

EXPLORING GENDER STEREOTYPING AS A DIMENSION OF INDECENT REPRESENTATION OF WOMEN IN INDIAN MEDIA

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ABSTRACT

Media plays a pivotal role in not only reflecting the ideals of the society but also shaping them. Media consumers particularly that of audio-visual media, absorb its content as a way of life. In this increasing intervention of media in the lives of people, it becomes important that the media content is duly regulated, particularly, when it relates to representation of women. Laws such as The Indecent Representation of Women (Prohibition) Act, 1986, The Information Technology Act, 2002 etc. deal with the issue of indecent and obscene portrayal of women in media. However, the travesty of Indian legal system is that though we have a plethora of laws to address the aforesaid issue there are no measures of punitory justice for stereotyped and derogatory portrayal of women in media. Advertisements, soap operas and films tend to either sexually commodify women or stereotype them as the passive dependent sex who is submissive to the patriarchal norms, authorities and traditions. It is equally indecent to reduce woman to just an attractive body or attractive face alone. It is against the dignity and against the concept of equality between woman and man to constantly show her as subordinate to man. This form of indecency should also be considered objectionable. While, Indian jurisprudence has lacked majorly on this front, the International laws have directly or indirectly addressed the issue of gender stereotyping. Instruments such as Beijing Declaration have considered stereotyping as violative of women's right to dignity and equality and promotive of gender-based violence. This paper tends to highlight this lacuna in the Indian legal system and how its menace can be tackled in the light of International legal directives in this regard.

Keywords: Media, Indecent Representation of Women, Gender Stereotyping, Women's Rights, Gender Biasness

INTRODUCTION

The omnipresence of media has given it a potential to influence social reality today. Be it print, electronic or social medium, media has taken the center stage in shaping the world's perception of itself. At the same time, on one hand, media tends to imitate the lives of people in form of role playing, the individual coming in contact with the media gather the content of media as a way of life. It tends to create perceptions on certain social and culture phenomenon and help shaping public opinion and underlying sentiments. Media has outgrown its tag of mode of entertainment only. It is now an "instrument of social change in the Indian society" (Choudhury, 2014) having effect on socio-economic, cultural, religious, intellectual and even ethical ideologies of its consumers. It sets the standards of normalcy by which an ordinary person weighs his daily lifestyle. It is not just a reflector of society; it sets a trend of society. The audio-visual impact of media is much more impressionable on young budding minds as compared to matured persons. Television for them creates a world very similar to the real world and not just children but most of the viewers are cannot differentiate between the illusions created before the demand the true facts.

This pervasiveness of media in the lives of people is both good and bad. Where on one hand it plays the role of “Magic Multiplier” (Prasad, 2010) there by, augmenting the development process, on the other it is also seen that media promotes “consumer tastes and values, often alien to Indian culture and traditions” (Prasad, 2010). According to Sen Media often becomes an instrument to disseminate false message and promote values that do not find their premise in bona fide dialogues and discussions. Such negative propagandas tend to create a divide amongst communities and perpetuate the stereotypes that further violence, especially against women (Sen, 2007). One such example is the objectification and derogatory portrayal of women by media. According to Kellner (2011), media culture tends to provide viewers with “models of what is meant to be male or female” *i.e.*, it establishes standardized ideals femineity and masculinity (Balraj, 2015). What is worse is that it fails to provide a balanced picture of a woman’s life and her myriad contributions to the dynamics of the changing world. It is often charged with representing women in an indecent way contrary to the norms of decency. In words of Calogero there is a “systematic overdose of nudity and vulgarity” by the media (Calogero, 2012) whereby, women’s bodies are treated as objects to promote sales. Media tells us who we are and who we should be. It tells women how they should look creating an ideal of beauty for them. It fails to highlight their concerns or problems and rather objectifies them as just epitomes of perfection and beauty. But this is not the only issue with the portrayal of women by media. In its complex interface of influences and inferences, media has idealized the images of women, which ultimately influence our opinions, decisions, criteria and evaluation of a particular normative model of gender (Alexandra & Michaela, 2017).

