on it for a major chunk of ad revenue. A more ‘balanced’ portrayal is expected, stating both sides of the story. However, given the case failed to create a sustained movement irrespective of the outrage it triggered, it requires to be looked at why this would have been so.

According to the ABC survey, the English national dailies with the highest circulation in India are - The Times of India, The Hindu, Hindustan Times, The Economic Times, and The Telegraph. Of these, The Times of India, The Hindu, Hindustan Times, and The Telegraph have been chosen for the purpose of the study. The Economic Times has been excluded as The Times of India, and the Economic times are published by the Times Group. These five newspapers have a combined readership of 5.7 million (“Audit Bureau of Circulations (ABC),” 2019). They thus serve as the primary source of news for the majority of Indians. The alternate media sources considered - The Wire, Scroll.in, OpIndia, The Print is selected according to

general popularity and availability. Henceforth, these eight newspapers/news websites will be referred to collectively as ‘media outlets.’

The articles and news reports considered (source content) for the discourse analysis were collected from the online archives of the newspapers and digital media websites. The data set will include all the reports/articles that have any mention of the Hathras rape case during the one-year period from 15th September 2020 to 15th September 2021. They are collected through a Boolean search for the keyword “Hathras” in the respective websites, followed by a manual reading of all the articles to separate the ones explicitly referring to the case. Henceforth, ‘articles’ refer to the ones referring to the case in the given period of time from the media outlets described above. Further, once all the cases and reports are collected and sorted, they are analysed using principles of feminist critical discourse analysis (FCDA) (elaborated in the next chapter).

Classification

The articles that were collected were from three categories – 1) news reports, 2) opinion pieces and editorials, and 3) other write-ups and features. ‘News reports’ include all the articles that report an incident that occurred most commonly, written by the staff reporters. The second category has opinion pieces that the media outlet commissions. The third category will involve all other means of engaging with the public – analysis pieces, video interviews, fact-checks, reports on trends on other media and social media platforms, etc.

For the purpose of the study, all the newspaper articles that were collected were divided into two categories – the ones that are directly related to the case and the ones in which there are only references to the case. This is important considering the intense politicisation of the case. Politicians have mentioned this in tangents in various places which had no relation to the case and thus the categorisation. The main tangents are 1) about other rape cases that happen in the country, which is common to mention the Hathras. 2) mentioning it as an example of lack of safety for women or Dalits, including the name of the case in election rally speeches 3) concerning the ongoing case against Siddique Kappan, the journalist who was arrested on his way to report the Hathras case.

Among those articles that directly deal with the case, the major categories are 1) developments in the rape case, 2) opinions and editorials in the wake of the case with a focus on either caste-gender intersectionality or the political importance of the case, 3) reports on major concerns raised by the case like press freedom, law and order, sexual violence, Dalit atrocities etc. 4) comments by politicians, celebrities, controversial statements, and reports on protests. This is important to look at the extent of the politicisation of the case. The third column involves all other reporting that is of significance to topics like caste, gender, police impunity, and media reporting that came up as the case evolved. Examples to note are the Trawling Twitter in The Print which looks at trending tweets on Twitter. The fourth one would be related to the politicization of the case – involving controversial statements of politicians that get headlines, most of them which are click baits.

Limitations/Extending Scope

As of now, the project looks mainly into newspapers and reports on news websites. However, the importance of TV news channels needs to be recognised. The narrative panning out during prime-time debates is a good example of polarising opinions and the creation of public opinion

that needs to be looked at. The huge capital required to run news channels – mostly funded by ad revenues coming from governments - and the focus on TRPs results in an increased pressure to sensationalise, politicise and polarise – anything that would hold the attention of the viewer (D. Arya, 2015; David & Somanchi, 2020).

The project also exclusively looks at English newspapers/websites. This, however, excludes Hindi news media which is consumed by almost half of the population. According to the Auditor Bureau of Circulations, the top 5 English newspapers have a readership of 6 million, whereas the top 5 Hindi newspapers are consumed by 14 million. It is also important to note that Hindi media are more popular in the region where the incident happened. The focus only on English news media also results in a bias in the audience. Urban, educated, and middle-class form the primary audience for English news media in India. They are a part of what Banaji describes as a “quasi-neoliberal ratings-oriented media economy” that unwittingly reproduce and reinforce the power dynamic between the casteless, liberated, urban, middle-class and the poor, rural, Dalit woman (Banaji, 2015; McLoughlin, 2019).

Literature Review

Sexual violence as a political weapon

Sexual violence is less about sexuality than the exercise of aggressive power, with social, emotional, criminal, and gender dimensions apart from the apparent physical violence unleashed on the victims. Rape of women here becomes more than about extreme violation of women’s bodies and more about the impunity of the perpetrators, ineffective systems of reparations and justice, indifference to psychological trauma suffered by victims, families, and communities, state collusion, and societal sanction. This complex issue spans complex fields of violence – individual, familial, heterosexual, homophobic, casteist, communal - all part of the cumulative toolset of patriarchal power. When this patriarchal power is threatened, be it as forms of social violence, economic polarization, political degeneration, ecological destruction, or religious fundamentalism, it responds with violence. The most important violence being that against women’s bodies – turning rape into a political tool to reassert their dominance – from the silent epidemic of dowry deaths and marital rape to honour killings and other forms of ethnic, communal and state-sponsored sexual violence.

Feminists around the world have both sought legal reform for sexual assault and, at the same time, questioned its efficiency in dealing with it because it means seeking protection and redressal from masculinist institutions against crimes done by men (Chakravarti, 2017). This makes redressal from institutions of law enforcement and the judiciary a steep upward battle. They become more and more ineffective in events of collective violence when agents of the state and caste/communal groups often disengage from their regulatory self-sanctions and inhumane conduct is justified as moral ones for a seemingly higher purpose (Butalia et al., 2019). They may be emboldened by the power of law itself, like the armed forces in Kashmir, or because they have the support of the political system behind them, like the Gujarat riots of 2002. Apart from being unabashedly public and unforgivingly cruel and empowered with exhaustive documentation, they often go unpunished to the full extent of the law due to the impunity, silence, and collusion of the state that seeps into the institutions of redressal, normalising these blazingly criminal actions as part and parcel of sectarian conflicts (Baxi, 2011). India is not a stranger to the bodies of women being used and abused in the name of the

community. Our communal identities have been created around women's bodies for a long time, with the narratives of chaste Hindu princesses being 'kidnapped' by Muslim invaders sound eerily similar to that of Love Jihad.

In India, rape became a 'sensational' public issue after the major Supreme Court judgment in 1980 in the case of the rape of a tribal girl in Mathura (Kannabirān & Menon, 2007; Murthy, 2013). It is important to note that this judgment coincided with the period of deregulation of Indian media, most prominently television media. The controversial judgment led to the acquittal of two police officers accused of raping a minor tribal girl Mathura on the premises of the police station. This opened a landslide conversation to the issue of lack of consent in law pertaining to custodial rape, which further spread to probably one of the most significant consolidations of women's rights movements in India with the heart of its focus on sexual violence against women. Kickstarted by a letter written by law professors to the Supreme Court on the inefficiencies of law, the movement led to widespread campaigns on not only the need for legal reform and the inefficiencies of how rape, consent, and the agency were defined under the Indian Criminal law but also highlighted the role identity of the victim had on the impunity the state and state agencies (Kannabirān & Menon, 2007). Legal researchers like Kannabiran have openly shown how the state communalised the rape of Rameeza Bee in 1978, never once denying that the rape never happened but questioning the legitimacy of her marriage and her character all throughout the trial (Kannabiran, Kalpana Kannabirān, 2002). After a long uphill battle, only in 1983 did the government amend laws on consent, shifting the burden of proof onto the accused.

In the years following, the media sensationalisation has had its ups and downs, with some cases turning into campaigns seeking justice for victims like the Nirbhaya case to none to scarce mentions as bylines like the majority of the cases. Even in selecting the campaigns, there is evident discomfort when it comes to choosing cases where there is the active involvement of the state, like Kashmir or Naxal-affected regions. Assumption of guilt in the Soni Sori case and the acceptance of Kunan Poshpora as collateral damage to the Indian Army presence in Kashmir are some rare instances that got at least some attention. The same goes for communal riots, where sexual assault is used to shame the "other" community. Gendered violence is often reported along with other violence, primarily because of the unsurprising nature of its occurrence. From the partition riots to the Delhi pogrom in 2020, rape is widespread but often goes underreported, and very often do media campaigns focus on them. There is a lack of nuanced understanding and reporting of rape as a political weapon even in times of widespread unrest and violence. One another observation Divya Arya makes is how this difference is very steep in vernacular media in India versus English media. English media is more sensitive to the coverage of minorities, Dalits, and tribals mainly because of the media training and sensibility of the reporters themselves (D. Arya, 2015). Local reporters with biases and themselves part of the social hierarchy often leads to very unbalanced reporting.

In times of confrontation, one's community becomes a priority, and even when caste conflicts are fought on the bodies of women, in its aftermath, their trauma is seen as collateral damage. Even when outrage is sparked, the rhetoric is that how the assault on a women's body is a taint on the collective honour of the community. So as long as the abuse, be it physical, emotional, or psychological, happens outside her identity as a Dalit, it does not seem to be important. It is a widespread occurrence in India where caste and communal leaders, including from the Dalit community, while inciting mobs, explicitly mention rape fantasies as a way of establishing superiority over the other community. However, in a twisted sense of logic, the condemnation and uproar when such speeches are given by Dalit men overshadow the actual rape and murder

inflicted on the Dalits simply because even the mention of rape fantasies by Dalits poses a lethal threat to the perpetuation of the caste system whereas the ongoing rapes and murders perpetuate it in real-time (Assadi & Rajendran, 2000; Dhawan, 2014; Teltumbde, 2007). The constant, collective threat of physical violence against the bodies of Dalit women is part and parcel of the caste system. The perception that the Dalit men cannot 'save' their women from fate reestablishes the dominance of the upper castes over the Dalits and is seen as their weakness as a community. On the other hand, these cases are also normalised as mere 'caste conflicts,' often bargained, settled, and compensated (A. Rao, 2005; Ratnamala, 2012).

The question arises why the voices of Dalit women who face such a fate of normalised violence do not show up in the Indian autonomous feminist movement. Multiple reasons have been identified. Most notably is the tendency of the Indian feminist movement, in general, to downplay the element of caste to showcase a united front as victims of violence. They either do not want to get involved in a 'caste issue,' and even when they do, they are not seen as trustworthy since it is seen as 'not taking the caste issue seriously' (S. Arya, 2020; Chakraborty, 2003). Secondly, the presence of the Indian feminist movement in the rural parts of India, where khap panchayats and atrocities against Dalit women happen with complete impunity, is very nominal unless there is a strong presence of NGOs. At the same time, the patriarchal interests of Dalit leaders also lead to the suppression of the voices of Dalit women, especially those who face violence from the members of the community. Hence, when it comes to amplifying the narratives of the violence against them, Dalit women are deserted by their kin and sidelined by the women's movement.

This led to the formation of two fronts. One that believes that once patriarchy is tackled, caste will automatically weaken based on the well-supported theorisation of how control over lower castes and women is interconnected. Another group, while accepting that sexual violence against women is a widespread phenomenon, emphasised that the sufferings of Dalit women are different from that of others higher up in the caste hierarchy and need to be taken as a caste issue. Even when both arguments are based on experience and thus valid, violence against women cut class and caste line more than one can anticipate and vary by circumstances, especially in the increasingly urban context. Familial violence, including torture and murder for dowry, is more prevalent in upper-caste families. Such systematised violence rarely happens among Dalit and other backward communities unless they start imitating the upper caste from economic prosperity, which is rare. Dalit and OBC women also do not adhere to strong moral codes of the chaste, "pativrata" women and fight back in case of violence from family (Chakraborty, 2003; A. Rao, 2005).

