



## CHILD SEXUAL ABUSE AND MEDIA

*Prof. (Dr.) Raghavendra Mishra*  
*Dept. of Journalism and Mass Communication,*  
*Indira Gandhi National Tribal University, Amarkantak, India*  
[rmishra@igntu.ac.in](mailto:rmishra@igntu.ac.in)

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### Abstract

*Sexual abuse of children is a widespread global problem. Children are easy victims of violence and crime in every part of the world. There are many organized, and heinous crime happens every minute against children unceasingly. Sexual offenses are one of the most horrific crimes by which a large number of children are targeted. Child trafficking and sexual exploitation are some of the old-practiced organized crimes at the international level. In many cases, the child who is a victim of sexual abuse cannot overcome this shock throughout his life and poses a threat to society as a problematic personality. Although efforts are made to protect them with the help of any legal provisions, this problem is still increasing day and night due to a lack of social awareness and prevalent ignorance on this issue.*

*The present article qualitatively analyzes the role of the media in sexual crimes against children in Indian circumstances. In the paper, legal provisions to curb such crimes and media reporting issue has been analyzed. An attempt has also been made to provide a solution for the problem.*

**Key Words:** *Child Sexual Abuse, Media, POSCO*

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### Introduction

Children are more vulnerable and open to multiple cases of abuse in society. Due to minor status by their age, they are susceptible to exploitation, abuse, violence, and neglect. Due to their age and growing stage, in most cases, children cannot judge, smell, be protective or seek help from an appropriate end in case of exploitation and risk to their dignity, life, or freedom. Children's behavior sometimes misunderstood by people surround them, and their irritation and frustration lash out against the children who are powerless, defenseless so unable to protect themselves. The state of their helplessness makes them soft targets of sexual offenders too.

According to the 2011 census, there are 472 million children in India under the age of 18 years. This number constitutes 39% of the total population of our country, out of the whole 10.13 million children engaged as child laborers from the age group 5 to 14 years. The majority of children often face some or other kind of criminal offenses. It ranges from physical torture to sexual abuse and even murder. Sexual abuse is though heinous, but prevalent in our society. Often children are sexually abused in their homes, the most protected areas of their lives, by people known to the family or even by family members. Such abuse is even more familiar to those who do not have shelter, family, and social protection. In the research findings, it is shown that India is the home of sexually abused children.

WE cannot determine the impact of sexual abuse on the victim and family statistics alone. It becomes a lifetime trauma for victims, and associated stigma developed due to social apathy pushes them into the stage of silence even in adulthood. The problem is multiplied in the case of sexual abuse of boys or male children against the perception they are equally vulnerable to the same crime as their gender counterparts and as ignored reality by society. 'In 2007, Ministry of Women and Child Welfare, supported by the United Nations Children's Fund, Save the Children and Prayas, conducted a study to understand the magnitude of child abuse in India, they found that 53.22% children faced one or more forms of sexual abuse; among them, the number of boys abused was



52.94%. (Tanya Ranjan, 24 May 2018).'

Child sexual abuse and handling such problems is a big challenge for a country like us. The problem is still hidden at a large scale, and factors related to social stigma, lack of faith in government institutions, and society's shunning approach discourages people from coming forward and reporting such cases. These factors weaken the effects and possible positive change that could be brought in changes made in our legal and remedial mechanism. In recent years the government has made numerous changes to block the escapes in our laws. Acts like POSCO have ensured rapid action and protection of minor victims. India has adopted international conventions to protect minors from abuse. But, despite all efforts and implementation of strict laws, rapid police action, the situation is still a matter of worry for everyone concerned. Cases of sexual abuse of children are increasing day-by-day and children who are victims of the crime face deep trauma for an extended period created by the attention of the public and the media.

As statistics show in the National Crime Record Bureau report, a total of 1,48,185 cases of crime against children were registered during 2019, showing an increase of 4.5% over 2018 (1,41,764 cases). In percentage terms, major crime heads under 'Crime Against Children' during 2019 were Kidnapping & Abduction (46.6%) and protection of Children from Sexual Offences Act, 2012 (35.3%), including child rape. The crime rate registered per lakh child population is 33.2 in 2019 compared to 31.8 in 2018 ([www.ncrb.gov.in](http://www.ncrb.gov.in), p. xii).