The onscreen objectification of women has mostly two facets to it

- a) Sexual objectification of women
- b) Gender stereotyping of women

In one format of sexual objectification the woman is presented not as a whole person but, her body parts are focused upon. This type portrayal is largely seen in various advertisements of beauty products. Her body is dismembered in such advertisements. It is dehumanizing to treat a woman as a thing and focus on her body parts to increase sale of a product (Jhally & Kilbourne, 2010). In the other form of sexual objectification, a woman is represented as a scantily clothed, mindlessly grinning arm candy of the male protagonist, especially seen in advertisements of male products such as deodorant, sports utility vehicle etc. Such advertisements promote the fallacious idea that women are acceptable only when they conform to image of ideal beauty *i.e.*, youth, thinness, fairness and careful grooming and polished demeanor. Any deviation from that ideal is met with a lot of contempt and hostility. Consequently, women learn from a very early age the importance of super fluous beauty and spend enormous time money and energy trying to achieve this ideal. They end up feeling ashamed and guilty on failing to do so. However, the failure is inevitable because the ideal media surrounds us with is based on absolute flawlessness (Jhally & Kilbourne, 2010).

Gender stereotyping on the other hand, asserts that women are best suited as homemakers, dominated by their male counter parts, having no right to make decisions in their individual interests (Patowary, 2014). They are portrayed as dependent and submissive to their male counter parts as well as patriarchal norms, authorities and traditions set by them (Tuchman, 1979).

Tuchman very rightly states that soap operas are closest in presenting pseudo egalitarian world as compared to other contemporary media (Tuchman, 1979). However, in most of the Indian the TV series, it is not unusual to see women clad in expensive sarees, and exquisite jewelry, bearing exceptional intellect only when it comes to in house scheming or dodging the same. Vile mother-in-law to perfect all-rounder and yet docile daughter-in-law or a sexy outgoing fun loving woman who ends up being third wheel in a marriage are the most common protagonists in soap

operas. The question is how close are such portrayals to real life challenges and responsibilities of women? Issues such as a woman facing glass ceiling or hazards of sexual harassment at work place or her struggling to balance work- home time management hardly form the plot for any Indian television series. Highly relevant but equally unnoticed matters such as postpartum depression and contribution of homemakers in economy of a country don't provide substance glamorous enough for the eyeball catching serials or movies. Even if depicted as independent decision makers in advertisements, they usually represent the products related to cosmetics, health and hygiene and food and beverages and rarely represent the high end value products like automobiles, share markets, real estate. Commonly in advertisements of soap detergents and baby products, it is a woman who is endorsing the product. Portrayals of this kind are exploitative by their very nature: they derive their appeal from the commercial possibilities of commodifying a woman selling them. The commercial viability of such products depends primarily on the appeal of the woman so commodified. If the portrayal serves a recognized social function of an informative or cultural nature, then it may be taken out of the realm of legal remedy (Prasad, 2010). More often than not the portrayals of women in advertisements particularly are neither to inform nor entertain, but primarily to sell a product (Prasad, 2010).

Television programs tend to reinforce cultural stereotypes and establish subservient role models for women. This acts as a rather major obstacle in dealing with social prejudices and traditions shackled with chains of patriarchal dominancy. Not only are such soap operas toying with the emotional quotient of the viewers, they are in fact taking them far away from reality. The sad part is that these prejudices are not only reinforced in minds of the male section but the female segment as well. According to Tuchman, the stereotyped depiction of women in media has detrimental effect on "individual consciousness and collective social life" (Tuchman, 1979). Such distorted portrayal demeans women's social status in general and worse when internalized impede them from exploring their true potential.

Robust reductive generalizations about women, confining them into premeditated stereotypes exacerbates the fiasco caused by strong patriarchal tilt of Indian society. They tend to widen the already prevailing gender gap in the society. An analysis of media portrayals should begin by considering the purpose of the portrayal in question. If the portrayal is deemed to serve a socially useful function by contributing to either public debate or general culture, then only it should be protected by the relevant law (Felcher & Rubin, 1979).

