

Role of Media and Indecent Representation of Women

Dr. Pranita Choudhury

Asstt. Prof, University Law College Gauhati University, Guwahati 781014

I. Introduction:

With the introduction of new communication technology, the power of mass media has grown dramatically. Newspapers, television, film, magazine, cable and satellite television have grown rapidly throughout the world. The mass media today shapes our very lives, our belief, understanding, attitude, perceptions and social reality. Media plays an integral part in people's lives. From the moment we get up we are engulfed in the media centric world. Our day begins with a newspaper in our hand and the last thing before retiring to bed is a glance at the latest news. Our choices are being determined by the media. What brand of food to eat, which brand of clothes to wear, what type of education to choose for children, where to engage ourselves, what materials to build our house, whom to vote, which car to buy and the list goes on. Media accelerates the process of development by involving, persuading and transforming people. It is an important instrument of social change in the Indian society. The pervasive effects of the media on the varied spheres of the Indian life – economic, social, cultural, intellectual, religious and even moral values are transforming rapidly.¹ Communication is vital for women's development and the mass media plays a significant role in shaping social values, attitudes, perception and behaviour.² Mass media now has mass audience – young and old, male and female. Children throughout the world spend an average of three to four hours each day watching television.³ One area of assumed influence on children by television is in respect of gender roles.⁴ Media-electronic or print play a very influential role in the life of children. The social scripts acquired through observation of family, peers, community, and the mass media becomes more complex, abstracted and automatic in their invocation. They consciously or unconsciously learn and imitate a lot of things like violence, revolt, sex which are harmful to young and immature minds. The impact of visual media is a very powerful vehicle for communicating idea and images is known to be tremendous. Television creates a world which seems very real and viewers are unable to differentiate between the contrived world and the real one.

Media has proved to be one of the important instruments of social change in Indian society. In the corridors of the social change institutions, it is observed that media promotes consumer tastes and values, often alien to Indian culture and traditions. Today media is not playing the role of the Fourth Estate as a watchdog of democracy but there is too much commercialisation and sensationalism involving violence, sex, portrayal of women which is indecent and objectionable. It tends to reduce the legitimate space for treatment of gender issues concerns which is vital for the development and empowerment of women in the society.

II. Indecent Portrayal Of Women By Media:

Manu Smriti mandates that the highest respect and regard must be extended and full protection should be given to women throughout their life.⁵ Women have been depicted in the most respectable and aesthetic manner on the one hand and, on the other, they have also been victims of indecent, vulgar and obscene depiction.⁶ Women have mainly stayed within the private sphere of the home and men going to work outside. Years ago men played the roles of women and women hesitated to expose themselves to media. The public/private division gains credence in the mainstream communication theorizing which is often divided into the study of interpersonal communication highlighting areas of male/ female intimacy, sex roles, role playing, friendship, body image, empathy and healthy interaction, styles of listening, perception processes, self-concept and identity and mass communication - concerned with issues such as competition, producers and consumers, technology, political power, audience, content, history, institution, persuasion and policymakers.⁷ It is observed that in recent time media is representing women in an indecent way. Media has emerged as a major exploiter of women. It is seen to flout all norms relating to obscenity, decency and morality. There is a systematic overdose of nudity and vulgarity. In the media industry, women are treated as goods to promote sales. Women and their concerns or problems are no longer visible in mass media, there has been increasing commodification of women in mass media.

The portrayal of gender as a product in the media is well documented. Newspapers, television, films, magazines, hoardings and posters, cable and satellite television have grown rapidly throughout the world and of all the popular means of mass media, television has the greatest mass appeal and acceptance. With the emergence of women as consumers of products, there has been a subtle change in the nature of advertisements that are put out which appeal to women as consumers, rather than showing women for the purpose of attracting

customers to the product. Women play a very significant role in advertising today both as consumer and as influencers. The depiction of women in Indian advertising has been a hot topic of debate now. The experts against the indecent representation of women in advertising strongly believe that the women's moral and social status is mainly determined on the basis of the degree of exposure of her physical form to public view. Women advertising redefine women attractiveness as something that is away from natural. There are advertisements where the females are shown in bad light. They are clad in skimpy clothes even when their presence in the advertisements has no relevance with the brand. However, a major share of the space in the media is today occupied by advertisement. Fragmenting the female body parts or exhibiting women in indecent posture is rather disgusting. In doing so a woman is used as if she is a commodity. In 1960's and 1970's mass media in developing countries were assigned the role of developing and modernising traditional societies.⁸ But today media in portraying women is playing a negative role which are derogatory and objectionable. It does not reflect the social reality.