The online or digital revolution, besides its numerous benefits, have introduced children to new areas of sexual abuse. Children in the digital world are exposed without any check or barriers to unwanted and harmful exposure to pornographic content. They are often victimized by sexual harassment, sexual solicitation, and sexual grooming. The digital world has magnified the scene of child abuse in two ways; by facilitating existing or old forms of crime and creating a new layout of crime. 'Advances in technology allow offenders to remain anonymous, cover their digital tracks, create false identities, pursue many victims at once and monitor their whereabouts. The increased use of mobile devices and greater access to broadband Internet has made children more accessible than unprotected social media profiles and online game forums. Offenders often begin grooming their victims on these platforms, where they gain a child's attention or trust, before moving the communication to video-and photo- sharing platforms, which can lead to content-driven or financially driven extortion or meeting offline' (The State of World's Children 2017, page 78).

### **Legal Provisions**

Legal provisions are very crucial because it is the law that defines the act and its intensity, severity by covering all technical aspects. It is the law that has the power to give a final verdict and a message to the accused against the crime he or she has committed. The issue of child sexual abuse in India is dealt with by various IPC sections and a particular POSCO act. Protection of Children from Sexual Offences (POSCO) Act came into being in the year 2012. Before the enforcement of POSCO, the cases of child sexual abuse were handled by various provisions or sections of the IPC. Section 375 defines rape. Section 376 of IPC provides different punishments for rapes. Based on the nature of the crime, discipline in this section varies, and in case if the girl is under the age of 12 years, the rapist is the person in authority, seven to ten years' punishment is permissible. Section 377, when it was practical, related to unnatural sex, gives justice to a male child in case of sexual abuse. Outraging the modesty of a woman or a girl is dealt with in section 354. Young Persons (Harmful Publications) Act, 1956 defines a younger woman as any woman under 20 years. It carries provisions of punishment for the act of sell, let, hire, distribute or publicly exhibit harmful publications. IT Act 2000, with its section 67, lists publication and transmission of pornography through the Internet as a punishable offense (<https://wcd.nic.in>).

IPC provisions are meant for adult persons and cannot deal with various aspects of the sexual abuse



of a child. Except for penetration, these laws do not define or firmly frame any accused of forms of sexual abuse, other than penetration, rape of a wife by the husband who falls in the age between 15 of 18 years. IPC sections do not have provisions that can adhere to examination procedures, investigation, recording of statements, give emotional protection carefully and sympathetically to a child victim. In fact, our conventional legal provisions show the lawmakers' negligence towards this long time ignored issue in our society. The situation seems even more hopeless when it comes to the sexual abuse of a male child. Most IPC sections have gender biases and are, except for unnatural sex, fail to mention the male child sexual abuse possibilities. This can be marked as a taboo spread in society and then influenced the lawmakers that survivors of sexual abuse are mostly girl children.

Before coming to the POSCO, reporting, and investigations of child sexual abuse were handled under the IPC sections, which had many limitations to deal with the issue sensitively and effectively. 'Until 2012, the only sexual offenses against children recognized by law were covered by three sections of the Indian Penal Code (IPC) not specific to children. The only crimes registered were rape (sexual intercourse without consent- section 376), outraging modesty of a woman (Unspecified acts- section 354) and unnatural acts defined as "carnal intercourse against the order of nature with any man, woman or animal" (anal sex, homosexuality or bestiality- section 377). Consequently, other forms of non-penetrative sexual assaults, harassment, and exploitation were not explicitly recognized as crimes and therefore not recorded (assuming they were reported) (Belur & Singh, 2015). ' IPC sections do not adequately cover the other forms of sexual abuse of the child; hence a legal silence is prevalent for preventive or compensatory fronts. 'The Indian legal system has its loopholes when it comes to sexual abuse and protecting the rights of children. Under sections 375 and 376 of the Indian Penal Code (IPC), 'rape' is defined as penile penetration of the vagina only. Ironically, this law neglects sexual crimes that do not distinguish CSA from rape. Largely, CSA cases are handled under various IPC sections, which are laws meant for adults. The IPC broadly lays out punishment for offenses related to rape or 'unnatural sex'. These laws are specific and do not include in their purview acts like caressing, kissing, filming children for pornographic purposes, etc. (Meenakshi and others, 2015).'

