
THE ROLE OF MEDIA AND JUDICIARY IN SHAPING RAPE JURISPRUDENCE

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ABSTRACT

The media function is an effective medium of communication between the judiciary and the public. It is not merely a modern development; rather, it has long served as a vital channel for conveying information to society. Media is often regarded as a reliable source of knowledge, which places a significant responsibility on journalists to ensure accuracy and impartiality in their reporting.

The judiciary has played a crucial role in expanding the interpretation of rape laws, ensuring that justice is aligned with constitutional values such as dignity, equality, and the right to life. At the same time, however, challenges remain, such as delays in trials, inconsistent judgments in lower courts, and occasional reliance on outdated stereotypes that may disadvantage victims or the accused.

The media, as a powerful societal institution, similarly has a dual role. Positively, it raises awareness, educates the public, highlights ignored cases, and mobilises social movements that push for legal reforms. Negatively, excessive sensationalism, “media trials,” and violation of victim privacy can influence public opinion unfairly, compromise judicial impartiality, and sometimes hinder the fair trial of the accused.

This paper brings a new perspective by examining how both media and judiciary together shape rape jurisprudence through analysing landmark judgments, statutory developments, media coverage of high-profile cases, and their combined influence on legal reforms. The study argues that a balanced approach is essential.

KEYWORDS: Influence of Media, Rape Laws, Judiciary, Legal Judgments, Statutory Developments

INTRODUCTION

In India, the laws on rape have always been shaped by both society and changing ideas of justice. Over time, the legal meaning of rape has changed not just because of new laws, but also because people have become more aware and spoken out about the issue. Courts have played a major role in this process. They’ve helped broaden the idea of what “consent” means, strengthened the rights of victims, and upheld core values like equality and dignity.

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Big moments, like the changes that followed the 2012 Nirbhaya case, have shown how important the judiciary is in making sure justice is not only delivered quickly but also in a way that truly matters. The judiciary, despite being the guardian of justice, has not always delivered gender-sensitive judgments in rape cases. Even today, the judiciary has faced criticism for its reluctance to strike down the marital rape exception under Section 63 of the BNS, which continues to deny married women equal protection of law.

These shortcomings highlight that while the judiciary has played a role in expanding rape jurisprudence, it has also at times reinforced stereotypes and failed to fully uphold women's constitutional rights to dignity and equality.

At the same time, media plays a big role in shaping how people see the law, but it's not always easy to measure how much media actually affects public opinion about justice. Although media has played a strong role in bringing attention to sexual violence, it has also been criticized for its insensitive and sensationalized reporting.

In many rape cases, the media has conducted "trials by publicity," creating public outrage that sometimes prejudices the judicial process. Despite the legal prohibition under Section 72 of the BNS, instances of indirect disclosure of the victim's identity continue to occur, causing further trauma to survivors. Sometimes, media coverage can even create wrong impressions about the law.

And today, "media" doesn't just mean newspapers and TV. With the rise of blogs, chat rooms, and social media, almost anyone can report or comment on legal events as they happen, which makes things even more complicated. The interplay between court rulings and media coverage works together to drive social change. Courts handle sexual violence through laws and legal processes, while the media shapes how society thinks and talks about it.

ROLE OF JUDICIARY

Positive Impact

Sexual assault is one of the oldest and most serious crimes recorded in history. It is not just an attack on an individual woman but an attack on the whole society and on the basic human rights of every person. Every country in the world recognizes rape as a crime.

In India, rape laws began with the Indian Penal Code (IPC) of 1860. Over time, the laws have been amended many times. The main debates have been about how rape is defined, what counts as "consent," the age of consent, and whether marital rape should be included.

Pre-Independence Era

- 1882: The British colonial government passed an Act that made rape a serious criminal offence, even punishable by death.
- 1891: Sir Andrew Scoble introduced a bill that became the Indian Criminal Law (Amendment) Act, 1891. It raised the age of consent to 12 years for both marital and extra-marital sex.
- 1924–1927: Dr. Hari Singh Gour pushed for further changes. The 1925 Amendment fixed the age at 14 years for extra-marital cases and 13 for marital cases. In 1927, he again proposed raising it to 14 and 16 respectively.
- A special “Age of Consent Committee” suggested using the term “marital misbehaviour” instead of rape within marriage and recommended lighter punishments for sex with a wife below a certain age.

