Protecting Dignity of Indian Women in Print Advertisements -
A study of Indian Laws

Monika Gulati
Assistant Professor, Motilal Nehru College, University of Delhi, India
and Research Scholar, Centre for Federal Studies, Jamia Hamdard

ABSTRACT
Women constitute almost half of the total population of India. Status of women in any society is an indicator of the culture of that society and advertisements reflect the perception of society. Advertising be it in any form is used as a tool to change concept, idea, taste of any given class of society. Correct or incorrect projection of women in advertisements in an unethical and unrealistic manner is still on. Both the advertisement industry and the governments have taken certain initiatives in positive direction to improve the situation. While the Indian Constitution recognizes equity of right between men and women, society has impliedly accepted a clear distinction between the role of a male and a female. True effect of any rules or acts will be possible only when there is change in attitude and equality as recognized by constitution is accepted by every Indian as well.

KEY WORDS- Dignity, Unethical, Stereotype, Unrealistic, Advertising

INTRODUCTION
“Human Dignity” is a cardinal principle of any democratic society which claims to be humanitarian and people oriented in their approach and functioning. Also it is a reality that human beings are born free and have equal rights and dignity. Nobody can discriminate against an individual on the basis of some unreasonable grounds as law also does not permit it and it is against natural laws of dignity and nature.

For the success of present day civilized society most important is the dignity of an individual. Dignity is way in which all human beings of a society are suppose to conduct themselves in a certain expected manner.

The objective of any advertisement is to provide a suitable image to the product or service that is being advertised and the advertisement which gives the perfect understanding of the product to consumer and eventually creates a desire to buy the product is considered to be an effective advertisement.

The concept of advertising has completely changed post the new economic policy of 1991. It has become a vital force in influencing decisions and opinions of the consumers. The advertisement world has also noticed that a lot of women are independent financially that means a lot of them take buying decisions. Therefore they have used women in many advertisements to induce the buyer to buy the product. However it is yet to be finalized whether projection of women in advertisement was correct, required or not, the debate is still on.

Status and Dignity of Indian Women
Pandit Jawahar Lal Nehru in his famous book ‘The Discovery of India’ has said “The Legal status of women in the laws of Manu was that of a poor and doubtful.” Women in India during Vedic period enjoyed equal status with men and were even considered to be valuable for making the society socially rich. India’s struggle for freedom movement is also full of stories where women have participated with great spirit and abilities. But number of such women is very small in contradiction to the fact that a large number of women are being discriminated and are subjugate to the society which is male dominated.

Every woman has a right to live freely with dignity and without any fear. The Honorable Supreme Court of India has said on several occasions the women have not right to live, but live with human
dignity and not like the life of an animal. Women should lead a meaningful life where they can contribute to society in a positive manner.

“There will never be a generation of great men until there has been a generation of free women”-wrote Robert Ingersoll

Though the situation of women in India is better at present taking past few decades into account. Women are everywhere women are in politics, Cinema, defence etc., but still in some areas they are struggling to maintain their existence and dignity and some more efforts can be taken to improve their situation in the society.

ADVERTISING AND ITS EFFECTS AND USES

Advertising today is worldwide phenomenon. Advertising is a means through which a product or service is made known to the public. The influence of what is being said in advertisements is not limited to just what is said but how it is said. It influences everybody in a household, society everywhere in some way or the other.

Advertising or mass media has the biggest function of mass communication. This medium transmits messages to a large part of society be it girls, boys, old age people etc. The modern media like internet, radio, TV etc has too many options available in terms of technology and using this technology they can present same words in many ways.

Portrayal of women in the commercial advertisements by no standards can be termed as decent or civilized. In most of the cases women and their images are used which has nothing to do with the product as well.

In the past few decades women projection in media and advertisements has changed drastically. The exploitation of the image of women has been noted and has been widely criticized as well. Women in advertisements have been seen performing a decorative functions and as being marginal to national growth and development. It is shown that a woman place is in home. A good woman is that who is a traditional housewife , submissive and modern woman is the one who is independent and can never bring happiness to anybody.

Advertising thrives on commodification of women and reinforces stereotypes. Advertising uses at times body parts of women in an inappropriate manner. Her hair, legs, face etc everything becomes commodity giving an impression that this will push the consumer to take favorable decision to buy a product. Thus, in exchange between the commodity and ‘woman’ in advertisements, a woman becomes a commodity too. Women and their body parts are used to sell everything-food, clothing, cars, men’s deodorant, cement etc.

Constitutional Rights Of Indian Women For their Protection

Women in the Indian Constitution have been provided with many civil, political, social, economic and educational rights. Though in the past status of women in India was never at par with men, but with new and better provisions in the constitution and other laws her status is much better, so much so that they are given equal property and other rights in family and government. There are many special protective provisions made in Indian legal system to protect the rights of women. Following are some of rights given to women for the maintenance of their dignity and security in Indian constitution:-

a) Right to Equality- Equality before law, prohibiting discrimination on any other ground and equal protection of laws
b) Right to Freedom- Freedom of speech, expression, residence, occupation and movement.
c) Right against Exploitation- Against forced labour (beggar) etc.
d) Right to Freedom of Religion- professing, practicing, propagating religion of choice freely. This also includes right not to be religious.
e) Right to Property- acquisition, ownership and transfer of property
f) Cultural and Educational Rights of Minorities- conserving one’s culture and seeking admission to educational institutions.
FUNDAMENTAL RIGHTS OF WOMEN

The Constitution of India in the first place, tries to ensure that both men and women are treated in same manner. Next, it takes note of in certain aspects that women have been treated in an inferior manner to men. To remove this biasness constitution has made certain provisions to favour women. Some of them are mentioned below:-

a) **Article 14**- Equality before law for women.
b) **Article 15**- The state not to discriminate against any citizen on grounds only of religion, race, caste sex, place of birth or any of them.
c) **Article 15 (3)** - The state to make any special provision in favour of women and children.
d) **Article 16**- Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state
e) **Article 39**- The state to direct its policy towards securing for men and women equally the right to an adequate means of livelihood and equal pay for equal work for both men and women.
f) **Article 42**- The State to make provision for securing just and humane conditions of work and for maternity relief
g) **Article 51**- To promote harmony and the spirit of common brotherhood amongst all the people of india and to renounce practices derogatory to the dignity of women.
h) **Article 243**- It ensures reservation of seats in gram panchayat for women.

