



The Culture of the Gaze: Visual Communication, Female Objectification and the Right to Dignity in Indian Visual Media

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ABSTRACT

Purpose: This study examines the 'culture of the gaze' - understood as the systematic objectification of women across Bollywood, television, OTT platforms, advertising, and digital and social media - as a structural mechanism that denies women the equality and dignity guaranteed under Articles 14, 15, and 21 of the Constitution of India. The study addresses a specific research problem: Indian media law continues to regulate women's representation largely through morality and obscenity categories, while communication scholarship has not been systematically translated into constitutional standards for dignity-based media governance. Its objective is to demonstrate that communication theory and constitutional jurisprudence, must be integrated, if Indian law is to address the structural production of gendered meaning rather than merely its symptoms. To that end, the study develops the dignity-communication framework as a diagnostic, normative, and prescriptive response: diagnostically, shows how the absence of a semiotic lens has caused existing media policy to miss the representational mechanisms through which inequality is produced; normatively, it establishes that constitutional principle requires the regulation of codes of representation and not only of conduct; and prescriptively, proposes a reformed legislative and institutional framework built on that integration.

Design/Methodology/Approach: The study uses a conceptual and doctrinal research design combining conceptual synthesis, doctrinal legal analysis and critical discourse analysis. It integrates visual communication theory, feminist jurisprudence, cultivation theory, semiotic analysis and objectification theory with constitutional legal analysis. The sources comprise constitutional provisions, judicial decisions, statutory instruments, policy reports, peer-reviewed scholarship and selected media examples chosen for their reach, representational significance and relevance to regulatory gaps.

Findings: The culture of the gaze constitutes both a communicative harm of measurable empirical significance and a constitutional violation of Article 21. Five structural deficiencies in the existing legal framework are identified, including the failed 2012 and 2018 attempts to amend the IRWPA 1986. The study proposes a dignity-communication framework and a revised IRWPA definition incorporating objectification.

Research Limitations/Implications: As a conceptual and doctrinal study, the analysis does not test the proposed framework empirically, and the media examples discussed are necessarily selective rather than exhaustive; primary reception research and cross-linguistic content analysis are left to future work. Notwithstanding these limitations, the findings carry direct implications for legislators, regulators, the judiciary, and the media industry: the proposed dignity-harm standard, statutory Media and Representation Regulatory Authority, and national media literacy curriculum offer constitutionally grounded and practically implementable reform pathways.

Originality/Value: The study's originality lies in its systematic integration of communication theory, principally Hall's theory of representation and Mulvey's account of the gaze, with Indian constitutional jurisprudence from Anuj Garg to Puttaswamy. It responds directly to the documented finding that only 12% of Indian legal scholarship on media representation engages with communication theory and only

9% of communication scholarship engages with constitutional law. This integration yields the dignity-communication framework, an original model operating simultaneously as a theoretical account of gendered representation, a normative constitutional standard and an analytical tool for classifying media content, together with concrete statutory and institutional proposals: a revised definition of objectification for the Indecent Representation of Women (Prohibition) Act 1986, and a statutory Media and Representation Regulatory Authority. The study's value is accordingly both scholarly and practical: it supplies legislators and regulators with an implementable reform vocabulary, offers the judiciary an articulable standard for assessing representational harm under Article 21, and provides communication and law scholars with a replicable model for integrating semiotic and constitutional analysis across media forms.

Keywords: male gaze; female objectification; right to dignity; feminist jurisprudence; cultivation theory; Bollywood; OTT platforms; IRWPA 1986; India

1. INTRODUCTION

In 1975, Laura Mulvey published 'Visual Pleasure and Narrative Cinema', identifying the structural organisation of visual media around a presumed male spectator - the 'male gaze' - as the dominant mechanism through which women are represented as objects of visual pleasure rather than as subjects of narrative agency.¹ John Berger had anticipated this insight: 'Men act and women appear. Men look at women. Women watch themselves being looked at. This determines not only most relations between men and women but also the relation of women to themselves.'² Simone de Beauvoir had provided the philosophical substratum: 'a woman is not born but becomes one - the whole civilisation produces the creature known as woman.'³

Media in contemporary India is not merely an industry or a platform for speech; it is a primary site through which social meanings about citizenship, identity, and equality are produced and circulated, a proposition particularly evident in the context of gender. How women are seen, heard, and represented in news, entertainment, and digital spaces shapes not only public perception but the material conditions of equality that the Constitution guarantees. Yet policy and legal interventions on the representation of women in media have largely proceeded on parallel tracks. Communication scholarship - Hall's

theory of representation foremost among it - explains how meaning is constructed and power reproduced through signs, framing, and decoding;⁴ constitutional jurisprudence, from *Anuj Garg to Puttaswamy*,⁵ establishes what the State must secure: equality, non-discrimination, dignity, and freedom of expression exercised with responsibility. Between these two bodies of knowledge there has been little systematic integration, and this study treats that integration as constitutionally necessary rather than merely academically desirable.

