

A Study on EVE Teasing and Assault of Women with intent to outrage modesty

Asish Kumar^{1*}, Dr. Nilesh Sharma²

¹ Research Scholar, Rabindranath Tagore University

² Dean, Rabindranath Tagore University

Abstract - In recent years, several nations have made steps to combat workplace harassment and domestic violence, but less attention has been devoted to sexual harassment in public areas, particularly during women's commutes to work and school. Many more women are pursuing education and work in developing nations than in the past, which has raised the risk of sexual harassment in public settings. This kind of abuse is known as "eve teasing" in India, where the research was conducted. Catcalling, vulgar comments, and unwanted sexual touch such as stroking and fondling are all examples of Eve teasing. Tolerance of such instances may escalate to more serious kinds of abuse and inspire more people to take part. Laws, as necessary as they are, cannot bring about instant changes in broad public practices, especially those that are strongly established in a country's culture, such as eve teasing. In this study we have discussed about the violence against Women to upset their Dignity, Eve Teasing and its Aggravated Form, Insulting Modesty of a Woman, Vishaka Guidelines, Interpretation of Section 354 and 509 of Indian Penal Code, Provoking a Woman's Sense of Dignity, The Phrase Eve-Teasing, Sexual Harassment and its Punishment, Voyeurism, Stalking, Eve-Teasing.

Keyword - Eve-teasing, assault, women, outrage modesty

-----X-----

INTRODUCTION

As far as we know, there is no legal penalty for using the words "eve-teasing." According to IPC Sections 294 and 354, eve-teasing can be prosecuted for its intent as long as it's done in public. A violation of Section 294 of the IPC, which is punishable by three months in prison or a fine or both, is committed when someone annoys others by performing obscenity in public or by singing, reciting, or uttering obscenity in song or ballad. The word "obscene" has not been expanded for the reason that ideas about obscenity are subject to change and depend on the group of people involved in the matter. Consensus says that what's considered obscenity has the potential to deprive and corrupt those who are susceptible to it. You must use words that can arouse sexually impure thoughts in the minds of those who hear you, and that will irritate the person you're addressing with your slanderous speech to prove guilt, the prosecution must prove that the accused annoyed others by his or her actions. Word "other" includes women, and the phrase "public place" refers to a location where the general public has a right to visit or enter, but only with restrictions. All acts that are part of the crime's substance and are directed toward the general public are covered by the section, provided they annoy. If a young lady or woman is offended by an obscenity, she can file a complaint with the appropriate authority under this section According to this section, the crime

is punishable by imprisonment for up to two years in prison, a fine of up to \$10,000, or both.

Violence against Women to upset Their Dignity

Section 354 of the Indian Penal Code (IPC) punishes anybody who assaults or uses unlawful force against a woman and knows that the lady's modesty would be violated as a result of such conduct. To be clear, knowledge and purpose are just mental constructs that cannot be proved empirically. There must be evidence of knowledge or purpose to conduct the alleged crime gleaned from the different situations and people involved. Although assault or unlawful force against a woman is a pre-requisite for Section 354 IPC's application, it must be done with the purpose to offend her modesty or knowing that it is probable that he would do so. Section 354 of the Indian Penal Code (IPC) makes it a crime to outrage someone's modesty just by using unlawful force.

Eve Teasing and its Aggravated Form

It's practically a known male sport to torment women with eve-teasing and its aggravating version, sexual harassment. Maybe it's the reaction ladies receive when they don't follow the rules of Lakshman Rekha and remain at home. Men tend to belittle women who don't match their preconceived ideas of decorum. Sexual harassment affects people from all walks of life, regardless of career, social status, or

economic level. Although certain professions seem to be more susceptible to it than others, it may be readily discovered both at a film studio and a government office packed with files and in private companies.

