

# BEYOND THE SCREEN REIMAGINING WOMEN'S DIGNITY: IGNITING THE LEGAL CONSCIENCE AGAINST EXPLOITATION AND PORTRAYAL OF WOMEN IN MASS MEDIA

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DOI: <https://www.doi.org/10.58257/IJPREMS35593>

## ABSTRACT

Media can play a useful role in dissemination of information about health programs to the general public; it can be used for creating proper awareness, imparting education and prevention of various health diseases. Media play an important role in community development. Mass media has saturated the industrialized world. The television in the living room, the newspaper on the doorstep, the radio in the car, the computer at work and the fliers in the mailbox are just a few of the media channels daily delivering advertisements, news, opinion, music and other forms of mass communication. Advertisements have always been an important marketing strategy. In modern times, advertising has become the lifeline of the business economy. It is a practical and successful method of mass communication. In the era of competition where customers is the king, the marketers can be successful only if they have what the king, the requisite that the customer should know the product portfolio of the company.

These days, advertising messages are preoccupied with grabbing attention and sustaining interest, rather than transferring persuasion messages. The advertiser has the social and moral obligation towards the consumers because it is they who pay to the last rupee for the advertising expenditure. In order to be consumer oriented, an advertisement will have to be truthful and ethical. It should not mislead the consumers. This paper shows the portrayals of women in different media. Though women have significantly in every aspect of life, the long list of inhuman treatment given seems never ending.

The Government, judiciary and social action groups are taking positive action to provide women true dignity in economic, social and personal areas. In endeavor the mass media have a pivotal role reporting wrong doing following up remedial action, mobilizing public opinion, bringing about social change and highlighting positive developments. The pattern of value in any society is reflected in the contents of mass communications. The way subjects dealing with women are treated indicated to a great extent the prevailing attitude of the society towards women.

## 1. INTRODUCTION

In globalization era, the portrayal of women in mass media has long been a subject of scrutiny and debate.<sup>1</sup> Historically, women have been depicted in ways that reinforce stereotypes, objectify their bodies, and diminish their roles to mere ornamental or supportive characters. Such portrayals not only perpetuate gender biases but also contribute to the systemic exploitation of women, both within the media industry and in broader society. Despite various legal frameworks and conventions aimed at protecting women's rights, the mass media continues to grapple with these issues, raising critical questions about the effectiveness of existing laws and the need for more robust legal interventions.

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<sup>1</sup> Shirin M. Rai (2018), "Upendra Baxi: Feminism, Law and Human", Jindal Global Law Review, Vol. 9, pp.307-313.

The continued projection of negative and degrading images of women in media communications - electronic, print, visual and audio - must be changed. Print and electronic media in most countries do not provide a balanced picture of women's diverse lives and contributions to society in a changing world. In addition, violent and degrading or pornographic media products are also negatively affecting women and their participation in society. Programming that reinforces women's traditional roles can be equally limiting. The world-wide trend towards consumerism has created a climate in which advertisements and commercial messages often portray women primarily as consumers and target girls and women of all ages inappropriately. This article delves into the complex interplay between media portrayals, exploitation of women, and the legal mechanisms designed to address these issues. By examining the historical context, current legal frameworks, and on-going challenges, the article aims to reimagine women's dignity in media and propose concrete legal reforms. Furthermore, it seeks to ignite the legal conscience of policymakers, judicial bodies, and civil society to foster a more equitable and respectful representation of women in mass media.

## 2. LEGAL MILESTONES IN PROTECTING WOMEN'S DIGNITY: ANALYSIS OF NATIONAL LEGAL FRAMEWORKS

During the past decade, advances in information technology have facilitated a global communications network that transcends national boundaries and has an impact on public policy, private attitudes and behaviour, especially of children and young adults. Everywhere the potential exists for the media to make a far greater contribution to the advancement of women. More women are involved in careers in the communications sector, but few have attained positions at the decision-making level or serve on governing boards and bodies that influence media policy. The lack of gender sensitivity in the media is evidenced by the failure to eliminate the gender-based stereotyping that can be found in public and private, local, national and international media organizations.

Women should be empowered by enhancing their skills, knowledge and access to information technology. This will strengthen their ability to combat negative portrayals of women internationally and to challenge instances of abuse of the power of an increasingly important industry. Self-regulatory mechanisms for the media need to be created and strengthened and developed to eliminate gender-based programming. Most women,

especially in developing countries, are not able to access effectively the expanding electronic information highways and therefore cannot establish networks that will provide them with alternative sources of information. Women therefore need to be involved in decision-making regarding the development of the new technologies in order to participate fully in their growth and impact. In addressing the issue of the mobilization of the media, Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in policies and programmes.

