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# ROLE OF POPULAR FORMS OF MEDIA IN REINFORCING VIOLENCE AGAINST WOMEN: A CRITICAL ANALYSIS OF INDIAN MEDIA LAWS

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SAURABH RAJ, LL.M. Candidate Corp. & Comm. Laws 2021-22, (The WB NATIONAL UNIVERSITY OF JURIDICAL SCIENCES, KOLKATA), B.A.LL.B. (Hons.) 2016-21 (GUJARAT NATIONAL LAW UNIVERSITY, GANDHINAGAR)

## ABSTRACT

The role of mainstream media is major and critical in the reproduction of gender-based violence against women in the society, due to the increasingly violent and pornographic nature of media content, which has normalised objectification of women, sexual assault, rape and other forms of sexual violence.<sup>1</sup>

This study is significant because it is a fresh attempt, in India, to analyse whether the media is one of the contributing factors for attitudes that justify violence against women by studying the popular forms of media. Coupled with this, the study also aims to analyse if the same media can be used to raise awareness against such attitude and help reduce violence by involving all stakeholders in a collective effort. Such a two-pronged approach has been used in campaigns earlier, however, with limited effect.<sup>2</sup>

The researcher will focus on popular forms of media for her study, such as television, advertising, music and film industry, pornography industry, and video game industry, as these have wide reach and range from being strongly to subtly misogynist.

The television has been an integral part of the lives of most people and is still seen as a reliable source of entertainment, even after the emergence of web series and OTT platforms. Advertisements have been used as powerful tools for marketing and commercialisation of products. The power of advertisements in persuasion, manipulation and shaping of the behaviour has

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<sup>1</sup> Aimée Vega Montiel, 'Violence against women and media: Advancements and challenges of a research and political agenda' in Aimée Vega Montiel (ed), *Gender and Media: A Scholarly Agenda for the Global Alliance on Media and Gender* (UNESCO 2014).

<sup>2</sup> Partners for Prevention, 'Using Social Media for the Prevention of Violence Against Women' (2013) <[http://www.partners4prevention.org/sites/default/files/resources/socialmedia\\_final.pdf](http://www.partners4prevention.org/sites/default/files/resources/socialmedia_final.pdf)> accessed 11 September 2020.

been recognised since long.<sup>3</sup> Another popular and favourite form of audio-visual media of the masses is the cinema. However, it cannot be dismissed as only a source of entertainment. Research studies have shown the powerful significance it enjoys over transforming human behaviour.<sup>4</sup>

The increased circulation of and easy access to pornography has emerged as a growing concern associated with digital platforms. Repeated exposure to violent pornography has proved to show increasing sexually aggressive behaviour in men, according to various empirical studies conducted in the western countries.<sup>5</sup> This sexually aggressive behaviour then results in brutal and dehumanizing treatment meted out to intimate partners to fulfil the perverse sexual demands of their husbands, greatly influenced by pornography. Women who oppose or refuse to comply are forced upon, beaten up or thrown out of the house.<sup>6</sup>

Video games have become a regular part of the lives of children and adolescents as a leisure activity or a serious passion. However, video games are also in the race of objectifying women as popular games such as Grand Theft Auto depict and normalise assaults on women, rape, prostitution and murder.<sup>7</sup> Moreover, the perceptions of objectification and competence between the sexes appear to be more complex in video games compared to any other form of media.<sup>8</sup>

A more in-depth study is to be done in the Indian context. The key focus of the media should be to report cases of social evils in the society, raise awareness about them and bring all stakeholders together to come to a solution. Through this dissertation, the researcher aims at looking into the socio-legal landscape of India with respect to portrayal of women in the media and its impact on aggravation of violence against women. The researcher seeks to critically review the existing legislations to determine their effectiveness in addressing the issue of representation of women in the media.

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<sup>3</sup> Kyra Lanis and Katherine Covell, 'Images of Women in Advertisements: Effects on Attitudes Related to Sexual Aggression' [1995] 32(9) *Sex Roles* 639.

<sup>4</sup> Shamita Dasgupta, 'Feminist Consciousness in Woman-Centered Hindi Films' [1996] 30(1) *The Journal of Popular Culture* 173-189.

<sup>5</sup> Paul Wright and Robert Tokunaga, 'Men's Objectifying Media Consumption, Objectification of Women, and Attitudes Supportive of Violence Against Women' (2016) 45 *Arch Sex Behav* 955-964.

<sup>6</sup> Meera Kosambi, 'Violence Perpetrated Against Women in India' in Yogesh Atal (ed), *Violence Against Women: Reports from India and the Republic of Korea* (UNESCO Principal Regional Office for Asia and the Pacific 1993).

<sup>7</sup> Aimée Vega Montiel, 'Violence against women and media: Advancements and challenges of a research and political agenda' in Aimée Vega Montiel (ed), *Gender and Media: A Scholarly Agenda for the Global Alliance on Media and Gender* (UNESCO 2014).

<sup>8</sup> Teresa Lynch and others, 'Sexy, Strong, and Secondary: A Content Analysis of Female Characters in Video Games across 31 Years' (2016) *Journal of Communication* <<http://dx.doi.org/10.1111/jcom.12237>> accessed 10 September 2020.

## INTRODUCTION & DEPICTION OF WOMEN IN THE TELEVISION, FILM AND MUSIC INDUSTRY

The world has become a globalised village as far as access to media is concerned. Digital activism has made it possible for anyone sitting anywhere in the world to interact and share opinions on the internet, cutting across all geographical boundaries and time zones. The media is a very important societal institution, so much so, that it is sometimes referred to as the ‘fourth pillar of democracy’. The media not only facilitates public discussion but also shapes people’s view of the world around them.<sup>9</sup>

However, various issues have arisen due to the fact that the media is primarily profit-driven and has the capacity to influence people, especially because people lack media literacy which would otherwise help them to independently reason and analyse what they consume from the media.<sup>10</sup> Given the significant sway of the mainstream media on the public, it is disturbing and a matter of serious concern that women are predominantly represented in stereotypical and discriminatory ways. These subtle messages are given by limiting the focus of a woman’s personality to her beauty and body, ignoring her interests and thoughts regarding different complex aspects of her life, or the world,<sup>11</sup> making her appear less human and more like an object for the pleasure of her male counterparts.

With the advent, development and widespread use of media, male-dominated power structures have continually evolved in their forms of representation and have now found new ways of practice.<sup>12</sup> Consequently, both online and offline channels have contributed to perpetrating violence against women, which is now emerging pandemic and requires urgent control.<sup>13</sup> One of the key ways to mitigate this issue is recognised to be the reformation of representation of

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<sup>9</sup> Sanya Sarnavka, ‘Using the Master’s Tools: Feminism, Media and Ending Violence against Women’ [2003] 11(1) Gender and Development <<http://www.jstor.com/stable/4030700>> accessed 11 September 2020.