Sections 509, 294, 354, and 354 A-D of the Indian Penal Code, 1860 deal with similar offenses. These parts criminalize gestures or actions meant to offend a woman's modesty or invading her private, however, it is difficult to use these laws to deal with the many manifestations of sexual harassment, which is difficult to establish. Innumerable variations exist, each one becoming more annoying. Sexual harassment includes unwanted sexual approaches, sexual favor requests, and other sexually motivated verbal or physical behavior. Submitting or rejecting such behavior may have a significant impact on an individual's job and work performance, creating a hostile, threatening, or offensive work environment.

Sections 294 and 354 of the IPC may also apply to acts of molestation. There is no legal definition for the phrase "molestation," but it is generally understood to imply "creating intentionally irritation by use of force to harm another person" in common use. It's easy to see how molestation might include things like making filthy jokes or singing vulgar songs out loud. This is all protected under IPC Section 294 (obscene speech and lewd music). When it's accompanied by threats or use of force gestures, it should be prosecuted under Section 354 of the IPC since it's certain to offend a woman's modesty.

Insulting Modesty of a Women

Section 509 of the IPC does not apply to simple insult. It is not enough to allege an offense against the modesty or privacy of a woman under Section 509 of the IPC to bring a case under that section. Consequently, a woman's modesty or privacy must be at issue in the claim. Section 509 of the IPC does not allow for prosecution based on mere insult or false accusation. The burden of proof is with the prosecution to show that the accused spoke or made the sound or gesture to be heard or observed by a woman. Normally, this is difficult to prove, and women seldom make complaints about it. Even when they do, the wrongdoers frequently go unpunished since there is no efficient system in place to monitor and follow up on such crimes.

Vishaka Guidelines

In Vishaka, the Supreme Court used its authority under Article 32 of the Constitution to set rules and norms for the treatment of sexual harassment in the workplace as "law proclaimed" under Article 141 of the Constitution. Supreme Court justices ruled that international conventions and norms are important for the interpretation and guarantee of gender equality, the right to work with dignity (Articles 14, 15, 19 (1) (g), and 21) of the constitution, and the protection against sexual harassment implicit there in absence of

domestic law occupying the field. As a result of CEDAW being ratified by UN members in 1993, the rules largely rely on that agreement's provisions. It was intended that these guidelines would be binding and enforceable in court until new legislation was passed to fill the void.

When it comes to criminal penalties, sexual harassment and eve-teasing get a raw deal. Eve-teasing, as a verb, is loaded with self-indulgent connotations. By doing so, it tries to make a severe problem seem little. Women are insulted almost every day, everywhere, and at any given moment, no matter where they go. For a woman, walking alone on the street is like suffering. Women in Delhi have to travel great distances to go to their universities or places of employment because of the city's rapid growth. Ironically, sexual harassment is most prevalent when people are traveling, particularly on university special buses. Male predators keep a close eye on the cars, looking for vulnerable young ladies to tease and torture.

Sexual harassment complaints are often dismissed as frivolous by the general public and the judicial system. Even instances of harassment reported by victims who have risen through the ranks of the bureaucracy are handled in the same manner.

Interpretation of Section 354 and 509 of Indian Penal Code

A defendant (who was the Punjab State Police Director-General) was accused of insulting the modesty of the appellant, Mrs. Bajaj, an Indian Administrative Service official, in the case of Rupan Deol. This isn't a case of workplace sexual harassment per se, but rather of sexual harassment by the state's most senior police officer of an officer at a state party, which raises some interesting questions about the interpretation of Sections 354 and 509 of the Indian Penal Code, 1860, which deal with offenses such as "outraging the modesty of a woman.". There was a case filed as a result of a First Information Report. Both the FIR and the complaint were dismissed by Punjab and Haryana's highest court (the respondent had moved the High Court for this purpose). The appellant and her husband took their case to India's Supreme Court after the High Court ruled against them. It was determined by the Indian Supreme Court that the accusations made in the FIR amounted to crimes under the Indian Penal Code, 1860, Sections 354 and 509. For Section 354 and Section 509 of the Indian Penal Code, the court ordered the Chief Judicial Magistrate in Chandigarh, Punjab, to take cognizance and conduct a trial in line with IPC Section 354 and Section 509.