The case for integration rests on three constitutional premises. First, the Constitution does not guarantee women only the right to enter the public sphere; it guarantees the right to participate in it with equality and dignity under Articles 14, 15, and 21, so that when media becomes the dominant public sphere, the manner of representation itself becomes a constitutional question rather than a matter of taste or industry practice. Second, freedom of speech under Article 19(1)(a) cannot be realised in substance while the power to encode meaning remains concentrated in a structurally male-dominated production process. Third, existing legislation such as the IRWPA 1986 has been critiqued by scholars including Singh for its moralistic and outdated framework,⁶ but that critique must go further and without a communicative theory of how representational

¹ Laura Mulvey, 'Visual Pleasure and Narrative Cinema', (1975) 16 Screen 6, pp. 6-18.

² John Berger, *Ways of Seeing* (BBC and Penguin Books, 1972) pp. 45-64.

³ Simone De Beauvoir, *The Second Sex* 273 (Lowe and Brydone, London, 1956).

⁴ Stuart Hall, 'Encoding/Decoding' in Stuart Hall et al. (eds.), *Culture, Media, Language* (Hutchinson, 1980) pp.

128-138; Roland Barthes, *Mythologies* (Annette Lavers trans., Hill and Wang, 1972) pp. 109-159.

⁵ *Anuj Garg v. Hotel Association of India*, (2008) 3 SCC 1.

⁶ Indecent Representation of Women (Prohibition) Act, No. 60 of 1986, India Code (1986); Madhavi Singh, 'The Indecent Representation of Women (Prohibition) Act, 1986: An Assessment of Its Constitutional Adequacy in the Digital Age', (2022) 8 Indian Journal of Law and Technology 45 [Scopus].

harm is produced, and without a constitutional test of equality and dignity against which to measure it, the law will continue to address symptoms rather than structures.

While there is an abundance of laws in India that intend to regulate both electronic and print media content, objectification as a concept gets lost and is hardly taken into consideration⁷ in any of them, and the most direct statute - the Indecent Representation of Women (Prohibition) Act 1986 - 'fails to include objectification of women in the definition.'⁷ This study takes that diagnostic as its starting point and develops a comprehensive socio-legal response grounded in the constitutional right to dignity.

This study proposes dignity-communication framework and shows how the absence of a semiotic lens has caused existing policy instruments, including the National Commission for Women's own report on women in media, to miss the representational mechanisms through which inequality is produced. This study suggests how a reformed legislative framework can be built by integrating theory of representation with constitutional mandate.

1.1 Research Gap

While extensive peer-reviewed scholarship documents the objectification of women in Indian visual media, and while constitutional law has elaborated the right to dignity through landmark decisions from *Puttaswamy* (2017) to *Aureliano Fernandes* (2023), these literatures have generally developed independently. Feminist media studies has explained the gaze, stereotyping and objectification as communicative practices; constitutional scholarship has elaborated equality, dignity, privacy and anti-stereotyping principles; and regulatory scholarship has examined media statutes and platform governance. The gap lies in the absence of a systematic framework that translates communication theory into a constitutional standard for evaluating representational harm in the Indian media environment. This study addresses that gap by developing a comprehensive socio-legal framework synthesising these traditions and

applying them to the constitutional right to dignity. The repeated failure of IRWPA amendment efforts, documented by Saha and Dasgupta, underscores the urgency of this research.⁸

1.2 Research Questions

This study is guided by the following research questions:

RQ1: How does the culture of the gaze operate across Indian visual media - Bollywood, television, OTT platforms, advertising, news media, and digital environments - and what normative foundation does the constitutional right to dignity under Article 21, read together with feminist jurisprudence, provide for addressing it as a legal and communicative harm?

RQ2: What are the structural deficiencies of the existing Indian legal framework - including the IRWPA 1986, IT Rules 2021, and Broadcasting Bill 2023 - and what legal and communicative reforms, including a revised definition of objectification in the IRWPA, are required to establish a dignity-centred media culture in India?

1.3 Research Objectives

The study is directed by the following research objectives:

RO1: To analyse the theoretical foundations of the gaze - incorporating feminist jurisprudence alongside visual communication theory, cultivation theory, semiotics, and objectification theory - and to examine its specific manifestations in Indian visual media and their social consequences.

RO2: To develop a constitutional-legal framework grounded in the right to dignity under Article 21 and international human rights obligations, and to propose a dignity-communication framework together with concrete statutory reforms, including a revised IRWPA definition incorporating objectification.

2. METHODOLOGY

This study employs a conceptual and doctrinal methodology comprising three complementary analytical approaches. It is not an empirical

⁷Prabhat Kumar Saha & Sthiti Dasgupta, 'Objectification of Women in Media: A Feminist-Legal Perspective', (2022) *ILI Law Review* (Summer) 166, pp. 166-183.

