



# Jus Corpus Law Journal

Open Access Law Journal – Copyright © 2022 – ISSN 2582-7820  
Editor-in-Chief – Prof. (Dr.) Rhishikesh Dave; Publisher – Ayush Pandey

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium, provided the original work is properly cited.

---

## Portrayal of women on Advertisements: A Socio-Legal Study

Pallavi Sharma<sup>a</sup> Dr. M. Imran<sup>b</sup>

<sup>a</sup>Shobhit Institute of Engineering & Technology, Meerut, India <sup>b</sup>Associate Director, School of Law and Constitutional Studies, Shobhit Institute of Engineering & Technology, Meerut, India

*Received* 05 May 2022; *Accepted* 30 June 2022; *Published* 25 July 2022

---

*Advertisement is a powerful technique used to inform the target audience about a company's product or service and encourage them to buy it. Advertising's primary goal is to sell items and services, but it also sends forth vital cultural messages that have an impact on society. As a result, commercials have a variety of social, cultural, and economic consequences for the people who watch them. Such messaging is critical in a number of areas, the most important of which is gender, as women have been one of the most rapidly changing elements of Indian society. While most advertising repeats the dominant conventions and ideas, a few attempt to challenge them and provide a contrasting narrative. In this scenario, society's attitudes and conduct play a significant effect, both negatively and positively. The purpose of this research is that society should know and understand that there is a need for empowerment of women and it has become even easier because of the media. In this study, we try to figure out the impact advertising negative and positive approaches and have on women's empowerment in India.*

**Keywords:** *gender roles, women empowerment, advertisements, legislation.*

---

## INTRODUCTION

Today's fast-growing and eternal forms of communication can only be accomplished via the use of media. It must highlight social ills and aid in the abolition of prejudice, inequality, race, colour, and gender-based violence, as well as other forms of violence. According to

"SheKnows<sup>1</sup>"-Media empowerment, a concept embraced by feminists and non-feminists alike, has long been a crucial component of feminist ideology aiming at achieving gender equality and to reveal New Research defined "Femvertising": as "advertising that employs pro-female talent, messages, and imagery to empower women and girls".<sup>2</sup>Advertising is a powerful technique for raising awareness among the population in a growing country like India. It has a responsibility to play a key role in women's empowerment, notably in terms of their rights, advantages, and other benefits. Throughout history, advertising has developed in reaction to changes in the economy, technology, fashion, and social standards. As indicated by initiatives like "Dove's -Real Beauty," which also has earned worldwide recognition for blending emancipation messaging into marketing initiatives, female empowerment has become a more prominent subject in advertising, challenging conventional gender roles and supporting body acceptance. This is, the Age of Information since this is the period of Information Explosion. This developing tendency has resulted in the involvement of adolescents, men, women, and children in defining their life patterns as well as providing a better outlook of socialisation patterns. Whereas these advertising has also been widely debated and appreciated for providing positive messages to women, little research has been done to see if they are helpful and what effect they have on women consumers.

## GENDER ROLES AND ADVERTISEMENTS

This year, as declared by the United Nations, The theme of this year's "International Women's Day" was "Gender equality for a sustainable tomorrow," but the e-commerce site "Flipkart" decided to spend the day in India pushing messages on "kitchen equipment."For the uninitiated, the statement was as shown in: "Dear Client, Let'shonour you on International Women's Day. Kitchen appliances start at Rs. 299 and go up from there. Now is the time to shop on Flipkart." Following the advertisements, there was a barrage of criticism on social media, prompting

---

<sup>1</sup> 'She Knows Media to Reveal New Research on #Femvertising and Announce Winners of the 2016 #Femvertising Awards at Advertising Week 2016' (*Business Wire*, 21 September 2016)

<<http://www.businesswire.com/news/home/20160921005572/en/SheKnows-Media-Reveal-Research-Femvertising-Announce-Winners>> accessed 26 April 2022

<sup>2</sup> *Ibid*

Flipkart to issue an apology: -"We messed up and we are sorry. We did not intend to hurt anyone's sentiments and apologize for the Women's Day message shared earlier."<sup>3</sup>

*In terms of advertisements, women play a critical role:*

- As a victim, I believe that the majority of women models are exploited.
- As, endorsers of advertising in the media, which is a respectable approach to building
- Brand awareness is normally done by a well-known woman.
- As a viewer of advertisements in media.