Post-Independence Reforms

- By 1949, the age of consent was 16 for extra-marital cases and 15 for marital cases. In 1955, “transportation for life” (a British colonial punishment) was replaced with “imprisonment for life” in Section 376 IPC.
- Law Commission Recommendations: The Law Commission wanted to modernize the IPC. In its 42nd Report (1971), it recommended stronger punishment of 14 years’ rigorous imprisonment for rape.
 - A new Section 376-B was proposed for cases where a girl between 12–16 “consented” to intercourse, with a maximum punishment of 7 years.
 - Custodial rape recognition: Special Sections 376-C, D, and E were introduced for sexual offences by public servants, hospital staff, and those managing institutions for women or children.

The Mathura Rape Case (1972)³

In 1972, a 16-year-old Adivasi girl named Mathura was allegedly raped by police officers at a station. The lower court called her “of loose morals” and acquitted the policemen. The Bombay High Court reversed that decision, but the Supreme Court again acquitted the policemen, saying Mathura did not resist or show injuries and might have “incited” them.

³ Tuka Ram v State of Maharashtra, 1979 AIR 185, 1979 SCR (1) 810

This judgment sparked outrage across India. Women's groups and lawyers protested nationwide for the first time. Their campaign led to major amendments to India's rape laws in 1983, including recognizing "custodial rape" and introducing stricter penalties.

Criminal Law (Amendment) Act, 2013

On 16 December 2012, a 23-year-old physiotherapy intern was brutally gang-raped on a moving bus in Delhi. She fought for her life but died from her injuries on 28 December. The cruelty of the crime shocked the whole nation. People across India poured onto the streets demanding stronger laws, faster trials, and harsher punishments for sexual offences. This moment became a turning point for anti-rape laws in India.

The public anger showed that existing laws were outdated. Many crimes specifically against women — like voyeurism, acid attacks, and stalking — weren't even listed properly in the Penal Code. To prevent another "Nirbhaya" case, the government set up the Justice Verma Committee to recommend changes to criminal law.

The Justice Verma Committee⁴:

On 23 December 2012, a three-member committee was formed:

1. Justice J.S. Verma (Former Chief Justice of India)
2. Justice Leila Seth (Former High Court Judge)
3. Gopal Subramaniam (Former Solicitor General)

Their task was to propose reforms to strengthen rape laws and make the system more responsive to crimes against women.

Recommendations:

The national-level demonstrations and massive public outrage after the Nirbhaya case led the government to act quickly, and as a result, the Justice J.S. Verma Committee was set up to suggest amendments to criminal laws. The committee made recommendations on a wide range of issues dealing with all kinds of sexual crimes.

⁴ <https://spuwac.in/pdf/jsvermacommittereport.pdf>

The Committee recommended that the exception for marital rape should be removed and stated: “The relationship between the accused and the complainant is not relevant to the inquiry into whether the complainant consented to the sexual activity.”

It made recommendations to the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Bill, 2012 and criticized the existing mechanism of Internal Complaints Committees, stating that it defeated the purpose of the Bill, and recommended the setting up of an employment tribunal. With respect to punishments for rape, the Committee was of the view that such offences need to be graded. The Committee stated that “There are instances where the victim/survivor is still in a position from which she can, with some support from society, overcome the trauma and lead a normal life.”

The Committee also took into account the views of a majority of scholars, leaders of women’s organizations, and other stakeholders who strongly submitted that “the seeking of death penalty would be a regressive step in the field of sentencing and reformation.” However, they enhanced the punishment to mean the remainder of life.