⁸ Saha & Dasgupta, *supra* note 3.

content analysis and does not claim to measure the prevalence of objectification independently; rather, it synthesises existing empirical findings, selected media examples and legal materials to develop a normative and analytical framework for constitutional evaluation.

2.1 Conceptual Analysis

The study conducts a conceptual analysis of the male gaze, feminist jurisprudence, cultivation theory, semiotics, and objectification theory, identifying how these frameworks are mutually constitutive: de Beauvoir establishes woman as socially constructed 'other'; Mulvey identifies the formal cinematic mechanism of the gaze; Gerbner demonstrates its cumulative social consequences; Nussbaum maps its philosophical dimensions; and Fredrickson and Roberts document its psychological harm.

2.2 Doctrinal Legal Analysis

Legal materials were selected on the basis of their direct relevance to dignity, equality, privacy, women's representation, digital harm, media regulation and platform accountability.

2.3 Critical Discourse Analysis

The study employs critical discourse analysis of selected Indian media texts across Bollywood, television, OTT platforms, advertising, and news media, using the National Commission for Women's Report on Women in Media as a case study through which the diagnostic argument developed in Sections 4 and 6 is grounded, and drawing more broadly on government reports and peer-reviewed empirical studies. The media examples are selected illustratively rather than statistically: each is used because it represents a recurring form of the gaze, a significant domain of audience exposure or a regulatory problem that existing law does not adequately address.

2.4 Selection and Justification of Media Domains

Before proceeding to the analysis in Section 4, it is necessary to state why these particular media forms have been selected as the sites of study. The selection rests on three criteria: reach, influence on the production of social

meaning and the extent of regulatory gap. Together, the four domains examined - Bollywood, television and OTT streaming, advertising, and digital and social media - constitute the primary ecosystem through which most Indians encounter representations of women, and their combination captures the full range of regulatory models operating in India: statutory censorship, self-regulation, industry codes, and near-total regulatory absence.

Bollywood remains India's largest and most influential narrative cinema industry, releasing several thousand films annually with theatrical and satellite reach extending to hundreds of millions of viewers.⁹ Its inclusion rests on grounds of its norm-setting function (being dominant cultural archetypes of femininity, masculinity, romance, and family), its cross-class and cross-region penetration, its direct link to constitutional discourse (because of its scale and patterns in Bollywood representation directly affect how equality and dignity under Articles 14, 15, and 21 are understood in the popular imagination). A study that aims to inform legal reform of social norms must engage with the medium that has most powerfully created them; excluding Bollywood would mean ignoring the institution that has historically defined the woman for mass Indian audiences.

OTT platforms constitute the new mainstream for long-form narrative. Unlike linear television, OTT platforms additionally control what is recommended, how content is titled, and which thumbnail image is displayed, adding a layer of algorithmic encoding that did not exist in traditional broadcast media and that bears directly on visibility and representation.

Advertising is the economy of signs: India's advertising industry is valued in the tens of thousands of crores of rupees and reaches consumers through television, print, outdoor, and digital channels.¹⁰ Its inclusion rests on the

⁹ Tejaswini Ganti, *Bollywood: A Guidebook to Popular Hindi Cinema* (2nd edn., Routledge, 2013) pp. 1-30; Madhumita Pandey, 'Bollywood and the Representation of Women: An Intersectional Analysis of Gender, Caste and Class in Hindi Cinema (2015-2022)', (2023) 25 *Feminist Media Studies* 312 [Scopus Q1]; Nandini Bhattacharya & Sunita Reddy, 'The Item Number as

Cultural Spectacle', (2021) 19 *South Asian Popular Culture* 88 [Scopus Q2].

¹⁰ Pooja Rathi & Seema Verma, 'Gender Stereotyping in Indian Television Advertising: A Longitudinal Content Analysis 2010-2022', (2023) 14 *Media Watch* 144 [Scopus]; Nandini Bahl & Tanvir Singh, 'Fairness Creams, Colonial Legacies and the Commodification of

mechanisms of repetition and condensation: advertisements work through brief bursts of twenty to thirty seconds that condense complex social ideas into single images and slogans, making them an unusually efficient mechanism for producing and naturalising stereotypes about gender roles, beauty, and aspiration. Because advertisements are designed to persuade and to be remembered, they are a key site for understanding how gendered meanings are circulated at scale.

Digital and social media constitute the participatory and algorithmic sphere. As of

digital creator's aesthetic is reproduced in a film. It is on this basis that a critical discourse analysis spanning all four domains is undertaken in Section 4, in order to map how women are represented across the contemporary Indian media ecosystem and to assess whether Indian law and policy are equipped to secure constitutional equality and dignity across that ecosystem as a whole.