These are some of the rights given in the Indian constitution to protect dignity and social status of women. In order to protect these rights some further legal rights have also been incorporated for women.

OTHER LAWS

Although laws are not always gender specific, the provisions of law affecting women significantly have been reviewed periodically and amendments carried out to keep pace with the emerging requirements. Some acts which have special provisions to safeguard women and their interests are:
1. The Employees State Insurance Act, 1948
2. The Plantation Labour Act, 1951
3. The Family Courts Act, 1954
4. The Special Marriage Act, 1954
5. The Hindu Marriage Act, 1955
6. The Hindu Succession Act, 1956 with amendment in 2005
7. Immoral Traffic (Prevention) Act, 1956
9. Dowry Prohibition Act, 1961
10. The Medical Termination of Pregnancy Act, 1971
11. The Contract Labour (Regulation and Abolition) Act, 1976
12. The Equal Remuneration Act, 1976
15. The Factories (Amendment) Act, 1986
16. Indecent Representation of Women (Prohibition) Act, 1986
18. The Protection of Women from Domestic Violence Act, 2005
Although laws are supposed to be equal for all yet in case of India discrimination on the grounds of sexes cannot be ruled out. This move has enabled the state to make above mentioned laws specifically favoring in some way women.

**LAWS FOR PROTECTION OF WOMEN IN PRINT ADVERTISEMENTS**

Advertising industry is growing very fast. For the commercial prosperity of the organization it is very important that organization is honest also and does not project certain section of society like women in a derogatory manner. Hence there was an immediate necessity to frame rules and regulation for smooth functioning. Various laws related to the advertisements in print medium operative in India are as follows:

1. **The Indian Penal Code, 1860**

   The Indian Penal Code 1860 contains Sec.292 which deals with the sale of obscene books, pamphlets, interalia representation which shall be deemed to be “lascivious” which can include advertisements.

2. **The Indecent Representation of Women (Prohibition) Act, 1986**

   This Act tries to stop depiction of women in an indecent or derogatory manner in the media. Further this act defines indecent representation as: “Indecent representation of women” means depiction in any manner of the figure of a woman, her form or body or any part thereof in such a way as to have the effect of being indecent or of being derogatory or denigrating women or is likely to deprave, corrupt or injure the public morality or morals……”. As can be inferred from definition it does not define clearly what is indecent and in absence of clarity nothing can be acted upon legally.

   Any agency which does this is punishable with imprisonment extending upto 2 years and a fine which may extend to two thousand rupees on first conviction and for subsequent mistakes minimum term of six months to five years.

3. **The Young Person’s (Harmful Publications) Act, 1956**

   In Young Person’s (Harmful Publications) Act, 1956, harmful publications means any book, newspaper or any other publication which contains stories or pictures which can corrupt minds of young person, liability will be on who sells it shall be imprisoned for six months.

**STATUTORY BODIES**

1. **Advertising Standard Council of India (ASCI)**

   It was established in 1985 to deal with complaints received from consumers and industry against such advertisements which are false, misleading, indecent, illegal, leading to unsafe practices or unfair to competition and are in contravention to the advertising codes.

   ASCUS ensures that Advertisements are not offensive to generally accepted standards of Public Decency. Advertisements should not contain anything that is vulgar, indecent or repulsive which is likely, in the light of generally prevailing standards of decency, to cause a widespread offence.

2. **National Commission for Women**

   It has the power to investigate and examine all matters relating to the safeguards provided for women under the constitution and the other laws.
It can also look into the matters non-implementation of laws enacted to provide protection to women and also to achieve the objective of equality and development.

3. Press Council of India-

The Press Council of India is statutory bodies for the purpose of maintain freedom of the Press and improving standards of newspapers and news agencies in India. It has also been established to ensure that nothing is published in newspapers which is unlawful, illegal or against the ‘good taste’ of journalistic standards. An editor shall be held responsible for the advertisements published in his newspaper which cross the line of decency and obscenity.

4. Human Rights Commission-

The National Human Rights Commission and State Human Rights Commission can look into violations of dignity of women, even in advertisements. It defines human rights as the rights dealing with the life, liberty, equality and dignity of an individual guaranteed in constitution or embodied in international Covenants but are enforceable in Indian courts.

CONCLUSION

Efforts are on globally to protect, provide and promote dignity of women and their rights and several measures have been taken in that regard. One thing that government can do is make dignity of women as a core aspect of governance in present times so that they can also grow as an individual in natural and independent manner. Just by making the laws will not end all the identity crisis that women of India face a conscious effort by all the males, females and society as a whole has to work to solve this prolonged issue of identity of Indian women. Despite the legislation and development women still need to be made aware of their rights, duties and responsibilities. Legal literacy of women is very important in India if they want to shape their future and get their legitimate in society. Modern communication tools like advertising etc can be used with great force and authority for promoting a critical consciousness on the question of status of women in society. New age directors, producers of various films and advertisements can be trained and sensitized to use this powerful communication medium and bring to notice of the world that real contribution of women is not for her external only but they also contribute to society by taking many strong decisions as well.

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