The Committee further recommended the insertion of certain offences such as voyeurism, stalking, and intentional touching in the Penal Code. It also reviewed the practice of the “two-finger test” during the medical examination of the victim and suggested scrapping the test by stating that “the size of the vaginal introitus has no bearing on a case of sexual assault, and therefore a test to ascertain the laxity of the vaginal muscles, which is commonly referred to as the two-finger test, must not be conducted. “On the basis of this test, observations or conclusions such as “habituated to sexual intercourse’ should not be made, and this is forbidden by law. The Committee emphasized the importance of gender equality and also drafted a separate Bill of Rights for Women, stating:

Parliament accepted many of these recommendations. The Criminal Law (Amendment) Act, 2013 replaced an earlier ordinance and became law, adding new offences (like stalking, voyeurism, and acid attacks) and strengthening punishments.

Criminal Law (Amendment) Act, 2018⁵

⁵ https://www.mha.gov.in/sites/default/files/2023-02/CSdivTheCriminalLawAct_27022023.pdf

Unnao Rape Case⁶

In 2017, a 17-year-old minor girl was kidnapped and raped by former BJP MLA Kuldeep Singh Sengar, his brother Jaideep alias Atul Singh, and others. The girl's father was arrested in an arms case. He was allegedly beaten up in custody and later died. Later, the victim was severely injured in a car accident and two of her aunts died in the accident.

Owing to the seriousness of the case, the Apex Court transferred all cases registered in connection with the Unnao rape incident from the Lucknow court to the Delhi court. Kuldeep Singh Sengar was convicted for kidnapping and raping by the Delhi High Court. The court asked him to pay Rs. 25 lakh to the victim apart from the life sentence.

Kathua Case

In January 2018, an eight-year-old girl named Asifa Bano was kidnapped from her village in Kathua, Jammu & Kashmir. She was raped repeatedly for three days inside a temple and then murdered. The main accused was a temple priest, with his son and nephew (juveniles) also involved.

Because the victim was a child and the crime happened inside a place of worship, the case sparked nationwide outrage. Several state governments — Madhya Pradesh, Haryana, Rajasthan, and Arunachal Pradesh — quickly passed stricter laws for child rape.

The pressure pushed the central government to act. On 21 April 2018, the President of India signed the Criminal Law (Amendment) Act, 2018, which introduced even harsher punishments for rape of minors.

In our country, the judiciary is known as the independent wing of government. This independent judiciary has two roles:

1. The traditional role, i.e., to interpret the laws.
2. Judicial activism, i.e., to go beyond the statute and exercise discretionary power to provide justice.

⁶ CBI v. Kuldeep Singh Sengar, 2019 SCC OnLine Del 11827.

Bodhisattwa Gautam v. Subhra Chakraborty (1996)⁷

The accused had established a fake marriage with the victim and thereafter sexually exploited her. The trial was still pending when the Supreme Court heard the matter. The victims sought compensation for the trauma and violation of her rights.

Judgment: The Supreme Court held that rape is not just a criminal offence but also a violation of fundamental rights under Article 21, which guarantees the right to life and personal liberty. Importantly, the Court directed the accused to pay interim compensation to the victim even before the trial concluded, recognizing that survivors need immediate support. This case was revolutionary because it broadened the scope of judicial responsibility. Instead of treating rape as only a crime under IPC, the judiciary recognized it as a constitutional wrong against a woman's dignity. This expanded understanding gave survivors more respect, reinforced women's fundamental rights, and set the stage for treating sexual assault as both a criminal and human rights violation.

State of Punjab v. Gurmit Singh (1996)⁸

A minor girl was abducted and raped by three men. At trial, questions were raised about the absence of resistance and physical injuries, which earlier would have weakened the prosecution's case. The Supreme Court held that "Rape is not merely a physical assault — it is often destructive of the whole personality of the victim. A murderer destroys the physical body of his victim; a rapist degrades the very soul of the helpless female." Further, owing to the growing criticism of the treatment of the victims in court during their cross-examination, the court was of the opinion that, "While every latitude should be given to the accused to test the veracity of the prosecutrix and the credibility of her version through cross-examination, the court must also ensure that cross-examination is not made a means of harassment or causing humiliation to the victim of crime."

