

## Portrayal of Women in Indian Advertising: A Case for Policy Intervention

### Current Policy on Portrayal of Women in Advertising

Inappropriate and stereotypical portrayal of women is a worldwide phenomenon both in the developed and the developing countries. Despite the existence of laws and policies, the menace continues unabated. Many empirical studies in India suggest a retrograde ad narrative on women. A cause for immense public concern and outrage, the issue has seen policy interventions in India from time to time. In the past, the passing of the *Indecent Representation of Women (Prohibition) Act* in 1986 and the subsequent attempts at bringing about amendments in 2012 and 2018 are pointers in this direction. As per the Act, 'No person shall publish, or cause to be published, or arrange or take part in the publication or exhibition of, any advertisement which contains indecent representation of women in any form.' The operational meaning of the expression "indecent" has been left to interpretation.

The Doordarshan Code for Advertisers and the codes of the industry self-regulatory bodies, the Advertising Standards Council of India (ASCI) and Broadcasting Complaints Council of India (BCCI) follow in their codes, Rule 7 of the Advertising code from the *Cable and Television Network Rules 1994* which posits that "In particular, no advertisement shall be permitted which projects a derogatory image of women. Women must not be portrayed in a manner that emphasises passive, submissive qualities and encourages them to play a subordinate, secondary role in the family and society. The cable operator shall ensure that the portrayal of the female form, in the programmes carried in his cable service, is tasteful and aesthetic, and is within the well-established norms of good taste and decency". Most advertisements across brands, however defy these norms.

### From the Director's Desk

The Institute for Studies in Industrial Development (ISID) is a national-level policy research organization in the public domain and is affiliated to the Indian Council of Social Science Research (ICSSR). The ISID was set up to meet the felt need for a specialised academic body that undertakes, coordinates and promotes research on India's industrial and corporate sectors. Public policies relating to the sectors being critical to the future development of the Indian economy, the Institute strives to maintain its independence from influences of sectoral interests. ISID places premium on empirical research and is open to supporting inquiries which challenge conventional wisdom. Over the years it has made its mark in studies relating to investment, trade, employment, regulations and corporate governance.

This Policy Brief series has been initiated to disseminate, in capsule form, the research and analysis undertaken at the institute. While the contents are addressed primarily to specialists, the format is kept simple in order to meet the information needs of wider section of interested readers. Occasionally, the series will carry invited comments and analysis from external experts. Suggestions for improving the series can be addressed to [info@isid.org.in](mailto:info@isid.org.in).

### Inappropriate Representation of Women: A Global Concern

Gender-sensitive regulation in the sphere of advertising is a matter of global concern. Different countries have taken different approaches to address the issue of insensitive representation of women in media, including advertising; some have opted for legislation, while others have put their faith in the autonomous regulation of the industry by itself. There are also those who think that an active cooperation between the states and the industry is imperative for achieving gender sensitive advertising. In terms of region, European countries

have been largely very active in putting in place such norms on the industry, besides encouraging self-regulation. Among the European countries, Sweden looks at self-regulation as the only viable way of keeping the industry in check. The argument, especially from the Nordic Countries has been that while gender-sensitive portrayal is important for protecting women’s dignity, it is not a provision which is constitutionally enshrined. In some Southeast Asian countries like Malaysia and Singapore, the media, including the advertising sector, is subservient to government regulations. Proponent of free speech, the US does not keep any check on the issue. In Asia, India is probably the only country that has a law on indecent representation of women, in place. The government is also active in sending advisories to the industry and industry bodies from time to time, for which it often faces criticism from the advocates of free speech. It is pertinent to put in place here that before there was any such law in existence, the issue of ‘freedom of speech and expression’ was settled by the Supreme Court in 1960, in the case of *Hamdard Dawakhana vs. The Union of India*, wherein the Apex court ruled that a distinction needed to be made between commercial advertising and advertising aimed at expression and propagation of ideas. It was only the later form

of advertising, the court ruled, which could legitimately claim full protection of Article 19(1)(a). This posits that although an advertisement is a form of speech, its true character is reflected in the object for the promotion of which it is employed. Therefore, the right to publish and distribute commercial advertisements tantamount to promoting an individual’s personal business, which is not a part of the freedom of speech guaranteed by the Constitution.