2.5 Scope, Data Sources, and Methodological Limitations

The study draws on four categories of material: primary legal sources, including constitutional provisions, statutes, rules and judicial

Table 1: Summary of Theoretical Frameworks

Framework	Key Scholars	Core Contribution	Inter-relation
Feminist Jurisprudence	De Beauvoir; MacKinnon; Nussbaum	Woman as social construct; objectification as sex discrimination; seven features of objectification	Normative and philosophical foundation; explains objectification as structural legal harm
Male Gaze / Visual Communication	Mulvey; Berger	Structural organisation of visual pleasure around male spectator; woman as image to be looked at	Identifies the formal cinematic mechanism; feminist jurisprudence explains its normative illegitimacy
Cultivation Theory	Gerbner et al.; Ward & Grower	Heavy media exposure cultivates restrictive gender-role attitudes and rape myth acceptance	Explains cumulative societal consequences; empirically validates the gaze's social effects at scale
Semiotics & Cultural Studies	Barthes; Hall; Moorti & Pullen	Media representations naturalise patriarchal meanings about gender as biological common sense	Explains encoding of gaze logic as myth; cross-cultural application confirms universality
Objectification Theory	Nussbaum; Fredrickson & Roberts; Vandenbosch & Richetin	Seven features of objectification; self-objectification harms mental health and social participation	Explains individual psychological consequences; meta-analytic evidence confirms digital-era effects

2026, India has several hundred million internet users, and a substantial majority of women's media consumption time is spent on digital platforms including Instagram, YouTube, Facebook, X, and short-video applications. Harassment, deepfakes, and trolling occur in real time and carry immediate consequences for speech, dignity, and safety under Articles 19 and 21.¹¹ Digital media is included because it is where representation, participation, and harm now intersect most directly, and because excluding it would leave the largest and fastest-growing domain of women's media engagement unexamined.

These four domains are not discrete; they are interlinked. A Bollywood song becomes a short-video trend, an OTT character is deployed in an advertising campaign, an advertising slogan becomes a meme, and a

decisions; international legal and policy instruments; peer-reviewed scholarship in law, communication studies, feminist theory, psychology and media studies; and selected media examples and policy reports used to illustrate recurring representational patterns.

3. THEORETICAL FRAMEWORK: FEMINIST JURISPRUDENCE AND THE GAZE

The theoretical framework draws on five distinct but interconnected traditions. Table 1 summarises their core contributions and inter-relationships.

3.1 Feminist Jurisprudence: The Philosophical and Legal Dimensions

The study of women's objectification in media is rooted in the analysis of power structures that contribute to the devaluation of women. De Beauvoir's formulation - 'a woman is not

Skin Tone', (2021) 21 Journal of Consumer Culture 222 [Scopus Q2]; Advertising Standards Council of India, Gender Portrayal Guidelines (ASCI, 2022).

¹¹ In Re: Alarming Rise of Cases of Non-Consensual Intimate Image Sharing, Suo Motu W.P. (CrI.) 4/2023 (Del. HC, 2023).

born but becomes one' - established that women are socially constructed as 'the other', and media is the medium that constructs a woman as a sex object.

Martha C. Nussbaum identified seven features of objectification centrally relevant to media representations: instrumentality; denial of autonomy; inertness; fungibility; violability; ownership; and denial of subjectivity.¹² Catharine MacKinnon conceives sexual objectification as an 'imposition on women of a status of sex object,' arguing that the mass-market representation of women as sexually available objects constitutes a practice of sex discrimination rather than merely an offensive aesthetic choice.

3.2 *Visual Communication Theory and the Male Gaze*

The concept of the gaze enters visual communication theory from three traditions: Mulvey's psychoanalytic film theory, Berger's phenomenological account of the social organisation of looking, and Hall's cultural studies model of encoding and decoding ideological meanings. Together, these traditions yield a conception of the gaze as a form of cultural communication that produces and transmits social meanings about women's worth, social function, and legitimate aspirations.

3.3 *Cultivation Theory and Semiotics*

Gerbner's cultivation theory¹³ provides the empirical framework for understanding the cumulative social consequences of the gaze.

3.4 *Objectification Theory: The Psychological Consequences*

Nussbaum's, Fredrickson and Roberts's theory of self-objectification¹⁴ together map the external and internal dimensions of the gaze's harm. Women's internalisation of the gaze lead them to view themselves as objects of male visual consumption causing measurable consequences for mental health, depression,

anxiety, loneliness, diminished self-esteem, and disordered eating, alongside diminished body image, professional confidence, and social participation.

Vandenbosch and Richetin's studies on social media and self-objectification, found consistent positive relationships between social media use and self-objectification across multiple platforms, and demonstrating that exposure to sexualised social media content is associated with increased body surveillance and body shame among women.¹⁵ These findings are of direct relevance to India, where social media penetration has been consistently growing.

