



INDECENT REPRESENTATION OF WOMEN IN INDIA

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Abstract: In the field of “INDECENT REPRESENTATION OF WOMEN IN INDIA”, refers to any portrayal of a woman's shape, form, or body—or any aspect of it—in a manner that can be seen as improper, denigrating of women, or otherwise likely to tarnish or undermine public morality or morals. The goal of this study is to identify the ways that women are inappropriately portrayed in the media. The media is essential to the advancement of civilization, but there are many drawbacks as well. For example, many criminals abuse technology. Despite the fact that India has many laws in place to prevent violence against women in a variety of contexts, they are not very efficient at doing so. In India, a study has been conducted to see how various regulations are preventing indecent representation of women. It contains the representation and evolution process in regards to women of Canada in comparison to India.

INTRODUCTION

The “Indecent representation of women” refers to any portrayal of a woman's shape, form, or body—or any aspect of it—in a manner that can be seen as improper, denigrating of women, or otherwise likely to tarnish or undermine public morality or morals.

The definition of decency differs from area to area and from person to person. The standards of propriety as well as other elements are constantly evolving as society advances and people's lifestyles change. Everybody and every place have their own standards of decency. The standards of decency and other things continue to change as society advances and people's lifestyles change.

BACKGROUND OF THE STUDY

In the earlier times, the history of origin referred mostly to the men, with women being put down. Women have consistently fought for their privileges and position in society. They have repeatedly pushed for equality so that they can lead a life that is exactly equal to those of men.

There have been numerous dramatic changes to the position of throughout the last few millennia, including girls in India and if referred to the status of women in Independent India, it has undoubtedly improved.

Indian society has long mistreated women, but no one has had the guts to criticize the government. But no one is permitted to speak out or write about the Pavitra Granths, which talks about dominating a woman, defines their tasks or compares them to animals. According to historical research of women's role in society in ancient India, they did not occupy an equal position to men. Only mothers and wives were recognized as women. They had the same status as men's inferiors. The patriarchal society that rules over social, political, and economic life in India has never supported women in any profession outside of the kitchen! Since ancient times, Indian women have had a lower status than men and are generally less powerful.

While print media from Indian history has misrepresented women, and current electronic and print media still follows our historical books to define gender roles and ingrain patriarchy in our minds, electronic and print media play a vital role in the development of women in any community in the twenty-first century. If we look closely, however, we will be able to see how these practices go hand in hand.

Print and electronic media both have a significant impact on how women develop. Print media was the only medium of communication in ancient India. Print media in ancient India included texts written by the dharma gurus as well as the Vedas, Purans, Smritis, and other literature. Women were viewed in those days as property that belonged to fathers, husbands, and then their sons. Many Indians adhere carefully to the rules and regulations outlined in these books and follow them without question. These texts have defined our Indian civilization. There are thousands of books which misrepresent women, put limitations on women and put strict regulations on them.

Indians also accept it because only media has left an imprint on human's thoughts. The patriarchy is one of the needless philosophies that the Indian media forces on people while deflecting them from the actual concerns.

2.1 Misrepresentation of women In VEDAS

The Vedas have put a high value on women, but they also bound them to a variety of cultural norms, which limits their ability to advance. These texts contain numerous verses that are extremely offensive to women and are still practiced in India. According to the Vedas, gender roles were very clearly defined. Men's roles included providing for their families and carrying out their responsibilities in accordance with their class, while women's roles included giving birth to children, raising them, caring for the home, and supporting their husbands' careers. Women had minimal independence and the same status in society as men throughout the Vedic era, but the text was full of contradictory claims about women's rights.

2.2 Misrepresentation of women In MANUSMRITI

According to legends, Manu was the first man to walk the earth. He put down his ideas in a book called Manusmriti. The Manusmriti abolished the liberty of women. Women were permitted to study the Vedas prior to the writing of his Manusmriti, but when he published it, he clearly said in a verse that women are not permitted to study the Vedas, and people blindly obeyed it and forbade women from studying the Vedas. According to a verse in the Manusmriti, women were to be treated as the property of men when they are children, when they are married as young adults, and it clearly states that women must not be independent. In the Manusmriti, a husband is seen as a king and the wife as his follower. If a wife disobeys her husband's commands, severe punishments are prescribed for her. Manusmriti only teaches how a woman is dominated by men.

2.3 Misrepresentation of women In PURANAS

Indians are proud of their purans, and many of them abide to them to the word. Many purans teach men how to rule over women. According to Purans, a woman's highest duty is to die after her spouse passes away.

2.4 Misrepresentation of women In MODERN INDIA

The media's significance in the modern world cannot be understated. Media is the guiding light that lights the paths of democracy, primarily in times of conflict. It is the radar that picks up the mood, pulse, and beliefs. Modern India is equipped with cutting-edge technologies related to electronic and print media, which can be used to raise awareness about social issues and achieve real development for millions of communities based in India. In particular, it can be used to develop women, change Indians ideologies toward women, and close the gender gap, but it is going in the wrong direction and destroying the development opportunities of women and it is indirectly promoting patriarchy. There are a lot of books that degrade women and confine them to Indian society's boundaries. Readers of these works follow the rules and put restrictions on the women. The Vedas, the Manusmriti, the Purans, advertisements, TV shows, movies, or historical literature has all misinterpreted them.