To remark on Section 354, the Supreme Court pointed to Section 509 of the Indian Penal Code, 1860, which includes the term "modesty." "The purpose of this provision, it seems, was to safeguard women from the morally repugnant indecent

behaviors of others. Sections 354 and 509 of the Indian Penal Code establish crimes that benefit women while also benefiting public morals and good behavior. These crimes not only violate one's rights but also violate public morality and society as a whole.

To achieve this goal, the word "modesty" must be seen as a characteristic of human females, regardless of whether the female in question has developed sufficient understanding to appreciate the nature of the act or to recognize that it offends decent female behavior or a woman's sense of propriety in her interpersonal relationships "s a good example of this.

Provoking a Woman's Sense of Dignity

In Major Singh, the Supreme Court's three-judge bench discussed what it means for a woman to be modest "The modesty of a woman is derived from her gender. A mature woman's sense of propriety is seen in the clothing she wears. Despite her humility, a woman of any age or intellectual level may be insulted. It is against the law to use illegal force on her to insult their modesty, according to Penal Code Section 354 The most essential factor to examine is whether or not the suspect had any intention of violating the law in the first place. If someone accused with a perverted mindset creeps up on a sleeping woman and touches her flesh, the lady's reaction is important, but it isn't necessarily determinative. There are criminal consequences for those who commit crimes while under the influence of anesthesia or sleep medication; they also risk criminal penalties if they are unable to comprehend the severity of the situation."

Although Sections 509, 294, and 354 of the Indian Penal Code deals with eve-teasing and its more serious aggravated form of sexual harassment, it is difficult to prosecute the offender because of the phrasing, procedural requirements, and evidence types required. This is due to the difficulty. It is possible to be charged with sexual harassment if you intrude on a woman's privacy by saying or doing things that are intended to be heard or seen by the woman, such as making noises, making gestures, or displaying objects. However, proving the intention, which is a key ingredient in this crime, can be difficult to prove.

The Phrase Eve-Teasing

When you call it "eve-teasing," it seems innocent enough, but the reality is much more obscenity and degradation for women.

Eve-teasing has increased in popularity, and Allahabad High Court Justice Khan has made the following statement in light of that fact "Roadside Eve-teasing "Romeos are becoming more prevalent in cities. Unfortunately, drug possession is the easiest crime to commit and the most difficult to prosecute after you've been caught. The victims of this kind of crime have mostly been young women and girls from well-to-do families. Unlucky victims are unable to protest when highway thugs utter dirty jokes or make

sexual, sensual, or caustic remarks about them while they're on the road or in the byway. To prevent additional humiliation, victims are sometimes compelled to suffer in silence and leave the area as quickly as possible without revealing their identities due to the severe repercussions of making such events public. Most of the offenders are scumbags and down-and-outs. Even respectable passers-by who have the misfortune of seeing or hearing the abominable occurrence are required by discretion to pretend not to have heard or seen it and quickly depart the area in their "interest," much to their mental anguish.

This person's attitude is downright gloomy. By inciting reckless behavior, it encourages criminals to behave with little concern for their safety. So the crime will never be reported to the authorities, and no one will ever be held accountable for their actions.

Section 509 of the IPC protects all women from discrimination in the workplace. In the absence of evidence to the contrary, the law treats them as modestly. Sending an indecent letter to a nurse or making disgusting or filthy comments in the correspondence is punishable under Section 509 of the Indian Penal Code. *Tarak Das Gupta v State* saw a university graduate convicted of writing an offensive letter to an English nurse he didn't know. Although the letter was enclosed in an envelope, it was deemed an exhibit by the nurse whose address it was posted and that the accused intended to insult her modesty by posting it.