### Why Revisit this Policy Arena?

Before the bill for bringing about amendments in the *Indecent Representation of Women (Prohibition) Act, 1986* that lapsed twice in the parliament during its 15<sup>th</sup> and 16<sup>th</sup> tenure is placed in the parliament, the concerned ministries may consider newer areas based on a recently concluded ICSSR funded research. The issue of insensitive gender portrayal in advertising needs to be looked at from various perspectives, including the process of content creation, the role of advertisers/the business houses, the codes of professional conduct, and, most importantly, the syllabi of the mass communication course curricula at universities and institutions of higher learning in both public and private domains. The ICSSR funded research “Portrayal of Women: An Empirical Study of Advertising Content – Issues and Concerns for Policy Intervention,” undertaken in 2018-19, makes a strong case for policy intervention in some such areas.

The study looked at hundreds of brand categories (*Table 1*) through scientific content analyses method to deconstruct the ad narrative on various indicators that included stereotyping, patriarchy, subordination, body display/objectification, among others.

What comes out clearly across all brand categories is the blatant stereotyping of women who are often depicted as passive, dependent, subordinate, and low in intellect and social hierarchy. The ad narrative, in general, is patriarchal. Out of a sample of 1,160 plus ads, about 90 per cent of the advertisements across brand categories as reflected in the *Chart 1* showed women in subordinate roles. Similarly, patriarchy loomed large across the brand spectrum.

Most Lifestyle brands, including condoms, deodorants, alcohol, tobacco, and beauty products (soaps and creams), in the FMCG category received a very high negative weightage not only on the indicator of sexual objectification, but also subordination and patriarchy as reflected in *Table 2*. Despite the growing public outrage against such ads in the past and intervention by the government from time to time, campaigns continue to inappropriately portray women in the commercial space.

The advertising agencies in India have no specific gender policies to follow while creating campaigns for brands as came out explicitly

Table 1: Sample Population of Advertisements

| SN. | Categories   | No. of Sub-Categories | No. of Brands | No. of Ads |            |            | Total        |
|-----|--------------|-----------------------|---------------|------------|------------|------------|--------------|
|     |              |                       |               | TVCs       | Print      | Internet   |              |
| 1.  | FMCGs        | 10                    | 55            | 211        | 107        | 54         | 372          |
| 2.  | Lifestyle    | 10                    | 59            | 147        | 182        | 127        | 457          |
| 3.  | Automobile   | 3                     | 14            | 67         | 32         | 38         | 137          |
| 4.  | BFSI         | 3                     | 18            | 46         | 33         | 38         | 117          |
| 5.  | Travel       | 5                     | 18            | 37         | 18         | 30         | 85           |
|     | <b>Total</b> | <b>31</b>             | <b>164</b>    | <b>508</b> | <b>372</b> | <b>287</b> | <b>1,167</b> |

FMCG (Fast Moving Consumer Goods); BFSI (Banks, Financial services and Insurance)

Chart 1: Comparative Weightage across Categories on Dominant Indicators

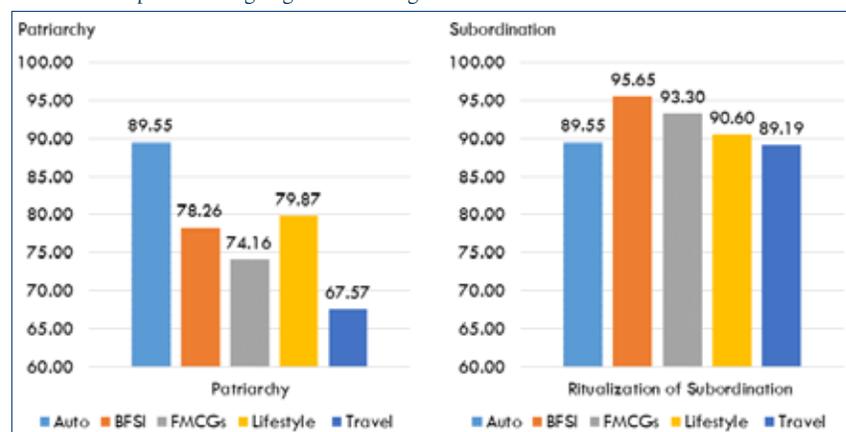


Table 2: Negative Weightage in Percentage of Lifestyle & FMCG Brands

| Categories | Sub-Categories  | Ritualization of Subordination | Objectification | Patriarchy |
|------------|-----------------|--------------------------------|-----------------|------------|
| Lifestyle  | Contraceptive   | 100.00                         | 72.73           | 90.10      |
|            | Alcohol         | 80.00                          | 93.33           | 93.33      |
|            | Deodorant       | 85.71                          | 71.43           | 92.86      |
|            | Tabacco         | 90.91                          | 18.18           | 90.91      |
| FMCGs      | Beauty Products | 97.14                          | 97.14           | 77.14      |

