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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

IMPACT OF WOMEN'S PORTRAYAL IN FILMS ON GENDER EQUALITY VIS A VIS LEGAL FRAMEWORK IN INDIA.

AUTHORED BY - MANVIKA KOSHAL

Abstract:

This study delves into the pervasive issue of detrimental stereotypes and objectification of women in media, which undermines the objectives of justice, equality and fraternity enshrined in our constitution like. By perpetuating gender related taboos into society, regressive movies are creating hindrance to achieving truly equitable society. Worrysome patterns of sexism are evident in numerous forms of media content, such as commercials, films, and television shows. Women are frequently shown superficially in demeaning roles, reduced either to objectified roles or to submissive roles that reinforce damaging stereotypes and perpetuate gender inequity. By delving into the portrayal of women in Indian films and its resonance with Constitutional objectives, this research aims to shed light on the urgent need for improved representations in media to foster a more inclusive and just society, aligned with the constitutional mandates of gender equity and women's empowerment. Representations of women in media must be improved so to make society more inclusive and just and to fulfill the constitutional objectives of gender equity and women empowerment.

Keywords: Gender Stereotypes, Objectification of Women, Gender Equality.

Introduction:

India has been a patriarchal society and gender inequality has been a deep-rooted and complex problem in the socio-cultural milieu of India. Women have always assumed secondary roles and have been subjected to subordination. The inequalities and disparities being perpetrated against women are so deeply impregnated into the socio-cultural milieu, that rarely do we raise our brows let alone raise our voice towards the partiality and bias that women face from the very day of her birth to the very last day of her life. The ever-pervasive gender bias is so deeply rooted in our cultural ethos that it has

become the very fabric, the very foundation of the social setup we exist in.

Indian cinema has had an impact of further reinforcing and perpetuating the gender-related archetypes in society. Women are portrayed and presented as second-tier citizens who are submissive and dependent on their male counterparts. Indian media sketches women as either caregivers or as a commodity of desire. On one end of spectrum she is shown as an obedient housewife, an ideal daughter-in-law, a tolerant being, so much so that, she will face all the atrocities perpetrated on her, on the other end she is shown in sexually pervasive roles like songs, chikni chameli, or munni badnam. Reel and real worlds are quite interrelated. Changes in one lead to changes in the other. Hence the showing women as weak, dependent, and submissive sex in the media paves the way for many hideous and awful acts towards women in real life as well. Media has an indispensable role in shaping our ideals; thereby it can contribute towards shaping our society in an egalitarian manner. It can become an important instrument and tool for societal advancement and for bringing in an era of gender equity and gender equality.¹

Legal Framework:

Women's Right to be treated equally is a basic human right and it is recognized by the Universal declaration of human rights and the UN charter. UN recognizes gender equality as one of the 17 Sustainable Development Goal adopted. Gender equality is recognized as a bare minimum, as every human being is born free and equal and they must be treated with dignity and without any prejudice or bias.

Constitution of India lays a strong foundation of equality amongst all genders. The Constitution of India empowers women by granting them constitutional safeguards as to gender equality. Article 14, 15, 16 guarantees equality and prohibits bias and discrimination, by virtue of these provisions equality is afforded to women. These articles not just prevent discrimination but pro-actively state that laws must be made to ameliorate the status of women. Hence, India's Supreme law promotes not just equality amongst genders but paves way for gender equity as well. Article 21 contains the provisions which safeguards life, which further includes dignity irrespective of one's gender. The right against exploitation and trafficking given under Article 23 is yet another constitutional safeguard against gender-related

¹ Priyanka Srivastava, *Depicting women in bollywood: The mould never changes*, INDIA TODAY (Oct. 11, 2014), <https://www.indiatoday.in/movies/bollywood/story/depicting-women-in-bollywood-222702-2014-10-11> .

crime. Directive Principles also entail many rights for the welfare and betterment of women. 39-A recognizes the need for maternity reliefs for women, 42 recognizes the need to have equal salaries.² There are several Laws in our country, which aim to remove the ills of society and try to establish an equitable society. Various laws aim to promote gender equality and to prevent abuse against women and also provide safeguards to women.