As seen in countless examples in the last section, this two-way confrontation between the Dalit movement and the feminist movement has left Dalit women in a no-win situation, left alone to battle both caste and patriarchy on a daily basis. What is required is an acceptance of the complexity and a fresh, holistic approach from both sides of the aisle to battle the problem from both sides. The Dalit movement needs to develop a deeper understanding of patriarchy, of how caste interests are highly masculine in nature. They have to listen to the voices of women in their community and otherwise to understand how sexual assaults, both during conflicts and peace times, are a product of patriarchal caste societies. Inclusivity has always been a severe issue in the autonomous Indian feminist movement. Dalit feminists have criticised the movement for staying away from 'caste issues' for a long time. Recognition that male authority is the basic foundation of the caste system is well established, but there is still some degree of inhabitation to openly take up due to the fear of losing popular support from the dominant sections of the society.

Theorisation

Contemporary patriarchal structures control power and privilege through institutions that endorse violence to maintain their dominance, making culturally and socially sanctioned violence its foundational and systemic feature. This is also ensured by the passive and often active role of women in interpersonal and institutional violence. The sanction for violence partly rests on the consent of women and their passive complicity in inciting and inflicting violence. This stresses the point that beyond the obvious subordination and subversion of women, patriarchies are but systemic structures.

The Indian patriarchal family structure reserves women's sexuality for the sole purpose of reproduction of male heirs, and families, in turn, become sites of reproductive sexuality for the community. This ensures that the family can never be separated as a single unit out of the caste community, and the sexuality of any individual woman becomes the implicit and explicit property of the community as a whole. Any deviation from the desire to reproduce a legitimate community both for ritual pureness, economic and social security, and over-emphasis on 'birth' as the basis for the location of any person creates a complex weave of interlinked forms of restrictions for the conduct of women within each caste community. As a result, inter-caste and inter-faith marriages are frowned upon, prohibited, and violently dealt with. The widespread phenomenon of 'honour crimes' is a perfect example of the convergence of patriarchal codes explicitly sanctioned by heteronormative family and customary law. Apart from regulation through shackles of endogamous marriages, control of women's sexuality becomes a matter of not personal or familial but of culture, ensured by enforcement of violence. This enforcement also varies from that enacted by family members to extensive and often extremely cruel forms of 'punishment' by khap panchayats. However, more often than not, this distinction between this public and private violence disappears as both culminate in the ultimate strengthening of the respective caste, class, or community. Invariably reinforcing patriarchal tendencies, these forms of non-informal justice systems, often recognised by law as 'customary practices,' rarely acknowledge gender or social equality (Chakraborty, 2003; Diwakar, 2020; A. Rao, 2018; Rege, 1998).

Uma Chakraborty describes Brahminical Patriarchy as a structure unique to Hinduism and the caste order - a set of rules and institutions in which caste and gender are linked, each shaping the other and where women are crucial in maintaining the boundaries between caste (Chakraborty, 2003). In a caste society, women are oppressed by men in their own caste even when they themselves are dominated by those higher up the caste hierarchy. This interlocking of private and public patriarchies means that women on a daily basis, face violence from home to the street to public spaces, both of their gender and their caste.

As in other forms of institutional violence, violence against Dalit women also function with the passive and often active involvement of women in both inciting and inciting violence. Even when legal reforms illegalise these in many parts of the country, they continue to be practised with impunity, with the state turning a blind eye towards them – "sanctioned by the institutions of the state through inaction" – as Kalapa Kannabiran puts it (V. Kannabiran & Kannabiran, 1991). Even in the rare instances of the state being forced to look into them for the sheer cruelty of the crime conducted, the redressal is often token and short-term, and they will continue to function normally once the extreme scrutiny is lifted.

The institution of endogamous marriages has been at the centre of propagating caste, maintaining the dominance of certain castes through generations. This normative practice, imbibed in children of caste societies from a young age, is aimed to perpetuate hierarchies both religious and communal and are ensured through strict codes of conduct for the mobility, sexuality, and reproductive rights of women. Empowered by social and cultural customs, they exacerbate both the subordination and vulnerability of women, curbing her ability to seek redressal and help in instances of violence, even from her own family. The pressure for 'ideal marriages,' stigma of divorces, and economic dependence guaranteed by locking even skilled women into household labour ensures that she ends up internalising routine violence at home and accepts it as a part of her duty to her and her husband's family. Even in the absence of outright physical violence, she is demeaned, isolated, and dehumanised by the practices of the system itself. This ensures that even when legislation and legal redressal exist for familial violence, deployment of violence is strengthened by immunity within the families and communities. Gender in caste societies thus manifests both controls over women and passivity/complicity of women to the violence. The passivity may arise due to internalisation of the violence as something she has to bear in silence as part of being a woman, or due to normalisation of the violence as something routine part of her condition, how it is up to her to be careful (Kannabirān & Menon, 2007).

Media

Media is always on its feet, from one news cycle to another, a new breaking news every day, every hour, trying to stay relevant with technology and innovation. Media influences not just what we know but what we do not know but also impacts our beliefs, perspective, public opinion, and lived experience. By shaping the access and exposure to information, it is possible to adjust views and opinions, even polarise opinions to benefit some groups against the other. It can both legitimise one course of action and derail another (Nagar, 2016). With the onslaught of information coming at your fingertips today, it is an uphill task to stay relevant, get noticed, and consolidate and maintain an audience.

Media as an agent of socialisation – even when news media reports look like mere flows of information, they are often not just the stories they say, but the underpinning assumptions they represent and how they are perceived and understood by an average member of the audience with no expertise to dissect it. The stories in media play a very important role in creating and sustaining stereotypes that target various communities (McIlwain, 2011; Oliver, 2003). Over the last decade, media has transitioned from being a means of mass communication of information to the general public to an authority with immense power to control public opinion and mould what the general public knows and how they perceive information – eerily close to what can be called as manufacturing public opinion. This change leads to the conclusion that those who get to decide the discourse of news thus wield power to control the presentation and representation of stories and narratives in media. When the dominant groups, who already have power and money to influence other institutions that matter, have unsavoury control to decide media discourse, they are likely to push for dominant perspectives themselves, leaving the media industry crippled from being able to reflect the diverse perspectives of the society (Oxfam, 2019). One main reason for this is the disproportionate representation of various groups in newsrooms in a majority of news organisations. The skewed representation results in the way the voice of the marginalised is represented – as a mere perspective of a privileged reporter or panellist blind by privileged structures.

This condition was recognized by Ambedkar as early as the 1920s when he started his own publications. Not only did he try to amplify marginalized perspectives, but he also openly criticised the media for its inability to "... To give the news uncoloured by any motive, to present a certain view of public policy which it believes to be for the good of the community, to correct and chastise without fear all those, no matter how high, who have chosen a wrong or a barren path..."(Patil, 2011) In a country where caste still continues to influence everything from the quality of education to access to opportunities and hiring patterns, numerous studies have shown the misrepresentation of marginalized groups in media organizations. A study by Oxfam India and NewsLaundry found that out of the 11 major newspaper outlets, 11 digital magazines and 14 news channels, none of them had a Dalit, OBC or Adivasi in a leadership position (editor-in-chief, managing editor, executive editor, bureau chief, input/output editor). Upper caste majority and misrepresentation of Dalit, OBC and Adivasi were also seen in debate panellists, TV anchors etc. This discrepancy in leads to not only how marginalized narratives are written but also if such narratives feature at all. The Oxfam and NewsLaundry study found that only 10 out of 972 articles that featured as cover pages of 12 magazines covered caste issues (Oxfam, 2019).

However, it is worth mentioning that after the rise of the so-called 'alternate media,' there has been an increase in the reporting of caste-related issues (Mondal, 2017). However, the nature of content still poses a huge challenge, especially because of personal biases. The nature of reporting often deals exclusively with the victim, about the oppression they face, leaving the oppressor from any major scrutiny than passing mention, almost reducing the crime to a personal criminal offence rather than the institutional violence and historic oppression it stems from (Ratnamala, 2012). Such reporting makes even a heinous crime a "Dalit issue", reproducing the image of Dalit as a victim, keeping the upper caste pride more or less intact. These further burden the lower castes to rise against deplorable conditions rather than unwinding the systemic injustices that produce the conditions themselves. It results in the absence of discourse on the "common life of the underrepresented, a discourse of autonomy and individuality will diminish identity and self-affirmation of Dalits and lower castes" (Fonseca et al., 2019). This was shown by the computational analysis of Indian newspapers by Fonseca and others, which concluded that 'caste' related articles were overwhelmingly associated with underprivileged, repressed or victimized, often exclusively focused on prejudice, violence and conflict situations. It leads to a narrow definition of what it means to be Dalit – of negative stereotypes and associating them with conflict, revolt and violence, leaving no space for their cultural legacy, history or sense of self. There is a clear lack of "agency, autonomy, and vocality" in the newsrooms, which shapes the discourse surrounding the underprivileged (Ratnamala, 2012; S Anand, 2005).

Another consequence of such reporting is reducing caste to more or less a rural issue. Stories of journalists having to travel for hours from the nearest city to reach a village to report caste atrocity not only dominates the limited discussion of caste issue in media but also conveniently erase any questions regarding Brahminical hegemony in urban spaces. The dominant keeps on producing the knowledge about the dominated, turning them into bodies/objects for the dominant to reflect upon. The upper-caste hegemony in media houses also leads to what can only be called the cultural invisibilisation of marginalized and minority communities (Kureel, 2021). This echoes the concerns that Dalit feminists raised and continue to raise with respect to the autonomous women's movement. Around three decades after Dalit feminists raised issues of why Hindu upper-caste Goddesses were seen as representative of power, even today, media uses them as the 'normal', be it be celebration and coverage of festivities, programs on

historical events, various entertainment programs that are very clearly means of advancing toxic Brahminical patriarchy, movies that define Indianness in savarna terms and symbols, invisibilises caste and the histories and stories of the lower caste to maintain the status quo (Fonseca et al., 2019; Kureel, 2021)

Highly sensationalized crime like sexual assaults tends to get exorbitant media attention, with channels/newspapers running special reports and primetime debates – a complete round-up of the narrative, resulting in a significant impact on the perception of the audience on the same. This happens in three stages – selection, newsgathering, and presentation. Perceptions can be influenced by choosing what gets covered in-depth and what does not. It starts at the first step – what gets selected for reporting and what doesn't, which groups get the voice and which do not, about which members of the group are shown and depicted as the face of the community. With around one hundred rapes reported and even more committed every day (“Crime In India,” 2020), it becomes impossible to provide exhaustive coverage in India. It is thus a fraction of the cases that get space, making it biased and often ineffective in representing a country with so many realities. This selection is critical not just for reporting the crime and the consequent exposure it will gain but also because, in a wider pool of coverage, it has the potential to reinforce/challenge the perception of a crime and its incidence. It is important to note that even though it falls under the broader purview of violent crime, the sexual component inherent to rape puts it into an altogether different category because of its unique ability to influence and be influenced by deep-seated and often downplayed notions of gender roles, power, and subjugation (D. Arya, 2015).

The second step of a crime becoming a story is newsgathering. Crime reporters scrutinize information from their various ‘sources,’ cross-checking facts to report back to the media house to determine the feasibility of coverage. The media relies a lot on the statements of police officers and the investigations to create the ‘story’ that eventually reaches the public (Wright, 2017). With 24/7 outlets, it involves minute details of the crime, with fresh regular takes to sustain interest. This gives an overemphasis on the unfolding of various reports – building up traction, speculation about the victim and perpetrators, motivation, location of those involved, adding drama and detail. Next comes the presentation of the story, with all in arms to battle for the attention of the audience. This race for grabbing attention and, thus, ad revenues are only exacerbated by campaign journalism. In the competition between media houses to lead coverage, take credit and outdo the competition, the good practice of sustaining coverage gives way to opinionated media campaigns, a cacophony of debates that push for quick fixes and highlight individual cases that gain traction as a means to an end to keep the audience on their toes. This pattern is seen in cases of rape cases also.

