

## MEDIA PORTRAYAL OF KATHUA RAPE-AND-MURDER CASE

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### **Abstract:**

Violence against women and girls continues to be a global epidemic that kills, tortures, and maims – physically, psychologically, sexually and economically. It is one of the most pervasive of human rights violations, denying women and girls equality, security, dignity, self-worth, and their right to enjoy fundamental freedoms. Kashmir is internationally one of the oldest conflict zones of the world with women being one of the most vulnerable victims. Women, now and then always bear the brunt between the warring parties. This paper is aimed to study the coverage given to one such recent incident of sexual violence in the state of J&K where an eight-year old girl was abducted, raped and killed. It is aimed to understand how the media has portrayed it and what are the ethical issues concerning it.

**Keywords:** Media, Jammu and Kashmir, rape, murder, sexual violence, Women

### ***Introduction***

Violence against women and girls is a global issue. This is a worst form of human rights violations that not only denies women and girl's equality, security, dignity, self-worth, but also snatches their right to enjoy fundamental freedoms. The global dimensions of sexual violence against women are alarming, as highlighted by studies on its incidence and prevalence. The situation is much worst in the J&K state of India.

### **Sexual Violence against Women in Kashmir**

Kashmir is internationally one of the oldest conflict zones as per United Nations Organization. (BBC News). The decades old conflict-ridden society has been torn by conflict with women being one of the most vulnerable victims. Women now and then always bear the brunt between the warring parties. As per the government of the state, it has registered 5125 cases of rapes in the state between 1989 and 2003, out of which 2601 were from Kashmir. In the same period, 14,953 cases of molestations were also registered, out of which 12,215 were from Kashmir (Zia, 2008). A study done by Medecines Sans Frontiers in mid-2005 reveals that Kashmiri women are among the worst sufferers of sexual violence in the world. It further mentions that since the beginning of the armed struggle in Kashmir in 1989, sexual violence has been routinely perpetrated on Kashmiri women, with 11.6% of respondents saying they were victims of sexual abuse. Interestingly, the figure is much higher than that of Sierra Leone, Sri Lanka and Chechenya (Siddiqui, 2006).

According to Dr. Maiti, Professor of political science at Rurdwan University, West Bengal in India, “rape continues to be a major instrument of Indian repression against the Kashmiri people while the majority of casualties in Kashmir are civilians.” In October 1992, the gang-rape of nine women at Shopian was thrown out after being investigated by army and police, the very units charged with the crime, despite solid evidence to the contrary; however no independent investigation by an impartial agency was carried out. (Zia, 2008)

Two young women of Shopian, Asiya and Neelofar were abducted, raped and murdered and left in the orchard under mysterious circumstances between 29<sup>th</sup> and 30<sup>th</sup> May 2009. However the process was followed by commissions, reports, protests, undeclared curfew but to no avail. At last, the officials declared the rape and murder as a case of drowning and closed the file, with the family of victims still waiting for justice. (Zaraar, 2013). While human rights situation in Kashmir is dismal on all fronts, the incidence of woman being raped with impunity is growing at an alarming rate.

In a written reply to the Assembly, Chief Minister Omar Abdullah, who was then in-charge minister for Home Affairs, said 5,125 rape cases and 14,953 molestation cases have been registered in the state over the last 24 years (Press Trust of India, 2013).

A report published in Oct. 26, 2016 296 complaints of rape incidents have been received by the local police in the year 2015. The cases could be a lot higher than a few hundred since many of such incidents usually go unreported due to the social taboo associated with rape or molestation in J&K. The report further reads:

Reportedly one case of rape and five to six cases of molestation get reported on an average daily in Jammu and Kashmir. Most often, cases of women harassment go unreported either due to remoteness of the location or victims choosing to stay silent out of fear or social stigma attached to such exploitation. “Very little percentage of crimes against women goes reported as women mostly prefer to remain silent without lodging complaint. Mostly women face harassment outside their homes be at workplaces or in educational institutions,” a senior police official said. He said rape crime has shown an upward trend for the last few years in the state which is a cause of concern for the society. (Hassan, 2016).