The Indian Penal Code (IPC), which was created in 1860, includes a comprehensive collection of rules designed to protect women's dignity and rights. Sections 292, 293, and 294 are specifically targeted at the transmission of obscene content, forbidding the creation, sale, or distribution of materials depicting women in a vulgar or immoral manner. The IPC aims to reduce the spread of content that undermines women's dignity and fosters negative stereotypes.³

The Indecent Representation of Women (Prohibition) Act of 1986 forbids the indecent portrayal or dissemination of women in ads and other media. Violators face imprisonment and fines, discouraging the spread of content that objectifies or exploits women.⁴ The Information Technology Act of 2000 has provisions to combat the dissemination of obscene information in electronic form. This act aims to regulate online behaviour and safeguard women from cyber exploitation by setting severe penalties for publishing or transmitting lewd information.⁵

The Cable Television Networks Act, 1995, bars insulting depictions and encourages positive representations, these policies help to build a culture of respect and dignity for women in the media.⁶

The Cinematograph Act of 1952 has vested authority in the Central Board of Film Certification to oversee and classify films, ensuring they align with societal norms and values by excluding obscene or offensive content. Further classification of movies under Cinematograph Act U, A, UA and S, enables the content of movies to be regulated.⁷

Through these legislative initiatives, India aims to provide a legal framework that protects women's

² DD BASU, INTRODUCTION TO CONSTITUTION OF INDIA (25th ed. 2021).

³ SN MISRA, INDIAN PENAL CODE (22nd ed. 2018).

⁴ The Indecent Representation of Women (Prohibition) Act, 1986, No. 60, Acts of Parliament, 1986 (India).

⁵ The Information Technology Act, 2000, No. 21, Acts of Parliament, 2000 (India).

⁶ The Cable Television Networks (Regulations) Act, 1995, No. 7, Acts of Parliament, 1995 (India).

⁷ The Cinematograph Act, 1952, No. 52, Acts of Parliament, 1952 (India).

dignity, rights, and safety, creating a society free of objectification and exploitation.

Despite the plethora of enactments which deal with ameliorating the conditions of destitute and suppressed women, the women of our country continue to suffer on account of lack of awareness and lackadaisical approach of authorities to tackle such menace. Further, stereotyping women in Indian films has a negative impact on Indian Diaspora. Indian films must actively work towards ameliorating the condition of women folk in our society, whereas it is acting contrary to the dictate of laws, by further intensifying the gender profiling, making it further difficult to ameliorate the condition of women in our country.

Judicial pronouncements:

Objectification of women in television soaps and in the cinema damages the fabric of the society. Glorification of men for sexual adventures and putting a taboo for the same on the women by the media often leads to violence in real life as well. Men are mostly forgiven for such heinous crimes and women is stigmatized for her entire life, this depicts the ill mindset of society. Judiciary played a pro-active role in upholding rights of women. India's legal landscape has been impacted by historic decisions that have broadened the scope of women's rights and dignity. These decisions represent watershed moments in the ongoing fight against women's objectification and exploitation.

In colonial India, the Hicklin test, which originated in the British era, functioned as the standard for evaluating obscene material. This criteria, derived from Regina versus Hickin⁸, was used by different courts, even after independence, until it was significantly modified.

Maneka Gandhi versus Union of India⁹ (1978): This pivotal decision represented a substantial shift in the interpretation of Article 21 of the Indian Constitution, which guarantees the right to life and personal liberty. Maneka Gandhi's challenge against the seizure of her passport without due process prompted the Supreme Court to recognize that Article 21 protects not just bodily existence but also the right to live in dignity. This decision provided the groundwork for future legal advances aimed at protecting women's dignity by broadening the constitutional understanding of fundamental rights.

⁸ Matthew Wills, *Putting an end to obscene quackery*, JSTOR DAILY (Jan. 15, 2024), <https://daily.jstor.org/putting-an-end-to-obscene-quackery/>.