INDECENT REPRESENTATION OF WOMEN BY THE MEDIA

The "Indecent representation of women" refers to any portrayal of a woman's shape, form, or body—or any aspect of it—in a manner that can be seen as improper, denigrating of women, or otherwise likely to tarnish or undermine public morality or morals.

The definition of decency differs from area to area and from person to person. The standards of propriety as well as other elements are constantly evolving as society advances and people's lifestyles change. Everybody and every place have their own standards of decency. The standards of decency and other things continue to change as society advances and people's lifestyles change. As a result, as time passed on, the definition of decency changed as well as the level of morality and decency. The twenty-first century is referred to be the era of knowledge and scientific advancement. Exposure of women in traditional culture through art, literature, or other means was frowned upon, but it is now considered fashionable. As a result, the definition of decency changed as well as the level of morality and decency.

By involving, influencing, and changing people, media quickens the development process. It serves as a significant tool for social transformation in Indian society. The media's extensive influence is changing quickly in India's many realms of life, including economic, social, cultural, intellectual, religious, and even moral principles.

In Indian society, the media is one of the key agents of social change. It has been noted in the hallways of social change institutions that media frequently promotes consumer desires and ideals that are at odds with Indian culture and customs. There is far too much sex and violence, and stereotypes and sexism, present as to how women are portrayed.

Men have traditionally gone to work outside of the home, leaving women mostly in the domestic realm. Women were hesitant to expose themselves to media in the past when men performed the roles of women. The distinction between public and private is validated by mainstream interpersonal communication, emphasizing 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, which is concerned with issues such as competition, producers and consumers, technology, political power, and autism.

New communication technologies have significantly increased the power of mass media. The world has seen a rapid expansion of newspapers, television, movies, magazines, cable, and satellite television. Today's mass media shapes our very existence as well as our beliefs, perceptions, attitudes, and social realities. The role of media in people's lives is crucial. We are immersed in a media-focused environment the moment we get up.

Young and elderly, men and women, are all part of the mass media audience nowadays. Around the world, kids watch television for three to four hours every day on average. Children are greatly influenced by media, whether it is print or electronic. The social scripts that are learned through observation of family, friends, the local community, and the media develop into more abstract, complicated, and automatic ways of being invoked.

Many things that are destructive to developing minds, like aggression, revolution, and sex, are learned and imitated by them deliberately or unconsciously. It is well recognized that visual media has a huge impact and is a very effective medium for conveying ideas and pictures. As a result, viewers find it difficult to distinguish between the real world and the one created by television. The media shapes the decisions we make. By involving, influencing, and changing people, media quickens the development process. It serves as a significant tool for social transformation in Indian society. The media's extensive influence is changing quickly in India's many realms of life, including economic, social, cultural, intellectual, religious, and even moral principles.

Over the past ten years, women's organizations have complained about how the media portrays women. Women's issues include how dowries are presented in advertisements to parents, how a "nice" lady is equated with the relationship between a brand of vegetable oil and parenthood, and a wife. It is true that the conflict among women's organizations has led to a decrease in the number of advertisements relating to dowries. However, these initiatives have minimal effect on the number of ads that promote pornographic content and sexist stereotypes, which has increased.

Every field has advantages and limitations, and the media is no different. The media, which serves as the fourth estate of Indian democracy, is totally reliant on it and is growing very quickly. The media significantly affects our society, economy, culture, and way of life, among other things. It has influenced many aspects of our society, such as education, the growth of rural areas, our views, etc. However, a lot of dishonest people use technology to sow discord in society. Indecent representation of women in the media is one of the most pressing issues facing society today.

There is too much dramatization, exploitation, and immoral and distasteful portrayals of women, sex, and violence which is indecent and objectionable. Such a practice needs to be guarded by the legal authorities. Everybody's life is heavily influenced by advertising, which treats women like "goods" in order to increase sales.

On the one hand, women have been shown in the most eminent and respectable manner, and on the other, they have been the subject of immoral, vulgar, and filthy depictions. Obscenity must meet the criteria for obscenity in order to have the ability to deprave and corrupt people whose minds are susceptible to such immoral influences and into whose hands a publication of this kind may fall.

Indecent depictions of women are common in the media nowadays. The media has made a name for itself as a significant mistress of women. It is believed to go against all moral, ethical, and obscenity standards. Nudity and obscenity are overused on a regular basis. Women are treated like commodities in the media industry to generate sales. Because of the rising monetization of women in the media, women's issues and problems are no longer present.