<sup>10</sup> *ibid.*

<sup>11</sup> *ibid.*

<sup>12</sup> Margaret Gallagher, ‘Gender, Media, ICTs and Journalism: 20 Years After the BPfA Forum’ in Margaret Gallagher (ed), Gender and Freedom of Expression Feminist Analysis of Freedom of Expression (UNESCO 2015) <[http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/1\\_2\\_keynote\\_lecture\\_margaret\\_gallagher.pdf](http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/1_2_keynote_lecture_margaret_gallagher.pdf)> accessed on 10 September 2020.

<sup>13</sup> UN Broadband Commission for Digital Development, ‘Cyber-Violence Against Women and Girls: A World-wide Wake-up Call’ (2015) <<https://en.unesco.org/sites/default/files/genderreport2015final.pdf>> accessed 12 September 2020.

women in the mainstream media.<sup>14</sup>

Research has shown that the violence against women has risen in the past few decades and one of the major reasons for this increased aggression towards women has been the stereotypical manner of their depiction in the mainstream media. The patterns of internet usage also indicate gender bias, thereby showing that men surf the internet more than women globally.<sup>15</sup> This results in more men being exposed to sexist media and discourses, which in turn have become powerful tools to aggravate violence against women.<sup>16</sup>

Given that the media has transcended geographical limitations and poses a grave threat in every country alike, the issue has assumed international importance. The Committee on the Elimination of Discrimination against Women (“CEDAW”) has also recognised the central role of the media in the race to eliminate violation against women, and has urged States to take concrete steps to eliminate sexist stereotypes in the media. The Beijing Platform for Action has recommended media industries to adopt uniform and equitable guidelines for their functioning aimed at putting an end to all forms of violence against women.<sup>17</sup>

The increasing misogyny in the new media forms has not only highlighted the reinforcement of deep-rooted patriarchal notions, but has also amplified existing societal issues that require urgent attention, such as sex-trafficking, sexual violence and pornography. Sexuality of women in media content does not embody the sexual liberation of women but on the contrary, reduces women to mere body parts that are available for male consumption and their sexual gratification.<sup>18</sup>

One of the foremost factors which results in violence against women is the attitude of men and women both, among other factors.<sup>19</sup> Considering how easily accessible various forms of sexist

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<sup>14</sup> Sanya Sarnavka, ‘Using the Master's Tools: Feminism, Media and Ending Violence against Women’ [2003] 11(1) Gender and Development <<http://www.jstor.com/stable/4030700>> accessed 11 September 2020.

<sup>15</sup> OECD, ‘Bridging the Digital Gender Divide: Include, Upskill, Innovate’ (2018) <<http://www.oecd.org/internet/bridging-the-digital-gender-divide.pdf>> accessed 9 September 2020.

<sup>16</sup> Aimée Vega Montiel, ‘Violence against women in media and digital content’ (*WACC Global*, 25 February 2018) <<https://waccglobal.org/violence-against-women-in-media-and-digital-content/>> accessed 10 September 2020.

<sup>17</sup> *ibid.*

<sup>18</sup> Aimée Vega Montiel, ‘Violence against women and media: Advancements and challenges of a research and political agenda’ in Aimée Vega Montiel (ed), *Gender and Media: A Scholarly Agenda for the Global Alliance on Media and Gender* (UNESCO 2014).

<sup>19</sup> Michael Flood and Bob Pease, ‘Factors Influencing Attitudes to Violence Against Women’ [2009] 10(2) *Trauma, Violence & Abuse* 125-142.

media are, and the extraordinary power media has on influencing the thinking pattern and behaviour of its consumers, the contribution of the misogynist media content towards developing a degrading attitude towards women cannot be denied. Violence is now recognised as an act done for the purpose of establishing power and control over another.<sup>20</sup> It is no surprise then, that the degrading depiction of women in the mainstream media will supplement the patriarchal ideas of objectification of women and reinforce aggression towards them.

### **Analysis of the Television Industry**

The television came to India in the late 1950s, and was introduced on an experimental basis. By the 1970s, *Doordarshan* had established itself as the biggest national channel, which broadcasted the epics of *Ramayan* and *Mahabharat*, and later other shows like *Hum Log*, *Buniyad* and *Fauji*, which showcased the daily struggles of middle-class families and conveyed messages of partition and nationalism, which inculcated these values in youngsters and inspired them to contribute to the nation. Shows like *Vikram Betal* and *Malgudi Days* were popular shows for children. As the Indian economy opened up to the world, 1990s made televisions more affordable and viewership increased drastically, as more private channels came into India, exposing Indians to international channels as well.<sup>21</sup>

During the late 1990s, Indian shows were based on the lives of strong woman protagonists on more 'modern' themes such as the struggles and life turns of a working woman 'Tara' and the complexity around extra-marital affairs in 'Hasratein'. This era had soap operas which gave equal importance to the women characters who had a life and philosophy of their own, and were considered feminist and progressive. Then came the era of Balaji Telefilms' productions which focused on the family values and its importance, which resonated with the Indian audience. Subsequently, reality shows hit the television market, ranging from singing to dancing shows, wherein the 'struggles to success' of the actors were shown, which undermined the actual struggle of the lower classes.<sup>22</sup>

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<sup>20</sup> National Centre on Domestic and Sexual Violence, 'Power and Control Wheel' (NCDV) <<http://www.ncdsv.org/images/PowerControlwheelNOSHADING.pdf>> accessed 11 September 2020.

<sup>21</sup> Nayonika Sen, 'The Evolution Of Hindi Television And Their Portrayal Of 'Indian Values'' (Feminism In India, 17 April 2019) <<https://feminisminindia.com/2019/04/17/indian-television-shows-values/>> accessed 23 November 2020.

<sup>22</sup> *ibid.*

However, the turn of the industry took place when majority of the shows showed women turning into houseflies and snakes to take revenge, returning from the dead, and women turning against women, especially depicting the constant tension between the mother-in-law and the daughter-in-law. The content is continuing to go downwards and is making records in becoming more and more regressive, where the initial plotline themes disappear into a fuzz, and the characters remain essentially the same, with only major differences and focus on their lavish clothing and lifestyle.<sup>23</sup>

The content of Indian soap operas has shifted from being 'relatable' to being 'inspirational', as well as most being illogical. The present soap operas have women centric roles and themes, as the primary consumers of the industry are housewives, and women, in general.<sup>24</sup> For this reason, the themes are based on social issues or concepts around family structure, patriarchy and rituals.<sup>25</sup> The importance of the content of soap operas is amplified because viewers of soap operas show a daily commitment of viewership, which results in a huge impact on the perspectives of gender stereotypes of the consumer, thereby shaping their attitude and behaviour.<sup>26</sup> Despite complaints of the downfall of television content, it is difficult to clearly demarcate whether the television industry is convinced that the audience is incapable of appreciating intelligent content, leading to such content creation, or if the wishes of the audience has led to the downfall of the content.<sup>27</sup>

### **Women and the Advertising Industry**

The depiction of women in the present era of economic and commercial advertising has blurred the line between what product it intends to sell – the product or service targeted at a woman, or the woman itself. This paradox is visible in advertisements because women are used to endorse all types of products and services, ranging from cements and tyres to water bottles, which have no connection with the woman in the advertisement. Moreover, the woman is placed in the advertisement with less clothing, for their attractiveness and physique, with an aim to push the sale of the product, solely on that basis. Since audience of all ages are constantly

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<sup>23</sup> *ibid.*

<sup>24</sup> *ibid.*

<sup>25</sup> Ruchi Jaggi, 'The Great Indian Television Soap Opera Issues of Identity and Socio-cultural Dynamics' (2011) Media Asia.