⁹ Maneka Gandhi v. Union of India, AIR 1978 SC 597 (India).

Ranjit D. Udeshi v. State of Maharashtra¹⁰: By applying the 'Hicklin Test of Obscenity,' which examines the ability to deprave and corrupt susceptible minds, the court supported the state's jurisdiction to ban obscene material. While this decision represents a conservative approach to censorship, it also emphasises the difficulty of combining free expression with societal norms and values. In this landmark decision, Justice Hidaytullah stated that images of sex and nudity in art and literature alone were insufficient grounds for labelling something obscene. This constituted a watershed moment, as future Supreme Court decisions began to embrace Hidaytullah's improved version of the Hicklin test, which recognised the subtle link between artistic expression and obscenity.

Aveek Sarkar v. The State of West Bengal¹¹: This lawsuit questioned obscenity by applying the 'community standard test'. Court recognized the changing nature of cultural attitudes against obscenity. It recognizes the dynamic interplay of individual rights and collective values.

These landmark decisions demonstrate the judiciary's role in protecting women's dignity and rights within the framework of the Indian Constitution. The courts have played an important role in defining legal discourse and advancing social justice by interpreting constitutional ideas in ways that preserve equality, dignity, and fundamental rights.

K.A Abbas vs. Union of India¹², Court addressed censorship issues, while evaluating the film "A Tale of Four Cities," which depicts life in brothels in major Indian cities, Justice Hidaytullah used a broad, liberal perspective, recognising the portrayal as either art or a reflection of current societal reality. In essence, the Supreme Court's doctrine on obscenity, particularly portrayals of women, has shifted towards a broader, more permissive viewpoint. It now recognises the complexities of artistic expression and society portrayal, highlighting the significance of context and intent in assessing obscenity.

Bandit Queen case¹³, the apprehensions regarding sexually provocative scenes were raised, however, the apex court upheld the exhibition of the movie despite the horrifying scenes portrayed in the movies because the aim and object of movies were to create repulsion towards the perpetrators of rape and to

¹⁰ Ranjit D. Udeshi vs State Of Maharashtra, 1965 SCR (1) 65 (India).

¹¹ Aveek Sarkar And Ors. vs State Of West Bengal, (2014) 4 SCC 257 (India).

¹² K.A. Abbas v. Union of India, 1971 SCR (2) 446 (India).

¹³ Bobby Art International v. Om Pal Singh Hoon, (1996) 4 SCC 1 (India).

send a strong message of condemning degradation, violence, and rape on women. This story doesn't glorify rape rather creates a revulsion and disgust towards rapist.

The Stereotypes against women in Indian Cinema:

Stereotype means having preconceived generalizations about any person or thing. Gender-based stereotypes tend to compartmentalize the roles, responsibilities, and duties of an individual. Daily soaps, advertisements, print media, news channels or cinema, depict the worrisome aspects of gender discrimination prevalent in society. Depiction of stereotypes cut across dimensions of social, political, economic natures. Cinema has reinforced stereotypes and has even legitimized them to a great extent. Women are usually represented in minor, unimportant roles thereby their horizons are limited in public perception only to the confines of cooking, cleaning, raising children, etc. The inequality portrayed on-screen reinforces the gender-specific stereotypes in the society, leading to an imbalanced society. Mainstream Indian films act as flag-bearers of patriarchy. Portraying women as frail and submissive beings creates room for planting the seeds of misogynist society.¹⁴ There are several types of stereotypes against women depicted in movies, few amongst them are as follows:

Issue of Gender profiling: Exhibition of a specific type of behavior by men and women is expected in a patriarchal society. Confining the contribution of women in society merely to cooking and cleaning leads to further intensification of gender-based stereotypes in society. Movies like *Vivah*, *Hum Sath Sath Hain* etc. are a few amongst many such examples responsible for gender profiling.

