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Objectification Restoring Dignity to Women**

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Criminalizing the Dehumanized Gaze of Objectification Restoring Dignity to Women

ABSTRACT

We are inhabiting in a devout land, where multitude of people used to begin their day by touching and adoring mother earth. Women are revered as well as worshipped as embodiment of "goddess". By looking at our rich heritage, we can expect our present society to be full of virtues and respectful towards women. But the reality is a bugbear. Yet, the same society that worships the clay effigy of a woman shamelessly and vividly indulges in the indecent representation of her physical body inch by inch, through advertisements or any visible form. This is not a simple byproduct of capitalism or commercialism, but a stark indicator of a distorted mindset. The prevalences of indecent representation unequivocally exposed a decayed mindset, which loudly echoing that we are, in essence, still far from achieving sterling civilization and equality in true sense.

KEYWORDS

Indecent, Women, Advertisement, Indecent Representation of Women Act 1986, Dignity

I. INTRODUCTION

Since time immemorial, women have been portrayed as an object of pleasure and enjoyment for men. Rather than being treated as a human, women are always treated as a gimmick by almost every society and every generation. Traces of medieval era explores that the position of women was not more than a slave or a sex toy. Figure of woman is remained as a theme for objectification. Be it the dancing girl of Indus Valley civilization or dancing women postures in ancient religious places, everywhere the body as well as each inch of woman figure has been depicted in a perverted manner. In every civilization, the portrayals of stripped or fenceless woman is existing. Undoubtedly these fall under the act of obscenity. With the passage of time, we have emerged as educated mass and excelling in every sphere, but still the filthy mindset of objectification of women has remained unaltered. Every day, while turning over the pages of newspaper, one will definitely come across the half-naked posture of women owing to some advertisement. Such kind of advertisements are not only denigrating the self-respect of the said model but also self-respect of women society as a whole to a great extent. Objectification of women in every advertisement and pamphlet is shunning the existence of women by consequently stirring the most

pernicious practice of gender inequality. The filthy advertisements of women figure objectification have the tendency to corrupt the mind of general public, especially the young ones. These advertisements play a vital role in abetting crime against women as well as cyber bullying. Each and every time, be it an advertisement of any weight loss medication or any contraceptive or any garment even in jewelry advertisement, the body and figure of woman is perverted. Rather than glorifying the spirit of women, these advertisements are shamelessly displaying as well as unveiling various body parts of woman to attract and woo more and more customers. Nevertheless, this kind of advertisement is an immense blow to honor and dignity of women. Such grimy, stereotyped, exploitative, sexism, indecent representation needs to be addressed. Earlier many women organizations have agitated with respect to how their gender is being portrayed by the media outrageously. Such practice of indecent representation of women leads to wreckage of society, which ultimately gives rise to crime against women. In order to put an end to this disgraceful activity, the Central Government enacted the law titled "*The Indecent Representation of Women (Prohibition) Act, 1986*"¹ to place indecent representation of women under the definition of offence, which prohibits the obscene and indecent representation of women and penalizes them for committing such offence.

II. THE SPECTRUM OF INDECENT REPRESENTATION OF WOMEN

The word 'indecent' is not exhaustively defined in the Enactment. If we look for the meaning of 'indecent' in Dictionary, it is described as something which is impolite or inappropriate. The concept of indecency differs from person to person. What may be indecent for one community may not be indecent for another community. The spectrum of indecent is quite eclectic. However, this Act has defined the indecent representation of women in a very comprehensive manner and clearly embraced the vital parts which constitute the offence of indecency.

The Act defined "*Indecent representation of women means the 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 derogatory to, or denigrating, women or likely to deprave, corrupt or injure the public morality or morals*"².

Thus, the definition laid down in the Act emphasized on depriving or corrupting as well as dragged the morality into canvas of indecent

¹ Act No.60 of 1986.

² Section 2(c): "*indecent representation of women*" means the 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 derogatory to , or denigrating, women or likely to deprave, corrupt or injure the public morality or morals.

representation. This definition not only insists on physical facts, but also insists on its impact upon latent psychology of human mind.