It has become the greatest fear in today's world of information explosion is that we are imbibing all the gender biasness subconsciously and reinforcing gender discrimination without being aware of it (Sharda, 2014). Then how can we claim that media is playing role of molding the society when it has given up on its previous role of even acting as a mirror of the society? Besides, are these roles uplifting or are instead derogatory to the image of women in society? If they are derogatory, do we know of any statute, law or rule that protects the women from such derogatory representation? The travesty of Indian legal system is that laws defining "indecent representation", be it the Indian Penal Code, 1860, The Young Person (Harmful Publications) Act, 1955, The Indecent Representation of Women (Prohibition) Act, 1986, The Information Technology Act, 2000 etc.

Section 292 of IPC, guidelines of the Central Board for Film Certification, Section 13 and 14 of the Press Council Act, 1978, Rule 6 of the Cable Television Network Rules, 1994, Section 67 of the IT Act, 2000 all specify that no displayed content should be vulgar, sexually explicit or derogatory to the values and ethics of the society. However, a careful perusal of these laws highlights their unsatisfactory state and how all are limited to physically obscene depiction of women only. Especially, the definition of "indecent" in these laws is narrow and connotes restricted meaning of the word derogatory in Indian context (High Level Committee on Status of Women in India, 2015). The underlying belief of obscenity and indecency as defined in these laws

is the Victorian ideology that the male counterpart is obliged to protect the sexuality of a woman. The protective laws on the issue tend to highlight the need to protect women based on their sexuality, instead of on the parameters of protecting their social status which derives its relevance from gender, thus ignoring the breach of rights of women due to gender stereotyping altogether (Choudhury, 2014). However, what has been subtly bypassed by the legislative and judicial scrutiny is the persistent gender stereotyping of women in advertisements, movies and most importantly TV serials.

Gender Stereotyping as a Dimension of Indecent Representation of Women

The Indecent Representation of Women (Prohibition) Act, 1986, under Section 2(c) defines the term “indecent representation of women” as under

“Indecent Representation of women, means the depiction in any manner of the figure of a woman, her form or body or any part thereof in such a 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 or morals.”

Accordingly, there are two aspects of indecent representation of women-

1. The “derogatory” depiction of the “figure of women”
2. Such depiction is harmful to the “morals of the society”.

The first aspect relates to the person of woman and second aspect deals with the public at large and the prevailing degree of morality. Accordingly, detailed understanding of the phrase, “depiction in any manner of the figure of a woman, her form or her body or any part thereof” amounts to indecent or derogatory representation if it presents a woman’s body as a sexual object or a commodity for male sexual pleasure. But it does not address glorifying a woman’s servitude to man as an attribute of her womanhood as denigrating to her (Panda, 2013).

Sexual objectification occurs when a woman is not viewed as a person. Instead, focus is on her body parts or body which is viewed as a physical object of sexual lure or a male attraction (Bartky, 1990). Indecent representation is also obscenity. But it can be described as obscenity of lesser degree. Any representation which is positively obscene implies indecency of a very high degree which is bound to deprave or corrupt human mind. Indecent is an obscenity of comparatively lower degree. However, both convey, the idea of offending the recognized standards of propriety. The problem has always been one of the definition, what exactly meant by the word ‘obscene’? Also, there is no generically accepted definition of what type of content is ‘depraved or corrupting’. This creates a large breadth of interpretative space based on individualistic values, views and perspectives. Jaising aptly points out that the definition of obscenity as lascivious or an act of lust, with a sexual orientation or appealing to the prurient interest is, a “concept of obscenity as derived from 19th Century Christianity, according to which anything to do with sex is dirty and obscene” (Jaising, 2006). Especially, the definition of ‘indecent representation’ in the act is criticized on the grounds that it embraced the concept of morality more and overlooked derogatory messages targeted to women and as extremely influenced by the patriarchal outlook (Prasad, 2010).