Plenty of legislations deal with media reporting of sexual abuse of children also. Section 21 of the Juvenile Justice Act, 2000 restricts media from disclosing the child's identity by publishing, disclosing the name, address, school, or any other particulars, photographs. Section 228 of the IPC has the provision of punishment if identity is disclosed through publication or printing of rape victims. IPC Section 293 prohibits the sale of any obscene book or material of persons under 20 years of age. Without the court's permission, reporting of cases of sexual exploitation of a child is prohibited under section 327 (3) of the Criminal Procedure Code. Immoral Traffic Prevention Act, 1956 prohibits the publication of a victim's name below the age of 18 years or identifying the place of the offense to protect the victim's identity. Cinematography Act, 1952, prohibits the glorification of crime against children, sexual exploitation, and abuse of children in films. Medical Termination of Pregnancy Act, 1971 does not allow the publication of a woman's name if she is below the age of 18 years. Dissemination of publications harmful to young persons and glorifying or propagating sexual abuse or exploitation of children is prohibited through Young Persons Harmful Publication Act, 1956. Indecent or Derogatory depiction of a woman through mass media is barred by the Indecent Representation of Women (Prohibition) Act, 1986. Besides, guidelines are ratified by NHRC, PCI, NCPCR, and other bodies defining do's and don'ts of coverage of child sexual abuse. ([www.nhrc.nic.in](http://www.nhrc.nic.in)).

### **Protection of Children from Sexual Offences (POSCO) Act 2012 and Subsequent Provisions**

Implementation of POSCO is considered as the most serious effort of our lawmakers to deal with various aspects of the sexual abuse of a child. This act has addressed neglected issues and is not





covered in any previous acts, sections, or rules. POSCO can be mentioned as a child-friendly criminal justice procedure that provides justice and guides the system to create a positive and child-friendly environment to reduce the risks of post-victimization trauma. The act has unique features in its various sections and addresses most of the shortfall of the previous legislation. 'The POSCO Act, 2012 is a gender neutral legislation. It defines a child as any individual under 18 years and provides protection to all children from sexual abuse. The definition of child sexual abuse is comprehensive and encompasses the following: (i) penetrative sexual assault, (ii) aggravated penetrative sexual assault, (iii) sexual assault, (iv) Aggravated sexual assault, (v) sexual harassment, (vi) using a child for pornographic purpose, and (vii) trafficking of children for sexual purposes. The above offenses are treated as "aggravated", when the abused child is mentally ill or when the abuse is committed by a person in a position of trust or authority vis-à-vis the child (Moirangthem, Kumar & Math, 2015).' The POSCO Act is comprehensive because it is not limited to defining and describing criminal judicial procedures; instead, it looks at the child's overall development in a safe and supportive environment. The act's objective is to 'welfare of the child as a matter of importance at every stage, to ensure the healthy physical, emotional, intellectual and social development ([www.pib.nic.in](http://www.pib.nic.in)).' With the amendment in the act in the year 2019 government has removed some anomalies such as comparatively lighter punishment for the exact nature of crime with male children and, most importantly, the death sentence for the incidents of rape with a child under the age of 12. POSCO has made provisions of compensation, special courts, different investigation procedures, medical procedures, and counseling services for minors. POSCO has provided a clear guideline to the police and judicial system to handle the cases of sexual abuse with children, and change can be observed in a very short period.

### **Role of Media**

Media is a democratic and social organ that works as a purifier, sensitizer, and motivator in society. The issues raised or taken up by media get more public attention and support, bring the matter to policy makers' notice, and unite the public to protect and protest. Crime has been one of the most saleable subjects in the history of news media, and crime reporters have consistently earned name and fame more than their counterparts working with them. Sexual abuse of any kind always gets extra attention from the media so of the public also. The media has developed a reporting methodology and a format to present such cases in the public domain and grab readership/viewership. This increase in the readership and viewership is associated with attracting more advertisers, so more income, therefore, a model which brings profit out of coverage of the incident. This approach sometimes pushes journalists to be more cautious for profit than social commitment. It sometimes hurts the victims and their family members. It discourages them from coming into the limelight and seeking justice against crimes. We have too many taboos related to the purity of women and virginity, so fear of over-exposure compels them to hide such cases from the public eyes by non-reporting.