For centuries, there was no protest regarding indecent representation of women. Thanks to renaissance and the tug of resistance to the sense of inferiority among women organizations, it was in 70's and 80's when women's organization protested and agitated against display of nudity, sexually provocative images of women, thus first time it was echoed that indecent representation of women must be curbed and penalized. Consequently, this protest opened the door for enactment of Indecent representation of women Act³. As per PIB report⁴ on NCRB data a total of 895, 453, 141, 362 and 47 cases were reported in country under IRWA during 200, 2011, 2012, 2013 and 2014 respectively. This report seems very old and encapsulates data of a decade ago, but new figure is yet to release. Due to contemporary legal provisions of Bharatiya Nyaya Sanhita or Indian Penal Code, cases registered under Indecent Represent of Women Act is showing sluggish rate. Another reason for declined rate of registration under IRWA is due to diversion of cases towards Cyber and Information Technology Act, because of metamorphosis of crimes in the digital arena, which falls under IT Act.

III. ADVERTISEMENT

The Preamble of the Act has vividly described the aim of the enactment is to prohibit representation of women through advertisement or in publications, writing, paintings, figures or in any manner and matters connected therewith or incidental thereto.

Advertisement must not be construed narrowly. Mostly advertisement is understood as ad film in Television. But, that doesn't only medium of advertisement. This Act clasped⁵ other medium of advertisements as notice, circular, label, wrapper or other documents also. Most interestingly in order to impose complete prohibition, this definition forbids any visible indecent representation of women made by medium of light, sound, gas or smoke, which is rendered as a milestone feat in curbing such denigrating practice.

IV. DISTRIBUTION

The key convenient mode of spreading obscenity is distribution of samples (materials, contents or products). Samples are found

³ 1986.

⁴ <http://www.pib.gov.in/newsite/PrintRelease.aspx?relid=136936>.

⁵ Section 2(a): "advertisement" includes any notice, circular, label, wrapper or other document and also includes any visible representation made by means of any light, sound, smoke or gas.

ubiquitously. That sample may be free or paid. The Act⁶ precisely included both free and other way of sample distribution in order to keep an eye upon spread of obscenity via samples.

V. LABEL

The method of spreading indecency and obesity is quite vast, even one can indecently represent women by affixing indecent symbolic label (offensive logos, suggestive tagline) upon any package. The Act included any written, marked, stamped, printed or graphic matter, affixed to or appearing upon any packages under definition of label in order to prohibit label in any of the prescribed form.

VI. PACKAGES

Packages are of variety types (wrappers, pouches, envelopes) can aid in spread of indecent representation of obscenity. The Act⁷ has made an attempt to include a wide variety of packages by including box, cartoon, tin or another container. The expression 'other container' is not exhaustive and ultimately gave a discretion to include any type of packages under scrutiny, thus strengthened the grip of the Act.

Regulation of packages could protect vulnerable groups such as children and women.

VII. PROHIBITION OF ADVERTISEMENTS CONTAINING INDECENT REPRESENTATION OF WOMEN

The Act⁸ strictly forbids publication of any kind of advertisement which contains indecent representation of women in any form. When the Act has not shaped a particular form for indecency, needless to say the Act has a wide spectrum of application. This prohibition is mandatory. It prohibits any person from publishing or causes to be published, or arranging or take part in the publication or exhibition of any kind of advertisement containing indecent representation of woman. This Section made the act of publication, arrangement or active participation in publication of advertisement of indecent representation of woman an offence, violation of which the offender is liable to punishment according to provision laid down under Section 6.

⁶ Under Section 2 (b): "distribution" includes distribution by way of samples whether free or otherwise.

⁷ Under Section 2(e): "package" includes a box, cartoon, tin or container.

⁸ Section.3: "no person shall publish, or cause to be published, or arrange or to take part in the publication or exhibition of, any advertisement which contains indecent representation of women in any form"

Again, another provision of the Act⁹ prohibits production, sell, let to hire, distribute, circulate or send by post any book, pamphlet, paper, slide, film, writing, drawing, painting, photographs, representation or figure which contains indecent representation of women in any form. In a nutshell, it is not extreme statement to state that this Act has encapsulated literally all forms of indecency to ravaging the inhuman denigrating practice against women.