<sup>26</sup> Aaliya Ahmed, 'Women and Soap-Operas: Popularity, Portrayal and Perception' (2012) 2(6) International Journal of Scientific and Research Publications.

<sup>27</sup> Tatsam Mukherjee, '20 Years Ago, Indian TV Shows Were So Progressive What in The World Has Happened to Us Now?' (Scoopwhoop, 18 December 2016) <<https://www.scoopwhoop.com/What-Has-Happened-To-Indian-TV-Shows-Now/>> accessed 23 November 2020.

exposed to numerous advertisements throughout the day, the objectification of women leads to impacting their societal attitude and social behaviour.<sup>28</sup>

Empirical research which studied exposing men and women to three groups of advertisements – one depicted women as sex objects, another depicted women in progressive roles and the third had no human figures, concluded that the males who were exposed to the sex-object advertisements were more accepting of rape-supportive attitudes, whereas females exposed to progressive advertisements were less tolerant of such attitudes. This highlights the significant effect that sexually exploitative depiction of women in advertisements has on sexual attitudes and aggressive behaviour against women.<sup>29</sup>

### **Analysis of the Film Industry**

Young adults pick up cues from movies and other popular forms of media, which influence their sex and gender-specific beliefs and attitudes. The portrayal of women in Hindi films has ignored all realistic human and social complexities. Hindi cinema has reinforced the idea that a ‘good woman’ is one who is submissive and tolerant even when she is treated unjustly or brutally victimized. Although the ‘new-wave’ cinema movement amended the depiction of women to be strong-willed and independent, fighting injustice opposing everyone who came in their way, it was short-lived. Women are never shown as winning the battle of equality, where they had raised their voice against violence and oppression, and their lives always were focussed around relationships with men. Moreover, films most often distort the reality, do not explore the multi-faceted descriptions of women’s realities and fall into the trap of stereotyping women.<sup>30</sup>

Women depicted in movies are constantly sexualised, with the camera focusing on her body parts, in a dance sequence or otherwise, and are generally shown in traditional and subordinate roles, such as wife, love interest, acquaintance with a sex appeal, etc. They are also shown as being thin, and are a part of the film as objects from which the protagonist and the audience can derive visual pleasure. In most movies, the male protagonist is the powerful character, who moves the plot forward, which includes possession of an erotic gaze towards the heroine of the

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<sup>28</sup> Monika Gulati, ‘Analysis of Projection of Women in Advertisements on Society’ (2014) 3(5) Global Journal of Commerce and Management Perspective 78-81.

<sup>29</sup> Kyra Lanis and Katherine Covell, ‘Images of Women in Advertisements: Effects on Attitudes Related to Sexual Aggression’ (1995) 32(9) Sex Roles 639.

<sup>30</sup> Shamita Dasgupta, ‘Feminist Consciousness in Woman-Centered Hindi Films’ (1996) 30(1) The Journal of Popular Culture 173-189.

movie, or rescuing a weak and frail woman in trouble.<sup>31</sup> Female characters are generally added to highlight the qualities of the male characters, and were twice as likely to be shown involved in sexual behaviour as compared to men.<sup>32</sup>

The Bechdel Test is an easy way of analysing if two or more women represented in a movie, who are named, speak to each other about anything other than the topic being related to man in the movie.<sup>33</sup> This test was conducted for 15 Indian movies to analyse the extent of stereotype present in top-grossing Bollywood films, belonging to the genres of top-grossing, women-centric and parallel movies. The dialogues between 2 males and 2 females in the movie were analysed on the basis of whether they were stereotypical (revolving around discussions about men), non-stereotypical or typical of that gender. The study revealed that in all movies, there existed lower dialogues between 2 females than their counterparts. Further, top-grossing films lacked a second female character in the first place, and were majorly stereotypical dialogues, if any, which was in contrast to the that in women-centric films.<sup>34</sup>

The Bechdel test on Bollywood films concluded that characters in top-grossing movies reinforce stereotypical behaviour on the basis of gender, reducing female characters to mere decorative accessories to the storyline, that add little to no actual value to the plot. These distorted representations of women are far away from reality, where women are taking up leading roles in corporate organisations and excelling in professional environments. Large number of youths are exposed to such misrepresentations, which lead to negative perception of women in society.<sup>35</sup>

Another interesting study analysed the depiction of sexual assaults in the Hindi cinema and concluded that the portrayal of the same in movies is problematic and is concerning as it is likely to impact the sexual attitudes, beliefs and behaviour of the audience. The perpetrators of sexual assault are generally shown to be upper-caste, young, unmarried males, which may support the incorrect notion that the probability of married men engaging in sexual assault is low. Women of any class, class or marital status were equally vulnerable to sexual assault,

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<sup>31</sup> Jannat Ghaznavi and others, 'Increasingly Violent but Still Sexy: A Decade of Central Female Characters in Top-Grossing Hollywood and Bollywood Film Promotional Material' (2017) 11 International Journal of Communication 23-47.

<sup>32</sup> A. Bleakley and others, 'Trends of sexual and violent content by gender in top grossing U.S. films: 1950–2006' 51 (2012) Journal of Adolescent Health 73–79.

<sup>33</sup> Hansika Kapoor and others, 'The Bechdel in India: gendered depictions in contemporary Hindi cinema' (2015) Journal of Gender Studies.

<sup>34</sup> *ibid.*

<sup>35</sup> *ibid.*



which is a threat to all women without discrimination. The study also found that women in traditional roles were depicted to be more vulnerable to sexual assault than women in non-traditional roles, contrary to previous research. This is troublesome because it may reinforce the wrong notion that traditional women are weaker and easy to assault.<sup>36</sup>

With regard to the person responsible for the sexual assault, most movies depicted the woman to herself be responsible for the assault because of her actions that provoked her perpetrator. In the few instances where the perpetrator was held responsible for the assault, his actions were shown to be justified in the name of love for the victim or revenge from her family. This may lead to a dangerous subtle indication for acceptance of sexual assault against the female in a family to extract revenge out of her or her family, which is indicative of the real situation in India.<sup>37</sup> With regard to the nature of sexual assault, the depiction in films involved the use of physical and verbal assault, both of which may not be present in real cases of domestic violence, for instance. These depictions narrow the definition of an act of sexual assault, which may lead to women not reporting cases of actual assault, because they did not contain all three elements of assault as exaggerated in films.<sup>38</sup>

Finally, analysis also found that majority of the movies depicted victims to have either died, or committed suicide or have no future left after the assault, supporting the notion that an assault victim loses her honour in the society. Where men were shown to accept and marry victims of sexually assaulted women, the focus was on the making the brave male the hero, rather than rejecting the stigma faced by the victim. As far as perpetrators are concerned, they were shown to be left unprosecuted by the Indian legal system, or killed by the victim or her family. This notion corresponds to the low rates of conviction in cases of sexual assaults. The over-emphasis on the use of violence for seeking justice by the victim may develop a barbarian mentality rather than instilling confidence in the legal system. Overall, the study concludes that misrepresentation of sexual harassment in movies will encourage a society that normalizes sexual abuse against women.<sup>39</sup>

### **Analysis of the Music Industry**

Another empirical study involving analysis of 125 item songs over 15 years in Bollywood

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<sup>36</sup> Uttara Manohar and Susan L. Kline, 'Sexual Assault Portrayals in Hindi Cinema' (2014) Sex Roles.