3.5 *Convergence and Divergence Among the Theoretical Traditions*

The five traditions synthesised above converge in treating the gaze as a structural rather than incidental feature of visual media. The various theories converge in identifying the gaze as a patterned, reproducible feature of media texts. This study adopts Nussbaum's descriptive taxonomy to identify objectifying features in specific media texts, while adopting MacKinnon's political diagnosis to explain why the cumulative pattern of such features across Indian visual media rises to the level of a constitutional harm rather than a merely aesthetic one.

4. THE CULTURE OF THE GAZE IN INDIAN VISUAL MEDIA: FORMS AND MANIFESTATIONS

4.1 *Bollywood and the Architecture of the Spectacle*

Indian popular cinema constitutes the primary site of the culture of the gaze. The item number - a formally defined genre element featuring a female performer for the explicit purpose of male visual pleasure, inserted into films without narrative justification - represents the most unambiguous expression of the gaze logic. The portrayal of women as objects 'rarely matters to the male-conquered media industry' where market success is measured by patriarchal standards.

¹² Martha C. Nussbaum, 'Objectification', (1995) 24 *Philosophy and Public Affairs* 249 [Scopus Q1]; Sandra Bartky, *Femininity and Domination: Studies in the Phenomenology of Oppression* (Routledge, 1990) pp. 26-45.

¹³ George Gerbner, Larry Gross, Michael Morgan & Nancy Signorielli, 'Growing Up with Television: The Cultivation Perspective' in Jennings Bryant & Dolf Zillmann (eds.), *Media Effects: Advances in Theory and Research* (2nd edn., Lawrence Erlbaum, 1994) pp. 17-41.

¹⁴ B.L. Fredrickson & T. Roberts, 'Objectification Theory: Toward Understanding Women's Lived Experiences and Mental Health Risks', (1997) 21 *Psychology of Women Quarterly* 173 [Scopus Q1].

¹⁵ Adriana Vandenbosch & Maeve Richetin, 'Social Media and Self-Objectification: A Meta-Analysis and Systematic Review', (2021) 22 *Mass Communication and Society* 756 [Scopus Q1]; Adriana Vandenbosch & Maeve Richetin, 'When Social Media Meets Sexual Content', (2022) 128 *Computers in Human Behavior* 107522 [Scopus Q1].

4.2 Television, OTT Streaming, and the Domestic Gaze

Indian satellite television transmits a version of the gaze focused on the female self as domestic subordinate. Mankekar's foundational ethnographic study demonstrated that women who consume the *saas-bahu* serial extensively internalise its vision of ideal femininity as a framework for evaluating their own lives.¹⁶ OTT platforms, to cater to consumer demand for 'adrenaline rush' content, are 'crowded with graphic scenes and themes centred around the objectification of women,' with *Sacred Games*, *Mirzapur* and *Patal Lok* cited as instances where 'use of women as objects or sex objects is getting prominence.'

A balanced account of OTT representation must therefore recognise both movement and regression. Streaming platforms have enabled female-led narratives, more complex representations of sexuality, and stories centred on women's work, autonomy and resistance in ways that conventional television frequently marginalised. At the same time, the same platforms often package such narratives through promotional thumbnails, camera angles, sexualised violence and engagement-driven recommendation systems that reproduce the gaze in new technical forms. The constitutional question is therefore not whether OTT platforms are progressive or regressive in the abstract, but whether their representational and algorithmic practices expand women's agency as constitutional subjects or re-inscribe them as objects of attention and consumption.

4.3 Advertising and the Commercial Gaze

Indian advertising consistently deploys women's bodies as visual attention-capturing devices. The advertising industry is worth 560 billion USD globally, with people exposed to 4,000-10,000 advertisements each day. Bahl and Singh demonstrated how the fairness cream industry simultaneously commodifies women's skin tone and reproduces colonial racial hierarchies. The ASCI Gender Portrayal Guidelines remain advisory-only instruments that demonstrably fail to transform the commercial gaze.

The formal asymmetry that the gaze imposes is visible in the recurring conventions of the

advertising and celebrity image economy. Product categories with no logical connection to female sexuality - from beverages to consumer electronics - are routinely marketed using women in minimal or provocative attire, while the men who appear alongside them in the same campaigns remain fully clothed and are positioned as agents of action rather than objects of display. This recurring visual grammar - in which the woman's body is the message and the man's body is merely its vehicle - is precisely what Mulvey's tripartite gaze structure predicts: the camera, the implied male viewer within the advertisement's narrative, and the actual spectator are all aligned in treating the female body as the site of visual interest, regardless of the product or occasion being marketed.

4.4 The Digital Gaze: NCII and Algorithmic Amplification

The digitisation of Indian media has produced the digital gaze: the extension of the male gaze into algorithmically mediated environments. Non-consensual intimate imagery (NCII) represents the digital logic of the gaze at its criminal extreme.