This judgment significantly changed the interpretation of consent in rape cases. It rejected the outdated belief that women must prove lack of consent through visible injuries or resistance. The focus shifted to whether there was voluntary and informed agreement by the woman. The

⁷ Bodhisattwa Gautam v. Subhra Chakraborty (1996) 1 SCC 490.

⁸ State of Punjab v. Gurmit Singh (1996), 1996 SCC (2) 384

judiciary has not only punished offenders but also laid down progressive guidelines to protect women's rights and tried to fulfill the gap between fast changing society and rigid laws.

Negative Impact

While the judiciary has undeniably played a progressive role in strengthening rape jurisprudence, it has also shown serious shortcomings. Many judgments in rape cases have been criticized for being insensitive, patriarchal, or excessively technical, often prioritizing procedure over justice. Survivors have sometimes faced re-victimization in courts through hostile cross-examinations, intrusive tests, and long delays in trials.

Judicial insensitivity in certain cases has often resulted in shocking acquittals. One such disturbing instance is seen in:

Mohd. Habib v. State.⁹: The Delhi High Court allowed a rapist to go scot-free merely because there were no marks of injury on his penis — which the High Court presumed was an indication of no resistance. The most important facts such as the age of the victim (being seven years) and that she had suffered a ruptured hymen and the bite marks on her body were not considered by the High Court. Even the eye-witnesses who witnessed this ghastly act could not sway the High Court's judgment.

From 1860 to 2002, colonial-era laws in India continued to influence the judicial treatment of rape victims, particularly through the emphasis on a woman's moral and sexual history. Under these outdated provisions, a victim's past sexual conduct was often used to assess credibility and even determine the outcome of the case, effectively blaming the victim rather than focusing on the crime itself. Although the explicit clauses allowing such considerations were eventually deleted, the practical realities in courtrooms have shown limited progress. Even today, judicial reasoning in some cases subtly reflects patriarchal biases, where the victim's character or behavior can influence judgments, perpetuating societal stigma and discouraging victims from seeking justice. This demonstrates that legal reform alone is insufficient; systemic monitoring and consistent enforcement of progressive principles are necessary to ensure that rape cases are adjudicated fairly, without prejudice, and with proper respect for the dignity of the victim.

⁹ Mohd. Habib v. State 1996 Cri LJ 1351 (Delhi HC)

The persistence of such colonial-era attitudes was starkly reflected in:

Tukaram v. State of Maharashtra (1979)¹⁰ The Supreme Court observed that, ‘no marks of injury were found on the person of the girl after the incident and their absence goes a long way to indicate that the alleged intercourse was a peaceful affair, and that the story of a stiff resistance having been put up by the girl is all false.’ Though Tukaram has not been expressly overruled, the Court in other cases has not equated the presence of injury marks to the proof of consent.

Recently the Allahabad High Court held that “grabbing the breasts of a minor and trying to open or break the string of her pyjama does not amount to an attempt to commit rape”, reasoning that these acts were mere preparatory steps and did not reach the stage of “attempt” because there was no allegation of disrobing or penetrative intent. This judgment attracts severe criticism for its insensitive approach to the trauma of the child survivor and its narrow interpretation of “attempt.” The Supreme Court quickly intervened, staying the HC’s order and terming its observations “totally insensitive” and “inhuman.” This case says how judicial reasoning can sometimes perpetuate victim-blaming narratives or minimize sexual violence, though higher judicial intervention may correct such errors.

Liberal Punishments:

A major concern in the Indian judicial system is the tendency to give lenient or liberal punishments to rape offenders, which undermines both justice and deterrence. Although laws prescribe stringent penalties for sexual assault, including life imprisonment for severe cases, courts sometimes impose short prison terms, probation, or suspended sentences, especially in cases involving influential individuals or socially privileged offenders. Such leniency often reflects systemic biases, including patriarchal attitudes, victim-blaming, or underestimation of the psychological and social impact of rape on the victim. In many cases, judges may consider factors like the accused’s social status, education, or even marital arrangements with the victim, rather than focusing solely on the gravity of the crime. From a broader perspective, these liberal punishments fail to send a strong message to society that sexual violence is unacceptable and carries severe consequences. They also discourage victims from reporting crimes, as survivors may perceive the legal system as incapable of delivering meaningful justice. Overall, the

¹⁰ Tukaram v. State of Maharashtra (1979), 1979 AIR 185; 1979 SCR (1) 810; 1979 SCC (2) 143

persistence of lenient sentences highlights the need for stricter enforcement of the law, consistent sentencing, and judicial sensitivity to ensure that rape is treated as the serious violation of human rights that it is.