This paper documents the portrayal of one such recent issue of sexual violence against an eight year old girl in J&K who was abducted, raped and then brutally killed in early January 2018. The role of media in presentation of such issues and advocating the justice of the victims is also critical. The victim belonged to a nomadic community and her body was discovered by some villagers hardly a kilometer away from her village. The crime was very brutal and horrifying as the body was found in a bad condition (broken legs, visible torture marks, black nails and blood marks throughout the body) (BBC, 2018).

### **Sample and Method**

For the purpose of this study, the technique of content analysis has been adopted. Content analysis is the method used predominantly to mass communication research. Content analysis is

a methodology in the social sciences for studying the content of communication. Earl Babbie defines it as "the study of recorded human communications, such as books, websites, paintings and laws" (Babbie, 2009).

The coverage of the incident was studied in eight news organizations that include Greater Kashmir (the largest circulated English daily from Kashmir, Daily Excelsior (the largest circulated English daily published from Jammu), two widely circulated national newspapers (The Times of India and Hindustan Times) and four international news organizations. Besides the news stories for other organizations were also consulted for references and reviews.

### Media Portrayal of Kathua case

Though the incident happened in January 2018, but it attracted the media attention in April 2018 when the charge sheet was filed against the accused in April 2018. For the three months, the case seemed to be a case of sexual violence that is rampant in India, until the barbarity and the plot came to fore in a 16-page charge sheet presented by the crime branch a local investigating agency (Fareed, 2018). Below is the number of stories that was carried by the different news organizations:

All the major news organizations of the world including Washington Post, Asia Times, New York Times, BBC, Aljazeera gave coverage to this incident making it one of such few incidents of sexual violence against women in J&K that was covered widely by national as well as international media. The incident gained space in almost all the popular news organizations of the world.

BBC did a series of five stories on the issue. Except one, all the stories had appeared in April 2018. Aljazeera had 9 stories on the incident giving it a much wider coverage than BBC. The New York Times also carried 4 stories (including one Opinion based story) on the incident while the Washington Post carried 7 stories on the incident.

Comparing the coverage of the incident in the National print media, the most widely circulated newspapers of India - The Times of India had published 9 stories on the incident and Hindustan Times did 32 stories on the incident with most of them being the follow-up stories of the court case.

Due to the proximity of the incident, the media had a wide coverage in the state print media. While daily Greater Kashmir published 93 stories on the incident, daily excelsior published 89. Though media from both regions gave good coverage to the incident but the picture presented was contrary to each other. While Kashmir media blamed that Jammu media favoured the accused of the crime, the Jammu media blamed Kashmir media of exaggerating the

S.No.	News Organization	No. of stories
1.	BBC News	5
2.	Aljazeera	9
3.	The Washington Post	7
4.	The New York Times	4
5.	The Times of India	9
6.	The Hindustan Times	32
7.	Daily Greater Kashmir	93
8.	Daily Excelsior	89

facts. In one such story published in daily Excelsior headlined Media Ethics were too ‘raped’ and ‘murdered’, the editor wrote:

*...national’ media coverage left an impression across nation- even internationally that people here (Jammu) were ‘pro-rapist’ holding their head ‘high’ as if every one was a ‘walking rapist’ (Daily Excelsior, 2018).*

The difference in the presentation of facts by the print media of two regions could be understood from the fact that as per the Jammu media, the victims of the family demand CBI probe (Daily Excelsior, 2018) whereas Kashmir media argues that it is the accused family and associate who demand the CBI probe and not the victim or her family.

### **Visual Elements**

After analysis the news coverage of the incident, it was found that maximum news stories on the incident have published the picture of the victim who was raped and murdered. It includes the international news organizations like BBC. Al Jazeera has not carried the picture of the victim in any of the stories. However, in one of the pictures they carried, the image of the victim is visible was visible on the play-cards displayed by the protesters. The same is the case with The Washington Post and New York Times where none of the pictures of victim was published but the play-cards display it. Both the state newspapers have carried the picture of the victim in their news stories.