The tremendous popularity of television and its ability to reach a vast audience with illiteracy being no barrier led to the idea of using television as a channel for information on development among several government and administrators. Taking advantage of its popularity, mass media in contemporary society is increasing responsible for indecent representation of women. Gender related issues and their problems are not getting importance. Much space is given to cinema related programmes, discussion of famous heroines, promotion of films, beauty contests or discussion on fashion. Women have emerged as a commodity or an instrument to entertainment consumers.

The rising levels of obscenity in the Indian films, poses a threat to the foundation of Indian society and its cultural. If care not taken imminently and that too at war footing by the society, law would disrupt the Indian society forever by giving a death blow to our ageless culture and ethos by opening the floodgates of fornication. the ongoing explosion of obscenity in Indian cinema and the increasing public tolerance of unwanted, unwarranted and excessive depiction of sex and obscenity in the Indian films has raised concerns over the effect of such depictions on the society in general and the Indian youth in particular. Today the campaign against violence includes domestic violence, rape and sexual harassment, degrading portrayal of women in the media, and the practice of selective abortion of female foetuses.⁹

Many games and gaming websites in India include content which may be categorized as objectionable under the pornographic and obscenity laws of India. For instance, some of the popular websites offer games which have animated caricatures of human beings, including women, depicted in a manner which may be construed as an offence as per the moral standards of India.¹⁰

Ritu Tawde, BJP corporator recently hit the headlines by proposing a ban on all mannequins displayed in the shops and showrooms in Mumbai. She said displaying a woman's body for commercial use is wrong. When people watch a film or log the internet, it is their conscious choice. Unlike in this case where people of all ages have no escape but gaze at the scantily clad mannequins displayed on the streets.¹¹

Discrimination and exploitation against women have become a global phenomena and their consequences are more tragic in the Third World.¹² Poverty, ignorance, deprivation of basic necessities of life and ever growing pressure of transition from tradition to modernity – all combine to aggravate the inequalities that women in developing countries, including India, suffer to a point at which their existence is reduced to a continuous battle for survival.

III. Constitutional And Legal Provisions Relating To Obscenity And Indecent Representation Of Women:

The Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favour of women. Within the framework of a democratic polity, our laws, development policies, plans and programmes have aimed at women's advancement in different spheres. India has also ratified various international conventions and human rights instruments committing to secure equal rights of women. Key among them is the ratification of the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) in 1993.

The Indian Penal Code in Section 292, 293, and 294 IPC mentions laws to curb obscenity. The terms obscenity, indecent, or vulgar are difficult to define, as they are intricately linked to the moral value in a society. The test of obscenity is whether the tendency of the matter, charged with obscenity, is to deprave and corrupt those whose minds are open to such immoral influences and into whose hands a publication of this sort may fall. Obscenity deal with sale, hire, distribution, public exhibition, circulation, import, export or advertisement, etc. of any matter which is obscene. What is important is the need to protect society against the potential harm that may flow from obscene material and to ensure respect for freedom of expression which have to be balanced with free flow of information.¹³

In spite of all these provisions, there is growing indecent representation of women or references to women publications, particularly in advertisements which have the effect of denigrating women and are derogatory to women. Though there may be no specific intentions of these advertisements, publications, etc to have an effect of depraving or corrupting persons. Therefore the Indecent Representation of Women (Prohibition) Act 1986 was legislated to effectively prohibit indecent representation of women through any publication, media or advertisement. The object of this Act is to prevent depiction of the figure, form of body of women in any indecent form which is likely to deprave, corrupt, and injure the public morality or morals.

The Indecent Representation of Women (Prohibition) Act, 1986 provides for the regulation of representation of women in the media. It prohibits indecent representation of women through advertisements, books, writings, paintings, figures or in any other manner. Section 4 prohibits the production, sale, hire, distribution, circulation, sending by post any books, pamphlets, slide, film, writing, drawing, painting etc., which contain indecent representation of women in any form. Yet advertisements showing women in an indecent way are aired day in and day out and hardly any action is taken. The National Commission of Women (NCW) has suggested modifications in the Act and elaborates upon ways to strengthen it and make it workable so that the objectives can be achieved.

