

REPRESENTATION OF WOMEN IN MEDIA WITH SPECIAL REFERENCE TO INDECENT REPERSENTATION OF WOMEN (PROHIBITION) ACT, 1986

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ABSTRACT: *In the era of globalization all the nations are taking effective steps to maintain the dignity and respectable place of women in the society. Indecent representation of women in media has become a matter of concern for all the nations either developed or developing. This is a burning issue for discussions and debates on TV channels or writing columns and articles in News Papers. On the basis of their abilities and as an integral part of society the women of present era are demanding their stand and standards in our male dominated society. But the cause for concern is that what steps have been taken by our fourth pillar of democracy i.e. media of present era, to maintain the dignity and provide respectable place as well as representation to the women? It has been found that the media of present era has not been taken any steps to bring any in the mind set up of society for the protection and maintenance of dignity of the women. It is a birth right of every women to live a respectable and dignified life. From the ancient to the present era the women in every corner of the world always struggle to maintain their dignity and identification. But to enhance the marketing of their products and popularity of their programmes always projected the women as an object. Representation of women in degrade manner is the main reason behind low self-esteem of women. It has been found that women in their real life compare themselves to the female images which they watched on television, film, and advertising. Representation of women in media in a degrade manner at both the conscious as well as subconscious level lower their self-esteem and affect behavior at every age and stage of life. Presentation of gender discrimination and projection of women as an object in the media is also one of the root causes of violence against women and girls. The UNESCO report of 2009 revealed that the gender equality in the media cannot be achieved even after 75 years. The present Article is based on the view point that instead of projecting negative as well as degrading images of women in media and it should provide a balanced picture of her positive contribution to society. Through this paper an attempt has also been made to analyse the*

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various provisions of Indecent Representation of Women (Prohibition) Act, 1986 with regard to legal Check on Obscene Presentation of Women by Media.

1. INTRODUCTION:

From the years of sati, dev-dasi system and child marriages, to the recent years – women have undergone a substantial transition, like an avalanche which lay frozen and static for centuries – but is now full of positive energy and moving rapidly. Woman in India has always been regarded as an instrument of exploitation and never be considered as equal to the males. Till date this fact exists to such an extent that a boy child is always preferred in all the situations over the girl child. Discrimination and exploitation of women along with poverty, ignorance and denial of basics of life aggravate the inequalities that women are forced to face. Gender equality is a prime human right allowing women to live independently with dignity.¹

The basic feature for the success of gender equality is the empowerment of women. In order to achieve this, the focus should be on providing more freedom to women, to organise their lives and also to identify and reduce power imbalances. Women's empowerment is believed to be a dynamic process of individual as well as collective struggle against the forces which suppress and subordinate women. Women empowerment is to be achieved by insuring that women are productive labour, they have equal right to work and property and right to life. The Indian Constitution in its Preamble, Fundamental Rights, fundamental Duties and Directive Principles enshrine the principle of gender equality. It not only grants equality to women, but also authorises the state to approve procedures of positive discrimination in favour of women.² Though globalisation has clearly led to an exemplar change in women's role in the society, but even with the introduction of various development measures, the situation is still not in their favour. A series of World Conferences related to women have strengthened social, economical, and political magnitude of gender equality through empowerment of women, internationally as well as nationally. But most of the nations have failed to achieve these objectives. No strict law has enacted to control as well as to regulate the exploration of stereotyped portrayal of women in media. The exposure to media has an important influence on the attitudes, values and behavior of the society. The image of women as portrayed in the media deserves serious consideration because the way the women are presented in the media can be an important factor in shaping the next generation's attitudes and behavior towards women. The ways in which women are routinely portrayed in mass media have been on continuous focus. The main aspect of this is the stereo typing of women by Media. The popular media such as films, television, newspaper and magazines continue to frame woman within a narrow repertoire of type that bear little or no relation how real women live there real lives. Besides this women have always been portrayed by media as embodiment of discipline and self sacrifice to the glory of God and country or where female body

¹ Mehta P. L., Verma Neena (1999) *Human Rights under the Indian Constitution – The Philosophy and Judicial Gerrymandering*. New Delhi: Deep and Deep Publications Pvt. Ltd.

² Singh D. P. (2005) India's Roadmap to Women Empowerment in *Woman and Empowerment – Experiences from some Asian Countries*, D.P. Singh, Manjit Singh (ed.). Chandigarh: Unistar Books Pvt. Ltd.

were sexual image object of man's gaze. The truth of this hour is women have become a source of revenue. They have been subjected to great demeaning nature and objectifying them as commodities. Media sends us constant that through objectification, the women enjoy being sexually assaulted when forced and dominated, which in reality seems very unconventional and unrealistic.³ The most painful aspect of this is that the modern women who is well educated and professional is also accepting the stereotyping of women in media and trying to accept it. Modern media is portraying women as commodities and sex objects. Presentation of several socio cultural variables such as character role, abuse of women in media has become its every day routine. These types of abuses (such as sati and dowry, slavery, rape, dancing girl) are more likely to be featured in Indian media. Advertisements, posters, paintings and publications related to women in both print and electronic media create a corrupt and evil sense in the minds of the people. Therefore, to restrict all these and prohibit indecent representation of women a specific legislation, namely, the Indecent Representation of Women (Prohibition) Act, 1986, has been enacted.