In Indian legal regime, the Constitution guarantees fundamental rights, including the right to equality (Article 14), the right to freedom of speech and expression (Article 19(1)(a)), and the right to life and personal liberty (Article 21). These provisions form the bedrock of legal protections against media exploitation and the wrong portrayal of women. Additionally, specific laws such as the Indecent Representation of Women (Prohibition) Act, 1986, and sections of the Indian Penal Code (earlier IPC) dealing with obscenity (Sections 292-294) aim to curtail the indecent portrayal of women in media.

The judgment in *Ranjit D. Udeshi v. State of Maharashtra* is a landmark case in the Indian legal landscape concerning obscenity laws. It provides a significant interpretation of Section 292 of the IPC and sets a precedent for future cases dealing with obscene materials.<sup>2</sup> The judgment underscores the need to balance freedom of expression with public morality and decency. The Supreme Court's reliance on the *Hicklin* test, which originated from an English case in 1868, has been a point of contention. It has been criticized for not aligning with contemporary standards of obscenity. In later judgments, the Supreme Court shifted towards the contemporary community standards test, which considers the context and prevailing societal norms in determining obscenity.<sup>3</sup>

In jurisprudential viewpoint, interpretation of key international agreements such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979) and India's commitment to implementing these standards in its national laws. In this legal background, an investigation of the portrayal of women in early Indian cinema, television, and advertising are focusing on stereotypical roles such as the obedient daughter, the self-sacrificing mother, and the alluring temptress.<sup>4</sup> Analysis of how these portrayals have evolved with milestones such as the Bollywood New Wave of the 1970s and 1980s and the impact of feminist movements in India on media representations. Indian courts also addressed the portrayal of women in media.

In *Bobby Art International Case*, the Supreme Court of India upheld the right to artistic expression in the film "Bandit Queen" despite its explicit content, while emphasizing the need to portray the reality of women's exploitation.<sup>5</sup> Regarding interpretation of Cinematograph Act, 1952, the Court balanced artistic freedom with societal norms, emphasizing the importance of context in determining obscenity. In further, *Ram Gopal Varma Case*, the Andhra Pradesh High Court dismissed a case against the film "Aag" for its depiction of women, citing freedom of expression under Article 19(1)(a) of the Constitution of India.<sup>6</sup> In *Bobby Art International Case*, examination of how Indian legal standards for media content have evolved, with judges like Justice S. P. Bharucha emphasizing the balance between artistic freedom and societal norms.

Apart from Cinematograph Act, national laws regulating media portrayal of women in India are the Indecent Representation of Women (Prohibition) Act (1986) which specifically targets the depiction of women in a manner that is derogatory or indecent, whether in advertisements, publications, or other forms of media and the Information Technology Act (2000) which includes provisions that penalize the publication or transmission of obscene material online. In further, Critical assessment of how effective these laws have been in preventing the exploitation and misrepresentation of women in Indian media. Enforcement mechanism such the Central Board of Film Certification

(CBFC) has functioned effectively with its legal limitations. It has the mandate from the Ministry of Information and Broadcasting. For examination of the legal obligations with focusing on compliance issues and cases of non-compliance, News Broadcasters Association (NBA) has issued the ethical guidelines for Indian media organizations regarding the portrayal of women. The voluntary self-regulation measures have been adopted by Indian media organizations, such as the establishment of content advisory boards and internal codes of conduct. Examples of successful self-regulation in India and its legal implications, such as initiatives by companies

like Zee Entertainment and Star India to promote gender equality and avoid harmful stereotypes. In this regard, the Corporate Social Responsibility (CSR) initiatives can include the establishment of content advisory boards, internal codes of conduct, and training programs for employees on gender sensitivity.

### **3. CONTEMPORARY CHALLENGES IN MEDIA EXPLOITATION AND PORTRAYAL OF WOMEN**

In current affairs, the portrayal of women in mass media has been a subject of scrutiny and debate. In India, the representation of women in various media forms, including television, cinema, and digital platforms, often perpetuates stereotypes, objectifies their bodies, and trivializes their roles in society. Such depictions not only reinforce existing gender biases but also contribute to a broader culture of gender discrimination and violence.

The legal framework in India has attempted to address these issues through various laws and judicial interventions, aiming to protect women's dignity and promote gender equality. However, the effectiveness of these legal measures remains a critical concern.