With the rise of women as product consumers, there has been a subtle shift in the type of advertising that are produced, appealing to women as consumers rather than simply using women to draw attention to the product. Women are now heavily represented in advertising, both as consumers and as influencers. The representation of women in Indian advertising has recently become a controversial subject. The specialists who oppose the degrading portrayal of women in advertising are adamant that a woman's moral and social position is largely influenced by how much of her body is exposed to the public view.

In certain advertising, women are portrayed negatively. Even though their appearance in the advertising has nothing to do with the brand, they are dressed in scantily clad attire. However, advertising now takes up a significant share of the media. It is terrible to show ladies in obscene poses or to fragment their bodies. However, the media today plays a negative, objectionable, and degrading role in how it portrays women. It does not accurately represent social reality.

Advertising campaigns with a very good representation of women have also been highly successful. Examples include those for Titan, Raymond's, jewelry, cosmetics like L'Oreal, and other brands. On the other hand, some advertising experts think that in some brands, the alleged indecent portrayal of women contributes significantly to brand awareness. When such representation is done, for example, condoms and inner-wears have a greater influence on the audience since they are controversial.

The current anti-violence campaign addresses rape, sexual assault, and domestic abuse, media representations of women that are degrading and the practice of surgically aborting female newborns. According to Indian pornographic and obscenity laws, a lot of games and gaming websites in India contain material that can be considered objectionable. For instance, some well-known websites offer games with animated caricatures of people, including women, presented in a way that could be considered offensive by Indian moral norms.

These television programs and motion pictures portray idol 'Sanskari bhartiya naris' as well groomed, obedient to her husband and her in-laws, polite, and willing to listen to her spouse, among other attributes. The trait of an ideal lady has been and continues to be defined by Indian TV series and films, and these works have a significant impact on how people view women. In 99.9% of Indian soap operas, women are always portrayed as cheerful housewives working in the kitchen.

Many individuals may disagree with the aforementioned example, but according to a recent survey on gender roles, more than 50% of the male participants claimed that they do not perform household duties and believe that women should be in charge of doing so. The dialogue from the movie *Jab We Met* for example “Akeli ladki khuli Tijori ke jaise hoti hai” portrayed that women shouldn’t be travelling alone. Why is it that the Indian censor board approves of such things that are defining and promoting such gender preconceptions?

If this is the kind of content which is being consumed by the old, youth or the young children then it is definitely going to impact the minds of the audience, that the women are supposed to act like a certain way and they shouldn’t be working as executives, doctors, officers, etc.

In commercials for home appliances, women were shown using the products while men were simply shown posing with them. This subtly suggests that women, not men, should be using household appliances. Additionally, commercials for jewels show women receiving gifts such as jewelry from men.

The law tries to control how women are portrayed in the various sectors of Indian mass media today while keeping in mind the country's socioeconomic structure. Special attention must be paid to communal sentiments, and the State must also be safeguarded, while dealing with a society that is culturally diverse. In India, morality is still a deeply personal matter that encompasses a diverse variety of historically and culturally evolving attitudes and values.

Because it is unclear how many women are subjected to such indecent treatment in the various tiers of the economy, it is also difficult to establish and investigate the cause and effect. The deplorable treatment of women contributes to a decline in society marked by increasing crime and abuse of the individual. The Indecent Representation of Women Act, 1986, which forbids the d and indecent representation of women and punishes those who commit such offences, was passed by the Central Government to put an end to this crime.

INDECENT REPRESENTATION OF WOMEN ACT, 1986

The Indecent Representation of Women Act punishes indecent depictions of women that suggest a woman's image in some way, including her form or body and any feature of the woman's body, in a way that promotes immorality or degradation or that degrades, abuses, or compromises public morals or moral standards.

The law aims to control how women are portrayed in various forms of Indian public media while taking into consideration the country's socioeconomic structure. The Indecent Representation of Women Act was eventually necessary as a result of this realization of the need for particular law.

In response to a women's movement, the Rajya Sabha Bill against Women's Indecent Representation was introduced in 1986 that demanded legislative action to address denigrating portrayals of women in the nation. Margaret Alva presented the legislation in the Rajya Sabha, and it was approved in October 1987.

The 1986 Indecent Representation of Women Act sought to control how women were portrayed in the media and other popular outlets. It was implemented to make sure those commercials, periodicals, publications, and artwork did not portray women in a demeaning manner. The term "indecent representation" refers to "indecent depiction of women" in any manner that has the effect of being indecent or derogatory of a woman or that is corrupt or vulnerable to public morals, or moralistic depravity, as defined in Section 2(c) of the Indecent Representation of Women Act.

Women's organizations denounced indecent portraiture in the 1970s and 1980s, mainly focusing on nudity and the overly stereotypical or sexually provocative women's. Thus, this reinforced the notion that expressing one's sexuality—especially expressing one's sexuality as a woman—is offensive.

Obscenity can be identified by its propensity to deprave and corrupt intelligent people who are susceptible to such immoral effects and who might obtain a publication of this nature. If it does, obscenity laws apply to the situation. The term "obscenity" has no clear definition because it is constantly evolving to reflect societal changes.