In her paper on the reporting of sexual violence, Divya Arya mentions a statement by a senior editor of a newspaper; “rape is a fashion statement in terms of media coverage. Rape comes and goes out of fashion” (D. Arya, 2015). Extensive media coverage for rape cases initially coincided with the anti-rape campaigns of the 1980s in the fallout of the Mathura judgment, partly due to the involvement of journalists in the campaign, supporting activists and supporters with timely articles and prompt attention, which soon died out. In the years following, various cases have periodically got the media attention, only to die out to more sensational news soon.

The type of information available to the readers/viewers impacts beliefs, emotions, and opinions related to various communities. Media provides a form of symbolization, a template to define and identify victims, perpetrators, communities, aggressive behaviour, and much more. These templates are very problematic, especially when tied to the communal and gender

identities of the victim or perpetrator. Divya Arya mentions how crime reporters sift through rape cases with “hawk eyes” to ensure that there are no questions about the victim or her conduct before presenting a victim-sympathetic coverage. This emphasis on “real rape” and “ideal victim” is not rare but very well documented, as discussed in the previous chapter. The ideal victim is chosen to garner sympathy in the eyes of the public - a minor or a victim of gang rape are highly favoured here. These cases have a higher chance of getting better coverage, for it is highly improbable that the victim ‘bought the assault upon herself.’ The ideal rapist is a stranger – even though most rapes are “acquaintance rapes”, that is, the victim and rapists are known to each other. This is unsurprising in a country where marital rape is not criminalised even today. These templates are further reflected in the narrative clichés that are built. There is a social stereotype of the rape victim as either a pure, innocent, ‘true victim’ or an immoral woman with questionable characteristics described very well by Helen Benedict in her book ‘Virgin or Vamp: How the Press Covers Sex Crimes’ (Helen Benedict, 1993). This dichotomy goes beyond the purview of rape crimes and the description of women in media to how public discourse is shaped.

FCDA

The feminist critical discourse analysis (FCDA) builds on the linguistic representation of women and sexual violence. Even though seemingly harmless and irrelevant, subtexts and nuances of language represent conflicting ideologies, and a feminist method of analysis sensitive to the complex discourse is required. For a long time, mainstream newspapers have been criticised for how they report on violence against women, the most important criticism being that they do not tackle the patriarchal cultural structures that enable the existence of violence against women. Linguistic analysis of how the victim, her circumstances, and the violence itself are represented is necessary to understand better gender and the sexual relationships sustained in the discourse. It is important to note that the argument is not that the voices of the oppressed groups are completely and permanently silenced or that victimhood is refused by the dominant discourse, but that there are moments within the discourse that foregrounds the voice of the victim and thus the community. In a run for political correctness that is today expected in public discourse by an increasingly quasi-neoliberal audience, the emancipatory discourse that outright challenges the overwhelming dominant patriarchal perspective becomes a “mesh of intersecting voices” (Baxter, 2003; McLoughlin, 2019). This heterogeneous array of voices is not just moulded by the identity of the language used but also the version of the story they try to represent (Talbot, 1998).

High profile rape cases, like the Delhi rape case, focus not just on what happened to the victim but actively build a narrative based on who the victim is and how the crime is defined with respect to the social standing of the victim. This brings into the mesh of voices the cultural assumptions of gender and violence (Nagar, 2016a). This is also seen in the study of sexual assault judgement by Coates and Wade. They conclude that even when the court’s duty is to assess violent crime in an intellectually rigorous, socially responsible manner in accordance with the law, it was observed that “linguistic devices were used to conceal violence, mitigate perpetrator’s responsibility, conceal victims’ resistance and blame or pathologize victims.” This study also listed key psychological constructs and discursive resources used to rationalise rape - alcohol and drug abuse, biological or sexual drive, psychopathology, dysfunctional family upbringing, stress and trauma, character or personality trait, emotional state, and loss of control (Coates & Wade, 2016; McLoughlin, 2019; Wright, 2017). A study by Holoshitz and Cameron (2014) examined news reports in two foreign conflict settings and showed how the

framing of rape and torture in DRC and Congo perpetrators' agencies was downgraded by the sexualisation and blaming of female victims. Some reports even saw the use of a language of seduction to rationalise violence against the members of a different community. It also showed an important argument, especially in the context of our study. While comparing the representation of sexual violence prototypically committed by men against women and torture, prototypically male on male and committed by agents, torture was regarded as politically motivated, whereas sexual violence is represented as a personal tragedy even when it involves comparable acts (Holoshitz & Cameron, 2014). This downplaying of sexual violence to that of personal tragedies resulting from either deviant sexual urges or the inherently violent nature of some men in society has been a challenge to the movement against rape since its consumption. It is underwhelming to see how they still are propagated in our public discourse by media platforms that can today do so much more to influence this opinion.

Another significant factor to mention here is that most newspapers we have today have to work within the constraints of "quasi-neoliberal ratings-oriented" media (Banaji, 2015). Discourses related to religious norms, dependency on marriage and caste-based inequality are irrevocably entwined to discussions of India's fast-changing economy and shifts in social-legal challenges. In such an environment, criticism of existing hegemonical structures and traditional roles and expectations are forced to be swept under the carpet to focus on the country as an emerging, young, new economy with prospects of being a world leader. Stories of atrocities of women raped in the national capital in a running bus or the body forcibly cremated in the middle of the night do not add to this image (Lazar, 2014; Nagar, 2016; Bannerji, 2016).

While conducting an analysis of the description of victims of sexual assault, it is important to keep in mind that such descriptions do not involve direct representations of victims or groups of victims permanently trapped into silence victimhood or even anything close to what can be called of refusal of the victimhood by the dominant discourse. Rather, as Baxter points out, there are moments within the discourse that convert their victimization into a commodity to be fed to appease an audience. The post-structuralist perspective of identity does not involve singular forms of a depiction of either victim or the perpetrator or other groups of these, but they involve what can be called "text populations with a heterogeneous array of voices through which the language user's identity is built up." Kristeva very carefully called them indeterminate text populations (Kristeva, 1986). The critical discourse approach adopted by Lazar problematizes the notion of women and men in "totalizing" terms (Lazar, 2014). He points out very carefully how the complexities of patriarchy in today's world are combined with corporatist and consumerist ideas, which often take up a lead when it comes to media, which at the end of the day, is run by a system that commodifies information. In the case of popular culture, the traditional stereotypical representations of gender have definitely been replaced, but not in a way that is inclusive of the multi-layered identities and social realities but as a "post-feminist feminine I-identity." She is commodified for the neoliberal economy and is comfortable in her fragmented, contradictory, and ambivalent identity, keeping with the key tenets of feminism that suit the selling point of her narrative (Lazar, 2014; McLoughlin, 2019).

There has been a lot of ground-breaking work that has already been done question of sexual violence, including but not exclusive to Lees (1997), Clark (1998), Ehrlich (2001), Holoshitz and Cameron (2014). The language in the analytic approach of this project would be to examine the language used in extracts from 2110 articles out of the eight different sources mentioned earlier. FCDA aims to extract multiple discourses bought together in the texts and unpack them according to different aspirations, worldviews and affiliations to draw a map of where it stands

with respect to framing the discourse. This becomes even more daunting a task when the complex society of contemporary India is considered. A few of the patterns attempted to identify in the discourse are trivialisation, sensationalization, psychological attribution etc. FCDA will attempt to identify instances of victim-blaming and the rationalisation for rape, i.e., the use of the perception of Indian male attitude being the cause of sexual violence and looks at sexual frustration at the heart of the issue. Naming is a powerful psychological tool. Personalisation of victims through naming practices and the labels used to name perpetrators needs to be looked in to see for lack of responsibility and absence of emphasis on the perpetrators (Clark, 1992). There are two important things to look at while looking at how the name of the victim and the perpetrator is used by the text producer. The first one is how and what she's called, and the second is how and what she is not called. Using a pseudo name to refer to her like 'India's daughter' claims to turn her into a national property. However, it is condescending advocating for patronising roles for women and is rooted in the patriarchal body politic (McLoughlin, 2019; Nadkarni, 2003). It often even becomes ironically mocking a hapless victim because getting raped is no bravery. It also instils in the perpetrators of validity for their violence. The same goes with how sensationalist vocabulary constructs the perpetrator - he is a beast or a predator. Here, it is also important to cite the studies by Holoshitz and Cameron, which suggest that in the media reporting of sexual violence in non-western settings by foreign media, the role of perpetrators is downplayed as the reporting is often shaped by discourse in which violence is simply endemic to the culture (Holoshitz & Cameron, 2014). One cannot stop but wonder if news media houses and reporters were based in cities and metropolitan areas consider rape endemic to rural Indian culture.

There is also an interesting framework of transitivity that is based on the model by Halliday and Matthiessen, which focuses on the clause element relating to the material that describes the process and the participant (Halliday & Matthiessen, 2013). Transitivity looks at the "passive construction" of the crime, according to Coates and Wade. Using a passive voice, the culpability of the rape is not the focus of attention, but instead, the victim and the violence she experienced are highlighted. It is almost an effort to make sense of the violence and survivors' experiences (Coates & Wade, 2016). Similar to this, the linguistic strategy of choosing an active voice shows the attackers acting intentionally, the main difference being the attribution of responsibility. McLoughlin, in her work about the 2012 Nirbhaya case in a popular Indian magazine, quotes, "the transitivity choices together with the rhetorical strategies used to spur them into action frame middle-class urban readers as a ready to come to the rescue of passive and helpless lower caste to rural women" (Clark, 1992; McLoughlin, 2019). Coates and Wade, in their analysis of sexual assault trial, judge me judgements, found that such psychological concepts and constructs accounted for the judge's words and sentences. Analysis that looks at some psychologising attributions combined with the other devices above function as tools for FCDA for a deep reading of the texts considered and required for tracing ideologies embedded in the texts (Coates & Wade, 2016).

It is no doubt that there is a strong culture of shame around rape that to be raped is deeply shaming and often worse than being that it is also linked to the ostracization that the victim's family often have to face in the aftermath of the incident. The 2012 Nirbhaya rape case generated a new openness to talk about rape and violence against women. However, while considering the 2012 Delhi rape case, one of the most important points to consider is that it was highly unusual for such a crime in India to make headline news and became a high-profile sensational topic that stayed on for weeks. However, apart from Twitter storms and candlelight vigils, not a lot came out of the Hathras case, unlike the 2012 Nirbhaya case. However, it also suggests that the idea that a lower caste woman getting raped is more normalised than when an

urban middle-class student from the national capital does. This raises concerns related to the widening social and economic inequality that looks down upon perpetrating violence against lower caste women as an endemic problem in rural India. Some scholars have looked into how the reporting with respect to the Nirbhaya case was going on and have come to the conclusion that the case got so much the media attention and political attention, nationally and internationally, because she represented a single symbol of the new aspiration of India as a new liberal economy. This image heralded as post-caste and class by the middle-class urban elite, eerily mirroring the erstwhile American Dream, was put in question as the Nirbhaya rape case resulted in Delhi being the “rape capital.” So, for the Dream to survive, the incidents of that night had to have been a misfortune, not a reflection of a systemic problem. The insinuation is here that she is someone who is not supposed to be raped, who got raped despite doing all the “right things.” This can be seen in how the audience is referred to in the media. The powerful way in which pronouns are used can be a powerful strategy that can be used to synthesise a relationship with the reader. McLoughlin shows how the use of inclusive ‘we’ is designed to evoke a response from the reader. Along with these ‘interactional factors’ that were mentioned above, the inclusive “we” is used not just for the effect of solidarity but also to assume the reader’s compliance (McLoughlin, 2019). According to Holoshitz and Cameron, graphically worded descriptions of women’s physical injuries related to the construction of factuality in news reporting. Los and Chamard provide an alternative view that sexual violence can be endlessly exploited for its stipulating value, its crypto pornographic quality, and sexist plant (Holoshitz & Cameron, 2014). Looking at both these arguments from Banaji’s quasi-liberal ratings oriented media economy and the pro-pressure it provides on text producers to increase ratings, it is no doubt that the more brutal a case becomes, the more attention (Banaji, 2015).