### **Difficulties in Reporting**

Covering sexual abuse of children is not as typical as covering other such cases for news media. 'Covering child abuse is not an easy task. It can be emotionally challenging and depressing, often defies explanation (Bird & Spurr. (2004), pp.41).' Such incidents are unusual, shocking, and in most cases, brutal. Such cases grab substantial public attention, and moral outrage and public outcry become an essential part of the coverage. The reporters who have expertise in covering sexual crimes cover the incidents of sexual abuse of children also. If not taken sensitively, such content follows the same pattern developed for sex crime cases against adults. Stunning presentations of the stories bring panic for the minor rape survivors and their families, which may destroy the courage,



the strength of supporters, and survivors feel re-victimized by reading or hearing such news.

### Usual Patterns of Coverage of Sexual Abuse of Children

The media acts as a window to the society in cases of sexual assault with children. We first hear, see or read through the media's eyes; thus, the nature and pattern of media coverage of such sexual crimes act as a stimulator for the public. We perceive the incident and who's in the story with the help of media explanations. Reporters often go after the news hook. In the age of media overflow and race for profit, a reporter must justify the selection and placement of the story. A piece of hard news, most sexual abuse stories are hard when they happen, on journalistic gauge completes after putting 5 W and one H in order. But, nowadays, another reason is placed on the story; whether it qualifies for publication. Usually, stories of sex crime grasp substantial public attention, so such stories get more colorful than other stories. The reporter finds the hook from putting together different elements and develops a story with a detailed narration of the incident. Is this pattern correct? No.

A reporter needs to take care while reporting the sexual abuse of children. There are various guidelines available to guide journalists on what to do and what not to do. But, despite guidelines, ethical considerations, and restrictions in the legal framework, often news coverage of the rape cases of children found to deviate from the line of fire. Bhagwat (2017) found that the media focus on the details of the incident. Stories of sexual abuse of children developed in the same frame; thus, how the incident happened covers most of the part of the story. The incident often gives more attention to the victim and becomes more traumatic than justice-supportive of the victim and the family members.

When placed by correspondents from remote areas, news stories make a more horrible impact on the minds of people. In such reports, the knowingly- unknowingly identity of the survivor is disclosed directly or indirectly. When reporters narrate the story, they use background details of the survivor, including locality, place of incident with close landmarks, occupational and social details of the family, thus, disclosing the identity in front of everybody. The following example shows (and translation) the same mistake made by correspondent of a reputed Hindi daily-

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सालकीबच्चीकोउसकीसहेलीनेदरिंदगीसेबचालिया।रविवारकोबच्चीकेपड़ोसमेंरहनेवालेआरोपीनंदनचंदे  
श्वरशाहनेउससेगुटखामंगाया**औरजबवहदेनेगईतोउसकामुंहदबाकरबेडरूममेंखींचलेगाया।वहांउस  
नेबच्चीकाअंडरवियरउतारदिया**,लेकिनउसकेसाथगईसहेलीनेभागकरइसबारेमेंउसकेभाईकोबतादि  
या।इससेसमयरहतेबच्चीकीमांपहंचगई,  
जिससेआरोपीनेउसेछोड़दिया।बच्चीकेपरिजनोंनेआरोपीनंदनकेखिलाफपांडेसरापुलिसस्टेशनमेंशिकाय  
तदर्जकराई।आरोपीनंदनकेखिलाफपुलिसनेमामलादर्जकरउसेगिरफ्तारकरलियाहै।पुलिसअधिकारीपी  
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करताथा। (<https://www.bhaskar.com/gujarat/news/caught-rape-before-rape-01485361.html>)
- Her friend rescued a 9-year-old girl in Jyotinagar in Pandesara. On Sunday, accused Nandan Chandeshwar Shahu, who lived in the girl's neighborhood, called for a gutka, and when she went to give it, she pressed her mouth and pulled him into the bedroom. There she took off the girl's underwear, but the friend who went with her ran away and told her brother about it. With this, the girl's mother reached in time, which led the accused to leave her. The family members of the girl complained about the accused Nandan at Pandesara police station. Police have registered a case against the accused Nandan and arrested him. Police officer PSI Ankur Desai said that the accused Nandan Sahu had come to stay there two days ago and did not do any work.