However, The Indian Penal Code, 1860 does not define the term "obscene." The Code's creators refrained from defining "obscenity" in specific words, presumably considering that it depends on the moral standards of modern culture. The notion of immorality and decency may vary from time to time and place to place. As a result, courts in India have defined obscenity as there is no such definition in the Indian Penal Code, 1860.

Any note, publication, sticker, packaging, or other document that is covered by the Act is considered an advertisement, as is any visual representation made through the use of any light, sound, smoke, or gas. The definition of advertisement as modified by the National Commission for Women would apply to any sign, circle, sticker, poster, wrapper, or other document, as well as any visible representation created by any laser light, sound, smoke, gas, fiber, electronic optic, or other media.

It is unlawful to produce, sell, employ, distribute, circulate, or mail any book, pamphlet, document, slide, video, writing, drawing, painting, picture, depiction, or figure containing an obscene representation of women. Along with obscene, the Commission has suggested adding the phrase degrading.

This Act criminalizes indecent representation of women under this Act which is the depiction of a woman's figure, form, or body in any way that has the effect of being indecent to, derogatory toward, or humiliating women, or that is likely to deprave, corrupt, or impair public

decency or morals.. It declares that it is prohibited to print, cause to be published, and arrange to participate in the publishing, or exhibit any advertisement that depicts women in an indecent manner in any way.

The NCW proposed the following changes to Section 2(b) of the Act: "Derogatory portrayal of women is the depiction in any manner of the figure of a woman, her shape of body, or any part thereof in such a way as to have the effect of being derogatory to or demeaning women and is also likely to deprive, corrupt, or threaten public morality or morals."

In accordance with the aforementioned criteria, any depiction of a woman's body, form, or any aspect of it would be considered indecent or degrading representation if it:

- The propensity to portray women as objects for sexual activity.
- The propensity to treat women as just sexual objects to be enjoyed by men.
- The propensity to glorify a woman's subservience to a man as a sign of her femininity.
- It has the potential to be immoral, to be disparaging of or demeaning of women.
- It has a tendency to celebrate ignoble servitude as a quality of womanhood.
- It also has the potential to degrade, corrupt, or harm public morality or morals.

In spite of the law, there are serious concerns about how women are portrayed in the media today. A discussion regarding the necessity for effective laws to stop it as well as the correct application of the law as it is necessitated by the predominance of obscene portrayals of women on television and in the media as a whole, despite the fact that efforts are being made to halt this expanding issue.

The main motto is to assess the awareness of women empowerment in India and to assess the importance, the value of women in India, in the media, to suggest some measures which can be taken to improve the role of media and to even examine the role of media in women empowerment and to identify the media policies.

LAWS RELATING TO INDECENT REPRESENTATION OF WOMEN

Sections 292 and 293 of the Indian Penal Code 1860 were added in conformity with the judgment reached by the International Convention for the Suppression and Circulation of, and Traffic in, Obscene Publications, signed at Geneva on September 12, 1923. Sections 292 and 293 of the Indian Penal Code (Amendment) Act of 1969 underwent revisions to make the existing law more explicit and comprehensible. The definition of "obscenity" is provided in clause 1 of section 292 of the Criminal Code. As stated in Section 292(2), the court must automatically give a harsher punishment for crimes involving the transmission of offensive materials or goods.

Sale of pornographic materials, etc. - There are two parts to this section. The first part of the article discusses a book, pamphlet, paper, writing, drawing, painting, representation, or figure of any other object that is lascivious or appeals to the prurient interest. The second part of the article then discusses how, if the materials mentioned above consist of two or more distinct items, the effect of any one of them, if taken as a whole, tends to deprave and corrupt people who are likely, taking all relevant circumstances into account, to read, see or hear the matter contained or embodied in it.

It must be proven; in accordance with Section 292, that the allegedly offending material was sold, distributed, imported, printed, or displayed, or that the accused had either attempted to do so or made an offer to do so.

The obscenity laws in developing countries like ours are found in Sections 292, 293 and 294 of the IPC. Despite these restrictions, there are more and more indecent depictions of or references to women in media, especially ads, which denigrate women and are offensive to modesty.

These commercials, publications, and other materials have a depraving or corrupting effect even if no specific aim is behind them. To successfully stop ambiguous representation of women in commercials, publications, pamphlets, and other media, different laws are thus needed.

Laws to prohibit obscenity are mentioned in Sections 292, 293, and 294 of the Indian Penal Code, 1860. Obscenity, indecency, and vulgarity are difficult to characterize because they are so closely tied to a society's moral standards. How probable it is to deprave and corrupt people whose brains are sensitive to such immoral impulses and into whose hands a publication of this kind may fall is how obscenity is judged. Obscenity includes, but is not limited to, the acquisition, renting, distribution, public exhibition, circulation, import, export, or advertisement of anything that is obscene.

The necessity to safeguard society from the possible harm that could result from obscene material and to uphold freedom of expression while striking a balance with the free flow of information is crucial.