<sup>37</sup> *ibid.*

<sup>38</sup> *ibid.*

<sup>39</sup> *ibid.*

movies concluded that hypersexualised 'item girls' performing sexual dance moves around a large group of men have not only increased the inequities portrayed in Bollywood films, but also projected them as objects of male desire, who enjoy sexual harassing treatment by men around them. The songs portray women in a sexual and suggestive manner, focussing on particular parts of a woman's body, thereby reinforcing the notion that "the female body can be objectified, commodified and used as a site for pleasure and procreation by patriarchal societal forces". The study concluded that repeated visual exposure to the underlying idea that it is acceptable for men to make sexual advances, leads to shaping of similar attitudes in men through observational learning and further increase in sexual violence against women in society.<sup>40</sup>

Teenagers are the most active viewers of music videos, watching them for an average of 10 hours a week and ranging from about 30 minutes to 3 hours a day.<sup>41</sup> Adolescence is a phase when sexual attitudes are still evolving and to quench their thirst for knowledge about sexuality, teenagers frequently turn to the mass media, especially because it is widely and conveniently available, coupled with lack of other formal channels for sex education. Adolescents may be especially vulnerable to the impact of music videos with sexual or explicit content on the development of their sexual beliefs. Research has shown that exposure to sexual music videos is linked to enhance the perception of women as sex objects, acceptance of rape myths, as well as sexual permissiveness and stereotypical gender attitudes.<sup>42</sup>

There exist two themes in misogynist sexual music videos: i. sexualisation of women, and ii. subordination of women before men. Resultantly, scholars have come to the conclusion that exposure to sexually objectified women and sexually dominant men in music videos leads to the development of sexually aggressive attitudes and behaviour. Sexual music videos depict women as objects of male pleasure, which may subconsciously teach girls that they also are the same and teach boys that girls are always willing to engage in sexual behaviour, despite reluctance in the beginning,<sup>43</sup> a dangerous notion that results in the use of force and sexual aggression against women.

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<sup>40</sup> Parul Jain and others, 'Sexuality and substance abuse portrayals in item songs in Bollywood movies' (2019) *South Asian Popular Culture* <<https://doi.org/10.1080/14746689.2019.1585605>> accessed 12 September 2020.

<sup>41</sup> DF Roberts and PG Christenson, 'Popular music: The soundtrack of adolescence' in D. G. Singer & J. L. Singer (eds.) *Handbook of children and the media* (Thousand Oaks, CA: SAGE, 2012) 479- 500.

<sup>42</sup> Jochen Peter & Patti M. Valkenburg, 'Adolescents' Exposure to Sexually Explicit Internet Material and Notions of Women as Sex Objects: Assessing Causality and Underlying Processes' *Journal of Communication*.

<sup>43</sup> *ibid.*

Rap music videos specifically embody these two misogynist themes, which sexually objectify women, and include the shaming of women, their derogatory naming, encourage use of violence against them and glorify prostitution.<sup>44</sup> Various research studies have underlined the influence such representations of women used in music videos have on the beliefs of teenagers regarding acceptance of use of violence against women and aggression. On the other hand, it is a growing trend for female artists to display themselves as sexual objects, and argue that it is empowering them and is a way to show their control over their sexuality. However, it is argued that such representation by female artists conveys the idea that the only way to get famous and popular and become successful is by sexually objectifying oneself.<sup>45</sup> It has also been concluded through research that objectification by female artists has resulted in increased acceptance of interpersonal violence.<sup>46</sup>

In another empirical study, the conclusion revealed that there exists a correlation between misogynist music and sexual aggressive behaviour and attitudes. The study considered the lyrics of various rap songs and concluded that the content of the lyrics of the song was directly related to the increase in sexual aggression after listening to it. Although most people are clearly able to identify the theme in a misogynist music video, there is a general perception that a rap song is generally concerned with sex and violence. Moreover, because of the wide availability of rap music that is misogynist, the distortion that violence towards women is acceptable and justified is more acceptable to the listeners of such music.<sup>47</sup>

## **ROLE OF PORNOGRAPHY CONSUMPTION ON VIOLENCE AGAINST WOMEN**

One of the most common and widely available form of sexist media is pornography. There are more than 4 million pornography websites on the internet, 1 lakh of which offer child pornography. The pornography industry has evolved and grown at a drastic pace and has an annual turnover of more than 97 billion dollars, which is more than that of an aggregate of turnover of big global giants such as Google, Amazon, Microsoft and Apple.<sup>48</sup>

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<sup>44</sup> *ibid.*

<sup>45</sup> CM Frisby and JS Aubrey, 'Race and genre in the use of sexual objectification in female artists' music videos' (2012) 23 *Howard Journal of Communications*, 23, 66-87.

<sup>46</sup> Jochen Peter & Patti M. Valkenburg, 'Adolescents' Exposure to Sexually Explicit Internet Material and Notions of Women as Sex Objects: Assessing Causality and Underlying Processes' *Journal of Communication*.

<sup>47</sup> Christy Barongan and Gordon C. N. Hall, 'The Influence of Misogynous Rap Music on Sexual Aggression Against Women' (1935) 19 *Psychology of Women Quarterly* 195-207.

<sup>48</sup> Feminist Peace Network (2006) *Pornography Revenue Statistics* <<http://www.feministpeacenet.org/2010/10/20/pornography-the-obscene-statistics/>> accessed 13 April 2011.

Pornography sexualises the subordination of women to men and sustains gender inequality and sexual objectification of women by making it attractive and constitutive of sex.<sup>49</sup> Despite huge opposition against the industry, the pornographers have survived arguing on the ground of right to free speech. However, it is also argued pre-emptively that pornographers infringe the liberty and dignity of women, apart from their freedom of speech, who silence women, which requires to be addressed by enactment of laws.<sup>50</sup> Moreover, such leeway allows men to get away with doings acts of sexual assault on women, but which may not be considered illegal.

The belief or notion that women are sex objects means that the social personality of women is ignored and they are reduced to certain body parts which are seen as sexually appealing and instruments of male sexual pleasure. The sexual activities of women are considered as a major criterion to determine their attractiveness and are perceived to be sex playthings that are enthusiastic about fulfilling the sexual desires and needs of males.<sup>51</sup>

A field experiment conducted analysed the effects of exposure to films that portray sexual violence having positive consequences, on the attitudes and beliefs of men and women in acceptance towards interpersonal violence against women. The findings concluded that exposure to sexually violent films had a drastic impact on males, increasing their acceptance of interpersonal violence against women. On the other hand, women who were exposed to sexually violent films were less tolerant of interpersonal violence. This reiterates the effect sexually violent mass media has on the beliefs and attitudes of males and females in the long-run.<sup>52</sup>

In an experiment conducted to analyse the effect of exposure to objectifying media such as pornography, men's magazines and reality TV on the attitudes of men concluded that these media forms reinforce the idea that "women are sexual instruments that should behave in ways that facilitate men's sexual gratification", thereby proving the role of women in objectifying media as "a source of male sexual pleasure" and dehumanizing them to mere sex objects. This in turn impacts the attitudes and beliefs of men, making it easier for them to justify their acts

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<sup>49</sup> Alex Davies, 'A "Liberal" Anti-Porn Feminism?' (2018) 44(1) Social Theory and Practice.