Sexual Harassment and its Punishment

The Supreme Court's decision on sexual harassment led to the creation of a new Section 354 A of the IPC. However, the Supreme Court's recommendations could not be formalized until the Sexual Harassment Bill 2012 was introduced by the government. Clause 2 (n) of this Bill defined "sexual harassment" in words that are almost identical to those found in this new section. Even though it had already passed Lok Sabha, the bill was still pending in Rajya Sabha when the Justice J.S Verma Committee, formed in response to December 2012's Nirbhaya rape incident, deemed it appropriate to comment on the definition of "sexual harassment" and made suggestions, which were later incorporated into the Criminal Law (Amendment) Act, 2013, by inserting this new provision. There has been significant progress in this area since although the 2012 bill and the Justice J.S. Verma Committee focused only on sexual harassment in the workplace; the current provision makes sexual harassment crimes criminal in all areas of life, regardless of where they occur.

Voyeurism

Section 354 C of the Indian Penal Code (IPC) prescribes a new offense based on the Justice J.S. Verma Committee's recommendations. As part of its

research, the Committee discovered that crimes like stalking, voyeurism, and "eve-teasing," may deprive girls and fragile youngsters alike of their right to an education and their freedom of speech and movement, are considered "minor." According to the Committee, enacting legislation and putting in place enforcement mechanisms are not enough to instill a culture of mutual respect among India's youth. Instead, deliberate and well-thought-out efforts are needed. To prevent mild sexual aberrations from escalating into severe sexual aberrations, preventive interventions were considered essential.

1. Global Perspective

Per se, voyeurism is not a crime in nations under Common Law, unless proclaimed to be one through legislative declaration.

Voyeurism legislation in the United States is linked to privacy infringement laws. The laws target illegal surreptitious surveillance without consent and illegal recordings, including broadcast, dissemination, publication or sale of recordings made at times and locations where a person has a reasonable expectation of privacy and a reasonable belief that they are not being photographed or filmed by "any mechanical, digital or electronic viewing device," camera or other instruments capable of recording, storing or transmitting visual images. These laws are specific. Video voyeurism, for example, has been addressed in New York by legislation that prohibits unauthorized monitoring. If someone is found guilty of illegal surveillance in the second degree, they face up to 1 to 4 years in state jail:

- to spy on or film another person in their bedroom, toilet, changing room, or other private space, without their consent, employs or installs a camera or other image equipment; or
- uses or installs a piece of imaging equipment to secretly observe a person dressing or undressing while the subject has a reasonable expectation of privacy, for sexual pleasure or satisfaction
- allows, uses, or installs a piece of imaging equipment to secretly film another person dressing or undressing when the person has a reasonable expectation of privacy, or for enjoyment, pleasure, or profit, or to abuse or humiliate the victim, or for up skirting.

If someone distributes an illegal surveillance picture in the first degree, they are guilty of a Class E-Felony and face up to 1 to 4 years in state jail:

- sells or distributes a picture that was acquired in violation of the law

- shares a picture that he or she acquired in violation of the law; or
- Commits a felony of the first degree and has a history of felonies in the first and second degrees.

Non-consensual voyeurism was become a crime in the UK on May 1, 2004, when Section 67 was added to the Criminal Justice Act. The manager of a sports center in England secretly recorded four ladies while they showered. Not a single sign remained that the video had been shown or shared with anybody else. Although the defendant admitted guilt, the Court of Appeal upheld his conviction and sentence of nine months."

It wasn't until 1947 in Canada that the act of voyeurism was made an offense, in the instance of an unemployed truck driver who stopped his truck to look into a neighbor's window, only to be pursued and apprehended. By defining voyeurism as an invasion of privacy, the Supreme Court of Canada ruled in 1950 that courts could not prosecute the practice. Instead, Parliament would have to make it illegal. Section 162 of the Canadian Criminal Code was introduced on November 1, 2005, making voyeurism a sexual offense.