in the field survey of the sector. The client who pays for advertising is often the one who decides on the imagery, the choice of celebrity and the ad narrative; therefore, any policy or law need to bring the advertiser also under its ambit. In advertising the creative teams that come up with advertising ideas are largely insensitive to the gender discourse.

In India, there are over 300 universities and institutions of higher learning that impart education at graduate and post graduate levels in mass communication, but barring a few syllabi, the rest have no course in gender studies in their curriculum. The University Grants Commission (UGC) that had set up a committee in the year 2000 to prepare a model course curriculum for undergraduate and postgraduate courses in Journalism and Mass Communication also has no content on gender. The UGC document on 'Mass Communication & Journalism, Learning Outcomes-based Curriculum Framework (LOCF),' released in August 2019, also does not contain any specific paper or module on gender. The paper on advertising does not include any module or mention of Laws and codes of self-regulation. Therefore, there is a need of including gender studies in the course curricula of mass communication, which would help in sensitizing the future content creators in advertising.

Unlike the professions of medicine, law or chartered accountancy and many others that need certification for entering the profession, one does not need even a degree in mass communication or certification to join the professions of journalism, advertising, and related fields. To begin with, a dialogue between the Ministry of Information & Broadcasting (I&B) and professional associations is vital to consider the possibility of certification in this field.

The key amendments proposed in the reformulated Bill, *The Indecent Representation of Women (Prohibition) Act, 1986*, include:

- o Amendment in definition of term advertisement to include digital form or electronic form or hoardings, or through SMS, MMS, etc.
- o Amendment in definition of distribution to include publication, license or uploading using computer resource, or communication device.
- o Insertion of a new definition to define the term publish.
- o Amendment in section 4 to include that No person shall publish, distribute, or cause to be published or cause to be distributed by any means any material which contains indecent representation of women in any form.
- o Penalty similar to that provided under the *Information Technology Act, 2000*.
- o Creation of a Centralised Authority under the aegis of the National Commission of Women (NCW). This Authority will be headed by Member Secretary, NCW, having representatives from ASCI, Press Council of India, Ministry of I&B, and one member having experience of working on women issues.
- o This Centralised Authority will be authorised to receive complaints or grievances regarding any programme or advertisement broadcast or published and investigate/examine all matters relating to the indecent representation of women.

It is recommended to address the following in the proposed amendments to the Act:

### Add “Stereotyping” in the Proposed Amendment

- a) The amendment to the Act has expanded the definition of the term “Indecent” to now include ‘depiction of women as a sexual object, which appeals to the prurient interest’ (taken from the IT Act). Most empirical studies in India, including the one by the ICSSR, suggest that while objectifying women as sex objects is an issue of great concern, but it is often restricted to a certain category of brands, the more commonplace phenomenon in the Indian advertising is the biased, regressive, and stereotypical portrayal of woman. Indian advertisements, in general, cater to the patriarchal pattern of narrative, where a woman is portrayed as subordinate to man, low in intelligence, incapable of making decisions, and is positioned low in social hierarchy. The ads, in general, do not reflect the social shift and the changing role of women in the Indian society. Therefore, it is recommended that the amendment may include this aspect also from the *Cable and Television Network Rules 1994*, which in any case is reflected in the various codes of professional ethics of the self-regulatory bodies and Doordarshan’s code for Advertisers. The concerned ministry may consider adding, “Stereotyping” in the proposed amendment.

### Fix Responsibility

- b) When it comes to responsibility, who would be held responsible for the advertisement that is deemed objectionable? Would it be the advertising agency that conceptualised the ad, the client who played an important role in deciding the narrative and giving the final go ahead, or the media vehicle that carried the ad? Would it be one or all of them?

Within the agency, an ad campaign is the outcome of teamwork among the account planner, account servicing person, creative writer, visualizer, art director, filmmaker, and the agency head. How would the interpretation of law work for a variety of people engaged in the act of creating an ad campaign, is an issue that needs addressing.