<sup>50</sup> *ibid.*

<sup>51</sup> Johanna M. F. van Oosten and others, 'The Influence of Sexual Music Videos on Adolescents' Misogynistic Beliefs: The Role of Video Content, Gender, and Affective Engagement' (2015) Communication Research 1–23.

<sup>52</sup> Neil Malamuth and James Check, 'The Effects of Mass Media Exposure on Acceptance of Violence against Women: A Field Experiment' (1981) 15 Journal of Research in Personality 436-446.

of imposing themselves sexually on women and “*punishing*” them for not meeting their sexual demands.<sup>53</sup>

Another empirical study conducted to analyse the causal relationship between exposure of adolescents to sexually explicit internet material (“**SEIM**”) and beliefs of women being sex objects. The study concluded that exposure of adolescents to SEIM amounted to both a cause and result of their beliefs that women are sex objects. Stronger beliefs of women being sex objects caused adolescent males to expose themselves more frequently to SEIM, which in turn caused stronger notions of objectification of women.<sup>54</sup>

In Chapter 1 of the U.S. Commission on Obscenity and Pornography, noted scholar Malamuth noted that there was a drastic increase in the wide availability of aggressive pornography and he conducted experiments to discover the relationship between exposure to aggressive pornography and sexual aggressive attitudes against women in men. He also noted that the common and main theme in aggressive pornography is the suggestion that women derive pleasure from sexual aggression. Disturbingly, previous research has also concluded that a relatively short one-time exposure to aggressive pornography could result in the following disturbing behavioural changes in the attitudes of men:

- a. self-generated rape fantasies,
- b. increase in sexual arousal in both normal and rapist populations,
- c. less sensitive attitude toward rape, and
- d. an increased acceptance of rape myths and violence against women.<sup>55</sup>

Subsequent research showed that exposure to aggressive pornography increased aggression against women in males who were already angered or provoked, irrespective of whether the female in the pornographic film reacted positively (depicting enjoyment without showing resistance) or negatively (depicting resistance and feeling humiliated and assaulted by the treatment done to her). The positive reaction of the female in the film acts as a justification of aggression, giving out a general suggestion that women derive pleasure out of sexual aggression against them. The negative reaction will also lead to aggression because of its ability

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<sup>53</sup> Paul Wright and Robert Tokunaga, ‘Men’s Objectifying Media Consumption, Objectification of Women, and Attitudes Supportive of Violence Against Women’ (2016) 45 Arch Sex Behav 955-964.

<sup>54</sup> Johanna M. F. van Oosten and others, ‘The Influence of Sexual Music Videos on Adolescents’ Misogynistic Beliefs: The Role of Video Content, Gender, and Affective Engagement’ (2015) Communication Research 1–23.

<sup>55</sup> Neil Malamuth and James Check, ‘The Effects of Mass Media Exposure on Acceptance of Violence against Women: A Field Experiment’ (1981) 15 Journal of Research in Personality 436-446.

to reinforce potential of inflicting pain. However, for men who were not previously angered, the sexually aggressive film in which the female reacted positively resulted in the increase of sexual aggression against women, as compared to the film with a negative reaction. Moreover, it was found that even non-sexual aggressive images were likely to increase aggression against women.<sup>56</sup>

Nevertheless, the strongest combination that will produce the highest level of aggression and strongest impact on the attitude of the viewer is the combination of sexual arousal and violence.<sup>57</sup> Violence is the important factor as it leads to desensitization of the male against the plight of the victim. The research went to the extent of concluding that exposure to aggressive pornography is highly likely to encourage the willingness to rape, but this is not the case in non-aggressive pornography. However, some scholars point out that longer and massive exposure to even non-aggressive pornography may impact the attitudes justifying rape and viewing women as sex objects, as non-aggressive pornography is based on the themes of female submissiveness and objectification of women. The final conclusion from the study was that aggressive pornography is a strong contributor to the committing of violence against women.<sup>58</sup>

Another extended empirical research study pointed out that exposure to different forms of aggressive pornography resulted in major behavioural changes in males against women, including greater acceptance of rape myths and interpersonal violence, and were likely to commit a rape. These were also directly linked with actual aggression and the intention to hurt a female, thereby establishing direct causal relationship between exposure to aggressive pornography and committing of violence and sexual crimes against women.<sup>59</sup> These conclusions are dangerous and disturbing, which must be taken into account while regulating pornographic content in the country.

Another interesting study analysed the relationship between porn literacy education at schools and notions of women as sex objects after exposure to SEIM. It was found that the individuals, both males and females, and adolescents and young adults, who had obtained porn literacy training as a part of school education were likely not to inculcate the notion that women are

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<sup>56</sup> Edward Donnerstein, 'Pornography: Its Effect on Violence against Women' (1994) *Pornography and Sexual Aggression*.

<sup>57</sup> *ibid.*

<sup>58</sup> *ibid.*

<sup>59</sup> Edward Donnerstein, 'Pornography: Its Effect on Violence against Women' (1994) *Pornography and Sexual Aggression*.

sex objects even after exposure to SEIM. However, on the other hand, such a relationship was established among those individuals who had not obtained any training at school with respect to the use of SEIM. This study provides a useful conclusion that intervention studies in the form of media literacy provided at schools is important and effective way to mitigate the dangers attached to the use of SEIM. This conclusion is more important because previous research indicated that the more individuals were exposed to SEIM, their notions of women being sex objects strengthened. However, the tools taught to them during porn literacy education were useful when interpreting the content in a SEIM. Moreover, porn literacy education has the strong capability to reduce the unwanted effect of exposure to sexually explicit media content, and is equally applicable on both girls and boys.<sup>60</sup>

## **DEPICTION OF FEMALES IN VIDEO GAMES AND ITS EFFECT ON SOCIAL ATTITUDES**

Video games have become a regular part of the lives of children and adolescents as a leisure activity or a serious passion. However, video games are also in the race of objectifying women as popular games such as Grand Theft Auto depict and normalise assaults on women, rape, prostitution and murder.<sup>61</sup> Moreover, the perceptions of objectification and competence between the sexes appear to be more complex in video games compared to any other form of media.<sup>62</sup>

An analytical empirical study that analysed female characters in video games across 31 years found that female characters were more sexualised than their male counterparts, so as to reduce their importance to their physical attributes, as a promotional tactic to entice male players. Although this trend of sexualisation of primary female characters has decreased after more women have shown interest in playing video games and because of immense criticism of the industry's male hegemony, female characters in secondary roles continue to be sexualised.