‘Guidelines Overlooked’

While the judiciary in India has consistently laid down progressive guidelines to protect victims of sexual assault, the failure to implement these directives effectively undermines justice. In *Delhi Domestic Working Women’s Forum v. Union of India*, the Supreme Court recommended comprehensive support for victims, including legal representation, assistance at police stations, and the maintenance of anonymity. Had these measures been strictly followed, conviction rates could have improved significantly.

Here the problem lies not in judicial reasoning but in enforcement gaps. Police officers, trial courts, and other agencies often fail to adhere to the guidelines. For example, courts are supposed to ensure that victims receive legal counsel promptly, yet in many cases, victims navigate the legal system alone, making them vulnerable to intimidation and procedural disadvantages. Similarly, compensation schemes recommended by the Criminal Injuries Compensation Board are inconsistently applied, leaving many victims without support even when the law provides for it. I also feel strongly that anonymity protections for victims are routinely ignored. Media and local authorities sometimes inadvertently reveal the identity of survivors, exposing them to social stigma and secondary victimization. This demonstrates that even landmark judicial decisions cannot guarantee justice unless they are effectively enforced at the ground level.

The gap between judicial intent and practical execution is one of the biggest failures of the judiciary and the state apparatus in ensuring justice for women. Guidelines can only be meaningful if enforcement agencies actively uphold them. When these landmark judgments are ignored, victims continue to suffer, conviction rates remain low, and the legal system loses credibility.

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ROLE OF MEDIA

Positive Impact

In India, the media is often called the “Fourth Estate” of democracy, alongside the legislature, executive, and judiciary. This means the press isn’t just reporting news but it acts as a watchdog, keeping an eye on people in power and making sure citizens know what’s happening around them. By uncovering corruption, highlighting social issues, and sparking public debates, the media helps keep democracy alive and accountable.

The Constitution of India does not expressly mention the “freedom of the press” or “freedom of media,” but this freedom has been read into Article 19(1)(a), which guarantees the right to freedom of speech and expression to all citizens.

One of the most important roles played by media in shaping rape jurisprudence is the creation of widespread awareness about the crime of sexual violence. Rape is not just a crime against an individual woman but a violation of her dignity, bodily integrity, and fundamental rights under Article 21 of the Constitution of India. For years, rape was treated as a private matter or a social taboo, and survivors were often silenced due to stigma, fear of victim-blaming, and lack of institutional support. Media changed this narrative by consistently bringing such issues to the forefront.

Real Life Example: Nirbhaya and Priyanka Reddy

Big cases like the Nirbhaya gang rape (2012) and the Priyanka Reddy case (2019) showed how media coverage can shape public opinion about sexual violence. When these crimes happened, TV, newspapers, and social media were flooded with reactions. Sadly, a lot of people focused on what the women were doing out at night, what they were wearing, or why they trusted strangers. But at the same time, many others—especially women, activists, and ordinary citizens—used the same media to fight back.

This shows that the media works both ways. On one hand, it can repeat victim-blaming ideas, and on the other, it can give space to voices that challenge those myths and demand change. In Nirbhaya's case, large media coverage and public protests forced the government to create the Justice Verma Committee and change the rape laws in 2013. In Priyanka Reddy's case, heavy media attention led to very quick police action and trial. These examples prove that responsible and loud media Coverage can push society, lawmakers, and courts to treat sexual violence more seriously.

Media coverage creates not just emotional outrage but also informed debates. By inviting legal experts, feminist scholars, and social activists onto talk shows and discussions, media educates the public about why reforms are necessary. This ensures that demands for change are not random but grounded in legal and constitutional reasoning.

