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## EVE-TEASING AND ITS AGGRAVATED FORM, SEXUAL HARRASMENT OF WORKING WOMEN IN INDIA

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### Abstract:

*Sexual harassment and eve-teasing are treated as low priority offences. The term eve-teasing is itself revealing in its indulgent overtones. It seeks to trivialise a very serious issue. We find women being insulted almost everyday, everywhere and every time. It is almost a torture for a woman to walk along on the road. Section 354 IPC deals with acts that outrage the modesty of a woman and punishes perpetration of this crime with fine and imprisonment but even small girls of tends age are victims of this crime. Recently such a crime was committed on a baby girl barely seven and half months old.*

*Eve-teasing is no longer confined to innocent remarks; sexual harassment of girls at work place is also increasing. Authorities are concerned about the rising incidents of these crime and have tightened the dragnet to catch the culprits. Most of the times as eve-teaser indulges in an obscene behavior when he is in the company of his fellow friends. There presence facilitates his action and give him a sense of security, anonymity and less chance of his being caught. In spite of these the crime (women) cell and different women's organisations are doing well.*

### KEY WORDS:

Eve-teasing , Harrasment , Working Women , Organisations.

### INTRODUCTION

Woman have been greatly praised in the literature and religion of our country, they have been called 'Devi and Shakti' yet their actual position is made clear every time they go out of the house alone; The very biology that enables them to bear children and to be worshiped as mother Goddess, Condemns than to be constatly abused and considered good only for sex. This menace keeps women in a state of tension wherever they are. This situation poses real problems, specially for the working women. To make the situation worse there is no specific law which deals with this crime in its entirely.

There are three sections of Indian Penal Code (Section 509, 294 and 354) which can be exploited to deal with such crimes. These section make gestures or acts intended to insult the modesty of a woman or acts which intrude upon her privacy a crime, but it is very difficult to exploit these provisions to deal with the various expressions of sexual harassment which is something very difficult to prove. Sexual Harassment and eve-teasing are treating as low priority crimes. The term eve-teasing is itself revealing in its indulgent overtones. It seeks to trivialise a very serious issue. We find women being insulted almost everyday, everywhere and every time it is almost a torture for a woman to walk alone on the road.

### CAUSES OF SEXUAL HARASSMENT OF WOMEN:-

Women have been subjected to socio-economic and cultural deprivations for such a long time that there is a general indifference and lack of awareness of crime against them. Crimes like murder, dacoity, robbery etc. are universally accepted as crimes and are condemned, but crimes against women are justified and condoned even by the women themselves.

In the causation of Crimes against women a combination of factors work, mutually stimulating and supplementing each other e.g. hyper sexuality of a person by itself may not lead him to crime, unless there is something more, viz. the presence of a submissive and lonely lady, who seem to be reducing him, then it would be like a match applied to gun powder. Likewise an environment of an undesirable type would not, in itself be responsible for the causation of Crime but the crime may be caused if there is a person, who, by some weakness of mind or lack of organisation of personality traits is susceptible to such environment. It is a complex mixture of social, economic, cultural, biological and legal factors that accounts for the rising crimes against women.

The social causes of sexual harassment include causes like inferior status of women due to social conditioning patriarchal structure of society, unwholesome overcrowding in one room, too much interference by the parents, too slack a discipline, lack of love of parents, imprisonment, drunkenness, immorality, cruelty, addiction to drugs sickness and modern permissive atmosphere etc. At times excessive punishment may also embitter a child and lead him to anti social activity.

Now coming to the personal traits of the victim and victimizer are those lie dormant in the individual and which take effect only under the stimulus of the environment. Lombroso was the first social scientist to draw the attention to physical characteristics of a criminal in the causation of crimes. His thinking has been revived by professor Hooton and professor Lange.<sup>1</sup> Physical ailment and organic and functional ailments also have their role in contributing to crimes against women some times the victim of sex crime, may by her relationship with the offender or by her unintentional behaviour create a situation which result in her frustration would produce a combination where violence could be predicted.<sup>2</sup>

The legal system is reflection of the societal attitude towards women. It is non responsible to her plight. The law enacted for the protection of women suffer from various shortcomings. The enforcement of these laws is so poor that the offenders seem to have lost all fear of authority. The police is the first agency for the administration of criminal Justice and is considered to be the first line of defence offences.<sup>3</sup>

### SEXUAL HARASSMENT AND THE LAW:-

There are provisions under Section 509, 294 and 354 of the Indian Penal Code for dealing with eve-teasing and its aggravated form, sexual Harassment but the way these provisions have been worked, the complexities of the procedural laws and the type of proof that is required, make it very difficult to get the culprit punished.

"Theoretically any person who intrudes on the privacy of a woman or utters any words or makes any sound or gesture or exhibits any object with an intention that such word or sound shall be heard or that such gesture or object shall be seen by the woman, can be booked for sexual Harassment, but it is not easy to prove the intention which is an essential ingredients of this offence.