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<sup>60</sup> Laura Vandenbosch and Johanna van Oosten, 'The Relationship Between Online Pornography and the Sexual Objectification of Women: The Attenuating Role of Porn Literacy Education' (2017) *Journal of Communication*.

<sup>61</sup> Aimée Vega Montiel, 'Violence against women and media: Advancements and challenges of a research and political agenda' in Aimée Vega Montiel (ed), *Gender and Media: A Scholarly Agenda for the Global Alliance on Media and Gender* (UNESCO 2014).

<sup>62</sup> Teresa Lynch and others, 'Sexy, Strong, and Secondary: A Content Analysis of Female Characters in Video Games across 31 Years' (2016) *Journal of Communication* <<http://dx.doi.org/10.1111/jcom.12237>> accessed 10 September 2020.

Thereby, the trend proves the objectification theory that a woman's body is valuable because of the pleasure it can give to others.<sup>63</sup>

Analyses of various studies have shown that across video games, female characters are majorly shown as sex objects, with hypersexualised body features and minimal clothing. In other cases, where the female character was not sexualised, she was represented as a love interest of the male hero, or a victim who the hero required to rescue.<sup>64</sup> The number of games that feature female protagonists are still less in number, and even while it has increased over the years, their characters' designs either reinforce harmful stereotypes, or converting them into sexual fantasies for heterosexual male players.<sup>65</sup>

Empirical studies have revealed that short-term exposure to such sexualised depiction of women in video games resulted in men becoming more tolerant towards of abuse of women in offline real-world settings,<sup>66</sup> whereas long-term exposure of the same showed more acceptance of sexual harassment and rape myths towards women in men. Moreover, lifetime exposure to sexist content in video games has been shown to result in development of sexist attitudes in men towards women and desensitise men against abuse.<sup>67</sup> In addition, the unrealistic ideal female physique depicted through video games sets unreal expectations for men.<sup>68</sup>

### **Reasons for such depiction**

Such a representation of women not only depicts and reinforces how women are perceived in the society, but also shows the status of demography in the video game industry. In the initial years of its establishment, the video game industry incorporated gender disparity, where women represented only 3% of the workforce in 1989<sup>69</sup> and 30% of the workforce in the 1990s and 2000s. Although employment of women increased in later years, they were majorly

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<sup>63</sup> *ibid.*

<sup>64</sup> Meghan Gestos and others, 'The Representation of Women in Video Games: A Systematic Review of Literature in Consideration of Adult Female Wellbeing' (2018) 21(9) *Cyberpsychology, Behavior, And Social Networking* 1-7.

<sup>65</sup> Ankita Sarkeesian and Carolyn Petit, 'Female Representation in Videogames Isn't Getting Any Better' (*Wired*, 14 June 2019) <<https://www.wired.com/story/e3-2019-female-representation-videogames/>> accessed 22 November 2020.

<sup>66</sup> VS Beck and others, 'Violence against women in video games: a prequel or sequel to rape myth acceptance?' (2012) 27 *Journal of Interpersonal Violence* 3016–3031.

<sup>67</sup> J. Fox and B. Potocki, 'Lifetime video game consumption, interpersonal aggression, hostile sexism, and rape myth acceptance: a cultivation perspective' (2016) 31 *Journal of Interpersonal Violence* 1912–1931.

<sup>68</sup> KE Dill and others, 'Effects of exposure to sexist stereotyped video game characters on tolerance of sexual harassment' (2008) 44 *Journal of Experimental Social Psychology* 1402–1408.

<sup>69</sup> Graser, M. (2013). Videogame biz: Women still very much in the minority. *Variety*. Retrieved from <http://tinyurl.com/jkct52u>.



confined to underpaid and low-ranking posts.<sup>70</sup> Due to such under-representation of women and lack of their input in the creation and development of video games, the characters in the games were made from the perspective of only men.<sup>71</sup>

Another reason for the same is that the video game industry caters to males as their target consumers, and in order to entice them, women are generally reduced to sex objects with disproportionate body parts for the benefit of visual appeal and male gaze. In the earlier years, video games were played by only males, and females were not expected to play video games as per gender stereotypical roles. Over the years, more females have started playing video games and have become professional gamers.

### **Effect of such representation on women's perceptions**

Studies have shown that women are less likely to play video games where their gender is sexually portrayed or negatively represented or reduced to unimportant characters, only as accessories for the male protagonist. Previous research has shown that women were interested in playing games that featured non-sexualised characters, and disliked hyper-sexualised characters. It can be inferred that women discontinue playing video games because of the perception that the characters and storyline are primarily targeted for the heterosexual male. The sexualisation of women and inhibiting their character development is perceived as derogatory to women by them.<sup>72</sup> The mainstream genre of games is highly violent, masculine and competitive, and positions female heroines, if any, with bare clothing or with disproportionate breasts and waist sizes. For women who do not discontinue playing, studies have shown that the repeated exposure to hypersexualised depiction of the female body causes self-esteem and body image issues, and constant comparison with unreal ideals, leading to eating disorders to achieve such unreal body types.<sup>73</sup>

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<sup>70</sup> Teresa Lynch and others, 'Sexy, Strong, and Secondary: A Content Analysis of Female Characters in Video Games across 31 Years' (2016) *Journal of Communication* <<http://dx.doi.org/10.1111/jcom.12237>> accessed 10 September 2020.

<sup>71</sup> S. L. Smith and others, 'Gender bias without borders: An investigation of female characters in popular films across 11 countries' (2014) USC Annenberg: Media, Diversity, & Social Changes Initiative.

<sup>72</sup> Teresa Lynch and others, 'Sexy, Strong, and Secondary: A Content Analysis of Female Characters in Video Games across 31 Years' (2016) *Journal of Communication* <<http://dx.doi.org/10.1111/jcom.12237>> accessed 10 September 2020.

<sup>73</sup> Meghan Gestos and others, 'The Representation of Women in Video Games: A Systematic Review of Literature in Consideration of Adult Female Wellbeing' (2018) 21(9) *Cyberpsychology, Behavior, And Social Networking* 1-7.

Certain female depictions in video games have underlying sexist underpinnings, which are harmful because they reinforce societal gender stereotypes. One theme is of benevolent sexism: the notion that women are delicate, fragile and are required to be rescued from a troublesome situation by a strong and smart male hero. The other theme is of hostile sexism: notion that women seek to control men through sexual activities.<sup>74</sup>

Furthermore, online games should help inculcate and build values of coordination, friendship, cooperation and social support.<sup>75</sup> However, studies show that the gaming environment is such where female gamers have faced gender harassment, which has deterred them from participating in gaming, or encouraged them to hide their identity online, so that they can focus on their gaming hobby without unnecessary disturbance from male players passing sexist comments and casual jokes.<sup>76</sup> Other studies provide evidence that stereotypes and gender roles are more significantly inherent in online games compared to other offline settings.<sup>77</sup>

Most importantly, empirical studies conducted have also shown that when playing in a female avatar that was scored three on a sexualisation index, the women gamers engaged in higher self-objectification and were found to be more acceptable to rape myths.<sup>78</sup>

### **Effect on children**

Research has also shown that teenagers who play video games may be exposed to sexualised images of women prior to attaining adulthood. The games having 'teen' rating had similar sexualised imagery to that found in games rated 'mature'. This is believed to denote the normalisation of hyper sexualisation of female characters among parents, and other guardians of all ages. The puberty phase of children is also a phase of development of their personality, identity formation and sexual exploration. Such exaggerated sexualised female imagery may shape their attitudes and sexual beliefs.<sup>79</sup>

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<sup>74</sup> *ibid.*

<sup>75</sup> Kowert, R., & Oldmeadow, J. A. (2013). (A)social reputation: exploring the relationship between online video game involvement and social competence. *Computers in Human Behavior*, 29(4), 1872–1878.