The story in Numbers

General Outline

Before looking at the content of the reports to understand the narrative, let us look at the characteristics of reporting to see how it varies according to newspapers. Out of the articles analyses for the project, 227 were from The Print, 137 from The Telegraph (India), 379 from the Hindustan Times, 284 from TheWire.in, 211 from Scroll.in, 118 from OpIndia, 356 from The Hindu, and 398 from The Times of India. These articles were divided into three categories to be looked at – news reports, analysis pieces and opinion pieces. News reports refer to the articles that directly report the developments in the case. Analysis pieces refer to articles that look into various issues surrounding the case, like reports based on NCRB statistics, regular columns that look at what media talks about etc. On the other hand, opinion pieces are clearly subjective to the opinions of the writer, be it about how the case developed or about its political implications of it. Due to the intense political scrutiny surrounding the case, the reports about Hathras include not just those pertaining to the developments of what happened on 14th September but also various other developments, including other rape cases that happened during the period and others from public memory, widespread protests that happened against how the case was dealt with, the arrest of a journalist – Siddique Kappan – on his way to report the case and the subsequent discussion on press freedom, and insurmountable attention from political parties and leaders across the spectrum in Uttar Pradesh and otherwise. It can be seen that out of the 2110 articles, only 623 report the development of cases. 677 are criticism of the response of the state government. Out of the editorials, opinion pieces, and analyses, only 12 are regarding gender and caste dimensions that are brought to the forefront of the case. This is a clear indicator of how the case turned into a political spectacle, taking the crux of the

discussion away from that of the crime that was committed. Not only was the dialogue drowned by a slew of political comments, the entire public discussion soon moved away.

Closer Examination: Before Death

According to the FIR filed by the brother on September 14, the 19-year-old and her mother had gone to the bajra fields near her house in Bool Garhi village in the morning to collect fodder. Around 10 am, while working in the fields, she was dragged away and raped by four assailants. Her mother finds her unconscious, and she is taken to the police station and then to the Hathras District Hospital for treatment. Her brother files a case for attempted murder and names one person Sandeep. The next day, on the 15th, she is brought to the Jawaharlal Nehru Medical College in the Aligarh Muslim University for further treatment. On September 22, she regained consciousness after surgery, and she gave a statement to the police naming all four of her rapists. On the 23rd, Uttar Pradesh Congress Committee vice president Deepak Kumar and leader Shyoraj Jivan Valmiki visit the family. Following her statement, rape charges are included in the FIR. By the 27th, all four named by the 19-year-old are arrested. Bhim Army Chief talks to the girl's family. On the 28th, she was shifted to the Safdarjung Hospital in Delhi, where she died the next day morning.

The eight media outlets considered in total had 29 articles referring to the events that unfolded first in Hathras, then in Aligarh and finally in Delhi, where she died on the 29th. Of which four media outlets have reports previous to her death. This is important because the death of a victim immediately sensationalizes a rape case, especially given her Dalit identity. Scroll.in was the only alternate media platform to report on the case before she died. It has one report dated the 24th quoting The Times of India. The Hindustan Times and The Hindu have three each, and The Times of India has 4. The TOI has the first report on the 23rd after Deepak Kumar and Shyoraj Jivan Valmiki visited the 19-year-old's family. It is quickly followed by a report on the 26th updating on her critical condition in the hospital and more details of the 19-year-old's statement to the police. The next two reports are about her deteriorating condition and her being shifted to Delhi. The Hindu first reports about her state in the hospital on the 24th, Bhim Army Chief Chandra Shekhar Azad meeting the family in Aligarh on 27th and the one on 28th about AAP leaders lashing out against the law and order situation in the BJP government in Uttar Pradesh. The Hindustan Times also followed a very similar pattern, the first one on the 27th on the incident and the arrest of the four accused, on 28th on the visit of Chandra Shekhar Azad, followed by another the next day about AAP's criticism. It is important to note that Congress and the AAP have already criticized the BJP government for the incident. It is also important to note that TOI does not mention AAP or the Bhim Army.

The prompt reporting by The Hindu and The Times of India, and even the Hindustan Times is not surprising. As mentioned in the previous section, the traditional print media has a well-oiled network of journalists and bigger budgets that allow them to source news from throughout the country with multiple bureaus in every state. For instance, the Hindu and the Times of India have a very clear on-ground presence in the Hathras district, with regular reports about covid statistics and other local issues. TOI, which is based in Mumbai, has regional reporting based in Agra, The Hindu, based in Chennai, has reporters who cover Hathras from Ghaziabad, and The Hindustan Times have correspondents in Aligarh. This gives them an upper hand when it comes to being able to report on cases that the alternate media cannot, well, that is unless they are looking for them or the said case already received some sought attention through outrage on social media or association with prominent figures. However, it needs to be noted that the TOI and Hindu have reported around 70 other cases of rape of Dalit women in 2020 alone, out

of which only less than five cases got more than one article to their name. This makes the Hathras case an anomaly as even before her demise, The Hindu, TOI and the Hindustan Times had follow-up articles on her condition. However, the follow-up articles were the visit of two politicians and a Dalit leader.

Closer Examination: After Death

On the morning of September 29, the 19-year-old dies while at the Safdarjung Hospital. Bhim Army and the Congress, who are already involved in demanding justice for the victim, stage protests in front of the Safdarjung Hospital after the family alleges that the police is not handing over the body of the 19-year-old to the family. Throughout the day, various celebrities, sportspersons and politicians take to Twitter to express their outrage. Later in the day, the police take the body to the village. There are various allegations about the exclusion of the family from this. Bhim Army leaders, CSA and Balmiki, who were following the police to the village with the girl's body, get arrested somewhere on the way. The body is to have reached the village around 2:30 am and cremated around 3 am on the intervening night of the 29th and the 30th. Even though there are countless versions of what exactly happened that one hour, the girl's brother told the media around 3:30 am, confirming her cremation. Even though the police successfully evaded most of the protesters and the media from Delhi, the village's media presence made sure that videos of cremation and the allegations of the family got enough momentum to make the headlines the next day.

It is following her death that most of the alternate media outlets catch on to the news. TheWire, OpIndia and ThePrint get into action at this conjuncture. What followed in the next week were undoubtedly a slew of allegations, counter-allegations, whataboutery and personal bashing on electronic and social media that has become a norm of the Indian public discourse in the last couple of decades. Along with this outrage, the case also proceeds with the SIT probe, the suo moto case at the Allahabad High Court, the comments by the Supreme Court, the CBI investigation, and the arrest of Siddique Kaippan, a journalist on his way to report on the case. This week has the most concentration of reports with _ reports published across all the outlets in the span of the week. It is also important to note that the political furore over it in no way indicates the importance given to the case. There are only _ articles across the media outlets that are concerned about the various developments in the case. Another _ is about the protests and the political mobilisation surrounding them. Even though it can be argued that there was a lot of protest happening surrounding it, the argument does not hold much ground when the content of the reports regarding the protests is considered. There are at least 30 reports about Congress leader Rahul Gandhi being blocked at the plaza and not allowed to proceed. This is of less significance to the case than the comment made by the ADG Praveen Kumar regarding the FSL report. His comments had multiple implications not just about how insensitive the system is but also on how we as a society imagine rape or sexual assault. Sixteen headlines talk about the mishandling of the case by the government, whereas only four are regarding the caste-gender intersections that led to the crime in the first place. The opinion pieces and analysis reports show even more of a bleak scenario. Only 5 discuss anything related to the violence perpetrated on the bodies of Dalit women, whereas 23 discuss the Yogi Adityanath government.

For the rest of October, however, the media slowly moves on. Even though some of the outlets keep on regular reporting, the conversation has clearly moved on. There are more reports that mention the case than about the case. After the first week of intense scrutiny the news received, the next 25 odd days have only _ reports surrounding the case. Out of these, only _ talked about

any further development with regards to the rape case. For the rest of the year, only articles regarding the case are about the proceedings at the Supreme Court and the Allahabad High Court, and the CBI had filed the charge sheet in December. However, after all the controversy regarding whether she was raped or not, no article highlighted how the CBI charge sheet confirmed this. This can be seen in two ways – 1) politicians have moved on and found new issues to get outraged about 2) There is no controversy when the CBI does a good job; this has no political capital. It would have been big news if they had denied rape. It would also have been sensational if the CBI investigation also looked at the faults of the government and found misconduct or no misconduct in the handling of the case. However, this was mostly controversy-free. There was no further discussion about it - not even about the need to look into the state action with regards to the case and the allegation of the family that they of filing an FIR late and of intimidation from the District Magistrate. Previously, at the peak of the political campaigns, at least six media outlets combined had at least 17 reports of the opposition demanding an investigation into the matter, but none of them seemed to be interested in anything after the second week.

There are also patterns in which reports get how much coverage in various media outlets. The controversy regarding the “Naxal Bhabhi” covers six entire reports in OpIndia; dissecting the woman in question. The rest have only passing mentions.

Textual Analysis

The second step would be to analyse the text itself. This means critically examining the news reports, editorials, news headlines, and comments of these articles. The context of the coverage of the crime comprises the incident itself, the class of the person the crime was committed against, the cultural understanding of rape and violence against women, and the society’s adjustment to the changing role of women, especially the urban middle class who are the audience who are the consumers of English news. For the purpose of the analysis, the following assumptions are also made (1) critically analysing media discourses informs us not only about how media discourses work but also about how media discourses reflect the cultural norms surrounding rape and our ineffectiveness in understanding caste; (2) rape is generally condoned by the public even though ideas of “real rape” and “ideal victim” exist and are produced and reproduced by representation in media, and (3) language used in newspapers to describe violence against women is based on conscious choice newspapers and reporters make. This study claims that the amount of coverage given to this particular crime was a factor of newspapers reflecting public sentiments and not necessarily just engaging in reporting news.

This section will look at the 1288 articles about the case to see how the content in them defines the narrative around it using Feminist Critical Discourse Analysis. This analysis is done at two levels – first by looking at the choice of words, then at how the various media outlets report various allegations, and how selective reporting results in very biased, even diverging storylines.

The Choice of Words: Sensationalist Vocabulary

First, would a deep dive into the words used in the article to understand the use of sensationalist vocabulary in them. As discussed in the section about FCDA, the cornerstone of reporting a high profile rape case is the use of sensationalist vocabulary. Rape in itself is physically violent and unsettling to the readers. The ability to invoke emotions in the reader is one of the main purposes of this. Getting the reader hooked to what comes next not by the inherent value of the

story but by getting them involved in the brutality of the incident, the callousness of the government or the descriptions of people involved are some of the very common methods observed.

Before her death

Out of the eight sources we consider, only four reported the incident before the 19-year-old died, of which three were newspapers, and one was a news portal. Scroll.in, Hindustan Times, The Hindu and TOI reported on the state of the girl in the days before her death. Headlines of these mention her caste “Dalit,” that she was gang-raped and that she is from Uttar Pradesh. The Hindu and TOI even mention that she was raped by upper-caste men. Given we have established that the case gets widespread attention from celebrities and political party leaders after the demise of the girl, the assumption here is that this language reflects how a typical rape case gets reported. Hindustan Times, for example, used the words “battles for life” in the first report, followed by “battling for life after being gang-raped, dies.” The use of the word “battle” is to be noted here. TOI chooses to go with “paralysed, arms useless”, “damage to spine permanent”, “critical”, and “admitted to ICU,” all of which highlight the brutality.