Traditionally, rape jurisprudence in India carried several outdated notions such as treating a survivor's testimony with suspicion, focusing excessively on her past sexual history, or relying on the controversial "two-finger test." Media exposure of such practices created widespread criticism, which in turn nudged the judiciary to adopt more progressive and sensitive approaches.

One of the most powerful contributions of media in shaping rape jurisprudence is its role in becoming a voice for victims. In many societies, rape survivors face stigma, shame, and silence. Fear of victim-blaming, retaliation by perpetrators, and lack of institutional support often stop survivors from speaking out. Here, media plays a transformative role by amplifying the voices of survivors, their families, and activists, thereby ensuring that their struggles are not forgotten and their demand for justice reaches the larger society.

Beyond individual cases, media has given survivors the courage to come forward collectively. The #MeToo movement is a global example where survivors from different backgrounds shared their experiences of sexual harassment and assault. In India, the movement gained momentum when journalists, actors, and professionals spoke out through social media platforms. Traditional media amplified these voices, creating a climate where silence around sexual violence was broken and conversations about consent, workplace safety, and accountability became mainstream.

Media acts like a bridge between law and society. Many citizens are not aware of what constitutes rape, what the punishment is, or how to file an FIR. Through media, awareness has spread about legal provisions like Section 375 IPC, the POCSO Act, and laws against marital rape discussions. This legal literacy empowers society to demand justice more effectively and ensures rape jurisprudence is not limited to courtrooms but becomes part of public consciousness.

Media Trial

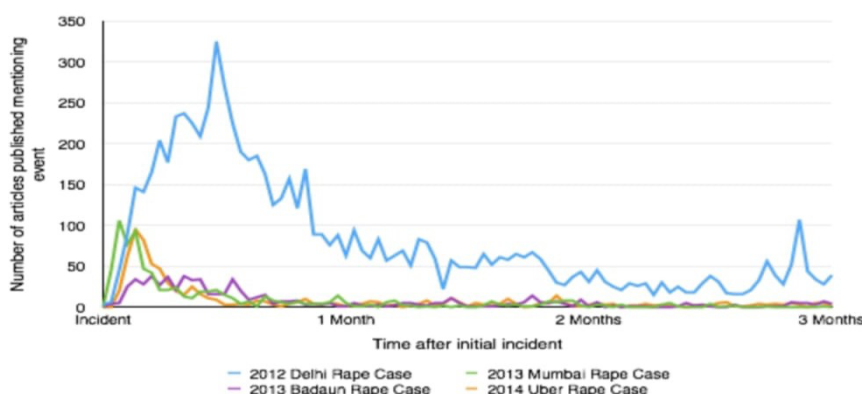
Media Trials The most disturbing negative roles of media in rape jurisprudence is the way it often conducts “media trials.” Instead of limiting itself to reporting facts, the media tends to assume the role of judge, jury, and executioner. The principle of “innocent until proven guilty,” which lies at the very heart of criminal law, gets ignored the moment an accused person’s name and photo appear on every news channel with sensational headlines. This media trend weakens the credibility of the justice system. The trial is supposed to take place inside the courtroom, where evidence is examined carefully and witnesses are heard under oath. But in high-profile rape cases, judgments seem to be delivered in television studios and on social media hashtags long before the actual verdict comes. Even if later the accused is acquitted, the public memory shaped by the media rarely forgets. The damage to reputation, career, and dignity is permanent. At the same time, we cannot deny that public outrage has forced the system to act in many

cases, but the thin line between “creating awareness” and “deciding guilt” is too often crossed. Media trials directly influence the atmosphere in which judges operate. Judges are human beings; they read newspapers, they watch television, they sense public opinion. When the entire country is demanding conviction because the media has already painted the accused as a monster, does the court remain unaffected from this? Therefore, this creates an unhealthy pressure which may distort the scales of justice. The impact on victims and witnesses is also significant. The overwhelming media attention often makes witnesses reluctant to come forward, fearing that they too will be scrutinized and judged in public. Victims also may feel re-traumatized when their story is discussed endlessly in prime-time debates, sometimes without sensitivity or privacy.