Gender Archetypes and body shaming: Bollywood is responsible to a large extent for endorsing tall, dark, handsome image for ideal men and thin, fair, and beautiful image for an ideal woman. Bollywood is thereby responsible for creating, defining, and perpetuating gender archetypes in society. Movies containing subjects pertaining to body shaming issues are like *Dum Laga Ke Haisha*, where it is quite evidently portrayed that people struggle to be included in mainstream if they fail to fit into societal standards of beauty.

Second-tier citizen treatment to women: Classic examples of second-tier citizen treatment to women, where she lacks any decision-making authority are *Kabir Singh*, *Animal* wherein male characters are

¹⁴ S. Mukhopadhyay & D. Banerjee, *Bollywood, Popular visual media, and sexism in india: a critical glance back*, 3 *Journal of Psychosexual Health*, 256-261 (2021).

shown as egoistic and females as submissive. Angry young man and a docile and submissive woman are often romanticized in commercial Indian Cinema.¹⁵

Stalking and eve-teasing: Socio-cultural influence of cinema on the Indian audience is unmatched. Stalking and following females to a moderate extent is often projected as a fun activity in Bollywood movies. Portraying stalking and other related offenses like eve-teasing against women in cinema makes a breeding ground for happening of such instances in real life as well. Movies like Darr, Tere Naam, Anjaam have projected these issues.¹⁶

Objectification: Often projected as an object of lust and desire and commoditized in Indian movies and songs like Munni badnam, Chikni Chameli, Sheila ki jawani, Saki-saki, etc. Such presentation is one of the causes of moral depravity and degradation in the society. Such projection of females is the main contributing factor in increasing the crime rate towards women.¹⁷

Data and Analysis:

For the purpose of this study 5 movies are analyzed which have reinforced and intensified the stereotypes perpetrated by such movies. Data analysed is presented in tabular form.

Movie	Year	Description
Simmba	2018	Film reinforces stereotypes of women as victims, whose dignity and honor needs protection by men. Movie depicts women's value only in relation to men, protagonist takes revenge because rape victim was his sister. ¹⁸
Kabir Singh	2019	The female lead is depicted as weak and passive, existing solely to satisfy the male protagonist's

¹⁵ Fahad Alzahrani, *The portrayal of Women and Gender Roles in Films*, 7 Int. Journal of Scientific & Engineering Research, April 2016.

¹⁶ Aarti Bhanushali, *Is Bollywood Glorifying Stalking?*, DECCAN CHRONICLE (Feb. 5, 2017, 12:34 AM), <https://www.deccanchronicle.com/entertainment/bollywood/050217/bollywood-and-its-stalk-value.html>.

¹⁷ Pranab Dhar, *When films objectify women*, The Hindu, Dec. 22, 2019.

¹⁸ Ekta Lahiri, *Simmba Review: Can We Stop Using Rape As A Plot Device?*, FII (Jan 8, 2019) <https://feminisminindia.com/2019/01/08/simmba-movie-review-rohit-shetty/>.

		demands and needs. Further the scenes of slapping female lead created a lot of controversy. ¹⁹
Pushpa: The Rise	2021	Women are depicted as secondary characters, serving primarily to support the male lead. Not even a single female is shown in movie to be independent and capable of decision-making. ²⁰
KGF: Chapter 2	2022	Male characters are frequently portrayed in light of hyper-masculinity, without any regard to law and order. Hero kidnaps the female character, calls her as entertainment, still she falls in love. ²¹
Animal	2023	Animal movie portrays the idea of toxic masculinity and normalization of violence by men and subjugation of women. ²²

Analyzing the portrayal of women in Indian films from 2018 to 2023 indicates some concerning patterns that contradict the ideals of gender equality perceptions. There are increased movies being made on alpha males and promoting misogyny. Across several films, common motifs emerge, depicting women in conventional roles that promote old gender norms while undermining gender equality principles enshrined in laws and constitution.

The research demonstrates the continuation of damaging stereotypes portraying women as weak, subservient, and reliant on males for protection. These stereotypes manifest themselves in a variety of ways, including women being presented as victims in need of male protection, appearing superficially as romantic interests for male characters, and being reduced to passive objects of male

¹⁹ Kabir Singh: *Bollywood's misogyny problem is not new*, BBC (Jun. 25, 2019) <https://www.bbc.com/news/world-asia-india-48754412>.