Women are increasingly being used to boost a concept or a product. Women are utilised as Persuasion tools in television advertising. In many societies, women make the bulk of purchasing decisions, making them an essential target for advertising. Indian Advertisements have tragically always fostered and assisted the propagation of traditional gender roles, whether it be on broadcast, radios, or roadside billboards. To give just a few examples, baby item commercials every time show the woman caring for a child, implying that the mother bears the primary responsibility for the child's care; automotive advertisements or financial services promotions hardly ever highlight women, suggesting that males are more smart and intellectual and superior than female; and most household appliance advertisements represent women as the main customers.<sup>4</sup> Large changes in gender stereotypes over time, on the other hand, provide some indication that these results are determined by social influences rather than biological reasons because biology has not altered during this time<sup>5</sup>. "According to encouraging studies, women are gaining ground on their male equivalents and breaking free from unfavourable stereotypes. They claim that

---

<sup>3</sup> Nikhil Subramaniam, 'Flipkart Apologises For Women's Day SMS Blunder After Ridicule Over Promoting Kitchen Products' (*Inc42*, 9 March 2022) <<https://inc42.com/buzz/flipkart-apologises-for-womens-day-sms-blunder-after-ridicule-over-promoting-kitchen-products/>> accessed 29 April 2022

<sup>4</sup> Vadehra -Shrad (Kan&Krishme), 'Global Advertising Lawyers Alliance (GALA)' (*Mondaq*, 18 March 2022) <<https://www.mondaq.com/india/advertising-marketing-branding/1173712/gender-bias-in-indian-advertisements>> accessed 27 April 2022

<sup>5</sup> Stephen J Ceci, Wendy M Williams, & Susan M Barnett, 'Women's Underrepresentation in Science: Sociocultural and Biological Considerations' (2009) 135 (2) *Psychological Bulletin*, 218-261 <<https://pubmed.ncbi.nlm.nih.gov/19254079/>> accessed 27 April 2022

commercial role depictions are becoming more reflective of modern women and are progressively catching up to men.”<sup>6</sup>

Consumer education and public service advertisements that educate women are examples of advertisements that have a positive impact on women. Advertisements raise awareness of many topics that women should be aware of. Contraceptive advertising, for example, educate women about the importance of having safe sex<sup>7</sup>, and on the other side of the coin women can also be seen in the condom. In condom advertising, ladies can be represented as appealing to men. Advertisers also have the same goal in alerting people about the significance of using safeguards: to be attractive while still conveying a necessary message.

In reality, a recent UNICEF study from 2021 discovered that, whereas women were well represented in the highest seen Indian advertising in 2019, with similar screen appearance as well as stronger debate time than men, those who were still badly stigmatised by depicting the role of women as basically family caregivers, which were most visible in private rather than public spaces. Female empowerment-themed advertisements have been praised for defying traditional gender roles in the media and increasing awareness about the difficulties that women face<sup>8</sup>.

## ADVERTISEMENTS AND WOMEN EMPOWERMENT

Advertisements that have a positive impact on women include consumer education and public service. Advertisements raise awareness of many topics that women should be aware of. Contraceptive advertising, for example, educate women about the importance of having safe sex. Advertisements can provide opportunities for women to work as models or in fashion

---

<sup>6</sup> Adrian Furnham & Louise Thomson, ‘Gender Role Stereotyping in Advertisements on Two British Radio Stations’ (1999) 40 *Sex Roles*, 153-165 <<https://link.springer.com/article/10.1023/A:1018890719743>> accessed 27 April 2022