Sensationalism and TRP

Driven Coverage One of the most disturbing aspects of media is the way it sensationalizes these rape incidents. Instead of treating them as serious matters that deserve dignity, many news outlets turn them into breaking headlines designed to grab attention and boost TRPs. It almost feels like the trauma of a victim becomes material for their business model. Every time a rape case is broadcast with loud music, flashy visuals, and dramatic language, it reduces the issue to mere entertainment. And this feels like the suffering of survivors has turned into a spectacle, completely disrespectful to their pain. This kind of treatment takes away the seriousness of the crime and shifts the focus toward how much viewership the channel can gain rather than how the issue can be addressed meaningfully.

Timeline of Indian National, English language print media coverage for several high-profile rape case



Due to dominance of media coverage, the 2012 Delhi gangrape is the point of departure in my analysis. The study of figures shows that Delhi gangrape case as a giant roaring above other cases which were dwarfed by its stature, although other cases also got considerable popularity and coverage.

2013 Mumbai Gang Rape (Shakti Mills Case)

On August 22, 2013, a female photojournalist and her male colleague were attacked at the deserted Shakti Mills compound in Mumbai, where she was gang-raped and he was assaulted. The accused photographed the crime and threatened to release the pictures. Within a week, Mumbai Police arrested five men—Mohammad Qasim Shaikh, Mohammad Salim Ansari, Vijay Jadhav, Siraj Khan, and Mohammad Ashfaq Shaikh, who were found to be repeat offenders. The case received massive media coverage, sparked outrage, and tarnished Mumbai's image as a safe city for women.

2014 Badaun Rape Case¹²

In May 2014, two teenage cousins went missing in Badaun, Uttar Pradesh, and were later found hanging from a tree, showing signs of assault. Suspects included two brothers, other men, and two policemen. The case gained widespread attention due to shocking photos circulated on social media, but media coverage was inconsistent, speculating on caste issues, honour killing, and political conspiracy. Despite the initial uproar, the focus faded quickly compared to the 2012 Delhi gangrape case.

2014 Uber Rape Case¹³

On December 5, 2014, a 25-year-old woman in Delhi was raped by an Uber driver during a late-night ride. The incident exposed Uber's lack of proper background checks, as the driver had a history of sexual offences. The Delhi government banned Uber, and the case drew heavy criticism of app-based cab services. Media highlighted rising sexual violence, compared it to the 2012 Nirbhaya case, and portrayed the driver as a "sex maniac." Coverage spiked during the ban, trial, and proceedings, reflecting public anger and demands for women's safety.

¹² Case Crime No. 410 of 2014, State vs. Sukhpal and others.

¹³ Uber Rape Case (2014) State v. Shiv Kumar Yadav, SC No. 118/2015, Delhi Saket Court.

Dharmasthala Allegations

The Soujanya case resurfaced a decade later only because of media intervention. What began with a YouTube video quickly went viral, forcing mainstream news channels to pick it up and compelling authorities to act. This media pressure not only triggered a formal investigation but also fuelled widespread public debate, leading to fresh scrutiny of Dharmasthala institutions. As coverage intensified, new controversies and allegations emerged, showing how media can revive forgotten cases, influence trials, and shape public opinion against powerful establishments.

In 2025, Dharmasthala in Karnataka faced shocking allegations when a sanitation worker C.N. Chinnayya, claimed he had been forced to bury hundreds of victims of sexual violence and murder between 1995 and 2014. His testimony led to excavations at 13 sites, where only partial skeletal remains were found. The case reignited doubts about earlier incidents like the Soujanya murder and highlighted weak policing in the region. While supporters see it as exposing decades of abuse and cover-ups, others question the credibility of the claims. Whether true or false, the controversy has shaken public trust, showing the tension between faith, law, and the power of media in shaping opinion.