Identity of the victim/accused

The caste of the girl has been mentioned to identify her in a majority of the articles regarding the case. However, inconsistencies are seen, especially when in the context of the political turmoil surrounding the case. Assuming it is a conscious choice, we can see they shy away from the caste “Dalit” in reports that are very political and often anti-caste in nature. For example, Scroll.in very subtly mention “members of the Hathras victims caste” to describe an agitation by the Valmikis.

It also needs inspection of how her life outside of the crime is nowhere portrayed. Nirbhaya was well known as a 22-year-old physiotherapy student who had big dreams, coming back from a movie with a friend. Most readers even got the name of the movie etched into their collective identity. She was made relatable to the reader in this way. However, the 19-year-old from Hathras does not get that luxury. The reader only knows that she was raped when collecting fodder, a symbol of an exotic rural village scene. She is in no way relatable to the person reading it, nor has been an effort made to do so. Rarely is even what her family does featured. The Print mentions this the day she dies “The woman is survived by parents and four siblings. Her father and elder brother work as daily wage labourers, and the family supplements its income by selling milk from the two cows it owns.” TOI adds, “The girl is the youngest of five siblings. They live with their 46-year-old mother, who runs a small dairy in a village in Hathras. On September 14, around 7.30 am, they were busy collecting cattle feed.” This is the extent of what we get. However, this does not bring the consumer any closer to identifying with the girl.

While looking at how the identity of the girl is described, it is equally striking how the identity of her attackers' features, especially with respect to their caste. Even though the girl is identified as a 19-year-old (The Print continuously misreports as the 20-year-old) from Hathras in most points, there is some amount of consistency in how her identity as Dalit features. Even though the topic of caste is highly polarising, no one shies away from revealing her case. However, this is not the case with respect to mentioning the caste of the accused. Most reports concerning them report them as “four men.” This invisibilises the role of caste in crime. Even when they do, the chances that the Thakur caste is mentioned are even lower. This is very significant given

the current political climate in Uttar Pradesh. There have been allegations from various corners that the Thakurs (the caste that the Chief Minister of Uttar Pradesh Yogi Adityanath belongs to) are being favoured in the government and otherwise. The support of the Chief Minister alleges to have given them a sense of impunity, making them more and more powerful each day. In this atmosphere, Thakur men raping a Dalit girl, followed by the state being involved in efforts to undermine and cover up the case, make the mention of the caste of the men more important than ever.

The significance of naming is not obscure also. If we examine the details of the case, we can see that Congress leaders call Yogi Adityanath by his name – Ajay Bisht. Throughout the news conference, Congress spokespersons referred to the chief minister as Ajay Singh Bisht rather than Yogi Adityanath. According to Telegraph, party sources cited two reasons. One, calling him a Yogi amounts to demeaning the spiritual tradition because he hasn't shown the required sensitivity or compassion, they said. And two, because his real identity needs to be stressed because of his brazen caste politics.

How the 19-year-old is described

Another very significant word usage to look out for is how the girl is referred to as – the victim or survivor. It is important to note how the use of victim and survivor is in feminist critics. According to the Cambridge English Dictionary, a survivor is a person who is able to continue living their life successfully despite experiencing difficulties or somebody who deals very well with difficult situations (*SURVIVOR | Meaning in the Cambridge English Dictionary*). A victim, on the other hand, is a person who has suffered the effects of violence or illness or bad luck or as the one that is acted on and usually adversely affected by a force or agent (*VICTIM | Meaning in the Cambridge English Dictionary*). The term focuses more on the injury or destruction or sacrifice in question and is widely used to describe someone subjected to oppression, hardship, or mistreatment. By focussing on the violence rather than the person upon which it is inflicted or the persons who inflicted it, the violence is given meaning. By identifying the 19-year-old as “Hathras rape victim,” the focus is on the violence and on her agency less status as the victim. However, referring to her as “the 19-year-old who was raped in Hathras by four men”, her victimhood takes a backseat shifting the focus to who inflicted the violence on whom (Rahila Gupta, 2014).

Another important pattern to be discussed is how her conduct after the rape is described and even glorified. Priyanka Gandhi says. “She fought for her life in hospitals for a week.” She is reported to have “resisted” (HT) the attempt to strangulate or rape her. Telegraph uses “after battling to stay alive for 15 days.” The words like brave/struggling/fighting are used throughout. This has two implications – using terms like battling for life or fighting valorises her situation. These words, usually related to the glory of war, give the same implications as when used in the context of combat – it gives meaning to the senseless act of violence that was perpetrated. This glorification gives agency to the violence as something that needs to be braved rather than prevented. Such immortalisation was seen even during the Delhi gang rape of 2012, the most blatant one being calling the victim Nirbhaya or fearless as she survived the attack to give her statement. The rallying call for the whole movement became her resistance. However, resistance is not what ought to be glorified. Getting raped is one of the worst forms of physical, mental and emotional trauma one can suffer. There is nothing valorous about it; there is no glory in surviving it. Secondly, the use of this word thus puts the onus on the survival of the girl on the effort she/the doctors

puts in. It absolves the perpetrators of the attack of the responsibility for her survival and puts it rather on what has happened after she was admitted to the hospital rather than on why she was in that state in the first place.

Description of her death

The girl died on 29th September around 6 am. The headlines for these follow a very similar pattern to the reports before, with phrases like “battling for life” (HT) and “brutally raped” getting headlines. Kohli saying “inhumane and goes beyond cruelty” also makes headlines in HT, TOI so does other actors like Kangana (HT). They also reflect public anger, usually manifested as outcry for bloodlust as “hanging of culprits” (TOI) “demand death penalty” (TP) “guilty must be hanged” (SI). This is a very common yet unhealthy way in which we see perpetrators of heinous crimes. It is easier to harshly punish and even take the life of the perpetrators than address core concerns that lead to the crimes. Such knee jerk reactions are common in all parts of society as the death penalty is usually reserved for very rare crimes, and a call for the death penalty, in the collective memory, is more powerful and symbolic than any meaningful conversation. It is also important to mention that these are very clear examples of click baits. Even when the content of the articles includes more responsible comments by other politicians and experts, having the headline that of a popular figure like the Indian cricket team captain or a famous actress increases intrigue from the perspective of the reader. When celebrities, who are perceived by the general public as beyond the petty squabbles of politics, express strong opinions regarding an incident, its news value shoots up, here seen as their position in multiple headlines, even when there is no nuance or even a complete understanding of the issues involved.

Another significant usage of words is when it comes to describing the protests outside Safdarjung on the day of her death. TP, TH uses the word “protests” itself. TW and OI do not even mention the protests in their reports. Others use “outrage and stir” followed by (HT) “unease shrouds the village” (HT) or “political outrage” (SI). There are subtle but important differences in the use of these three words – protests, outrage, stir. Merriam-Webster defined ‘protest’ as making a statement or gesture in objection to (*Protest Definition & Meaning - Merriam-Webster*). On the other hand – ‘stir’ is defined as evoking strong feelings in or provoking (*Stir Definition & Meaning - Merriam-Webster*), and ‘outrage’ is the anger and resentment aroused by injury or insult (*Outrage Definition & Meaning - Merriam-Webster*).

The use of these words differentially thus indicates how these various media outlets consider the nature of the protest was. When they use outrage, it is sympathetic to the victim and her victimhood as there is an acceptance that this is something that is indeed worth the anger reflected in the crowd that comes in protest – be it be against gender and caste violence or be it be against how the state dealt with her case. The understanding is that irrespective of the highly polarizing political storm the case turned into, the anger the common person felt towards structural and systemic problems in play in that one week was justified. This is not the case when ‘stir’ or even ‘political outrage is used.’ It shows the protests in a very negative light – unsympathetic to the injustice of the crime and to the genuine need for political opposition to intervene. Even if there were larger political gains to be achieved by having protested against the government, that is how a healthy democracy should function. An active and loud opposition is vital to keeping the ruling party in electoral democracy in check. Demonizing it by using narratives like “inciting caste tensions” only removes the agency of citizens from being a part of active participation in the civil society, keeping the government in check and pushing for better reforms.

Accused

Another very important aspect of sensationalist vocabulary is the use of words like beasts and deviants to describe the accused that is also not here other than one instant on which Delhi Chief Minister says she was "earlier raped by some beasts" and then "the entire system raped her" following reports of forced cremation, which was more of a jibe at the government than her rapists. This is a very unexpected observation, given all other markers of sensational reporting can be seen here. Reporting follows almost all patterns of the reporting of a high-profile rape case, other than when it comes to describing the rapists as 'deviants' in an otherwise safe society. The core concept behind such a description is absolving society of its blame.

However, here, upper-caste sensibilities seem to have prevented this from happening. Instead of absolving the caste system for the impunity, it provides to those perpetrating violence on Dalit women, it just ignores their presence, making it only about the brave Dalit girl who got raped by four men and nothing more. Even after being perpetrators of such a violent crime, these four men are not called out for their caste, nor are they ostracized for the violence of their crime. The media, and through them the society, would rather stay silent on his guilt and the monstrosity of the crime rather than having to name one of its own as a deviant or worse, accept the deeper systematic violence of Brahminical patriarchy.

Words used for the incident

Brutally injured, strangled, gang rape – the Hathras case very rarely appears without one of these words with them. Priyanka Gandhi's comment in Hindi "Unbelievable inhumanity" is reported by Telegraph, and "gross inhumanity" by the Print. Others include "day of the tragedy" and "unspeakable crime." HT mentions it as "on a fateful day." The term fateful day is usually associated with negative connotations to refer to an event of importance or consequence. However, it also explicitly links the incident to that of fate (with its origins having religious undertones) or misfortune. This sidelines the more structural origins of the crime that happened on September 14 because it was not merely an unfortunate incident but one of the countless examples of Dalit women being systematically subjected to violence. This simplification is very similar to how the perpetrators are denied as monsters or deviants so as to shield society from taking any responsibility. By placing the blame on fate or an unfortunate set of events, a blind eye can be turned to the caste tensions and the sexual violence that is still prevalent.

Another observation is the inconsistent use of "alleged" with rape or gang-rape or strangulation or later in time for the "forced" cremation. Oxford dictionary defines alleges as 'to state something as a fact but without giving proof.' The use of alleges absolves the newspaper/news portal of the burden of having to provide proof of the claims in the report. It is important to look at which statements have alleged and which do not. This is useful to try to understand both where the news portal stands and to see if it changes as the issue becomes more and more political.

Brutality

The most evident use of sensationalist vocabulary is the obvious one – the description of brutality. High profile cases are almost always ones that are accompanied by dramatic imagery

of violence. Hathras does not stray far. Phrases like “Deep cuts in the tongue”, “legs fully and arms partially paralysed” (HT) “left paralysed by the torture inflicted on her by them,” “the nature of her injuries has shocked doctors” (TOI) “spinal cord injuries, paralysis and cuts in her tongue” (TG) are very commonly used. Her multiple injuries, “severe injuries on her neck and back, was unable to breathe properly, suffering from quadriplegia (paralysis in all four limbs),” (TP) are repeatedly mentioned in most of the early articles.

One specific injury – the deep cuts on her tongue got a lot of attention. However, the media outlets examined reported the injury to the tongue as “According to the police, the accused had strangled the woman with her dupatta, damaging her spinal cord and neck. She allegedly bit her tongue off, too, while trying to resist the assault.” “While she was being strangled, she allegedly bit her tongue so hard that she cut it” “Her tongue had also been cut off.” (SC) Or as “While she was being held down, she bit her tongue badly. As she was dragged, her spinal cord sustained severe injuries.” The Print also mentions TV host Arnab Goswami's question, “Isn't it disgusting that after a girl is gang-raped in a field by four people who break her spinal cord and cut her tongue, the family is told that it is your fault?” and that “The father alleged that the girl's eyes were gouged out and her tongue was cut, but the police denied the claims.” Telegraph “accused allegedly overpowered the girl, gang-raped her, chopped her tongue off and broke her spinal cord, paralysing her from the waist down.” A severely cut tongue thus becomes emblematic of the cruelty inflicted on her.