<sup>7</sup> Meghan L. Davison, ‘Contraception advertising in contemporary India: Gender, Consumer, and power’ (*Semantic Scholar*, 29 August 2007) <<https://www.semanticscholar.org/paper/CONTRACEPTION-ADVERTISING-IN-CONTEMPORARY-INDIA%3A-Davison/4c1425275b5eb14fe63d3426b0c5011605ae0d1d>> accessed 27 April 2022

<sup>8</sup> Kelly Wallace, ‘Girl empowerment ads like Goldie Blocs: Do they work?’ (*CNN*, 12 November 2014) <<http://www.cnn.com/2014/11/07/living/girl-empowerment-ads-goldieblox-do-they-work-parents/>> accessed 28 April 2022

design. Advertisements keep ladies up to date on the latest fashion trends, making them more fashionable and elegant. However, the majority of adverts make women victims of low-cost advertising strategies. The worst thing that has been done is the representation of women in indecent ways for commercial purposes<sup>9</sup>.

There are few Ads are chosen based on their popularity and viewership.

- *The wonderful advertisement for the “havells”- “Ab HawaBadlegi”*

In order to achieve gender equality, Havells electronics' advertisement campaign underscores the significance of initiating cultural change. It has defied societal convention by refusing to change the wife's surname to that of her husband after marriage. The advertisement shows a man and his wife at the marriage registrar's office, with the guy happily declaring that after the wedding, he will accept his wife's title, thus resisting exploitative customs in which a woman sacrifices not just her surname but also her identity. The commercial left a lasting impression on viewers, encouraging them to wonder why women must change their surnames so frequently after marrying.

- *Advertisement of Tanishq's Jewellery in Campaign: “A Re-marriage”*

Advertisements for Tanishq's Jewellery promotes divorcee remarriage, In just one and a half minutes, the advertisement attempts to break down numerous traditional barriers in India, including the divorce and remarriage of a widow/ divorcee think that despite having kids, the depiction of a brown-skinned lady, and paternal care. Delving into an issue like this is extremely challenging for a business. It has also shattered the notion of the white and exquisite creams that white equals attractive by displaying a brown woman. Without a doubt, it is a bold and inspirational message from a company.

---

<sup>9</sup> Rani Premkumar, 'Law, Women And Advertisements' (*Legal Service India*) <[www.legalserviceindia.com/article/I210-Law,-Women-And-Advertisements.html](http://www.legalserviceindia.com/article/I210-Law,-Women-And-Advertisements.html)> accessed 27 April 2022

- *Ariel- share the household chores*

Despite the fact that men's and women's roles in Indian culture have varied greatly through time, the public's perception of women's posture remains stereotyped. Indian women, regardless of financial or academic status, have a unique viewpoint on their families' health and cleanliness. They are solely responsible for the family's spotless white attire. Ariel, an Indian detergent company, has released a new commercial that addresses long-standing gender stereotypes and emphasises the significance of equal homework sharing.<sup>10</sup>

- *Sonata Safety Watch advertisement - A campaign for new age Indian women*

Sonata, a well-known watchmaker, has released a new commercial for a safety watch designed just for ladies, allowing Indian females to go outside late at night to pursue their aspirations. Another project focused on women's empowerment. The placement of a unique button at 8 o'clock that, when double-clicked, sends crisis notifications to ten people. The commercial shows a few of Haryana's young girls waiting for the bus at a bus stop late at night, bravely holding their watches. They are athletes competing in their national selection event in order to achieve their aims. According to the Chief Marketing Officer of "Sonata ACT APP,<sup>11</sup>" he said "The Indian woman has evolved to take on more challenges and responsibilities. With Sonata ACT, we are offering this talented enabler that allows them to courageously follow their dreams. The latest campaign for ACT is a celebration of the new-age Indian women".