RECOMMENDATIONS AND SUGGESTIONS

The jurisprudence of rape in India demonstrates how deeply intertwined the roles of the judiciary and media are in shaping not only laws but also public consciousness. As the author of this paper, we believe that both these institutions, while powerful in their reach and authority, must adopt greater responsibility, foresight, and sensitivity if meaningful change is to occur. For genuine change to occur, both the judiciary and the media need to take a rational and responsible approach to their functions. As Chief Justice D. Y. Chandrachud indicated, judges should uphold dignity, use tempered language and refrain from public comments that may impair the independence or impartiality of the judiciary. This practice ensures that the courts operate without outside pressures, while providing gender sensitive justice. The media must, as much as possible and feasible, become accurate, ethical and sensitive in its reporting.

Together, both agencies can produce a legal environment that is consistent, accountable, and respectful to the values of the constitution that promotes not only prosecution of offenders, but ultimately restores dignity and trust in survivors. One suggestion for the judiciary is to

strengthen uniformity in sentencing. Inconsistent or overly lenient punishments, often influenced by the accused's social or political standing, dilute the message that sexual violence is a grave violation of human rights. Other jurisdictions, such as the United Kingdom, follow detailed sentencing guidelines that reduce subjectivity in judicial reasoning while still allowing flexibility for case-specific factors. India could benefit from a similar codified system.

Second, there is an urgent need to abolish the marital rape exception that continues under Section 63 of the Bharatiya Nyaya Sanhita. The judiciary has often deferred to the legislature on this matter, but comparative perspectives show otherwise. For instance, in South Africa, the courts played an active role in declaring marital rape unconstitutional, thereby aligning with the broader principle of gender equality. Indian courts should similarly recognize that marriage cannot legitimize sexual violence. As an author, we would suggest two reforms in this domain.

First, ethical reporting guidelines must be enforced rigorously. The Press Council of India and News Broadcasting Standards Authority already issue advisories, but compliance remains voluntary. Mandatory statutory guidelines—similar to the UK's Editors' Code of Practice, which emphasizes privacy and dignity—could be introduced in India to penalize violations, particularly disclosure of victim identities.

Second, the media should avoid reducing rape cases to spectacles for television rating points. Coverage must emphasize structural issues—such as police apathy, gaps in legal reforms, and survivor rehabilitation—rather than only dramatizing the crime. A comparative example is Sweden, where media coverage of sexual violence often includes expert commentary on gender equality and societal reform, ensuring that the narrative moves beyond individual tragedies to systemic accountability.

We also wish that the media prioritized survivors' rehabilitation stories and systemic reforms as much as it emphasizes breaking news. While movements like #MeToo in India showed how media can amplify silenced voices, we wish this momentum had been sustained beyond celebrity cases to include marginalized survivors—Dalit women, rural victims, and children—whose struggles rarely make headlines.

Finally, we wish India had drawn more actively from comparative international practices. In Canada, for example, rape shield laws strictly prohibit reference to a survivor's past sexual history, ensuring trials remain focused on the incident at hand. In contrast, Indian courts,

despite reforms, still allow subtle references to a survivor's behavior, attire, or lifestyle. Had we aligned more closely with such global best practices, our jurisprudence could have been more survivor-centred.

CONCLUSION

Rape is a grave violation of dignity, often described as “the beginning of a nightmare,” leaving survivors with fear, guilt, depression, and lasting trauma. Justice S. Ahmad noted that despite constitutional equality, women remain disadvantaged and vulnerable to oppression, underscoring the urgent need for change.

In India, and media are not merely institutions; they are custodians of social trust. Their actions determine whether rape survivors perceive the system as a protector or another source of trauma. The judiciary must remain vigilant against patriarchal biases, enforce its own guidelines, and ensure consistent, gender-sensitive justice. The media, while raising awareness, must resist sensationalism and adopt ethical standards that prioritize dignity over ratings. Ultimately, as emphasized earlier, for genuine change to occur, both the judiciary and the media need to take a rational and responsible approach to their functions. Only then can India create a legal environment that is accountable, consistent, and truly respectful of constitutional values, ensuring that survivors are not just heard but are restored to dignity and trust.

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