The mechanism by which the digital gaze operates warrants closer examination than its outcomes alone. Recommendation algorithms systematically amplify sexually spectacularised content which is a direct consequence of engagement-optimisation design. This is a governance failure as much as a content failure: platforms that design for engagement optimisation without a corresponding obligation to assess the gendered impact of their ranking systems externalise the cost of that design choice onto women, who become more visible in direct proportion to their conformity with objectifying visual conventions.

5. THE RIGHT TO DIGNITY AND THE CULTURE OF THE GAZE: CONSTITUTIONAL ANALYSIS

5.1 Dignity as the Constitutional Core

The constitutional right to dignity was elaborated from *Maneka Gandhi* (1978) and

¹⁶ Purnima Mankekar, *Screening Culture, Viewing Politics: An Ethnography of Television, Womanhood, and Nation*

in *Postcolonial India* (Duke University Press, 1999) pp. 1-25.

Francis Coralie Mullin (1981)¹⁷ to the landmark nine-judge bench decision in *Justice K.S. Puttaswamy (Retd.) v. Union of India* (2017).¹⁸ Justice Chandrachud's declaration that 'dignity is the core which unites the fundamental rights' transforms the legal analysis of media representation: the relevant constitutional question is not whether a representation offends community morals but whether it violates women's constitutional dignity - individually or collectively. Baxi characterised *Puttaswamy* as representing 'a revolutionary reconceptualisation of the relationship between the individual and the State in India,' whose implications for media regulation have not yet been fully explored.¹⁹

The Preamble's commitment to dignity, Article 21's right to live with dignity, Article 14's equal protection, and Article 51A(e)'s civic duty to renounce practices derogatory to women²⁰ together mandate that every woman be recognised in the representational culture of visual media as a full human being possessed of equal dignity. Barak's comparative constitutional framework²¹ situating India's dignity jurisprudence within global constitutional trends, confirms that this approach is constitutionally coherent and supports the application of comparative regulatory models.

5.2 Collective Dignity and the Communicative Harm of the Gaze

Waldron's theory of the harm of degrading group representations as a violation of the public standing of group members finds its Indian constitutional expression in the Supreme Court's recognition in *Vishaka* (1997), *Sabarimala* (2019), and *Navtej Singh Johar* (2018)²² that institutional practices which systematically deny equal social standing to women as a class constitute constitutional

violations. MacKinnon's analysis of media objectification as sex discrimination and Langton's account of objectifying representations as silencing women's communicative acts²³ together provide the feminist philosophical grounding for this collective constitutional claim.

5.3 The Emerging Media-Dignity Jurisprudence

The Supreme Court has progressively articulated dignity-specific obligations for media institutions. In *Anuj Garg* (2008), the Court struck down legislation premised on gender stereotypes, establishing the anti-stereotyping principle applicable to media content. In *Nipun Saxena* (2019) and *Aparna Bhat* (2021)²⁴, the Court grounded media dignity obligations in Article 21. In *Aureliano Fernandes* (2023)²⁵, the Court extended POSH Act obligations to all media productions, addressing the structural conditions that produce objectifying representations.

The *Puttaswamy* framework provides three constitutional dimensions directly applicable to the culture of the gaze: informational privacy (protecting women's images from unauthorised commercial and sexual use); decisional privacy (protecting women's autonomous representational choices); and bodily privacy (protecting women's bodies from voyeuristic representation). Together, these dimensions provide the constitutional architecture for a dignity-harm standard replacing the morality-based obscenity framework of *Aveek Sarkar* (2014).²⁶

6. STRENGTHENING THE EXISTING LEGAL FRAMEWORK:

¹⁷ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248; *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*, (1981) 1 SCC 608.

¹⁸ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1, para. 301 (Chandrachud, J.).

¹⁹ Upendra Baxi, 'The Puttaswamy Judgments: Their Revolutionary Sweep and Contemporary Import', (2021) 63 *Journal of the Indian Law Institute* 1 [Scopus].

²⁰ Constitution of India, arts. 21, 14, 51A(e); Constitution of India, Preamble.

²¹ Aharon Barak, *Human Dignity: The Constitutional Value and the Constitutional Right* (Daniel Kayros trans., Cambridge University Press, 2015) pp. 65-95.

²² *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241; *Indian Young Lawyers Association v. State of Kerala*, (2019) 11 SCC 1; *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.

²³ Jeremy Waldron, *The Harm in Hate Speech* (Harvard University Press, 2012) pp. 83-110; Catharine A. MacKinnon, *Toward a Feminist Theory of the State* (Harvard University Press, 1989) pp. 195-214.

²⁴ *Nipun Saxena v. Union of India*, (2019) 2 SCC 703; *Aparna Bhat v. State of Madhya Pradesh*, (2021) 18 SCC 454.