VIII. PUNISHMENT FOR INDECENT REPRESENTATION OF WOMAN IN ANY FORM

As the Act has characterized the act of indecent representation of woman in any form as an offence as well as prohibited the various modes of publications or sell etc.; in case of violation of Section 3 or 4, penal provision is attracted¹⁰.

Section 6 laid down punishment for infringement of Section 3 or 4. Both imprisonment as well as pecuniary penalty have been imposed upon the offender for this perverted crime.

Penalty has been classified under two criteria. One is for first time offender and the second one for repeated offender.

1st time offender is liable to imprisonment up to 2 years and fine amount which may extend to Rs.2000/-.

The subsequent offender is liable to enhanced punishment, for which minimum is 6 months imprisonment and maximum may extend to five years. The fine amount for subsequent offender is minimum 10 thousand rupees and maximum may extend to one lakh rupees. Its matter of grace that, prior to Bharatiya Nyaya Sanhita (second) 2023, punishment for repeat offender was scarce or rare but in 1986 this Enactment laid down stringent and harsher enhanced punishment for repeat offender and that also for denigrating dignity of women is really praise worthy.

Thankfully I must say this provision acts as a speed braker to sojourn unbridled wheels of obscenity.

⁹ Section 4: "no person shall produce or cause to be produced, sell, let to hire, distribute, circulate or send by post any book, pamphlet, paper, slide, film, writing, drawing, painting, photographs, representation of figure which contains indecent representation of women in any form".

¹⁰ Section. 6 : "any person who contravenes the provision of section 3 or 4 shall be punishable on 1st conviction with imprisonment of either description for a term which may extend to 2 years, and fine which may extend to Rs.2000/-, and in the event of a second or subsequent conviction with imprisonment for a term not less than 6 months but which may extend to 5 years and also with a fine not less than 10,000/- but which may extend to Rs.10000/-.

IX. OFFENCES COMMITTED BY COMPANY

Now a days indecent representation of women through different ads like jewellery, garments, weight loss products; the product/brand companies are the main brain behind this obscenity. In order to promote their brand and seek attention of buyers, they tend to use calumniate practice of objectifying half stripped body of a woman as an instrument and shockingly they also succeeded in their immoral practice. They are obviously benefitted by this hoax, which is reflected in terms of their turn over, but its adverse impacts upon dignity of women are never ending. In order to check upon this filthy practice and restraining from promoting indecent representation of women, Section 7 of the Indecent Representation of Women Act has indicted the company as a perpetrator. This section is a deemed provision which has made every person who at the time offence committed, was in charge of and was responsible to the company for the conduct of the business of the company, as well as the company as guilty of the offence and liable to be proceeded against and punished accordingly¹¹.

X. NATURE OF OFFENCE

The Offence under IRWA has been designated as cognizable and bailable. Classifying the offence as cognizable reflects the seriousness of the offence.

XI. OBJECTIFICATION OF WOMEN IN DIGITAL ERA

In this new century we have unfolded new whirls of digital world by connecting across the global streets through digital aisle. No doubt it has brought umpteenth alternations in our traditional life. Similarly, obscenity also got a new incarnation in form of digital obscenity by objectifying women across social medias, reels, videos, slushy apps ("tear the dress" game). A new avenue has been embarked to objectifying women in incognito mode. Again, revenge porn, online harassment, cyber intimidation, morphed indecent image have become rampant. Nevertheless, the provisions of IRWA 1986 designed to tackle then societal conditions focused on traditional media. That's why it is struggling to keep pace with dynamic digital landscape. Anonymity, fake id, content flooded from different nations makes it tedious to detect and punish the culprit. Hence, in this changing scenario IRWA requires amendment to synchronize itself to break this unbridled digital objectification.

Today AI is expert in giving shape to human imagination. So, first step should be to fetter the hands of AI from generating women objectification

¹¹ Section. 7 of IRWA, 1986.

contents. We need to design customized AI algorithms which aimed at avoid objectification. Regular vigilance and regulation guidelines on every update of AI indeed crucial. As AI is becoming a part of our life, hence we need Artificial Intelligence Ethical Science and Engineering to prevent AI from exploring on indecent representation of women. This required harmonious collaboration with Government, techno experts, research and development and of course women commission and NGOs on women rights. This is a sensitive issue and Artificial Intelligence should be evicted from entering the gamut of indecent representation of women.