Sexuality is by some considered as a corruptive force which needs to be suppressed because if allowed to persist it may destruct the of the very moral fabric of our culture (Padte, 2013). In the context of strong cultural identification, the chastity or purity of the female body is seen as equal matter with her morality and virtuousness. It is because of such preemptive patriarchal structure that the Indian jurisprudence considers the dignity of a woman limited to her female and seeks to protect

the former by covering up the latter (Padte, 2013). The point to be considered over here is the utility of these archaic laws that seek to cover up body under the garb of obscenity in contributing to the wider struggle for women's rights, when in reality they fail to address the bigger offence of women being stripped of their dignity altogether failing to take into account the evolving meaning of the word derogatory which is indicative of the psychological submissiveness of women.

A glaring example of this gap can be seen from the deliberations of "258th Report of Parliamentary Standing Committee on Human Resource Development on the Indecent Representation of Women (Prohibition) Amendment Bill, 2012" (Report of Parliamentary Standing Committee, 2012). The Committee held extensive deliberations with both Government and private sector stakeholders. From amongst most of the delegates it was only the representatives of Rakshak Foundation, who were of the view that the term 'sexual object' in the Bill was derogatory to womanhood. The Bill was emphasizing more on the physical form and not on general things encountered in society which were derogatory to the womanhood. Hence, hinting at the idea of there being more to womanhood than just derogatory representation of her physical form. The words 'public morality' and 'deprave' were based on abstract concept of morality and ethics which did not generally focus on violent and degrading images of women falling outside the sexually explicit representations. All other participants primarily focused on necessity of regulatory authority. Needless to say establishment and empowerment of regulatory authority is an important aspect, it also needs to be understood that derogatory does not have just a sexual connotation to it but is inclusive of status of women in society which is demeaned by her being commodified or stereotyped.

Ahmedabad Women's Action Group (AWAG) suggested the inclusion of a provision that would also help the authorities to prohibit stereotypical portrayal of women. It was, therefore, proposed to rewrite this definition as

"Depiction, publication or distribution in any manner, of the figure of a woman, her form or body or any part thereof in such a way as to have the effect of being indecent or derogatory or to denigrating women or to perpetuate discriminatory and biased attitudes and behaviors towards girls and women or which is likely to deprave corrupt or injure the public morality or morals."

(Report of Parliamentary Standing Committee, 2012).

The National policy for empowerment of women (2001) also promotes prevention of stereotypical degrading treatment of women. It promotes mass media to adopt self-regulatory measures ensuring balanced portrayal of men and women and abstain from portraying images inconsistent with the dignity of women (Prasad, 2010).

Thus, it can be understood that the idea of derogatory representation by means of stereotyping is almost alien to Indian laws on derogatory representation of women with soporific instances of it being acknowledged as invasive of women's rights (Halder, 2013, 189).

Next, we move on to understand judicial understanding of Indecency, how it has evolved over a period of time and whether it is yet to be inclusive of gender stereotyping as a dimension of indecent representation of women.

The standard Hicklin test of obscenity was upheld in *Ranjit D. Udeshi vs. State of Maharashtra* (1965), where it was stated that, "the test of obscenity to adopt in India is that obscenity without a preponderating social purpose or profit cannot have the constitutional protection of free speech and expression and it is obscenity in treating sex in manner appealing to the carnal desire of human nature or having that tendency. The obscene matter in book must be considered by itself and separately to find out whether it is so gross and its obscenity so defined that it is likely to deprave and corrupt those whose minds are open to influence of this sorts and into whose hands the book is likely to fall".

In *Samaresh Bose vs. Amal Mitra* (1986), the Supreme Court provided certain guidelines: “In our opinion, in judging the question of obscenity the judge in the first place should try to place himself in the position of the author and form the new points of author the judge should try to understand what is it that the author seeks to convey and what the author conveys has any literary and artistic value. The judge should thereafter apply his judicial mind dispassionately to decide whether the book in question can be said to be obscene within the meaning of the section by an objective assessment of the book as a whole and also of the passages complained of as obscene separately”. In this case, the court distinguished between vulgarity and obscenity. It held that vulgar writing is not necessarily obscene.