The 1986 Indecent Representation of Women (Prohibition) Act governs how women are portrayed in the media. It is forbidden to depict women in an indecent manner in ads, books, writings, paintings, figures, or in any other way. Any publication that contains an indecent depiction of a woman in any format is prohibited by Section 4 from being produced, sold, rented, distributed, circulated, or transmitted by mail.

Yet day in and day out, ads featuring women in lewd poses are broadcast, and barely any action is done. The National Commission on Women (NCW) has elaborated on methods to strengthen and make the Act workable so that the goals can be accomplished and suggested changes to the Act.

The Preamble, Fundamental Rights, Fundamental Duties, and Directive Principles of the Indian Constitution grant the State the power to enact measures of positive discrimination in favor of women in addition to guaranteeing women's equality. Within the framework of a democratic democracy, our laws, development strategies, plans, and programs have attempted to advance women in a number of fields. India has ratified a number of international agreements and human rights treaties in order to provide equal rights for women. One important one among them is the 1993 ratification of the Convention on the Elimination of All Forms of Discrimination Against

Women (CEDAW)

CEDAW adopted by the United Nations General Assembly in 1979, states that women and men should have equal opportunity to participate in public life.

The Indian Constitution guarantees the equality of women and has special provisions that allow the state to use positive discriminatory measures in favor of women in order to make up for the cumulative social, educational, and political disadvantages that they experience. Fundamental rights, among other things, ensure that everyone has an equal opportunity to succeed in matters relating to employment and that everyone has equality before the law and equal protection under the law. They also prohibit discrimination against any citizen based on their race, religion, caste, sex, or place of birth. In this regard, particular emphasis should be placed on the Constitution's Articles 14, 15, 15(3), 16, 39(a), 39(b), and 39(c), as well as Articles 42.

- 1) Justice under the law under Article 14
- 2) Article 15(i) of the Constitution forbids the State from discriminating against anyone based solely on their race, religion, caste, sex, or place of birth.
- 3) Article 15(3) The State shall make any specific provisions for the benefit of women and children.
- 4) All people have an equal chance to work in public employment, according to Article 16.
- 5) The State should focus its policies on upholding the equality of men and women with regard to the right to an acceptable standard of living Article 39(a) and the principle of equal pay for equal labor Article 39(d).
- 6) To promote justice on the basis of equal opportunity and to offer free legal aid through appropriate legislation or a program, or in any other means to ensure that no citizen is denied the chance to obtain justice due to a financial or other disability (Article 39 A)
- 7) The State shall provide for maternity leave and reasonable and humane working conditions (Article 42)
- 8) The State must carefully advance the economic and educational goals of the less fortunate groups of the population and safeguard them against all types of exploitation and social injustice (Article 46)
- 9) The State should improve its citizens' nutrition and quality of life (Article 47)
- 10) To uphold equality and a spirit of fraternity among all Indians and to condemn behaviors those are demeaning to women's dignity (Article 51(A) (e)).

Section 67 of the Information Technology Act of 2000 is the pornographic legislation with the strictest penalties. Anyone who publishes, transmits, or causes to be published in electronic form any material that is lascivious, appeals to the prurient interest, or if its effect is such as to tend to deprave and corrupt persons who are likely, taking into account all relevant circumstances, to read, see, or hear the matter contained in it, will be punished on first conviction with imprisonment of either description for a term that may extend to five years and with fine that may not exceed one lakh rupees. In the case of a second or subsequent conviction, either sort of detention might result in a sentence of up to 10 years in prison and a fine of up to two lakh rupees. Publishing, transferring, or causing to be published pornographic material in an electronic form are key components of the section 67 penalty.

The Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994 Section 22 forbids advertisements related to prenatal sex determination and imposes penalties for violations is another law that privileges women.

The Cable Television Networks (Regulation) Act, passed in 1995, prohibits the broadcasting of advertisements on cable networks that do not adhere to the Advertisement Code. No advertisement may insult any race, caste, color, culture, religion, or nationality, according to the Advertisement Code. Rule 7 (2) (vi) stipulates that no advertisement portraying a negative image of women shall be permitted. Women must not be portrayed in a way that encourages women to take on inferior roles in the home and society and highlights their docile, submissive traits. The cable operator must make sure that depictions of women in his cable service adhere to recognized standards of good taste and decency and are both tasteful and pleasing to the eye.

The National Human Rights Commission, the authority to investigate advertising that violates women's dignity. According to Section 2(d) of the Protection of Human Rights Act, 1993, human rights are the rights to life, liberty, equality, and dignity of a person that are guaranteed by the Constitution or outlined in international treaties and recognized by Indian courts. The NHRC has been alerted to a few instances of women's dignity being violated in advertisements.

POWERS UNDER THE INDECENT REPRESENTATION OF WOMEN ACT

The Indecent Representation of Women Act gives the officer and the government a variety of powers to stop such an offence.