XII. JUDICIAL PRONOUNCEMENT

The Famous Hicklin test:-

The litmus test for determining obscenity was established in the English case of *Regina Vs. Hicklin*¹², which later became a key determinant in numerous countries. The vital bedrock upon which the whole structure of this doctrine alone standing is any tendency, if proven to degrade an individual's brain, then that falls under the definition of obscene and attracts punishment. Here the SC had put on a wider magnitude specs of kaleidoscopic vision, dissecting every single hues.

Our Supreme Court of India, also adopted the famous Hicklin test standard. In *Ranjit D. Udeshi Vs. State of Maharashtra*¹³ It was the time, where moral of our society was started to fade. This case raised eyebrows of different sections of the society. Some applauded it and some showed fierce disappointment to this narrow-isolated interpretation. In this case, Ranjit D Udeshi, a book seller was dragged into the precinct of Court for possessing and selling D.H. Lawrence's highly controversial novel "Lady Chhaterley's Lover". He was sentenced U/s- 292 Indian Penal Code. In this case, our Supreme court of India elaborately explained the concept of obscenity and linked it with Hicklin's test. And after deliberate and careful scrutinization, the Court declared Lady Chhaterley's Lover to be obscene.

XIII. BEHAVIOURAL CHANGE AND ATTITUDE

Women are not objects; they are human beings with dignity and worth.

Be it AI, individual or a Company, there is always a human brain behind it. All these indecencies is creation of human instinct. It is not wrong to say, this objectification is actually reflection of perverted human mind,

¹² R vs. Hicklin (1868) .

¹³ 1964.

which symbolized women as a slave of men and her body as a matter of entertainment. Hence, human behavioral change is the crucial key to fetch magistral transformation. It is essential that we should nurture a society, which must be duty bound to value women's dignity and promote equality. For achieving this mile stone, we must focus on educating children on gender equality since early childhood. I am shocked to listen where mothers of rapists shouted that why the girl went out of home at night and why the girl had put on jeans etc. They question the character of girl for stepping out of home at night or wearing any kind of dress. These things are fostering in our society since long. And its now time to break this slavery mentality, even of women. We can overcome this filthy rotten mindset only by imparting the knowledge of gender equality among kids from early childhood by shaping kid's vision. Family plays an important role in perpetuating patriarchy mindset. We need to sever this denigrating mindset. Now a days social media influence is on spot, so we can create contents on respecting women, their dignity and autonomy. We have to create and promote positive contents focusing on avoiding indecent representation of women. The human brain child AI can be utilized to promote equality. Harmful stereotyped must be curbed from every platform. In this way we can make the desired difference.

XIV. WAY FORWARD

"Respect for women is the foundation of a just and equitable society"

In conclusion the criminalization of the dehumanizing gaze is a pivotal step towards reclaiming women's dignity in a society where objectification has turned into a corrosive force, a hindrance for self-growth and self-confidence. Objectification perpetuates harmful societal norms, reducing women to mere commodities and an instrument of pleasure. This entrenched mindset fuels gender-biased violence, marginalization and inequality. Women don't need sympathy, they need empathy. And yes, respecting women is not an act of generosity of society, this is society's moral as well as legal duty to acknowledge dignity, autonomy for women and treat them equally on par with men. Education, awareness, positive digital utility can reshape mutual respect and empathy. Although Indecent Representation of Women Act is itself a progressive step of Union Legislature to criminalize such smudged deeds of objectification, but still it is remorseful to note that parallel with women dignity this Act is also undermined among people unlike POCSO, POSH, IT Act. Most people are unaware that objectification of women attract penalty. The main reason for undermined of IRWA is widespread unawareness and propagation. Government failed to circulate this Enactment among people efficiently and that is why it failed to drew attention of society. This rendered this Act ineffective in

combating objectification.

At last, as a society we are duty bound to recognize the inherent worth and autonomy of women. By criminalizing objectification, we affirm their right to dignity, safety and equality. We should remember *“together we can break the cycle of objectification and create a culture of equality”*.

Together we can create a society where women are valued, respected and empowered to achieve their full-fledged potentials.

“JUSTICE FOR WOMEN, DIGNITY FOR ALL”