<sup>76</sup> Lavinia McLean and Mark D. Griffiths, 'Female Gamers' Experience of Online Harassment and Social Support in Online Gaming: A Qualitative Study' (2019) 17 *Int J Ment Health Addiction* 970–994.

<sup>77</sup> Ivory Holz and others, 'Sex role stereotyping is hard to kill: a field experiment measuring social responses to user characteristics and behavior in an online multiplayer firstperson shooter game' (2014) 35 *Computers in Human Behavior* 148–156.

<sup>78</sup> J. Fox and others, 'Sexualized avatars lead to women's self-objectification and acceptance of rape myths' (2015) 39(3) *Psychology of Women Quarterly* 349–362.

<sup>79</sup> Council on Communications and Media (2013) 132(5) *Children, adolescents, and the media* 958–961.

The hyper-sexualization and objectified representations of women characters in video games reinforces the gender stereotypes against women, taking away their agency and power, and remains a concern till today, that is required to be addressed.

## **CRITICAL ANALYSIS OF EXISTING MEDIA LAWS**

Entailing a discussion of the manner of depiction of women in various popular forms of media and the resultant effect on the societal attitudes against women, which may even lead to the commission of crimes against women, it is of utmost importance to discuss in detail and critically the existing laws in India that govern the media industry. The media in India is majorly selfregulated.<sup>80</sup> A summary analysis of the various Indian media legislations and regulators are done below.

### **1. Indecent Representation of Women (Prohibition) Act, 1986**

The Act was enacted with an intent to prevent the portrayal of any indecent manner of the figure or form of the body of women or a part thereof, which is likely to deprave, corrupt, and damage public morality or morals and is denigrating to women. It provides for the regulation of female representation in the various forms of media, and prohibits indecent portrayal of women by way of advertising, books, writings, paintings, figures, or in any other manner and for matters connected therewith or incidental thereto.<sup>81</sup> Section 4 of the Act imposes prohibition on the production, sale, hire, distribution, circulation, sending by post any books, pamphlets, slide, film, writing, drawing, painting etc., which depict women in an indecent manner.<sup>82</sup> Various amendments in the Act have been suggested by the National Commission of Women (NCW) so as to achieve the legislative intent with which it was enacted.

The PC Joshi Committee was established in the year 1985 recommended that a system of regular monitoring of the portrayal of women on television should be brought into effect, noting that the provisions of the Act were insufficient for meeting the objectives for which it was enacted. Unfortunately, despite the existence of the Act and numerous proposals to amend the

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<sup>80</sup> Simran, 'Regulation of media in India - A brief overview' (The PRS Blog, 16 November 2011) <<https://www.prsindia.org/theprsblog/regulation-media-india-brief-overview>> accessed 1 December 2020.

<sup>81</sup> Indecent Representation of Women (Prohibition) Act 1986 s 3.

<sup>82</sup> Indecent Representation of Women (Prohibition) Act 1986 s 4.

Act, indecent representation of women in various popular forms of media is rampant, and there is a lack of serious implementation.<sup>83</sup>

## 2. Constitution of India, 1950

The Constitution of India guarantees equality to women, apart from empowering the State to frame policies relating to positive discrimination in favour of women in order to equalise the effect of societal disadvantages faced by them. It also provides for various fundamental rights and directive principles of state policy that although provide for the right to freedom of speech and expression under Article 19(1)(a), also embody restrictions on the right on the ground of decency and morality under Article 19(2).

The fundamental rights guaranteed under the Constitution come to the rescue of the aggrieved parties where there is no law governing the alleged cause of action or injury. For instance, there is no specific legislation with regard to regulation of video games and the content of video games. There also does not exist any particular court case for the same.<sup>84</sup>

## 3. The Indian Penal Code, 1860

Sections 292, 293, and 294 of the Code provide for the law relating to obscenity. The terms obscenity, indecent, or vulgar are intricately linked to the societal morals, and are thus, difficult to clearly define.

In *Ranjit Udeshi v. State of Maharashtra*,<sup>85</sup> the Supreme Court drew a difference between obscenity and pornography, holding that while pornography denotes writings, pictures etc. intended to arouse sexual desire, obscenity may include publications not intended to do so but which have that tendency. While both offend public decency and morals, pornography is obscenity in a more aggravated form. It also laid down the test for obscenity, that it must not be judged by a word here or a passage there. The work as a whole must be looked into and considered how it impacts the society and the reader. In the words of the court, “*where obscenity and art are mixed, the art must be so preponderate as to throw the obscenity into a shadow or the obscenity so trivial and insignificant that it can have no effect and may be overlooked. It is necessary that a balance should be maintained between ‘freedom of speech*

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<sup>83</sup> Pranita Choudhury, ‘Role of Media and Indecent Representation of Women’ (2014) 19(11) IOSR Journal of Humanities And Social Science.

<sup>84</sup> ‘India: Video Game Industry and Censorship Laws’ (*STA Law Firm*, 25 March 2020) <<https://www.stalawfirm.com/en/blogs/view/video-game-censorship-india.html>> accessed 1 December 2020.

<sup>85</sup> *Ranjit D. Udeshi v. State of Maharashtra*, AIR 1965 SC 881.

*and expression' and 'public decency and morality'; but when the latter is substantially transgressed the former must give way."*

In *Chandrakant Kalyandas Kokodar v. State of Maharashtra & Ors.*<sup>86</sup>, the Court held that there were no fixed rules to determine obscenity and that it would have to be decided on a case to case basis. "The concept of obscenity would differ from country to country depending on the standards of morals of contemporary society."

In *K.A. Abbas v. Union of India*,<sup>87</sup> the Supreme Court observed that sex and obscenity are not always synonymous and that it was wrong to classify sex as essentially obscene or even indecent or immoral.

In *Bobby Art International v. Om Pal Singh Hoon*,<sup>88</sup> the Supreme Court drew a distinction between nudity and obscenity and rejected the petitioner's contention that the scene of frontal nudity was indecent within Article 19(2) and Section 5-B of the Cinematograph Act. It held that the object of showing the scene of frontal nudity of the humiliated rape victim was not to arouse prurient feelings but revulsion for the perpetrators.

#### **4. Information Technology Act, 2000**

The Information Technology Rules, 2011 provide for certain standards that have been prescribed for content that is accessible over the internet. However, a regulatory body under the provisions of the Act does not exist. Any aggrieved person may complain directly to the internet service provider or the host.