On the morning of the day she died, SP Vikrant Vir makes this statement “Reports of her tongue being chopped off are not true,”. This comment even makes headlines in TOI and the OpIndia. This statement is then repeated by multiple state sources. If this was indeed true, i.e., if there are false reports circulating that the tongue was chopped off, then dispelling a rumour only sounds accurate. Given the increasing media attraction and politicisation of the case, it also seems the government's strategy is to make the case less sensational by reducing speculations of brutality.

However, irrespective of why the statement was made and continuously pushed in the media, it has two major consequences. The first is with respect to how the case is tried. The accused are already charged with gang rape and murder, but with a severed tongue and broken neck – the courts would be likelier to try the case as “rarest of rare”, which entitles the death penalty. Only Telegraph looks at this angle. The other more critical implication of the narrative that the tongue just got chopped during strangulation is the rationalisation of the injury and thus taking away responsibility from the perpetrators. Under the assumption that it was a result of the strangulation when described as “bit her tongue so hard that she cut it” during strangulation, it becomes a side effect of strangulation, with the accused absolved of any intent, here it is the victim who bit her tongue hard enough to cut it. The intent for violence is seen separately for strangulation and the severing of the tongue when in reality, it is the extent of violence that led to the tongue being chopped.

[Setting the two sides of the story](#)

Whereas the points discussed above are nuanced and require close attention, the very definite differences in the style and sanction of reporting can be most blatantly seen in the carefully constructed headlines. The headlines are carefully composed to draw the attention of the reader reading a twenty-something page long newspaper or scrolling through the infinite posts on social media or the internet. This makes every word used important, not just from the point of

view of the newspaper or news portal but also with regard to what gets the attention of the reader.

The analysis has been carried out to look at two major trends. First is an attempt to find patterns in the use of certain words such that they make the report more newsworthy. Irrespective of the tone the report itself takes or the facts it highlights, the onus of getting the attention of the reader falls on the headline. This pressure leads to headlines becoming click baits trying to use phrases or words that are more likely to get the attention of the readers. The use of sensationalised vocabulary mentioned by McLachlin et al. is a very good example of this. The headlines of the same incident give a different story according to the words used or not used. Words that emphasise the brutality of the incident are used repeatedly to both draw attention and increase news value. Similarly, the use of different words can emphasise different parts of the incident, highlight it or sideline it.

The second would be a glimpse at how the same incidents carry headlines with very different messages. This is important because, due to the highly controversial manner in which many actions took place, there are many questions about how the state police acted and why. These allegations and counter-allegations, statements and rebuttals made the story itself very polarised. Those who believe the family's version, which is muddled with allegations and criticism by various opposition party members, and the version that the state pushes for, on the other hand, justify every step of police action. In the post-truth era, the reader is left with speculation, allegations and narratives, all tailored to get maximum attention.

Cremation

The first major stir, in this case, occurs over the cremation of the body of the girl. Protests had erupted in front of Safdarjung on the evening of the 29th itself. The father and cousin had been earlier sitting in a dharna in front of the hospital, asking the authorities to hand over her body. SP Vikrant Vir said that the body would be bought back to the village after the postmortem. However, by evening around 300 protesters had gathered in front of the hospital (HT). There are conflicting reports about the nature of the protests, and HT claims that there was no obstruction of medical services, and the protesters remained peaceful, even though the Hathras DM blames the protesters for delaying the departure of the girl's body from Delhi to Hathras (TP).

Later, the body is taken to the village by the police. There are claims that the father (HT) and a cousin (TOI) were travelling with the girl's body. The Hathras District Magistrate said that the ambulance was taken to the girl's home as the officials talked with the family. (TOI, TP) Police allege that around 120 people were waiting for the body here (TP). But the family claimed that it Hathras earlier than the family members, claimed kin of the victim (HT, SC). PTI reports that the father, on the 30th morning, said that the cremation was done around 2.30 am-3 am (TG). In the moments preceding the cremation, a brother of the woman told PTI: "Police have forcibly taken the body and my father along with them for cremation. When my father reached Hathras, he was immediately taken (to the crematorium) by the police. "We begged them to let us bring her body inside the house one last time, but they didn't listen to us" (TG, SC, OP, HN). Another kin said the woman's father was accompanied by 30 to 40 people, mainly relatives and others from their neighbourhood, to the crematorium. An uncle of the 19-year-old victim said he had been standing outside the girl's house in Chandapa village when "some policemen grabbed me and forcibly took me to the cremation ground and shot a video to show I had attended the funeral" (TG). The Hindu reports the father says that police

personnel stopped family members, including women, from coming out of their houses, manhandled them and formed a human chain to barricade them from reaching the ambulance or cremation site (TP). He said that the family wanted to wait till 8 am and that the pyre was already burning when he reached there (HN, TP). The police also allegedly gave them 20 minutes to finish the rites, and when the family refused, she was taken directly to the cremation ground (SI, TW, TP).

Joint Magistrate Prakash Kumar Meena, who was in charge of the funeral, said the father himself had directed that the body be directly taken to the cremation ground as it had been more than 12 hours since the post mortem had been done in Delhi. He then claims that the father was influenced by a political party to change his decision and became untraceable. He says that anticipating a law and order problem, she was cremated in the presence of the girl's real uncle and her father's real uncle. He also says that it was done in the morning to not let a local issue become a national issue.

The Hindu headline reads, "Victim cremated without consent, says family." Hindustan Times reads, "Hathras rape victim's body forcibly taken away for cremation by UP police, alleges family; police deny the claim." "Family gave consent for the funeral, says UP SDG." "Hathras cops cremate victim by stealth." TOI goes with "Police forcibly took away the body for cremation, says victim's brother" closely followed by "Victim's funeral done with family's consent, says joint magistrate," with other reports highlighting "In dead of night, no family present," while other just mentioning "victim's last rites performed at her native place." "Cremation without victim kin's consent infringement on their human rights, says high court." "DM lied in court about our consent for girl's cremation: Hathras victim's father." Telegraph reads 'Hathras rape victim cremated at 2.30 am, family kept out' and 'Brutalised Dalit girl's body 'hijacked' by UP police.'

Now looking at the alternate media sources, Scroll.in reads "Hathras rape victim's body forcibly cremated by police, family says not allowed to take body home." This is closely followed by one that reads "Politician outrages about Hathras woman's hurried cremation" How the Dalit women raped in Hathras was cremated without letting her family say goodbye." "BJP MLA demands action against UP officials amid row over woman's final rites" "It was not our girl's body that was cremated,' says woman's sister-in-law."

"The Wire reports it as UP police locked us up, didn't allow us to see body, cremated her at 3 am: Hathras victims family." Later, the next day, an analysis piece reads "...secret, rushed cremation of a Dalit rape victim" and 'In UP, Maintaining 'Law and Order' Also Means a Secret, Rushed Cremation of Dalit Rape Victim' the next day. A later report states, 'Video Used to Push Misleading Claim That Hathras Victim's Family Performed Her Last Rites,'

Print reads 'Hours of wait, protest & cremation without family — a night in Hathras rape victim's village' and 'UP Police cremates Hathras gang rape victim at 2.25 am, keeping protesting family away' followed by an editorial 'Dalit woman raped and murdered in Hathras died another death in UP Police's forced cremation.' The next day they also have a report 'told Hathras DM to cremate the body in the morning, but he didn't listen; BJP MP says' OpIndia reads, 'Hathras victim cremated late night by her father in the presence of police.' says victim cremated in the presence of family who agreed to cremation

From the headlines above, there clearly exist two sides to the story. One claims that the girl was forcibly cremated by the police against the wishes of the family, and the other states that

the police did it with the family present/consent. The multiple headlines used by some newspapers are important as they are trying to tell both sides of the story. Others clearly have taken a stance, choosing to side with one side of the allegation. This is clear from the headlines themselves.

One another observation to be made is the dramatic and emotive elements in the headlines. The mention of time 2.25/2.30 am, phrases like “died another death”, “secret, rushed”, and “in the dead of night” sound very dystopian and nightmarish. This not only gets the reader's attention but also shapes the narrative as to what happened that night as barbaric and inhumane.

The ‘no rape’ claim

A similar pattern is observed in the reporting FSL report also. On October 1, the Additional Director General of Police (Law and Order), Prashant Kumar, said that “the post-mortem report says the victim died due to her neck injury. FSL report hasn't found sperm in samples, making it clear that some ppl twisted the matter to stir caste-based tension. Such people will be identified & legal action will be taken.”

TOI goes with ‘UP police cites forensic report to declare Hathras girl was not raped’ and ‘Hathras woman not raped,’ ‘Aligarh hospital report doesn't confirm rape.’ The Hindu takes three days to report the FSL report, printing on October 4 ‘No sign of intercourse, says forensic report.’ The Wire uses ‘UP Police Now Claims Hathras Victim Wasn't Raped, Matter 'Twisted' to 'Stir Caste Tension’ and ‘What the UP Police Hopes to Gain With Its 'No Evidence of Rape' Claim in Hathras Case.’ OpIndia goes with ‘Forensic report rules out rape angle in Hathras case, deliberate attempt to instigate caste violence in state: ADG’ supplements with ‘Hathras: First statement of the victim's mother after the strangulation emerges, has no mention of rape’ and ‘Hathras victim needs justice, but not with lies and propaganda - here is why Wire's report claiming medical report confirms rape is wrong.’ Scroll.in goes with ‘Forensic report shows there was no rape in Hathras case, claim UP Police’ and ‘Now, PR agency pushes Adityanath government line that Hathras woman was not raped,’ ‘UP hospital contradicts police's 'no rape' claim, says report,’ ‘Report ruling out rape has no value, used 11-day-old sample, says Aligarh CMO,’ ‘this is what is wrong with the 'no sperm, no rape' line being pushed by UP Police.’ The Print prints ‘Hathras woman was not raped, forensic report shows no sperm, claims UP Police’ and ‘Forensic report ruling out rape in Hathras unreliable, say doctors at AMU where woman was treated.’

Here, the controversial claim is the ADGO claiming that there was ‘no rape’ based on an FSL report that said that there were ‘no signs suggestive of vaginal/anal intercourse.’ There are two points to be noted here. As Hamza Malik from AMU says, “the FSL report denies intercourse, not rape” (HN). Only The Hindu seems to take into consideration this nuance. The FSL report does not confirm or deny rape. However, most of the headlines make it up as though it does.

There are other two important discussions to be had here. Looking at rape only in terms of vaginal/anal penetration was one of the most significant errors in our judicial system that was corrected with the 2013 Amendment. Thus, the presence of sperm is not a requisite for rape. Secondly, the samples that were examined were collected eight days after the rape, on 22nd September, whereas sperms have a maximum life of 96 hours, given the private parts of the girl were not washed (both these points are discussed in depth in the next section).

Discussion of Major Themes

Rationalisation

Earlier, when we discussed the comments made by SP Vikrant Vir dispelling speculations of brutality inflicted upon the victim, there was a mention of rationalizing the violence that was perpetrated on the girl. It was seen that by dispelling any claims that the rapists also chopped or severed her tongue, the SP explained it as “she seems to have bitten her tongue, which has a deep cut now” (SI) and that the injuries in the tongue were caused when she tried to resist the strangulation. Her other injuries that led to her quadriplegia were explained as “she injured her spinal cord when she was being held down.” This rationalized not only the violence but also the agency of those who perpetrated it. Rationalizing deep cuts as inadvertent consequences invisibilises the suffering of the girl. Her injuries thus become by-products of strangulation and not an indicator of the extent of the violence perpetrated on her body (Talbot, 1998).