The Constitution of India guarantees equality to women and also provides special provisions which empowers the State to adopt measures of positive discrimination in favour of women for neutralizing the cumulative socio economic, education and political disadvantages faced by them. Fundamental Rights, among others, ensure equality before the law and equal protection of law; prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth, and guarantee equality of opportunity to all citizens in matters relating to employment. Articles 14, 15, 15(3), 16, 39(a), 39(b), 39(c) and 42 of the Constitution are of specific importance in this regard.

(i) Equality before law. (**Article 14**)

(ii) The State not to discriminate against any citizen on grounds only of religion, race, caste, **sex**, place of birth or any of them (**Article 15 (i)**)

(iii) The State to make any special provision in favour of women and children (**Article 15(3)**)

(iv) Equality of opportunity for all citizens in matters relating to public employment (**Article 16**)

(v) The State to direct its policy towards securing for men and **women** equally the right to an adequate means of livelihood (**Article 39(a)**); and equal pay for equal work for both men and **women** (**Article 39(d)**)

(vi) To promote justice, on a basis of equal opportunity and to provide free legal aid by suitable legislation or scheme or in any other way to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities (**Article 39 A**)

(vii) The State to make provision for securing just and humane conditions of work and for maternity relief(**Article 42**)

(viii) The State to promote with special care the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation (**Article 46**)

(ix) The State to raise the level of nutrition and the standard of living of its people (**Article 47**)

(x) To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of **women** (**Article 51(A) (e)**)

Case Laws:

1. Ranjit D. Udeshi vs. State of Maharashtra¹⁴: In this landmark case, a bookseller was booked under IPC for selling unedited and expurgated edition of “Lady Chatterley’s lover” the case laid down what has come to be known as “test of obscenity.” It says that obscenity must not be judged by a word, here a passage there. The work as a whole must be looked into and seen as to how it impact the society, reader as a whole. In the words of the court, “where obscenity and art are mixed, art must be so preponderate as to throw the obscenity into a shadow or the obscenity so trivial and insignificant that it can have no effect and may be overlooked. It is necessary that a balance should be maintained between “freedom of speech and expression’ and ‘public decency and morality’; but when the latter is substantially transgressed the former must give way.”

2. Chandrakant kalyandas Kokodar vs. State of Maharashtra and ors¹⁵: It was held that there was no fixed rules to determine obscenity. “The concept of obscenity would differ from country to country depending on the standards of morals of contemporary society.”

3. Chandra Raja Kumari vs. Police Commissioner,Hydrabad¹⁶: It was held that right to live includes right to live with dignity or decency and therefore holding of beauty contest is repugnant to dignity or decency of women and offends Art.21 of the constitution.

IV. Conclusion

We cannot be mute spectators to the indecent representation of women. It is our duty to take cognizance of the activities that destroy the very foundation of Indian society and its culture. Media is an agent to alarm policy makers to give immediate attention to gender related problems such as the adverse sex ratio, infant and maternal mortality, crime against women, gender violence, acid attack, dowry related problems, problems of the girl child, women labour problems, effects of poverty on women and their families. Unfortunately such coverage is very less in compared to the space covered by cinema, actresses, models, advertisements, glamour, beauty aids, cookery and fashion. The struggle for a fair and just portrayal of women in media is an ethical duty of the Fourth Estate. It is also accountable to the people and it is to act as a watchdog and guardian of the public interest. As an important agent of socialization shaping of gender roles, its mechanisms for checks and balances with respect to gender need to be strengthened. The media should enable projection of women in a decent and dignified way and promote respect and dignity to women avoiding negative portrayal of women. The media professionals need to be sensitised on gender issues and a system of rewards may be developed for those who are able to portray women in positive manner. Likewise, stringent punitive action should be taken against those who defy the norms. New innovative decent presentation of women, based on Indian culture and society through media must be introduced. A strong legislative effort coupled with a wide spread social awareness with morality and ethics is needed to fight this menace so that women are not perceived as a commodity but as individual with right and dignity.

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