In *Tamil Nadu v. Suhas Katti*,<sup>89</sup> the accused was harassing the victim online by posting defamatory and obscene messages to her through Yahoo messenger, because she refused to marry him. Within 7 months of the filing of complaint by the victim, the accused was convicted.<sup>90</sup>

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<sup>86</sup> Chandrakant v. State of Maharashtra, (1969) 2 SCC 687.

<sup>87</sup> K.A. Abbas v. Union of India, (1970) 2 SCC 780.

<sup>88</sup> Bobby Art International v. Om Pal Singh Hoon, (1996) 4 SCC 1.

<sup>89</sup> Tamil Nadu v. Suhas Katti, CC No. 4680 of 2004.

<sup>90</sup> Milan George, '8 landmark judgements that changed the course for women in India Read more at: <https://yourstory.com/2018/01/8-landmark-judgements-that-changed-the-course-for-women-in-india> (*Your Story*, 15 January 2018) <<https://yourstory.com/2018/01/8-landmark-judgements-that-changed-the-course-for-women-in-india>> accessed 1 December 2020.

In *Re v. State of Uttarakhand*,<sup>91</sup> the High Court of Uttarakhand upheld the order of the Department of Telecommunication, asking Internet Service Providers (ISPs) to ban 857 websites offering pornographic content, while dealing with a case involving the alleged gangrape of a student studying in Class 10 at a boarding school. The 3 accused were 17-year-old seniors of the girl, who committed the offence after watching porn on their mobile phones. However, while pronouncing the judgment, the court did not take notice of the amended circular by the Ministry, and therefore, an appeal has been preferred against the judgment, which is sub judice in the Supreme Court.

Section 67A of the IT Act makes publishing or transmitting or causing publication or transmission of any electronic material containing a “sexually explicit act or conduct” as punishable. In *Jaykumar Bhagwanrao Gore v. State of Maharashtra*,<sup>92</sup> the Bombay High Court, held that s. 67A provides for something more than the requirement of s. 67 of the IT Act. Section 67 punishes publication or transmission of any electronic material which is “lascivious or appeals to the prurient interest.”<sup>93</sup> On the other hand, section 67A extends to any electronic material which is *not only* lascivious or appealing to the prurient interest, *but also* portrays a sexually explicit act or conduct.<sup>94</sup>

In the light of the above provisions, analysing the content available on pornographic websites, it can be concluded that the content contains unilateral or bilateral sexual activities, complying with the first element under section 67A.<sup>95</sup> It is also lascivious or appealing to prurient interest, complying with the second element of section 67A.<sup>96</sup> Therefore, such content clearly comes within the ambit of s. 67A and restrictions under the Section apply to it.

The Government of India has also decided to place all online news, social media platforms, such as Facebook and Twitter, and OTT platforms, such as Netflix and Amazon Prime under the regulation of the Ministry of Information & Broadcasting, which already censors and regulates print newspapers, television, films and theatre. Through the order of the Government,

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<sup>91</sup> In *Re v. State of Uttarakhand*, Writ Petition (PIL) No. 158 of 2018.

<sup>92</sup> *Jaykumar Bhagwanrao Gore v. State of Maharashtra*, Criminal Appeal No. 385 of 2010.

<sup>93</sup> Information Technology Act 2000 s 67.

<sup>94</sup> Information Technology Act 2000 s 67A.

<sup>95</sup> Information Technology Act 2000 s 67A.

<sup>96</sup> Information Technology Act 2000 s 67A.

it will be able to push for self-regulatory code that is feared to have an effect of on increased censorship of the media.<sup>97</sup>

## **CONCLUSION AND SUGGESTIONS**

The objectification of women across popular forms of media has been shown to be positively correlated with the change in societal beliefs, attitudes and behaviour, such as increased sexual aggression against women. Additionally, improper and sexualised depiction of women's bodies that is present across all forms of popular media, idealising the thin ideal, with emphasised body parts has shown to have resulted in low self-esteem, body image dissatisfaction, and disordered eating behaviours among women, in order to match the unrealistic ideal. The rampant use of this ideal across all forms of media today, including television, advertisement, music, movies, video games, pornography and men's magazines, etc. shows the extent to which it has been normalised.

Various forms of traditional and new media promote gender-based violence by normalising it rather than spreading awareness and initiating discussion on ways to prevent it. It is clear that the media is currently the problem, which has contributed to making the gender-based violence mechanism more complex. However, the role of social media as an advocate of women's rights, bringing to the forefront the brutal violence faced by women and helping people voice their strong opinions against such atrocities cannot be ignored, nor denied. The transformative potential of social media is what should be used to promote gender equality, such as by the means of interactive and interesting video materials.

However, there are certain issues and concerns which hamper such a thought process. These include small grants to women's NGOs to research independently, lack of education on media literacy of women activists and journalists, and ignorance of gender discrimination when promoting professionalism in the media. Moreover, there is little evidence that social media alone could be effective in changing a lifetime of gender socialization, but it could certainly serve as the starting point for such a change.

Consequently, changes in attitude or behaviour can be brought out more effectively through interpersonal activities. Thus, the social media and other forms of media can be combined with

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<sup>97</sup> Hannah Ellis-Petersen, 'Indian move to regulate digital media raises censorship fears' (The Guardian, 11 November 2020) <<https://www.theguardian.com/world/2020/nov/11/india-to-regulate-netflix-and-amazon-streaming-content>> accessed 14 November 2020.

other interventions to form a very powerful tool to foster change. Only in this way can media support in undoing its unwanted effects and prevent violence against women.

The other interventions which are required to be brought into the mechanism are to be explored. There are a number of laws in India governing the media, but most of them are not properly implemented. This highlights that something more than just legislations are required to reverse the damage that has been and will be done by exposure to misogynist media.

In a country like India, where the socially approved venues for sex education are limited, majority of the young adults and teenagers turn to soap operas, movies and pornography to quench their curiosity about sex, because they are relatively easily, widely and conveniently available. Resultantly, most of the sex education that the young generation receives is through the different forms of media, which, as the research suggests, depicts women in stereotypical and subservient ways. In return, these result in larger societal consequences and important implications for the Indian society.

In a time where adolescents grow up in a media environment that provides them with unprecedented access to sexually explicit material, it is of paramount importance to introduce media literacy, so that the unwanted dangerous effects of exposure to such explicit material is reversed, or at least, mitigated. Even in sexually liberal countries like the Netherlands, which have a system of comprehensive sex education in place, adolescents are not uniformly educated about the social and sexual reality they may encounter in such explicit material. Therefore, what is the need of the hour is the introduction of age-appropriate media literacy classes targeted at high school and college students, educating them about the Internet and the sexually explicit material that may be encountered.

It is also suggested that in this era of globalisation, all countries should understand the gravity of the problem of exposure to misogynist media and come together with an aim to make media a part of the solution, by preventing its misuse, and ensuring it remains a boon for the world. The responsibility of the media industry to assist in eliminating violence against women should be given added importance. Most importantly, media literacy should assume prime importance to ensure that users of the media are sufficiently aware and are not affected by the underlying stereotypical and discriminatory themes suggested in the media.



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