²⁰ Anjali Chauhan, *Pushpa Film Review: The Problematics in Making of a Hyper-Masculine Hero*, FII (Jan. 19, 2022) <https://feminisminindia.com/2022/01/19/pushpa-film-review-allu-arjun-fahadh-faasil/>.

²¹ Soumyabrata Gupta, *The hero complex and problematised representation of women in KGF verse*, ZOOM (Apr. 18, 2022, 11:57 PM) <https://www.zoomtventertainment.com/bollywood/the-hero-complex-and-the-problematised-representation-of-women-in-the-kgf-verse-article-90920731>.

²² Pritha Bhattacharjee, *Film Review: Animal Is A Stir of Misogyny And Violence*, FII (Dec. 13, 2023) <https://feminisminindia.com/2023/12/13/film-review-animal-is-a-stir-of-misogyny-and-violence/>.

desire.

It is incumbent upon directors, producers and actors to understand that media is a potent force that can shape public opinion; hence it is imperative that films must use their platform to break the gender archetypes and pave way for society where gender equity and parity exists. There is need for more diversity and inclusivity in Indian cinema in order to challenge and overcome established gender stereotypes. Need of the hour is to portray gender-sensitive content in Indian cinema and to dispel the notion of gender-related stereotypes so that vices and evils against women could be eradicated from society and an egalitarian society could be ushered, sans any discrimination or inequality. Gender-related bias has an adverse effect on a country's development and growth as fifty percent of the population's potential is wasted and their contribution in social, economic, and political arenas remain abysmally small.

Changing trends in Indian Cinema:

Movies like *Ki and ka*, *Pink*, *Rocky aur Rani ki prem kahani* etc. are showing women as independent, decision-makers, confident beings, which is leading to redefining the characteristics of the female projection in mass media. *Ki and ka* envisions a marriage in which women is tackling the expenses and man is looking after the household chores. *Pink* movie talks about the consent of women and a need to create world a safe place for women. *Rocky and rani ki prem kahani* also endeavors to break socio-cultural taboos. Such movies are slowly and gradually paving a way for ushering in an era of gender equity and equality. Such movies are responsible for shifting the perspective from a conservative and patriarchal society to a more equitable and egalitarian society, whereby women would actually be able to realize their potential to the fullest. By consciously making progressive movies constitutional mandate of equality can be realized to its full potential, because laws can't change society by being merely on paper, rather awareness, change in perception, effective implementation is required for actually reaping the fruits of laws. The shift from conservative movies to more feminist movies is imperative to break-free the stereotypes.²³

²³ Prince Prasad & Rahul Tiwari, *Feminism in Indian Cinema: A Critical Analysis*, 8 IJNRD 164 (2023).

Conclusion:

The impact of media has become all-pervasive, especially in this digital era. Media can stir emotions, initiate debates, sensitize people as to their rights, highlight the evils in society, formulate a mass opinion, and thereby can become an efficient medium of inducing social change and reform. This vehicle for the betterment of society, if misused can lead to gross injustice to various segments of society and can result in the stifling of human rights. The portrayal of females in media is one such instance of concern. Characterization of women in submissive and complaint roles leads to their further subjugation and subordination. Media if used pro-actively, can become an efficient tool for the socio-economic betterment of women and thereby alleviating the ordeals and hardships faced by them. Stereotypes contained in media regarding women's roles and responsibilities have a limiting impact on the utilization of the potential of women. Need of the hour is changing attitudes and perspectives, then and only then gender stereotypes could be broken. Media helps in the formation of public opinion, thereby the responsibility of media in perpetuating or challenging the gender stereotypes in society is unmatched. Creating and disseminating gender-sensitive content, could usher in a positive and favorable outlook towards women and could induce an environment for the progressive realization of gender equality. Media content should try to portray women in diverse and powerful roles that represent their autonomy, complexity, and contributions to society.

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