This is just one example of how the impunity of perpetrators and the complicity of the state is rationalized throughout. Some of the very early reports regarding the case mention “enmity between families” as the reason for the attempted murder (rape was yet to be included in the FIR). This is also echoed in the letter the DCW chairperson Swati Maliwal writes to the CJI “the administration tried to pass off the matter as a dispute between villagers and tried to cover up the incident.” This is yet another very common way in which our country rationalizes violence against women. The idea that family honour is embodied in the chastity of its women is so deeply penetrated in our collective social psyche that violence, sexual and otherwise, is easily rationalized this way. This removes from the centre stage the girl and the violence she had to face; instead portrays it as yet another altercation between the families. The prompt response that is to be expected of the state thus reduces to disregard. When spun this way, there is also less attention. It is not considered a caste conflict (even though land is often at the heart of it), neither is this a mindless act of sexual violence, but a ‘normal’ case of enmity between families over generations. The location of the crime in a remote village in western UP only makes it more acceptable.

As the case gets more attention, more details of the “said enmity” is reported. They mention previous altercations between the families and how there were conflicts about land and caste purity. They also describe the village where communities live separately; with the hierarchy becoming more and more clear, alas, so does the impunity.

Victim Blaming

Victim blaming has been a staple in instances of rape, irrespective of time and space. Indian judiciary, police, media, politicians – none of them have been immune to these appalling behaviours when it comes to blaming the victim for “getting raped.” Victim blaming naturalizes the culpability of the offender by placing the blame on the behaviour of the victim and other mitigating factors like what the victim was wearing, what time of the day it was, or if she was at a place she did not belong. It also downplays the agency of the perpetrator and sexualises the victim (McLoughlin, 2019; Weiss, 2009)

The history of the Indian women's movement's struggle to fight for a better understanding of consent and morality has been partially successful with respect to major judicial and legal amendments. Nevertheless, they have not been able to make much change when it comes to victim blaming of social stigma. Most (in)famously, in the Mathura rape case Supreme Court's judgement that the accused were not guilty was not even vaguely veiled. It stated that she was 'habitual to sexual intercourse for having pre-marital sex, going as far as to speculate that she may have even initiated the intercourse. This led to the watershed moment in the long fight for better rape laws in India. The laws changed, but the blaming did not stop. Even after the 2012 Delhi gang rape and the protests and public outcry that sprung out of it changed the public perception of rape and its implications, the victim-blaming stayed on. In a BBC interview, the accused Mukesh Singh blamed her for going out at night and attracting male molesters and resisting the rape (*Delhi Rapist Says Victim Shouldn't Have Fought Back - BBC News*, n.d.). This must not be surprising as this is a very commonplace argument in Indian public space. SP leader Mulayam Singh Yadav once infamously said, "boys will be boys; they make mistakes." (*India's Rapes Too Often Excused as "Boys Will Be Boys" | Time*, n.d.) It is also not surprising that until 2003, under Section 155(4) of the Indian Evidence Act of 1872, the accused were often allowed to go scot-free if they could prove that "the victim was of generally immoral character". Almost two decades later, we haven't gotten very far, and victims continue to be shamed.

Coming to Hathras, we can see that there was a concerted effort to place at least some blame on the victim. First mentioned in an exclusive report by the ZeeNews, according to OpIndia, it is soon taken up by other national news channels (TP). Later the UP administration also got involved. While talking about the SIT probe, the father tells Scroll.in that they repeatedly asked why there were around 106 calls between the girl and Sandeep, one of the accused. Here, the victim is blamed for having, albeit made-up, a friendship with the accused. The SIT repeated quizzed them about their social relation with the Rajputs, albeit never having any.

Her parents are also blamed for the rather irregular chain of events that happened after the attack on her. "(they) kept asking us the same question - why we didn't mention in our September 14 complaint that my daughter was not only thrashed and had her tongue chopped off but was also gang-raped," the father tells Scroll.in or why they did not take a tougher stance in when the cremation was taking place. Here, the culpability of the state in the several irregularities is being placed at the behest of a family who just lost their daughter.

[Failure to address legal questions](#)

Another important discussion that needs to be done regarding Dalit atrocities and sexual harassment in the Indian context is the absence of sound legal guarantees and definitions. Even though our judicial amendments have come and gone, very little has changed in how the general public looks at rape. Some critical questions like "what is rape" are still an area of contention even when our legal system has made significant progress in the matter. Over decades, with concrete efforts from the part of activists and legal experts, we have had overarching changes as to how rape cases are dealt with in India. However, the public discussion regarding this has not been able to reflect or comprehend most of these changes. The Hathras case is a clear example of this because it had police officers in charge of the case dismissing the rape charge by virtue of sperm not being found in the forensic examination and political party leaders naming the victim. The media as a whole here fails to hold any meaningful conversation to the black and white legal questions in play here. The Indian legal system has clear cut detailing for all these multiple issues. However, only The Wire and the Scroll even try and have a report

detailing why this is wrong. One major reason for this is because the case got politicised, and supporting and opposing certain claims became not just a part of the case but about whom you support. Reporting the mistakes made by investigating agencies and pointing out claims by political figures, even when they are illegal or when they have no legal backing, becomes a choice of whose version one supports rather than what the law lays down.

The crucial reason why the Nirbhaya agitation was monumental was not just the public attention it received but also the Justice Verma Commission that materialised soon after and made significant progress in not just how rape cases are handled but also how they are defined. This is a relevant point in this discussion as in multiple junctions of the case, there have been discussions of the legal aspects of various developments of the case. The IPC and the Police Code of Conduct have clear regulations on how an instance of rape should be dealt with, how to proceed with the various conjectures that come up, about the collection and validity of evidence, statements, allegations and the legality of actions. Some of the very significant ones are the FSL report and the definition of rape, the legality of the dying declaration, the publishing of the victim's name, the controversy surrounding the narco test and the required procedure for a medical examination. It talks a lot about how various media outlets have reported and responded to them. From differential reporting to cherry-picking comments to entirely diverging storylines, the difference is pretty blatant.

Definition of Rape and the Controversy regarding the FSL report

The Indian judiciary and the legal system have come a long way regarding how rape cases are dealt with since the 1990s, the latest in 2013. This was following the Report of the Committee on Amendments to Criminal Law Chaired by Retd. Justice Verma was set up on December 23, 2012, following the gang rape of 22-year-old Jyothi Singh on a moving bus in Delhi on December 16 2012. The Committee, referred to as the Justice Verma Committee, was appointed “to look into possible amendments of the Criminal Law to provide for quicker trial and enhanced punishment for criminals committing sexual assault of extreme nature against women.” The most significant amendment that was proposed and implemented was how Section 375 of the Indian Penal Code defines “rape.” Previous to the 2013 Amendment, the provision for rape was the following

A man is said to commit "rape" who, except in the case hereinafter excepted, has sexual intercourse with a woman under the circumstances falling under any of the six following descriptions.

Which includes

Explanation.—Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape

The Committee notes that “Section 375 of the Indian Penal Code has traditionally defined rape in narrow terms as ‘sexual intercourse’ or ‘penetration’ in the circumstances defined in the statute.”

The Amendment changed it to,

A man is said to commit "rape" if he penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a woman or makes her do so with him or any other person; or inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of a woman or makes her do so with him or any other person; or manipulates any part of the body of a woman so as to cause penetration into the vagina, urethra, anus or any part of the body of such woman or makes her do so with him or any

another person; or applies his mouth to the vagina, anus, urethra of a woman or makes her to do so with him or any other person, under the circumstances falling under any of the following seven descriptions.(D. Arya, 2015; Bhandari, 2021; Roy et al., 2018)

Keeping this in mind, the comments made around the Forensic Science Laboratory report that was released on October 1 were not just outdated and legally unacceptable. Almost all of the media outlets report the verbatim of the statement by ADG (Law and Order) Prashant Kumar that “The report of the FSL has also come. It clearly says that the samples did not have sperm. It makes clear that there was no rape or gang rape,” They were also a reflection of the prevalence of patriarchal interpretation of what rape is. What is even more concerning is the lack of discussion around the archaicness of the comments. This reflects not only the need for better police reform but also the role of media. Scroll and Wire are the only two outlets that try to assess this very important

Victims name

The IPC Section 228A deals with the disclosure of the identity of the victim of certain offences etc. It reads:

(1) Whoever prints or publishes the name or any matter which may make known the identity of any person against whom an offence under section 376, section 376A, section 376B, section 376C or section 376D is alleged or found to have been committed (hereafter in this section referred to as the victim) shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.

(2) Nothing in sub-section (1) extends to any printing or publication of the name or any matter which may make known the identity of the victim if such printing or publication is-

(a) by or under the order in writing of the officer-in-charge of the police station or the police officer making the investigation into such offence acting in good faith for the purposes of such investigation; or

(b) by, or with the authorization in writing of, the victim; or

(c) where the victim is dead or minor or of unsound mind, by, or with the authorization in writing of, the next of kin of the victim:

Provided that no such authorization shall be given by the next of kin to anybody other than the chairman or the secretary, by whatever name called, of any recognized welfare institution or organization.

(3) Whoever prints or publishes any matter in relation to any proceeding before a court with respect to an offence referred to in sub-section (1) without the previous permission of such court shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.

The initial outrage on social media was accompanied by a hashtag that said #RIP(the victim's name) and #Justicefor(the victim's name). This hashtag was used by multiple celebrities and public personalities when referring to the case and seeking justice. Not only did the media outlets not call out the blatant illegality of using her name, but these tweets were also then featured (without removing the name) in reports to show the scale of outrage against the incident. Every media outlet examined, except the Telegraph, has included the particular hashtag in their report. Telegraph does not include it, most likely because they do not have any

reports on how outrage on social media was. The 2018 A bench of justices Madan B Lokur and Deepak Gupta directed that “no person can print or publish in print, electronic, social media, etc. the name of the victim or even in a remote manner disclose any facts which can lead to the victim being identified and which should make her identity known to the public at large,” Thus it is illegal to publish her name both on Twitter and on news reports. Multiple reports in OpIndia even mention the victim's and father's names directly, which may also lead to disclosing her identity. However, even though the media does not take cognizance of it, the judiciary does. According to multiple reports, the Chief Justice of India S.A. Bobde asked the high court to “morph any reference relating to the identity of the girl after solicitor-general Tushar Mehta brought to its notice references to the girl's identity in the earlier orders by the high court.” Taking a turn for the worse, Scroll reports that “BJP IT cell head tweets video of the victim” in which she is heard saying that she was strangulated as she resisted the perpetrators' attempts to rape her (TP). He tweets it as an argument to support the government's claim that she was not raped. The National Commission of Women takes this up and demands an explanation from Amit Malviya and action from the police. This is reported by all the media outlets, except the Telegraph, which does not even mention Amit Malviya. What is disappointing, however, is that The Print and Scroll.in have links and thumbnails of the video he shared, which is still on the internet, linked to their reports. So even when they call him out for posting her video, they are also contributing to spreading the video and thus her identity.

There is another more nuanced discussion also to be had here. Scroll writes that “courts have reasoned that the names of women who have gone through sexual violence must not be revealed to avoid causing them shame.” The court says that the media is duty-bound to not disclose the identity. Even though this rule is in place to ensure that the victim is not treated worse than the perpetrator, ostracized from society for no fault of hers, it is also supposed to encourage more victims to come forward, the logic being that it would tamper the ‘honour of the family.’ It is understandable that such measures need to be in place as long as our society sees rape victims as ‘pariahs’ even in their own families. However, it is important to reiterate and emphasise the fact that the shame is not hers. If anything, it should put us as a society to shame. Instead, her name is an indictment of the social and state institutions that surrounded her in life and in death. There had been a lot of allegations in this case that the police did not include rape charges from the beginning of the case. First mentioned by Shyraj Valmiki when he visited the family on the 23rd of September. The explanation of the police had been that the girl only mentioned rape in the statement she gave on the 22nd. Further videos had come up on social media that support and deny the allegation.