### **HAPPENING CAMPAIGN 'PLEASURE SCOOTY ADVERTISEMENT':- WHY SHOULD BOYS HAVE ALL THE FUN!**

Women are also featured in scooter and automotive commercials, occasionally to add elegance as well as other times to symbolise girl power. The tagline of Pleasure, an Indian scooty company, reads, 'Here girls are used to showing that they are no less than boys.' Since the

---

<sup>10</sup> *Ibid*

<sup>11</sup> *Ibid*

dawn of the enlightenment, women have evolved into more than merely fashion accessories in advertisements.<sup>12</sup>

- *Presentation of women in Advertisement: Legislative Provisions*

The media serves as a watchdog and a medium for bringing the public's voice to the attention of authorities and legislators. As can be seen from the examples above, the media spins a more unfavourable than good role<sup>13</sup> if the media engages in behaviours that are insulting to women's dignity in any way, including modesty, such acts should be guaranteed by the Constitution of India, and banned also.

- *Constitution of India: Women are born with the right to dignity<sup>14</sup>*

Although the country today lacks a similar catholic sense of ethics and morality as it did in the 1950s and 1960s, the intense dislike for indecency, ugliness, and pornographic has not improved.<sup>15</sup> Article 51A<sup>16</sup> of the Constitution also addresses specific responsibilities. This article imposes a duty on citizens to abstain from actions that are detrimental to women's dignity. All efforts have been made in the Indian polity to liberate women and guarantee their dignity and personality. When we talk about personal liberty then Article 21 guarantees to live freely as well as protection of life, for that, according to “Hon'ble High Court of Andhra Pradesh” said that In the matter of Chandra Rajakumari and others v Hyderabad Commissioner of Police, It is also pertinent and effective to state categorically that every act that seems to insult a female's dignity by dealing to her indecent exposure in situations adding up to immoral portrayal in every type of violates Article 21 of the Indian Constitution, because the “right to live includes the right to live with dignity and decency, as well as the right to live happily”

---

<sup>12</sup> Vejay Anand, 'Iconic Ads - Hero Honda Pleasure - Why Should Boys Have All the Fun?' (*Point of View*, 28 July 2021) <<https://onlykutts.com/index.php/2021/07/28/pleasure-why-should-boys-have-all-the-fun/>> accessed 23 April 2022

<sup>13</sup> *Rajendra Sail v M.P. High Court* (2005) Appeal (Criminal) No. 398-399/2001

<sup>14</sup> Constitution of India, 1950, art.19(2)

<sup>15</sup> *L. Chandra Kumar v Union Of India And Others* (1998) Appeal (Civil) No. 481/1980

<sup>16</sup> Constitution of India, 1950, art.51A

## THE INDIAN PENAL CODE 1860: OBSCENITY

The Indian Penal Code of 1960<sup>17</sup>, Sections 292 and 293, prohibit the sale of indecent textbooks, booklets, and other publications that are considered filthy or appeal to lurid desire, such as sexual advertisements. Obscene indicates the quality of being indecent, which dictionaries define as being offensive to ethics or humanity; vulgar, unclean, and disgusting. The prohibition of obscenity is unquestionably for the best benefit of the community.

But Supreme Court decided in *Chandrakant Kalyandas Kakodar v State of Maharashtra and Ors.*<sup>18</sup>, that definition of obscenity is different from state to state, depending on the moral norms in place at the time. And on the other hand, the test of obscenity<sup>19</sup> was established in *Ranjit D. Udeshi v State Of Maharashtra*<sup>20</sup>. However the entire work must be assessed, and the indecent content must be analysed independently to see if it is so vulgar and decided in its immorality that it is liable to displease and corrupt those who have thoughts that are subject to such consequences. In this context, it is important not to disregard contemporary society's interests, particularly the impact of the contested book on it. Whenever indecency and artwork are united, the artwork must prevail over the vulgarity, or the indecency will be so little and insignificant that will be ignored. The ratio between "freedom of speech and expression<sup>21</sup>" and "public decency or morality" must be protected; nonetheless, if either is gravely damaged, the earlier must yield better.