In Phoolan Devi Case, Justice S. C. Agrawal restricted the release of the film "Bandit Queen" due to privacy and defamation claims, emphasizing the need to balance artistic freedom with individual rights. This case has been widely discussed in the context of biographical films and the ethical considerations of portraying real-life figures. Critics argue about the rights of individuals versus the public's right to information. The Hindu covered the controversy, noting the tension between cinematic freedom and personal privacy.<sup>7</sup> In Vishakha Case, Justice J.S. Verma rendered the guidelines to prevent sexual harassment at workplaces, reflecting the urgent need for legal measures to protect women's rights and dignity.

This case is often cited in scholarly works discussing workplace harassment and gender justice. Critics highlight the slow implementation and inadequate enforcement of these guidelines in various sectors. According to The Indian Express, the guidelines marked a pivotal moment in Indian jurisprudence but underscored the on-going challenges in translating legal provisions into practical protections.<sup>8</sup>

The Hindu, January 20, 1995, covered the controversy, noting the tension between cinematic freedom and personal privacy. The Indian Express, August 14, 1997, discussed the guidelines as a pivotal moment in Indian jurisprudence. In Aishwarya Rai Bachchan's Blackface Ad' Case,<sup>9</sup> Justice R. V. Raveendran ordered to withdraw the advertisement, emphasizing the need to avoid racial stereotypes and promoting ethical advertising practices. This case has been widely discussed in terms of racial sensitivity in advertising. Scholars argue for the importance of ethical standards in media representations. The Times of India highlighted the broader implications of the case for advertising ethics and racial sensitivity.<sup>10</sup>

In Delhi Rape Case,<sup>11</sup> the Supreme Court upheld the death penalty for the convicts, labelling the crime as "brutal, diabolic, barbaric, and heinous" and underscoring the necessity for stringent laws to safeguard women. The decision reignited debates about capital punishment and its effectiveness as a deterrent for violent crimes against women. Scholars argue about the need for systemic changes to address gender-based violence comprehensively.

The Times of India reported that the judgment was widely welcomed but also highlighted concerns about the limitations of punitive measures alone in ensuring women's safety.<sup>12</sup> In Sunny Leone's Ad Controversy Case,<sup>13</sup> Justice G. S. Patel ruled that the ad was not obscene, upholding artistic freedom and criticizing the unnecessary moral policing of media content. This case has sparked debates about moral policing and artistic freedom. Scholars argue for the protection of creative expression against arbitrary censorship. The Hindu highlighted the tensions between moral values and freedom of expression in the media.<sup>14</sup>

In Tarun Tejpal Case,<sup>15</sup> The trial court acquitted Tejpal, but the case highlighted the scrutiny involved in high-profile sexual harassment cases and the need for media to report responsibly.

The acquittal has been contentious, sparking debates about the influence of power dynamics in legal proceedings. Critics argue that the media's role in such cases needs to be balanced between informing the public and protecting the rights of all parties involved. The Indian Express covered the varied public and legal opinions on the case.<sup>16</sup>

#### **4. IGNITING THE LEGAL CONSCIENCE THROUGH JUDICIAL ACTIVISM AND ITS IMPACT ON MEDIA PRACTICES**

Judicial activism is essential in igniting the legal conscience against the exploitation and portrayal of women in mass media. Courts must take a proactive stance in interpreting and enforcing laws related to women's rights in media. Civil society and advocacy groups play a crucial role in raising awareness and challenging discriminatory portrayals. These groups can hold media organizations accountable and push for legal reforms through advocacy and litigation. For example, the Supreme Court's proactive stance in cases like Vishaka and Navtej Singh Johar has been instrumental in advancing gender justice.

For instance, organizations like the Lawyers Collective and the All India Democratic Women's Association have been instrumental in advocating for women's rights and challenging discriminatory media practices. Supporting and strengthening such groups can drive significant progress in addressing media exploitation and portrayal of women. This kind of process was happened in Vishaka case. Indian judiciary has played a crucial role in interpreting these laws to protect women's dignity. Landmark cases like Vishaka v. State of Rajasthan and Navtej Singh Johar v. Union of India highlight the judiciary's proactive stance in addressing gender discrimination. At the time of hearing the case, there is no constructive law for sexual harassment in work place. In this regard, Supreme Court of India implemented monism principle in interpreting international convention for Indian scenario. Prior to the case, any treaty including the CEDAW came into force only through enacting specific legislation in Parliament under Article 253. In judicial activism, there are two doctrines are involved, they are: Doctrine of Social Want and Doctrine of Vacuum Filling. Hereby, non liquet situation (it is not clear) in law created the situation of igniting the legal conscience for judge made law.