The story is based on an attempted rape case in Gujarat. It was covered by a correspondent and published on the newspaper's digital platform, which is in the top ten of the IRS. The text clearly shows that accept the name of the victim all other details such as locality, name of the accused, police station where the case was registered; hence the identity of the girl was also disclosed indirectly. The lead of the story developed with the help of lines normally unacceptable as fair text. The line stating that 'accused shout the mouth of the girl, pulled her in the bedroom and removed the underwear' is shocking, violating norms and ethics of reporting and indicating the scribes' insensitivity reporting in remote areas.

The example indicates one of the crucial problems of reporting cases of child sexual abuse, i.e., insensitivity and low understanding of the reporters working on the story. We can add here professional compulsions of making such stories to bring public attention. 'It is worth noting that a tiny proportion of all child abuse and neglect cases receive media attention. The stories reported are often sensational and may involve tragic outcomes such as injuries or even death (Jacques et al., 2012, pp-5).' Most reporters are oriented to find an unusual story, get the reader's attention, and secure the space on the page. This orientation is applied even when they report the case of sexual abuse of children. It is revealed in many studies that only unusual and rare stories are covered. Minor issues like eve-teasing, bad touch attempts, and similar stories rarely get space in the media coverage. 'The most frequent crimes are reported less often by the media' (Potter & Kappeler, 1998; Reiner, 2002).

Selection of words and appropriate terminology is crucial in media reporting of sexual abuse of children. When such stories are made sensational, they generate the same impact on the readers also, and such effects could go either way. The Media practice of sensational presentation of the stories happens due to pressure release the story at earliest. It also fits in the frame of the simplified presentation of the story. This invisible but effective pressure pushes journalists to use the terms that are deemed fit to grab public attention, but negatively impact the mental and social conditions of the victims. Journalists are often more focused on explaining the incident. Their headlines come from naming the victim and the incident, explaining the situation as the incident led them to ignore most valuable and positive facts such as legal action, the trauma of the victim, and details related to the accused.

Most of the time, media reporting of sexual abuse with children is based on an incidental approach where the only present incident is covered. Reporters usually are not interested in analyzing sequences of such incidents, correlation of incident with past incidents, other factors such as law and order, low level of awareness of parents and society to train the children to develop a sense of smelling of possible risks. Such stories never contribute to demoralizing rape culture, male taboo, and fantasies that affect their normal psyche and morality. 'Salacious aspects of violence against women in news media reports give the public a provocative but not a representative perspective (Sutherland et al., 2015).'

Sometimes political and social divisions also influence media reporting of such cases. Most of the media coverage of the Kathua (Jammu) rape case of 8 year old minor girl was presented with a political angle (Salim, 2018, Shukla, 2018; Varma, 2018). Mainstream media initially ignored the case, and after the recovery of the body of the girl, the media made blunders, misinterpretations in their reporting. In the follow-ups identity of the girl and her family, community background, rift between the two communities was highlighted, and split opinion and public outrage in support and opposition were waved. Later, the court criticized the approach of media houses, and a penalty was also imposed on some media houses for inappropriate reporting of this sensitive and brutal incident.

Researchers have observed problems in asserting facts and stating such incidents in news reports. Language is also a crucial aspect to draw a line between balanced and sensational





reports. Often, such stories prefer to present passive voice, which may bring the victim and the incident to the center of the story, not the accused. For example, when a story narrates that molestation with a girl, the girl and molestation are highlighted. It may be fit in the conventional structure of the story writing, but not very appropriate in covering incidents of sexual abuse with children. Instead, the use of active voice and putting the accused as the prime part is more appropriate.

Sometimes a news report itself contains elements of moral policing or directly, indirectly blames the victim. Instead of focusing on the other details, a reporter narrates situational details where comments on the minors' dress, timing, and consent are presented as the possible reasons. Sometimes myths are perceived as reality. For example, in most cases of child sexual abuse, accused are known to the survivor. They may be relatives, neighbors, or people from school. Strangers attempt very few incidents. Therefore, the media also need to understand the reality before making comments on the survivors' movements.