## THE INFORMATION TECHNOLOGY ACT, 2000: SECTION 67

The wording of Section 67 of I T act is broad sufficient to include all cyber pornographers, whether they are web servers, cloud services firms, and or persons who administer the websites themselves. In the case of a first conviction, the Act provides for imprisonment of either description for a term of up to 5 years and a fine of up to Rs. 1 lakh, and in the case of a

---

<sup>17</sup> Indian Penal Code, 1860, ss 292 and 293

<sup>18</sup> *Chandrakant Kalyandas Kakodar v State of Maharashtra and Ors.*, (1970), AIR 1390

<sup>19</sup> *Hicklin's case* (1868) LR 3 QB 360

<sup>20</sup> *Ranjit D. Udeshi v State of Maharashtra* (1964), AIR 881

<sup>21</sup> Constitution of India, 1950, art.19



second or subsequent conviction, the Act provides for imprisonment of either description for a term of up to 10 years and a fine of up to Rs. 2 lakh<sup>22</sup>.

### **GOVERNMENT TAKEN STEP: THE INDECENT REPRESENTATION OF WOMEN (PROHIBITION) ACT**

Government policies can have an impact on the effective application of safeguards for women's representation and dignity. Take, for example, this news item Sumitra Mahajan, Sushma Swaraj's colleague, is now determined to clean up the media. The administration intends to expand the ban on indecent depictions of women in print to electronic and online media. It would also strengthen the Indecent Representation of Women (Prohibition) Act, which was passed more than a decade ago. According to the Department of Women and Child Development's notice, the major goal is to broaden the Act's scope and applicability such as the fact that includes depictions of women as erotic things or in servility to men is degraded in any textual, spoken, or visual manner.<sup>23</sup>It has extensive powers and is responsible for protecting the dignity of women who are portrayed in a negative light in the media, particularly in commercials.

#### *The National Human Rights Commission, India, and the State Human Rights Commission*

Human rights are described as an individual's rights to life, freedom, respect, and integrity, as stated in the Constitution or represented in international treaties and enforced by Indian courts. The "National Human Rights Commission" has received complaints about commercials that violate women's modesty.<sup>24</sup>

### **CONCLUSION**

When it comes to how women are portrayed and whether or not they are likely to buy the goods being sold, the study demonstrates that there are significant discrepancies between males and females. The discrepancies can be ascribed to the different mindsets of both men

---

<sup>22</sup> Information Technology Act, 2000, s 67

<sup>23</sup> Rani Premkumar (n 9)

<sup>24</sup> Protection of Human Rights Act, 1993, s 2(d)

and women. Despite the fact that women are increasingly given more prominent roles and places in commercials, stereotyped representation is still prevalent. The above data suggested, that the way women are portrayed in commercials has to change. Women are under pressure to conform to numerous body standards, such as slender bodies, fair skin, and so on, which leads to eating disorders and discontent. Advertisements also have an impact on women's self-esteem and confidence. The majority of respondents said they'd rather watch commercials with realistic body representations of women than ones with unrealistic body images, semi-pornography, or depicting women as mere sexual objects. Young ladies are more negatively affected by this advertising. As teenagers and children get older, they are exposed to such advertisements and are continually urged to conform to the conventional concept of appearance. Many teenage girls have tried fasting before the age of fifteen because they are self-conscious about their chubby bodies & brown skin colours. Children find and recognise brands even before they can read, and it is vital that marketing for these corporations does not affect their confidence and self-esteem at a very young age. Even worse, many of today's major brands use underage models in their commercials. We might also conclude from the aforementioned data that men and women understand advertisements about women differently. As a result, the team developing advertising will be biased toward the public's cognitive approach as much as the system does not have a balance of all genders. If such teams are primarily composed of men, their attitudes regarding females in advertisements may have an adverse influence on the number of women that view those commercials.

*“Women can be found in almost every sort of commercial ad today, either they are feminine, powerful, or sensitive: They can be found in a variety of roles and also have the potential to reinforce themselves properly. Ultimately, it's worth noting that without women, the entertainment world would be meaningless and incomplete!”*