Section 5: Seizure and Search

In accordance with Section 5 of the Indecent Representation of Women Act, the gazette officer has the right to enter and search any premises within the area.

- They can search and enter at any place, at any reasonable time.
- Authority to seize any advertisement, book, photograph, figure, etc. violates any law.
- They have authority to examine and seize documents, records, etc.
- There is no entry without a warrant to a private residence.

Section 10: Power to make rules

The Central Government may enact regulations by publishing notices of them in the official gazette, in accordance with Section 10 of the Indecent Representation of Women Act.

- Seizure of advertisements and other related objects.
- Anything else that may or may not be prescribed.

PENALTIES UNDER INDECENT REPRESENTATION OF WOMEN ACT

According to Section 6 of the Indecent Representation of Women Act, the offender will be punished.

- On a first violation, the offender faces a sentence that could be as long as two years and a fine as high as 2,000 rupees.
- The perpetrator faces a minimum jail term of six months and a maximum prison term of five years, as well as a minimum punishment of 10,000 rupees and a maximum fine of one lakh rupees, if the same offense is committed repeatedly.
- According to Section 8 of the Act, an offense committed in violation of this Act is cognizable and subject to bail, regardless of anything stated in the 1973 Code of Criminal Procedure.
- Section 9 of the act excuses the central government, state government, or any gazette officer working for them from legal action, prosecution, and other legal processes when they act or act in good faith.

The Indecent Representation of Women (Prohibition) Bill 2012

On December 13, 2012, the Minister of State for Women and Child Development introduced the Indecent Representation of Women (Prohibition) Amendment Bill, 2012 in the Rajya Sabha.

The law amends the Indecent Representation of Women (Prohibition) Act, 1986, which forbids the derogatory depiction of women in literature, art, and advertisements.

The Bill aims to extend the reach of the Act to include new media channels including cable television, the internet, and satellite-based communication, among others.

The Bill forbids the publication or dissemination of any materials that depict women in an obscene manner. This clause does not apply to writings that may be published for reasons of religion, literature, or the arts, or to artwork found in ancient temples or structures.

The Bill amends the definitions of "publish," "electronic form," and "indecent portrayal of women." "Indecent representation of women" refers to the portrayal of a woman's form or figure in a way that suggests it is indecent or derogatory or that it is likely to corrupt or harm public morality. The Bill gives any police officer with the rank of Inspector or higher the authority to look into crimes against this statute.

The Bill strengthens the punishments for a number of offenses. The sentence for the first offense of depicting women indecently has been doubled from two years to three years in prison and from 2,000 to 50,000 rupees in fines. For a second offense, the sentence for imprisonment ranges from two to seven years, and the fine ranges from one lakh to five lakh rupees.

Female objectification is a problem, and the Indecent Representation of Women (Prohibition) Bill 2012 places a strong emphasis on include women in the audiovisual and electronic communications medium. In addition to ensuring that the legal regulatory system is covered by the media in all of its components. The law also establishes a strict compliance mechanism to act in a dissuading manner, in which any immoral behavior that violates the law is prohibited.

If passed, the Bill will make two significant modifications, including those regarding what advertisements are within its purview and what constitutes delivery for the purposes of the harsh penalties outlined in the new regulatory framework. Print and digital media as well as electronic distribution methods for such content were included in the proposed regime's specification.

REPRESENTATION OF WOMEN IN CANADA

This comparative research illustrates how women are represented politically in Canada and India. It lays down the evolving dynamics of women's representation in the Canadian Parliament as well as the development of the women's movement in Canada. When women are recognized as the historical subjects, when the "person" or "subject" is intentionally viewed as female, many of the fundamental ideas of political theory—such as "citizenship," "justice," and "democracy"—are altered. Thus, when women are given center stage, the lines delineating the private from the public also take on a new significance.

One could therefore claim that "diversity" is one of the essential elements of the women's movement. But there are generally three feminist waves that may be used to categorize women's movements in the West. Different activist movements significantly distinguish the first and second waves of the women's movement.

Equal rights for women, curricular and legal changes, the abolition of slavery, and suffrage were the primary issues of the first wave (right to vote). The 1960s saw the emergence of the second wave of feminism. It proposed a universal sisterhood or specifically female experience and valued women's own experiences as a source of political understanding. Attempting to establish, revive, and promote a culture that is specifically female.

There are basically two different periods to the movement in Canada for women's participation and representation. The development of women's political consciousness may be seen in the first phase, which runs from the early years of the Canadian federation's inception until the 1950s. The second phase of the fight, which began in the 1960s, focused on stopping women from surrendering their own way of life and concealing their feminine traits in order to thrive in the so-called "world of men."

The French society that had been established in Canada had given women a position of special significance. This should not be interpreted to indicate that women had a liberator role in society, nevertheless. Women were viewed as having a private realm in the home, caring for the upkeep of the household, giving birth to and raising children, cooking, sewing, or gardening. It all changed with the coming of British. They played a significant role that women had come to play beyond the realm of the privacy of the home. Women's consciousness did, however, gradually but steadily rise throughout the century. Many Canadian women came out in the open to protest the limited employment opportunities and household responsibilities that were given to them.