- c) In case of non-compliance, would the self-regulatory industry bodies like the ASCI be empowered to exhort the concerned agency/client to withdraw or reorient the concerned ad? Would it enjoy disciplinary/penal powers?

### Areas for Policy Consideration

#### Government

- o *Setting Up of a Gender Committee*: It is recommended to set up a body under the aegis of the Ministry of I&B that can work closely with the Ministry of Women and Child Development and the National Commission of Women in guiding the government and the industry on the issue of portrayal of women in media, including advertising. This body with well-known academics, researchers, social scientists, and policymakers can aid and advise the government on policy issues.
- o *Advisory to ASCI*: Ministry of I&B may consider advising the ASCI to include a provision on stereotyping and also prepare gender sensitivity indicators after stakeholder consultations.
- o *Preview of Advertisements*: The Ministry of I&B may advise the industry self-regulatory bodies like the ASCI to create a mechanism for ad agencies for preview of ads on gender

sensitivity indicators before releasing them in the media.

- o *Advisory to BCCI:* The BCCI's code indicates that all complaints relating to advertisements would be dealt with by ASCI. The public may not be privy to the written code. Broadcasting Content Complaints Council (BCCC) continues to receive many complaints relating to advertisements, which it forwards to ASCI. The Government may consider advising the BCCI to educate the public on this aspect. The BCCI runs a ticker/crawler on entertainment programs. This could include advisory on the complaint mechanism for advertisements.
- o *Making Mass Communication Syllabus Gendered:* The Ministry of Human Resource & Development may actively consider making Gender Studies a compulsory course in Journalism and Mass Communication course curricula. To begin with, the UGC may consider including a compulsory course/paper in Gender Studies in the over 300 universities and institutions that teach mass communication at undergraduate and postgraduate levels. An inter-disciplinary approach in teaching Gender is recommended. Most universities have schools/departments in Women studies and Sociology that generally have courses in Media and Gender. The faculty therefore, can be drawn from these departments, without incurring any extra expenditure. This is doable and needs to be addressed on priority. Similarly, at the school level, it is hoped that the upcoming Education policy would address this important issue.
- o *Establishment of Gender Sensitivity Indicators:* The Ministry of I&B may initiate a dialogue with various stakeholders from the ad industry and Corporate Inc. Associations on the need for developing gender sensitivity indicators for ad campaigns.

### **Advertising Industry**

- o It is recommended that the Industry associations would interface with at least top 100 advertisers from the corporate world on the need for gender sensitive ad content.
- o It is suggested that professional bodies like the ASCI and the Advertising Agencies Association of

India (AAAI) in collaboration with the academia would, as a matter of practice, consider organising periodical orientation workshops on gender and related issues for the ad practitioners, especially for the creative teams.

- o Professional associations may consider certification of the profession of Journalism and Mass Communication, including advertising in consultation with the Ministry of I&B. This would ensure that all those working in the media industry have professional training in the field before they join the industry. This would go a long way in ensuring professionalism in content creation and addressing the issue of required sensitivity towards various issues, including gender.
- o The ASCI in its current mobile application, ASCI Online, on complaints against advertisements, may suitably incorporate gender sensitivity ratings also, to map public opinion on advertisements.
- o The advertising industry may consider floating an award at the national/international level for gender sensitive ad campaigns to bring the issue in focus, and reward and encourage work in this direction.

It is imperative that the *Indecent Representation of Women (Prohibition) Act, 1986* is amended to strengthen the existing provisions and bring more clarity to the various stakeholders. The introduction of Gender Studies at the university level, especially in mass communication courses, if initiated, would expose young scholars to gender debates, various sociological perspectives, and the laws and codes of professional conduct, thus preparing them better for the professional world. The areas suggested for policy intervention, it is believed, would not be an impediment in the professional dispensation of their work, but would empower them greatly. Getting public opinion on ads would place pressure on the industry to address gender issues in the ad narrative. Certification of media professionals per se would ensure that only those who have the requisite education and training would join the industry. An engagement with the advertising industry, especially the professional bodies, in reaching a consensus on gender sensitivity indicators would remove the areas of discord.

This Policy Brief has been prepared by Professor Jaishri Jethwani, Visiting Professor, ISID. The views expressed are of the author and not necessarily of ISID. Author acknowledges the comments and suggestions received from the referees.

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