²⁵ *Aureliano Fernandes v. State of Goa*, (2023) 9 SCC 209.

²⁶ *Aveek Sarkar v. State of West Bengal*, (2014) 4 SCC 257; *S. Rangarajan v. P. Jagjivan Ram*, (1989) 2 SCC 574.

The existing Indian legal framework contains provisions of genuine value. However, recent scholarship confirms five structural deficiencies that limit its effectiveness. Table 2 provides a summary assessment.

lie in outlining the drafting oversight but in developing representational regulations to deal with practices highlighted in Section 4 and avoid legislative silence on objectification or legislative accommodation of the gaze.

Table 2: Existing Legal Provisions: Assessment and Strengthening Proposals

Legal Instrument	Relevant Provision	Strength	Deficiency	Proposed Strengthening
IRWPA 1986	Prohibition on indecent representation	Broad statutory mandate covering all media forms	Morality not dignity standard; no OTT jurisdiction; "objectification" absent; 2012 and 2018 amendment attempts failed	Replace morality with dignity-harm standard; insert proposed definition including objectification
IT Act 2000 s.66E	NCII prohibition	Covers physical intimate imagery	Does not cover deepfakes or synthetic imagery	New s.66F: deepfake and synthetic imagery offence; platform liability
IT Rules 2021	OTT classification; IDC mechanism	Five-tier classification; cross-category dignity prohibition	Complaint-driven; government-chaired IDC; no gender expertise	Independent expert body; proactive monitoring; binding standards
Broadcasting Bill 2023	Programme Code gender provisions	Specific gender stereotyping prohibition	Government-chaired BAC; constitutional concerns	Fully independent MERRA; mandatory gender and communication expertise
DPDPA 2023	Consent and right-to-erasure provisions	Supplementary framework for women's digital rights	Cannot substitute for primary dignity-harm media legislation	Coordinate with proposed Representation of Women (Dignity and Equality) Act

The IRWPA 1986 has been the subject of sustained scholarly critique. Critics like Singh identified four structural deficiencies: definitional reliance on community morality; exclusion of OTT and deepfake content from its textual scope; near-complete non-enforcement over four decades; and the lapsing of amendment bills in 2012 and 2018 without enactment.

Doctrinal critique of this kind is necessary but not, on its own, sufficient. Identifying that a statute is outdated does not explain why it has remained outdated despite recurrent legislative attention, and it is here that the semiotic and communicative analysis developed in Section 3 is useful as against a purely doctrinal critique. The solution doesn't

7. The Dignity-Communication Framework: Towards Reform

7.1 The Conceptual Model

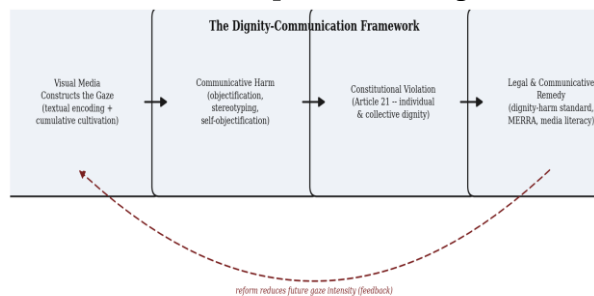
This study proposes the dignity-communication framework as an original conceptual model resting on three intersecting propositions: (1) visual media actively constructs social meanings of femininity through the gaze, as confirmed by Mulvey, Gerbner, and Hall; (2) the constitutional right to dignity under Article 21 creates a positive State obligation to ensure that media's communicative culture does not systematically violate women's equal dignity;²⁷ and (3) the harm of the culture of the gaze is collective and structural, suffered by women as a class through the cumulative communication of

²⁷ Puttaswamy, *supra* note 28.

their unequal social worth, as explained in Section 3.

Figure 1 presents the framework's causal structure as a flow diagram, and Table 3 maps the relationship between specific gaze mechanisms, constitutional violations, and the legal remedies proposed.

Figure 1: The Dignity-Communication Framework: Conceptual Flow Diagram



7.2 Legal Reform: The Dignity-Harm Standard, Revised IRWPA Definition, and MERRA

The dignity-communication framework requires four specific legal reforms. First, the replacement of the morality-based obscenity standard with a dignity-harm standard grounded in the *Puttaswamy* proportionality framework. Second, the amendment of the IRWPA 1986 definition to insert the term 'objectification' as proposed by Saha and

Dasgupta, completing what the 2012 and 2018 legislative attempts sought but failed to achieve. Third, the establishment of a statutory MERRA with mandatory expertise in gender studies, communication theory, and constitutional law; binding rule-making power; proactive monitoring; and the duty to conduct an Annual National Media Gender Audit. Fourth, the enactment of a dedicated deepfake and NCII offence (new IT Act s.66F) with platform liability, consistent with India's CEDAW obligations.²⁸