Stalking

Section 354 D of the IPC has been amended to include this additional clause. As a type of harassment, it involves persistently following a person without cause with the purpose to hurt them or causing them to worry or dread. Hazing may also include harassing phone calls, emails, and any other kind of unwelcome and threatening correspondence.

The following elements make up the offense's definition:

- (I) if a man –
 - (a) Follows a woman and contacts or attempts to contact such woman,
 - (b) monitors the use by a woman of the internet, e-mail, or any other form of electronic communication,
 - (c) Or watches or spies on a person
- (II) To foster personal interaction repeatedly
- (III) Despite a clear indication of disinterest by such a woman

When a man stalks a woman despite her obvious indifference, whether in person or electronically, he commits the crime of stalking as described in this section.

1. Proviso to Section 354D

Stalking may be exonerated from prosecution if the accused can prove one of the two things listed below:—

- (i) either that his conduct which is considered to be “stalking” was meant for preventing or detecting any crime and he (the person accused of stalking) was entrusted with the responsibility of prevention and detection of crime by the State; or
- (ii) that his conduct which is considered to be “stalking” was either pursued under any law or was meant to comply with any condition or requirement imposed upon him by any person acting under any law; or
- (iii) that in the particular circumstances his conduct which is considered to be “stalking” was reasonable and justified.

If none of these defenses apply, a person found guilty of acting in the manner specified in the section's first half faces being charged with stalking.

2. Global Perspective

"Stalking" is not a crime in Common Law nations unless it is proclaimed to be such by law, much as "voyeurism."

Section 646.9 of the California Penal Code, which first became law in 1990, made stalking a crime in the United States. Following this, every state in the United States made stalking a felony under a different name within three years.

Section 264 of the Canadian Criminal Code deals with what is often referred to as "stalking" activities in other countries. This clause went into effect in August of 1993 intending to make the laws that protect women even stronger. If found guilty in an indictable case, the defendant faces a jail sentence of up to 10 years, but if convicted in a summary trial it is subject to a lesser sentence.

A criminal offense was being committed even before the Prevention from Harassment Act was enacted in the United Kingdom by making insulting or threatening phone calls or sending a sexually explicit email or another message to another person. A criminal offense has been created by the Protection from Harassment Act of 1997, which makes harassing another person two or more times a criminal crime. Such behavior is subject to a jail sentence of up to six months. If a restraining order is issued, the offender faces up to five years in jail if the order is violated.

The decade of the 1990s saw every Australian state, beginning with Queensland in 1994, adopt legislation banning stalking. But the meaning of the crime varies somewhat from state to state, with Queensland's laws having the widest reach and South Australian statutes

having the narrowest. Even the penalties differ from a maximum of ten years in jail in certain jurisdictions to a fine for the lowest severity in other places. They also differ. Australian law has the unusual characteristic of not requiring the victim to have felt any more fear or anxiety as a consequence of the stalking than a reasonable person would have felt in that situation. Stalking laws in certain states extend beyond the state borders, meaning that a person may be prosecuted with stalking no matter where they or the victim are. Most Australian jurisdictions allow victims of stalking to obtain a restraining order, which is a criminal offense if it is violated.

Eve-Teasing

Today, eve-teasing has evolved into a harmful, obscene, and repulsive behavior. According to the Indian Journal of Criminology and Criminalities (January – June 1995 and.), eve-teasing may be divided into five types: verbal teasing, physical teasing, psychological harassment, sexual harassment, and harassment using items. The Supreme Court of Vishaka has established rules for the treatment of sexual harassment cases. In Rupan Deol, the Supreme Court clarified what it means for women to be "modest." As the number of female students and workers in educational institutions, workplaces, and other settings increases, so does the need to safeguard these women. Overcrowding on buses, metros, trains and other modes of public transportation is a horrifying and agonizing experience for women and girls. To limit eve-teasing, the Supreme Court in S. Samuthiram outlined certain recommendations, noting that it is essential to adopt at least some immediate steps so that it may be restricted to a certain degree until appropriate legislation is undertaken.