2. INDECENT REPRESENTATION OF WOMEN (PROHIBITION) ACT, 1986: A CRITICAL ANALYSIS

The main objective of this Act is to prohibit indecent representation of women through advertisements or in publications, writings, paintings, and figures or in any other manner and for matters connected therewith or incidental thereto. Section 2(c) of this Act defines indecent representation of women as a depiction in any manner of the figure of a woman, her form or body or any part thereof in such way as to have the effect of being indecent or derogatory to or denigrating women, or is likely to deprave, corrupt or injure the public morality and morals. Section 3 prohibits the advertisements containing indecent representation of women. It is provided that no person shall publish, or cause to be published, or arrange or take part in the publication or exhibition of, any advertisement which contains indecent representation of women in any form.⁴ Section 4 also prohibits the publication as well as circulation of books, pamphlets, etc., that contained indecent representation of women. The Act also provides that no person shall produce or cause to be produced, sell, let to hire, distribute, circulate or send by post any book, pamphlet, paper, slide, film, writing, drawing, painting, photograph, representation or figure which contains indecent representation of women in any form.⁵ But this section shall not apply to any book, pamphlet, paper, slide, film, writing, drawing, painting, photograph, representation or figure the publication of which is proved to be justified as being for the public good on the ground that such book, pamphlet, paper, slide, film, writing, drawing, painting, photography, representation or figure is in the interest of science, literature, art, or learning, art, or learning or other objects of general concern⁶ or which is kept or used bona fide for religious purpose⁷ or any representation sculptured,

³ Sue Thornham, *Women, Feminism and Media*, Edinburgh University Press (2007)

⁴ Retrieved from https://www.bdu.ac.in/cde/SLM/SLM_FULL/M.A%20J&M%20Books/M.A%20J&M%20I%20, visited on 4/12/2021.

⁵ Section 4.

⁶ Ibid, Section 4(a)(i).

⁷ Ibid, Section 4(a)(ii).

engraved, painted⁸ or otherwise represented on or in any ancient monument within the meaning of the Ancient Monument and Archaeological Sites and Remains Act, 1958 (24 of 1958) or any temple,⁹ or on any car used or the conveyance of idols, or kept or used for any religious purpose¹⁰ or any film in respect of which the provisions of Part II of the Cinematograph Act, 1952 (37 of 1952), will be applicable.¹¹ This Act also empowers the Gazetted officer authorised by the State Government within the local limits of the area for which he is so authorised to enter and search any place in which he has reason to believe that an offence under this Act has been or is being committed¹² or seize any advertisement or any book, pamphlet, paper, slide, film, writing, drawing, painting, photograph, representation or figure which he has reason to believe contravenes any of the provisions of this Act.¹³ Under this Act it has also been provided that any person who contravenes the provisions of Sec 3 or Sec 4 shall be punishable on first conviction with imprisonment of either description for a term which may extend to two years, and with fine which may extend to two thousand rupees, and in the event of a second or subsequent conviction with imprisonment for term of not less than six months but which may extend to five years.¹⁴ After the analysis of the Act it has been concluded that this Act has number of loopholes. The powers conferred to the authorised officer under the act to search and seize indecent material resulted in extensive corruption. The penal provisions are not strict in nature, the quantum of fine is way lesser as well as punishment for the repeated offenders. On the other hand, if Section 292 of the IPC is intended to limit and control obscenity and indecent representation of women, the expression of other general objects of concern must be removed from the derogations. Thus, there is a need for stringent provisions required to manage the indecent ads. There is also a great need to amend the provisions of this Act in accordance with the requirements of the present era.

3. CONCLUSION AND SUGGESTIONS:

It is concluded that despite the Constitutional articles, legislative provisions, codes, self regulations, and various regulatory bodies, both Print and Electronic Media continue to portray obscene images of women. They focus on sex appeal or physical beauty of women.¹⁵ Therefore it is the responsibility of the media to abide by the constitutional mandate and adopt media ethics while implementing constructive suggestions and guidelines for the emergence of a healthy media industry. As a fourth pillar of democracy media should realize its duty to protect the dignity of women at every cost and it should portrait such type of image of women through various means of mass communication that it shall strengthen and empower the women in all the

⁸ Ibid.

⁹ Ibid, Section 4(a)(ii) (1).

¹⁰ Ibid, Section 4(a)(ii) (2).

¹¹ Ibid.

¹² Retrieved from <http://www.ddegjust.ac.in/studymaterial/mmc-2/mmc-204.pdf> visited on 4/12/2021.

¹³ Id, Section, 5(1), retrieved from https://www.bdu.ac.in/cde/SLM/SLM_FULL/M.A%20J&M%20Books/M.A%20J&M%20I%20, visited on 4/12/2021.

¹⁴ Id, Section 6, retrieved from <https://legislative.gov.in/sites/default/files/A1860-45.pdf>, visited on 4/12/2021.

¹⁵ <http://epc.buffalo.edu/authors/andrews/about/quartermain.htm>, as browsed on 15th March, 2018.

spheres of their life. So under the following various suggestive measures have been given to maintain the dignity of women in media:

1. The expansion of media education, training, and employment opportunities for women to insure their adequate representation at all organizational levels and in all areas of employment, particularly in traditionally male-dominated areas such as media management and policy making.
2. Continued pressure from women within the industry for better opportunities, particularly in traditionally male-dominated areas, and for the enforcement of existing anti-discrimination laws through policing and litigation.
3. Publicity campaigns sponsored by these organizations to expose discrimination against women in the media, to notify women about their legal rights, and to heighten the public's awareness of media images which are insulting and demeaning to women.
4. The development of independent feminist media for the dissemination of information which contributes to a positive image of women.
5. Spontaneous as well as organized action on the part of consumers to protest against sex -stereotyped portrayals in mass media via letter-writing campaigns, product boycotts, etc.
6. Introduce the concept of "sexism" into their legislation and condemn it to the same degree as "racism".
7. Adopt a law on gender equality in the media.
8. Make the ombudsperson responsible for issues relating to gender equality to create direct links between the ombudsperson's office and the population as a whole.