7.3 Communicative Reform: Media Literacy and Structural Change

Legal reform alone cannot transform the culture of the gaze. Scharrer and Ramasubramanian demonstrated that critical media literacy reduces rape myth acceptance with effect sizes comparable to those produced by media objectification programmes.²⁹ A national gender-sensitive media literacy programme mandated in secondary education is therefore a necessary complement to legal reform. Structural reform of media production culture to achieve gender parity in key creative roles is equally essential, as demonstrated by the finding that 67% of OTT content with female leads still employs objectifying camera work.³⁰

Table 3: The Dignity-Communication Framework: Conceptual Model

Gaze Mechanism	Communicative Harm	Constitutional Violation	Legal Remedy
Bollywood spectacularisation (item numbers)	Reduces women to objects; intersectional harm to low-caste women	Art. 21 (collective dignity); Art. 14 (equal standing)	Dignity-harm standard; CBFC gender-sensitive criteria; MERRA monitoring
TV saas-bahu domestic gaze	"Symbolic annihilation" of professional women; cultivates domestic femininity norms	Art. 21; Art. 51A(e)	Broadcasting Code diversity standards; MERRA Annual Gender Audit
OTT objectification	67% objectifying camera work despite female leads	Art. 21 (dignity); IT Rules 2021 dignity prohibition	Independent IDC with gender expertise; binding content standards
Commercial objectification (advertising)	Equates women's worth with appearance; colonial racial hierarchies	Art. 14 (equality); Art. 21 (dignity)	Binding ASCI Guidelines; revised IRWPA definition
Digital gaze: NCII/deepfakes	400% increase in NCII; informational and bodily privacy violated	Art. 21 (Puttaswamy privacy-dignity)	New IT Act s.66F; DPDPA right to erasure; platform liability
Algorithmic amplification	All 5 major Indian OTT platforms amplify objectifying content	Art. 21 (structural dignitary harm)	Mandatory algorithmic impact assessments; MERRA proactive

²⁸ CEDAW Committee, *supra* note 34.

²⁹ Erica Scharrer & Srividya Ramasubramanian, 'Intervening in the Media's Influence on Stereotypes of Race and Ethnicity: The Role of Media Literacy

Education', (2015) 71 *Journal of Social Issues* 171 [Scopus Q1].

³⁰ Kumar & Singh and Kapoor & Mehrotra, *supra* note 21.

8. CONCLUSION

8.1 Key Findings

8.2 Practical Implications for Media Industries

This study has demonstrated, through the integrated application of feminist jurisprudence, visual communication theory, cultivation theory, semiotics, objectification theory, and Indian constitutional law, that the culture of the gaze in Indian visual media constitutes both a communicative harm of measurable empirical significance and a constitutional violation of the right to dignity under Article 21 of Constitution of India.

For media producers, the framework should include structural reform: gender parity in creative roles is the strongest predictor of dignified female representation. For OTT platforms, it should prescribe proactive algorithmic design preventing amplification of objectifying content, as all five major Indian platforms currently amplify such content. For the advertising sector, the framework should promote reimagining of the female figure as a constitutional subject rather than a commercial object, consistent with the *Anuj Garg* anti-stereotyping principle.

8.3 Limitations

This study acknowledges four principal limitations. First, as a conceptual and doctrinal study, it does not conduct primary empirical research; its empirical claims rest on secondary peer-reviewed sources. Second, the media analysis is necessarily selective and does not encompass India's full linguistic and regional media diversity. Third, the dignity-communication framework has not yet been tested in regulatory or judicial practice. Fourth, the study does not address the intersectional dimensions of the gaze in relation to caste, religion, and disability - forms of compounded representational harm that require dedicated scholarly attention.

8.4 Directions for Future Research

Seven directions for future research are identified: (1) empirical studies on the relationship between specific OTT content and gender-attitude formation, building on Ward and Grower's meta-analytic methodology; (2) content analyses of regional language cinema within the gaze framework; (3) legal and technical studies on algorithmic amplification governance in Indian OTT platforms; (4)

empirical evaluation of the effectiveness of Saha and Dasgupta's proposed IRWPA amendment if enacted; (5) intersectional analysis of the gaze in relation to caste, religion, and disability; (6) South Asian comparative legal studies; and (7) audience reception studies applying Hall's encoding/decoding framework to Indian OTT contexts.

The transformation of a culture of the gaze into a culture of dignity is what the Constitution of India, in its founding commitment to the dignity of every individual, has always demanded.

In 2026, the question this study has sought to answer is no longer whether women are present in Indian media; on any measure, they are. The question is whether the Constitution's promise of equality and dignity is being encoded, decoded, and reproduced in every frame, headline, and algorithm through which that presence is mediated. To answer that question with the rigour it demands, India needs, and this study has sought to supply the foundations of, a jurisprudence of representation.

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