### **Guidelines**

Sexual abuse of children and its presentation on media platforms has been observed by various agencies and institutions empowered to issue guidelines, enforce restrictions and monitor violations. The National Human Rights Commission (NHRC), National Commission for Protection of Child Rights (NCPCR), UNICEF, The Press Council of India, etc., are some organizations that have framed adequate guidelines for media outlets. NCPCR, in collaboration with the Center for Media Studies, New Delhi, brought in a guideline 'Understanding Child Rights' in the year 2018. The guideline has compiled various legal and other provisions that restrict or guide media professionals to cover the sexual abuse of children. NCPCR has, after instructions from the Delhi High Court on a writ petition filed in the year 2012, to set up an expert committee, prepared a detailed guideline which was further approved by the same High Court (<http://wcdhry.gov.in/NCPCR.pdf>). Besides covering other aspects of child rights, the guideline advises media to respect the child's right to privacy and ensure them from being exposed to anxiety, trauma, social stigma, or distress due to their content. Further guidelines expect the media to not disclose the child's identity by revealing personal information, photographs, schools or institutions, locality, and information related to their family members. The guideline also instructs not to sensationalize the stories related to child abuse.

The Press Council of India has also framed guidelines for media to cover issues related to child rights. 'With respect to children, The Press Council of India has updated Norm on Journalistic Conduct in 2010 and requires that while reporting on children, their identity and privacy should be respected; in particular, in cases where children are subjected to sexual assault or are the offspring of sexual abuse, forcible marriage or illicit sexual union (Kohli, V., 2013, pp. 123).'

NHRC guideline expects that media will keep in mind the child's best interest while reporting on sexual abuse. The guideline encourages the media to make sexual abuse of children an issue of public debate respecting the dignity and the rights of children. It expects a high level of accuracy, a sympathetic approach to the child victim, avoidance of sensationalizing or exaggerating a story, escape from the victimization of the survivor and promote stories of awareness, and support for stopping the sexual abuse of the children (<http://nhrc.nic.in> pp. 23).

The guidelines are not limited to these organizations only. Other professional and government bodies have also taken up the issue and framed guidelines for media coverage of the sexual abuse of children. Through its various conventions and publications, UNICEF has produced enormous literature to teach media persons to understand and respect child rights and carefully report incidents of sexual abuse against minors. All guidelines issued by various organizations focus on accurate, sympathetic, pro-children's media coverage. These guidelines are seriously



concerned with the sensational coverage of sexual violence against children and advice media to avoid anything, knowingly or unknowingly, which can re-victimize children, increase distress, trauma and push them into the social stigma.

### **Conclusion**

The media have considered a vital institution to protect and promote child rights and the fight against perpetrators of sexual violence against children. Various experts also express that the media, by criticizing perpetrators, sensitizing common people, and creating pressure on law enforcement agencies, can contribute immensely in controlling such crime against children. Media coverage enhances knowledge and understanding of the issue, so on child sexual abuse also. Unfortunately, the media's attitude on covering sexual abuse of children is criticized because of the over-emphasis on commercial interest, reporting mistakes and without considering the impact on the victim and their families, and crossing, again and again, ethical and legal line of fire. 'Media reporting of children and child abuse may itself constitute an abusive activity (Franklin, B., & Horwath, J., 1996).' In a broader social and cultural context, children have been neglected part in media coverage. Media that is accustomed to giving priority to adult issues covers children in limited perspectives. 'New media portrays children in limited roles as objects of emotional appeal, victims or performers' (Sahani, B., 2018).'

Media is perceived as an important stakeholder, which significantly influences how people understand and approach a problem. Thorough media coverage can construct a true identity of victim and perpetrator. Media can challenge the stereotypes, place right prototypes, and challenge the inaccuracies and fallacies in the justice process, hence can change the discourse on sexual abuse of children and positively impact the attitudes of the people handling the cases, including medical and police personnel. The present article suggests that the media leave an episodic approach to the cases of sexual abuse of children and increase the solution-based, proactive and accurate coverage to help the survivors of such heinous crime come back to normalcy.

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Bayan College