Demand for laborers increased dramatically as Canada's industrialization process got under way. Due to this, women were hired by industrial companies, primarily as clerks or typists. The wages of women in the labor force were increased during the period of the war; it never equaled that of the wages of the men. Because of the ongoing labor scarcity, the government was forced to hire married women without children and later married women with children. As a result, Canada witnessed the emergence of the "new woman"—a female who was more educated and self-reliant.

The Toronto Women's Literary Club (TWLC), founded in 1876, was the first suffrage organization. The campaign also got endorsed by the Women's Christian Temperance Union (WCTU), the largest and perhaps the most influential organization in Canada, which was established in 1874. The active campaign for the suffrage led to the forming of the Dominion Women's Enfranchisement Association (DWEA) in 1889.

In October 1929, the Judicial Committee of the Privy Council (JCPC) ruled that Canadian women were, in fact, "persons" for the purposes of section 24 of the constitution and all other laws. Thus, the first phase of the Canadian women's movement planted the seeds for a large mobilization in favor of women's representation, which came to fruition during the second phase of the Canadian women's movement.

The founding of the Royal Commission on the Status of Women (RCSW) in 1967 is seen as a turning point in the history of women's representation in Canada. Toronto Women's Liberation, the Manitoba Action Committee on the Status of Women (MACSW) and Toronto's New

Feminists are all "radical-feminist" organizations (Black 1991, 96). The National Action Committee on Women (NAC) was founded as a result of interaction and dispute that took place during the "Strategy for Change" conference held in 1972.

All these developments had provided an immense boost to the struggle for representation of women in Canada.

CASE LAWS - INDECENT REPRESENTATION OF WOMEN

i. In the case of *A.K. Gopalan v. State of Madras*,

"There can never be absolute and unrestricted freedom that is completely devoid of restrictions because that would cause chaos. The possession and enjoyment of all rights are subject to any reasonable restrictions that the nation's governing body may determine necessary for the public's safety, health, peace, and morals. On the other hand, social control that is in place for the public good needs to be limited lest it be abused to the damage of individual rights and liberties. In some circumstances, constraints must be placed on the free enjoyment of individual rights to protect the interests of society. On the other hand, society must empower itself with some powers in order to safeguard these liberties in and of themselves. Therefore, the Constitution seeks to find a balance between personal freedom and societal control by stating the rights of the people."

The Indian Constitution's Article 19 lists a number of personal liberties, along with the restrictions that must be adhered to. These limitations are placed on them only to preserve public morals and the general good of society.

ii. In the case of *Ranjit D. Udeshi v. State of Maharashtra*,

In this landmark case, established the "test of obscenity," in which a bookshop was charged under the IPC for selling an unedited and expurgated copy of "Lady Chatterley's Lovers." In order to maintain "public decency and morality" and "freedom of speech and expression," a delicate balance must be struck; but, when the latter is materially violated, the latter must fall. According to the Indian Penal Code, Section 292, it was decided that "in appraising a work, stress should not be focused upon a word here and a word there, or a passage here and a passage there." He was found guilty under this provision. Although the entire piece must be taken into consideration, the obscenity must also be looked at separately to determine whether it is as vile and deliberate as to deprave and corrupt individuals whose brains are susceptible to such effects. In this context, it's important to keep in mind the interests of modern society, in particular how the contested book has affected it.

iii. In the case of *Chandra Raja Kumari v. Police Commissioner, Hyderabad*,

According to the ruling, holding a beauty contest is disrespectful to women's dignity and decency and breaches Article 21 of the Constitution because the right to life also encompasses the right to live in dignity or decency. Human dignity is acknowledged by both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

iv. In the case of *Aveek Sarkar v. State of West Bengal*,

The Indecent Representation of Women (Prohibition) Act of 1986 and the Indian Penal Code of 1860 were both violated in a photo of tennis player Boris Becker and his dark-skinned fiancée

Barbara Feltus standing nude. According to the court, which placed emphasis on the Community Standards test, "The message the photograph tries to portray is that skin color is not particularly important and that love triumphs over color." The picture depicts a white man falling in love with a black woman and getting married as a result. As a result, we should evaluate the images and the narrative in light of the message they are attempting to convey, which is to eradicate racism and prejudice as negative social forces and to promote romantic relationships and marriages between white men and black women. We are not yet prepared to make the case that the picture or the piece of writing, which *Sports World* and the *Anandabazar Patrika* both used, is objectionable enough to call for legal action under Section 292 of the IPC or Section 4 of the Indecent Representation of Women (Prohibition) Act of 1986.

v. In the case of *Chandrakant Kalyandas Kakodar v. State of Maharashtra*,

It was decided that there were no set criteria for defining obscenity and that each country would define obscenity differently depending on the moral norms of the time.

vi. In the case of *Maneka Gandhi v. Union of India*,

It was held that the right to life extends beyond simple physical survival and includes the ability to live in dignity.

vii. In the case of *Francis Coralie v. Union of Territory of Delhi*,

It was determined that the term "human dignity" refers to more than just physical survival and encompasses "the right to live with human dignity" for women as well as preservation of all faculties and limbs used to enjoy life or connect with the outside world. Therefore, women have access to all human rights. Women have right to live a dignified life.

ix. In the case of Ajay Goswami v. Union of India

The Indecent Representation of Women Act, the IPC, and other statutes were used to dispute the publication of pornographic material in newspapers. The press council act of 1978 and section 292 of the IPC are two pieces of regulating legislation that the court noted as being in place to prevent such obscene publishing.