According to judicial activism, the Supreme Court of India can pass any decree or order necessary for doing complete justice.<sup>17</sup> Therefore, the Apex Court laid down guidelines to prevent sexual harassment at the workplace, recognizing it as a violation of fundamental rights. Due to these directions, most of workplaces including educational institutions are directed to establish the Vishaka Committee which redressed sexual harassment complaints.

Article 142 of Constitution of India empowers the Supreme Court to pass any decree or order necessary for doing complete justice in any case or matter pending before it. These orders are enforceable across Indian Territory, making them significant tools for judicial intervention.

These directions filled the vacuum until the enactment came to force. In this regard, Government enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. In Navtej Singh Johar, the Court decriminalized consensual same-sex relations, emphasizing the right to privacy and equality. Likewise, continued judicial activism can help address the gaps and challenges in existing legal frameworks, ensuring better protection of women's rights in media.

#### **5. CONCLUSION**

The worse part of the whole episode is that there is no revulsion, no change to biased projections and no regrets from any part of the society. We have somehow taken the whole gamut of dialogues, stories and picturization of women as way of our life or as if no consequences. It has never been realized that if womanhood is come when the coming generation of the present children will have absolutely no respect for their sisters, wives and mothers. Hence the major objectives of media must be to perform the programmes relating to improvement of women's status that they are free to assert themselves as human beings, co- equal socially, morally and politically with men. There should be positive portrayal of women taking note of their role in all facets of life.

Public awareness and education are equally important. Campaigns that highlight the impact of negative media portrayals on women and society can drive a cultural shift towards more respectful and equitable representation. Educational programs in schools and universities can also help inculcate values of gender equality and media literacy from a young age. Thus it can be concluded that overall effect of the portrayal of women in media is to reinforce rather than reduce prejudices and stereo types. The mass media is to reinforce rather than reduce prejudices and stereo types. The mass media in India has not made adequate efforts to discuss serious issues concerning women and prepare the women to play their rightful and equal role in society. To change this condition, it is necessary to monitor the media and point out the merits and demerits continuously. Therefore, the portrayal and exploitation of women in mass media are deeply entrenched issues that require a multifaceted approach. By reimagining women's dignity and igniting the legal conscience, we can move towards more equitable and respectful representation of women in media. Strengthening legal frameworks, promoting media ethics, and fostering

public awareness are crucial steps in this journey. As society continues to evolve, so must our laws and attitudes, ensuring that women are portrayed with the dignity and respect them.



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## 6. REFERENCES

- [1] Cinematograph Act, 1952
- [2] Indecent Representation of Women (Prohibition) Act, 1986
- [3] Information Technology Act, 2000
- [4] Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
- [5] Shirin M. Rai (2018), "Uppendra Baxi: Feminism, Law and Human", Jindal Global Law Review, Vol. 9, pp. 307-313.
- [6] Himashree Patowary (2014), "Portrayal of Women in Indian Mass Media: An Investigation", Journal of Education & Social Policy, Vol. 1 No. 1, pp. 84-92.
- [7] The Indian Express, "Ranjit D. Udeshi v. State of Maharashtra: A Landmark Judgment on Obscenity," April 10, 1965.
- [8] Bobby Art International v. Om Pal Singh Hoon (1996)
- [9] Ram Gopal Varma v. Indian Women in General (2003)
- [10] Aishwarya Rai Bachchan v. Advertising Standards Council of India (2008)
- [11] Aveek Sarkar v. State of West Bengal (2014)
- [12] Mukesh & Anr v. State for NCT of Delhi (2017)
- [13] Sunny Leone v. Ashoke Pandit (2017)
- [14] Tarun Tejpal v. State of Goa (2021)
- [15] The Hindu, January 20, 1995, noting the tension between cinematic freedom and personal privacy.
- [16] The Indian Express, August 14, 1997, discussed the guidelines in Indian jurisprudence.
- [17] The Times of India, May 6, 2017, reported the judgment and highlighted concerns about the limitations of punitive measures alone in ensuring women's safety.
- [18] The Hindu, September 12, 2017, highlighted the tensions between moral values and freedom of expression in the media.
- [19] The Indian Express, May 21, 2021, covered the varied public and legal opinions on the case.