### **Revealing Identity of the Victim**

Most of the news organizations have clearly mentioned the name of the victim including BBC News. In most of the stories, Aljazeera has not mentioned the name of the victim. One out of 9 stories) by Aljazeera on the incident carried the name of the victim. The Washington Post has also carried the name of the victim in 5 out of 7 stories. Out of the four stories in New York Times, two of the stories named the victim while the other two stories avoided to name the victim of the crime.

All the national and local dailies revealed the identity of the victim by disclosing the name of the victim and details of her family. On April 13, 2018, the Delhi High Court criticized the media for opening disclosing the identity and other details of the rape and murder victim of Kathua. The order was issued against 12 media houses of the country including The Times of India, The Hindustan Times, The Indian Express, The Hindu, NDTV, Republic Tv and FirstPost. Though the court issued this notice to some media organizations but in reality the number of offenders were many more than those issued notices by the court. In all the local and national newspapers, the name of the victim has not only appeared in the stories but also figured in the headlines.

### **Discussion and Conclusion**

Though the media reporting regarding the incident was quite late (it happened in Jan. 2018 & most of the media coverage started in April 2018), but it is one among the very few such

incidents that has attracted a wide national as well as international coverage. The incident took place in one of the districts of Jammu province but it received slightly more coverage in Kashmir newspapers.

As per the BBC report, the case had become a religious flashpoint in an already polarised Indian region (BBC, 2018). While some of its stories discussed the facts and developments related to it, there were also stories that documented the reactions generated across the globe. In its detailed timeline of the Kathua incident, BBC News said that *‘while the crime has shocked the community, but it has also exposed the fault lines between Hindu majority Jammu and Muslim majority Kashmir valley in a sharply divided state.*

Besides reporting about the details of case, Washington Post discussed about religious friction in the country vis-à-vis this incident. The reporting in New York Times also raised questions regarding handling of the incident by the state. The New York Times reported that the Hindu nationalists have turned it into a rallying cry in the defence of the accused. (The Quint, 2018).

The media of the two regions of the state (Jammu and Kashmir) blamed each other regarding the biased reporting of the incident. While the valley newspapers (Greater Kashmir and Rising Kashmir) has covered several stories on the incident much before the charge-sheet was filed, the national and international media was completely silent about it. The incident was covered by the valley newspapers as soon as the news of the crime first emerged but the Jammu media had deferred reporting about it for about three months (Yaseen, 2018).

The coverage of the incident was not appropriate on ethical lines also. While there are laws and code of ethics that protects the identity of the victim but the study revealed that no such rule or code was considered by media while reporting about it.

The dead also have dignity. As per Section 228A of the Indian Penal Code(IPC), *‘whoever prints or publishes the name or any matter which may make known the identity of any person against whom an offence under different sections is alleged or found to have been committed shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine’.* This makes it a punishable offence to disclose the identity of the victim. Besides, Section 23 of POCSO-Protection of Children from Sexual Offences Act, 2012 also prohibits media organizations from disclosing the identity of the victim of sexual offences against a child.

In the year 2012, the photograph of a similar incident in Delhi was not published by the newspapers. So, the image of the victim didn’t got imprinted in the minds of the people. However, in this incident, the photograph of victim was widely published. In the Kathua rape and murder case, most of the news organizations contained two of her photographs, the one provided by her parents (before the crime) and the other one of her abused dead body that was often placed alongside of her earlier picture.

In most of the news stories, the identity of victim was clearly revealed till the court interfered. Some of the media channels like Zee Tv were also issued legal notice by the advocate of the Kathua victim for airing false statement. As per the notice, the channel has aired a false

statement that the advocate is collecting money on the name of the Kathua victim, whereas the fact is that the advocate team fighting the case was doing it free of any charges (Free Press News Desk, 2018).

This raised an issue of grave concern that the media needs to be sensitized to gender issues and made aware about the laws and rules governing them.

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