The court ruled that the content should be independently assessed to determine if it is profoundly depraved and corrupt for a publication to be considered obscene.

x. In the case of Aveek Sagar v West Bengal,

The Supreme Court recently ruled that a nude or semi-naked woman's image is not necessarily offensive if it conveys a positive social message. According to this ruling, a woman's image cannot be considered offensive in and of itself unless it has the potential to arouse feelings or openly display sexual desire. The ruling is undeniable, but numerous adverts for contraception that appear in newspapers and magazines frequently feature semi-naked women models making seductive gestures while asking readers to try their goods. The media's justification for publishing such materials is that it's an effort to raise social consciousness. However, the images presented in such commercials are indisputably obscene and created to arouse sexual excitement in those who are likely to see them.

xi. In the case of Caravan ad banned,

Caravan ad prohibited is a case in point. Rosalyn D'Mello, the author of this Caravan article, uses the Wild Stone advertisement as an illustration of a risqué fantasy a lady had about dominating a fellow traveler. The I&B Ministry forbade the advertisement, citing a cable TV guideline from 1994 that, right down to the morals and decency, reads very identical to the IRWA. Despite the fact that the lady was actually in control of the (imaginary) circumstance and had the fantasy, this nonetheless happened. Numerous other advertisements have also been prohibited for similar reasons.

CONCLUSION

The society of today needs to uphold a certain standard of morality and decency. The freedom of expression of each individual and the duty of the state to uphold public morals should coexist in harmony. The media is a reflection of society, and media stories reflect what is going on in society.

It can be claimed that people tolerate and ignore vulgarly presenting women in advertising, whether they appear on hoardings or in other forms of media. Officers have a responsibility to apply the Indecent Representation of Women (Prohibition) Act, 1986, which can be used to get posters featuring obscene depictions of women taken down. A writ of mandamus may be used in following situations. The Supreme Court has acknowledged in a number of judgments that advertising were inherently business communication and hence qualified for protection under Art. 19(1). (a).

Because of the constraints, which include, among other things, considerations of morality and decency, it must be kept in mind that this is not a general protection. It was further ruled that while both modeling agencies and advertising models have a right to a living and a profession, it is on to so-called social workers, activists, lawyers, and media professionals to educate society as a whole regarding the repercussions of immoral behavior on the law.

The IT revolution has further expanded the media's significance. Media has enormous power to affect the general public. The media now play a significant influence in forming contemporary society. Mass media, which offers information and instruction in addition to enjoyable entertainment, is crucial in a nation like India for raising public awareness of national policies and programs.

Everybody and every place have their own standards of decency. The standards of propriety and other things continue to change as society advances and people's lifestyles change. Women should be projected in a responsible and empowered way, rather than as sex objects or glam dolls, in order to have the greatest impact on society and to transform people's attitudes and behaviors about women. The Preamble of the Indian Constitution grants the State the power to enact measures of positive discrimination in women's favor in addition to guaranteeing women's equality. India has also enacted various laws to secure equal rights of women.

Without a doubt, the Act created women's indecent portrayal, although this list is not all inclusive. It is open to interpretation by the courts in whatever way they see fit. It is a successful law that protects the honor and reputation of women, but how well it is applied will determine how effective it is. It is our responsibility to be aware of the actions that undermine Indian society and culture at its very core. The media is a tool for bringing gender-related issues to the attention of decision makers, including the gender wage gap, infant and maternal mortality, crime against women, gender-based violence, acid attacks, dowry-related issues, girl child issues, issues with women's labor, and the effects of poverty on women and their families.

In order to promote respect and dignity for women and avoid unfavorable portrayals of them, the media should facilitate acceptable and dignified representation of women. The media industry needs to be made more aware of gender issues, and a system of prizes for portraying women well may be devised.

As a result, strict regulations are needed to control the indecency.

LIST OF CASES

- A.K. Gopalan v. State of Madras
- Ranjit D. Udeshi v. State of Maharashtra
- Chandra Raja Kumari v. Police Commissioner, Hyderabad
- Aveek Sarkar v. State of West Bengal
- Chandrakant Kalyandas Kakodar v. State of Maharashtra
- Maneka Gandhi v. Union of India
- Francis Coralie v. Union of Territory of Delhi
- Aveek Sagar v West Bengal
- Caravan ad banned

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