Conclusion

The Justice Verma Commission Report begins by stating the following, “The constitution of this Committee is in response to the country-wide peaceful public outcry of civil society, led by the youth, against the failure of governance to provide a safe and dignified environment for the women of India, who are constantly exposed to sexual violence.” (Committee, 2013) As discussed earlier, the Commission was formed less than a week after the protests against the rape of a 22-year-old girl in the national capital. The protest that happened following changed not only the legal discourse surrounding rape in India but also brought about a conversation within the society as to the prevalence of the gravest form of sexual violence, rape. These protests also became one of the proudest moments for the civil society in India, where divisive politics has made it impossible for people to agree on social issues anymore.

The Nirbhaya protest comes in a long tradition of citizen-led movements that have been instrumental in reforming our legal system. Indian public memory is filled with rape cases that have held our attention and questioned our legal system and the way we deal with such violence and its perpetrators. The acquittal of the accused in the Mathura rape case in 1979 became the pivotal point for change in rape laws in India. The women's movement, which was still in its infancy, was supported by lawyers, academics and Dalit and tribal leaders to bring about maybe the first concerted discussion about consent and morality. Similarly, the Bhanwari Devi rape case triggered widespread protests that led to the Vishakha guidelines against sexual harassment in the workplace.

However, Nirbhaya was different. Mathura, Bhanwari Devi, and Rameeza Bee were all victims of laws that let them down, inherently flawed laws that were not capable of prosecuting the crime or understanding patriarchal norms that clouded the judgements. On the other hand, the condemnation against Nirbhaya was universal. It was impossible that the case did not get prosecuted well. The only legal change people really wanted in the context of the case was the expansion of the punishment regime for Section 375 to include capital punishment – a symbol of public anger coalescing into bloodlust. There was clear evidence, damning evidence for rape, there was a witness, the culprits were caught very soon, and her recorded statement had implications that it bought a whole country, a whole new generation together. So it is clear that the protest was not really about the case in particular. Nirbhaya just became a trigger for the singular question of the prevalence of rape, which is not just a challenge for the legal and judicial system but for self-introspection to come about from within a tradition-bound, patriarchal society. The legal amendments proposed by the Commission were just one part. His entire report also included reforms in police, evidence, education and perception. Even when the new broader definitions of rape were the need of an hour, it was not a question bought up by the case but by the larger discussion that followed the case. This is what was possible following the outrage on Hathras if we did enjoy the public space for healthy dialogue we had a decade ago.

This argument is not without much complexity. The geographic location of the assault and the social location of the victim cannot be more different. A 22-year-old medical student getting brutally raped in a moving bus in the national capital is a slap on the face for any modern liberal image of the country. Her age and status as a student are instantly relatable to the scores of young men and women who live in our cities, study or work during the day, and go to a movie at night. Her case was thus more relatable to the primary demographic of the protesters. This also means the outrage was fuelled by who the victim was and how she represented the urban middle-class woman, empowered and educated, whose life was stolen from her by the “ideal rapist.” This is not the case with the Hathras victim. She was raped in a bajra field near her house by her neighbours in a faraway village. It was not yet enough to send a call for action. That changed when she was cremated at midnight. Grief is a very powerful weapon, and so is the dead body of a 19-year-old, brutalized by four men.

In the likes of monumental protests, Hathras was one of the missed opportunities for meaningful change. Caste and gender have always been drivers of grand, well debated and often controversial socio-legal changes in India. Their power to move the imagination of people has been marvelled at. However, this was not observed in Hathras. The protests at Delhi and otherwise soon died out, even without sparking any kind of conversation. The cry for meaningful change drowned out loud allegations, controversial statements and high political drama. Two points need to be highlighted here – the politicization of the case and the loss of meaning of protest because of that.

As seen in the discussion above, the case got highly politicized. The case instantly developed a pro-government version and one critical to that. These allegations and counter-allegations were published over and over again, masking the real, constructive discussion that needed to have been had. This over importance given to political discourse by the very source that was analysed made the case into a political one, with the reader choosing to believe one side or the other, whereas what should have been was about the victim. About how even today, we fail to protect the marginalized and how we even fail to acknowledge that caste-gender violence is very much a part of our country. Instead, the discussion was either about 'how the [BJP] government failed' or about 'how they [Congress] is making it a [caste] political issue.' The four accused involved in her death may get punished under the law, and she may get a semblance of justice, but we failed to change anything or even have an honest conversation about how Dalit women still get raped and how they are denied justice due to structural flaws in our system. We could not have a conversation about the impunity

The rhetoric that these protests are held by various opposition parties – Congress, AAP, TMC - lets the ruling BJP at the centre and state-level ignore these as mere political protests that would be over soon. None of the political leaders involved could also raise above pretty squabbles. Any mention of women's safety in UP by Congress was followed by the BJP asking about rapes in Rajasthan (where congress rules). The Congress CM there did pass a controversial comment in the time bring, but neither side could condemn the wrong action on their 'side.' What followed instead was whataboutery. Any question of brutality is countered with the argument that 'they are trying to politicize the issue.' Any question of caste with the argument of inciting caste tensions. The noise created by all of this even affected the coverage of the protests. Filling the space with meaningless whataboutery has also been a staple of this new Indian public discourse. In 2012, the protests were mostly self-organized through social media. However, here social media was hijacked by news over the news of who did wrong and who is at fault here. Criticizing the Hathras was criticizing the party in power, and staying silent was being part of everything the ruling party was.

The post-Nirbhaya protests were a symbol of the return of a new consciousness in India, a call by the young men and women to disregard the past and work for true empowerment. They were beyond mere petty squabbles that are there throughout our political sphere. They were like-minded people coming together in disgust of a society that perpetrated sexual violence against women, a system that did not do enough to protect them and legal resolutions that were just not enough. What made the movement powerful was that it triggered a conversation about how we see sexual assault and a sexual assault victim. Beyond a cry for accountability, what made that discussion constructive was that it transcended short-term political goals and moved on to be about what can be done for better women's safety. This does not mean that the safety of women did not repeatedly feature in election campaigns after that. It absolutely did. But the movement was just bigger than that. IT is this healthy discussion that there is no more. Even when there were citizen-led protests, after reading 2197 articles, all one remembers is Rahul Gandhi falling down and a journalist arrested for sedition and denied bail for carrying a poster titled 'Justice for Hathras.'

It is important to remember the political context of Hathras. The pandemic had led to the abrupt stop to the citizen-led CAA-NRC protests that had the potential to be one to remember. Even though the mismanagement of the pandemic and our failing health systems, and the migrant crisis did make news, people were not yet ready to venture out. But they did when Hathras happened. And then the politics started, and so did the media. Without normalizing the many

failures of the police system in India, it is fair to say that before head forced cremation, the police did do a decent job of catching all the culprits. The accused were arrested, her FSL was done, dying declaration was recorded on camera. There were indeed allegations at this point. But after reading views from 8 media outlets, it becomes increasingly difficult to get a semblance of what is true. The police claim that she mentioned rape only on the 22nd, one source reports the family ignored it on the 14th, another quotes the brother saying the mother did not mention it on the 14th due to stigma, and one writes a long article about how the Medico-Legal case report stating the primary conclusion that she was raped, another writes about how this particular article about that particular report is false so on and so forth. There is just so much reporting about the allegations and political controversies that for every one report about the development of the case, you can easily find three about what Rahul Gandhi did.

This is not just confined to politics but also to civil society, the bureaucracy and even, to an extent, the judiciary. The Nirbhaya protests were never called anti-congress even though congress then ruled both centre and state. The police under the then Delhi Chief Minister did come under scrutiny for how they dealt with the swelling crowds, but the important questions of women's safety were addressed to the society. Media played the single most pivotal role in this. In 2020 however, they failed to spearhead the discussion toward the important one – caste and gender. Even when the failure of the police was discussed, it was the failure of the BJP. Upper caste impunity becomes Thakur Raj or jungle raj. The selective outrage of the opposition is discussed instead of the discussions in civil society. It also does not help in any way that the Indian media has become more polarised than ever.

There have always been newspapers that had been mouthpieces of certain political parties. These were, however, countered by a certain high standard of journalistic ethics and the presence of strong editorial values. However, it seems that it is no more the case. Cases are no more about the dominant version and the marginalized version, the one that the media champions, but the BJP version and the non-BJP version. Anyone who criticises the government is named a mouthpiece of Congress. It does not help that they amplify every statement made on Twitter that criticizes the BJP in scathing terms.

This divide is even more evident in alternate media sources. The alternate media has immense potential in India. They have already been able to bring important discussions to the forefront. However, they need to be careful not to take sides, to not search for a reason to place blame on a particular political party and focus on only certain issues they know their reader base wants to read about. OpIndia and The Wire represents two ends of the spectrum, with the rest in between. This means that OpIndia unquestionably defends everything the government says and criticizes everyone who criticises the government. They have only 31 news reports of the development of the case out of 118. The Wire has out of 384, only 67. There is a lot of name-calling, sensational headlines, editorials written by critics, and so on and so forth. Hathras represents the reality of media in India – one which is critical of the UP govt and the wider BJP mechanisms that function with it, the other that lauds the government and criticizes the mainstream media and the real, most traditional media that does not take a stand instead mindlessly report. The Hindu and TOI – two of the biggest English language dailies, had only three editorials that even mentioned Hathras. In this very divided mediascape, the voice of the aggrieved is lost. Lost within the loud discussions about everything from Kashmir to PFI to international conspiracies.

This has been the political reality not just in the media discourse but also in the public sphere in general. The hostility and lack of conversation between political parties have become part

and parcel of the system, such that agreeing on something or even agreeing to disagree seems unattainable. This is a very dangerous precedent. In an era of post-truth, fake news and disinformation are as powerful tools as there can be. And lack of dialogue between ideological streams and the intense polarization it causes can only have terrible consequences – consequences we are already facing. This case was a perfect opportunity for sparking the conversation about sexual violence, this time also to include class and caste structures within it – even within the media. With the dilution of the SC/ST Actin 2018, the precedent for violence against Dalits has been hanging by a thread. This would have been a juncture to bring back into the conversation.

There is no doubt that the media has immense power over the discussions that happen. However, it also depends on the discussions it chooses to have. For example, the case brings about a few important questions women's rights activists have been raising for years – the important one being what is rape and how to prove it. A lot of controversy surrounding the case was based on the FSL report and the dying declaration. FSL report said that there was no semen found, and thus intercourse could not be established. A lot of politicians from various political parties and the police rallied around this claiming it to be evidence of no rape. Only The Wire made efforts to bring about clarity to the situation. One of the major changes that were brought about by the Amendment Act of 2013 was the expansion of the definition of rape from a conservative, misogynistic notion of penile penetration to a more holistic one (refer to the previous section). Many other news articles mention that the claim is wrong, but proper explanations as to why were impossible to find. Just mentioning the FSL report and repeating the “allegations” of the family does not give the reader a complete picture. The reader is not a legal expert; neither is he going to research and find why. This is the media needs to herald conversations that matter. The need to understand the politics of caste and its implications is important, but also important is to not drown the debate about structural flaws and the temporary noise they create and reduce them to mismanagement by a political party alone.

Atrocities against Dalit women are not going to go away with a change of political party. Neither is judicial reform the way to go. Intersectional understandings of caste, gender, land and political connections are vital to preventing it from happening. This is a long road ahead and cannot be done by any political party or civil society alone. Multiple arms of public discourse – the state, the government, the civil society and the media need to work hand-in-hand for this to happen. As much as it is important to call out politicians for dangerous comments, it is also important to make sure the conversation does not get diverted that way.

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