In *Aveek Sarkar & Anr vs. State of West Bengal & Anr* (2014), the court expressly overruled the Hicklin test in this case. It was stated that “If the society accepts the portrayal of sexual activities on the silver screen, the court must not strike it down for the sake of a few sensitive persons. If it is acceptable to the society in general, the court must accept it too. Materials may have sometimes have content which is not acceptable to the society, like frontal female nudity is not acceptable in India but it is acceptable in United States of America and United Kingdom. In such scenarios, one needs to look into the bigger picture, the message being conveyed through the otherwise obscene material. The message should be beneficial and helpful to the society. The condition of ‘the portrayal conveying a message beneficial to the society’ is an important rider to such portrayal of women in media and this cannot be ignored under the justification of freedom of speech and expression.”

When the judicial journey on ‘obscenity and indecency’ *Ranjit D. Udeshi* ‘s case to *Aveek Sarkar* ‘s case (Test of Contemporary Standards), is analysed, it can be seen that the horizon of social understanding about them has doubtlessly become more accommodating (Raza, 2015). If a piece of art, movie, novel, picture, photograph etc. conveys some message beneficial to the society or tackles some social evil through its presentation it is not struck down for obscenely or indecently representing women, instead is applauded for intrepidly taking it up. On the other hand movies, novels, advertisements which by means of gender stereotyping, subtly though not expressly derogate the position of women are neither questioned not struck down as obscene or indecent. This highlights the Indian ideology of considering female indecency as limited to physical form of a woman, something which tends to ocular interests of the male section of the society. In fact, the only decision in which the idea of ‘gender stereotyping’ was even mentioned is the *National Legal Services Authority V. Union of India*(2013) that too only in respect of binary genders vis a vis trans genders and not of gender bias between males and females.

CONCLUSION

This article was an attempt to highlight the skewed approach towards the indecent representation of women in media, whereby, it is shackled with the chains of morality and virtuousness by protesting physical shaming of a woman but at the same time conveniently overlooking the fact that gender stereotyping by media is equally for her dignity, violating her human rights and in the process affecting her physical and mental health.

Message propagated through stereotypes are reductive and demeaning. Their pervasiveness and resilience have deleterious effects on mental as well physical health of women and the perceptions of society towards them as well. Stereotyping, like indecent representation, warrants attention from the law. The problem has been that the legislatures as well as courts have been skeptical in determining precisely as to what legal principles protect the women from such derogatory portrayal. The absence of articulated principles however, does not mean that none can be

formulated. Regulation of media content through coherent legal principles has been the focal point of legal intercourse for quite some time now.

The media has the standard justification that they sell what the consumers buy. 'Random viewership' and 'eyeball retentivity' are the basis of such portrayal. What it fails to understand is that with the current level of their infiltration in the lives of people they are not just a commercial enterprise. They have an addition onus of guiding their viewers in the right direction. This cannot be done by only legally forcing them to do so but by invoking the right conscience in them.

Criminal law and allied special laws on obscenity and indecency, appropriately defined and used, can tackle it. However, a well-defined legal structure is needed to tackle the derogatory and stereotyped media images of women which are harmful because not only do they impact their social status but when internalized hamper their sense of self-worth and dignity as well (Stewart, 1975). A new, to the point and comprehensive definition of what 'indecent representation' means, in order to bring within its ambit the derogatory portrayal of women and gender stereotyping more specifically, on the lines of the definition suggested by Ahmedabad Women's Action Group may be drafted. An alternative approach would be to draft a law altogether on gender stereotyping of women, drawn on the concepts laid down by CEDAW, Beijing Declaration and like instruments which deal with the issue.

In light of the gap between the existing Indian legislative approach and the international human rights, the paper has tried to bring to fore the inadequacy of the Indian Penal code 1860, and other special and local laws to realize the ideal of renouncing actions derogatory to the dignity of women as enshrined under Article 51A (e) under Fundamental Duties in the Constitution of India. Most importantly, the attempt has been to locate the areas of conflict amidst the interacting players, cover the loopholes in legislative jurisprudence. Finally, through this paper the authors seek to reiterate that we need to get involved in whatever ways possible, legally or socially to regulate not just the media content but the attitudes that run deep in our culture and affect each one of us deeply, whether or not we are conscious of it. What is at stake in it for all of us is the ability to have authentic and freely chosen lives and nothing less.

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