1. Supreme Court Guidelines on Eve-Teasing

Because of this, we are inclined to issue the following instructions," wrote the Supreme Court.

1. When women are exposed to eve-teasing in public locations such as bus stops, train stations, metro stations, movie theatres, shopping mall parking lots, public service vehicles (PSVs), or houses of worship (PWR), they are more likely to report the event to the authorities.
2. In addition, the State Government and Union Territories will be directed to install CCTV in strategic locations as a deterrent and a way to catch criminals if they are detected.
3. Institutional managers must take whatever measures they consider necessary to prevent eve-teasing within their jurisdiction, and they must forward complaints to the local police station or the Women's Help Center whenever a complaint is received.

4. The crew of a public service vehicle must, on a complaint filed by the aggrieved person, transport such a vehicle to the closest police station and provide information to the police when any incidence of eve-teasing is perpetrated by passengers or people in charge of the vehicle. If you don't comply, your license to operate will be revoked.
 5. Five state governments and union territories have been ordered to set up Women's Help lines in different cities and towns within three months to stop eve-teasing.
 6. Appropriate signs warning against eve-teasing should be displayed in all public areas, including school grounds, bus stops, train stations, movie theatres, beaches, and places of worship, for example.
 7. Passers-by and anybody else who witnesses such an event has a responsibility to report it to the local police station or the Women Helpline to protect the victims from further harm.
 8. eve-teasing would be curtailed if the state governments and union territories of India issued appropriate orders to the relevant authorities, including district collectors and district superintendents of police, to take efficient and necessary steps to curtail such occurrences.
- Weekly, 4101-4103. (2005)
 4. Abhishek Gupta, Decoding 'Deterrence': A Critique of the Criminal Law (Amendment) Act, 2018, ILI Law Review (2018).
 5. Arvind Verma & Hanif Qureshi, "Exploring the trend of violence against women in India". (2017)
 6. Sharma, Social etiology of violence against women in India, 42(3) The Social Science Journal, 375-389(2005)
 7. Welden, Restoring Lost 'Honor': Retrieving Face and Identity, Removing Shame, and Controlling the Familial Cultural Environment Through 'Honor' Murder. 2(1) Journal of Alternative Perspectives in the Social Sciences, 380-398. (2010).
 8. Barindra N. Chattoraj, Article on Sex related offences & their prevention and Control measures: An Indian Perspective, By.(2015)
 9. Watts, & C. Zimmerman, Violence against women: global scope and magnitude. 359(9313), The Lancet,1232-1237.(2002).
 10. Dutton, Patriarchy and Wife Assault: The Ecological Fallacy. 9(2), Violence and Victims167-82(1994).

CONCLUSION

In this study we have discussed about the Violence against Women to upset their dignity, Eve Teasing and its Aggravated Form, Insulting Modesty of a Women, Vishaka Guidelines, Interpretation of Section 354 and 509 of Indian Penal Code, Provoking a Woman's Sense of Dignity, The Phrase Eve-Teasing, Sexual Harassment and its Punishment, Voyeurism, Stalking, Eve-Teasing. Today, eve-teasing has evolved into a harmful, obscene, and repulsive behavior. According to the Indian Journal of Criminology and Criminalities, eve-teasing may be divided into five types: verbal teasing, physical teasing, psychological harassment, sexual harassment, and harassment using items.

REFERENCES

1. Dutt, 2018. Locating patriarchy in violence against women in India: social, legal and alternative responses. People: 4(2) International Journals of Social Sciences. (Jul.2018).
2. Kumaret.al Violence against women and mental health. 1(1) Mental Health & Prevention, 4-10(2013).
3. Suneetha, & V. Nagaraj, Adjudicating (Un) Domestic Battles. 40(38) Economic and Political

Corresponding Author

Asish Kumar*

Research Scholar, Rabindranath Tagore University