If a man intending to outrage the modesty of a woman exposes his person in an indecent manner or uses obscene words that intending that she should hear them or exhibits to her an obscene drawing commits this offence. The word 'Modesty' has not been define anywhere in the code. Usually the courts go by the popular meaning and assert that males should observe some sense of propriety of behavior in their relations with women. In *Surrender Nath V. state of M.P.*<sup>4</sup>. It was held that pushing the bell bottom pant or chadar down that what is normally required is an indecent behavior.

#### Outraging the modesty of a girl :-

A woman's modesty is her sex <sup>5</sup> whoever uses criminal force with an intent to outrage it commits an offence under section 354 IPC <sup>6</sup>. Young or old, intelligent or imbecile, sleeping or awake, the woman passes a modesty capable of being outraged.

#### Culpable Intention :-

The intention of the accused is a difficult matter, no conviction can be based on surmises, guesses or conjectures in the absence of any evidence. In *Jugmal Singh V. state*<sup>7</sup> since the intention of the offender could not be proved it was held that the Appellant was wrongly convicted, so on appeal the conviction was

set aside.

In Ram Das V. state of Bengal 8 though the assault was there but the intention to outrage the modesty could not be proved. The High Court upheld the acquittal while agreeing that the conduct of the accused was reprehensible as he had tried to chase the girl.

#### **Obscene Act or song at public place :-**

Section 294 IPC punished doing of obscene act or singing of obscene songs at public place, provided the same causes annoyance to others. this section would apply to uttering obscene words 9 and also making indecent gestures 10.

In state V. Vijay Singh 11 it was held that section 10 IPC rules out any consideration of the age of the victim for the determination of the guilt of the accused. In state of Punjab V Major Singh 12 a female child of seven and a half month was considered to be a woman under section 354 IPC.

#### **Delhi Eve-Teasing (Prohibition) Act :-**

In 1988 a new law "Delhi prohibition of eve-teasing bill 1988" was passed. The object of passing this act was to arrest the ever - increasing cases of Eve Teasing and sexual harassment of women and to make the conviction of the culprits easier. It was also intended to create greater confidence in the victims. It was a relief to realize that this issue was being taken up seriously (though amendment of law or passing a new law has become a way of showing concern for a particular issue). The recent example of this action is the amendment of rape prohibition act after the Basant Vihar Delhi Gang rape case.

This act makes eve-teasing a non-bailable offence. It lays down one week imprisonment or fine or both for eve-teasers and makes this offence cognizable. It provides for summary trial for the quick disposal of cases to ensure speedy justice to the victims.

#### **FORMS OF SEXUAL HARASSMENT :-**

There are a large number of forms which sexual harassment and eve-teasing take the mild forms take the shape of ogling whistling, passing comments loud enough for the women to hear, singing songs as a woman passes by, blowing kisses and making loud and often obscene sounds at her. It is also there in the form of physical contact such as brushing, pinching, pushing and rubbing. In some places these forms of eve-teasing have been replaced with brazen acts of dupatta snatching and back patting, some sadists are even found to be carrying blades to cut the dresses of women.

Eve-teasing covers every thing from hurting of completely unwanted abuses to outright violence. Eve-teasers are as unlikely simple to whistle as they are likely to utter sexual exploits or pass obscene remarks about a girl's figure." I want to sleep with you is an extremely polite way to describe these comments. Eve-teasing and sexual harassment have become so prevalent that if a man whistles at a girl or pinches her back no one bothers about it, it is taken as a normal man behavior 'After all boys; will be boys.

Moving around on lonely roads has several disadvantages. a student from Hindu College recalls that she was going back from the library on a rickshaw when she noticed a man following her on scooter. this gentleman asked the girl to leave the rickshaw and come with him. When she refused the man gave her a slap and dragged her down. He told the rickshawala that she is his wife and has left him in anger. He speeded away immediately because the girl cried for help and the man saw some students coming. Later one this man was trace by his scooter number and hauled up by the police but it was a real ordeal for the girl to satisfy the police and get him booked.

Apart from streets, eve-teasers are also active in other public places like cinema halls, parks and exhibitions ground. they also haunt religious places, places of tourists interest and the DTC bus Even academic institutions are not without its share of eve-teasers. Most girls have experienced the furtive hands that creeps into their things, the stealthy touch on their breasts, the sly pinch on their waists and so on. A visitor to the recently concluded trade fair noted the misbehavior of men with girls on duty in various pavilions ' Groups of noisy young man would flock around the girl on duty, loudly, passing comments on her clothes and asking all sorts of stupid questions<sup>13</sup>.

Parks are almost a taboo for the girls, very few girls can go alone for a walk without inviting unwelcome attention of some men riding up and making kissing sound unzipping their trousers or even master bating.

### SEXUAL HARASSMENT OF WOMEN AT WORK PLACE :-

It is an amazing truth that years after an establishment tradition of Indian working women their Harassment at working place is so common. There are about Eleven million women who have entered all folds from medicine to politics to piloting places yet normally all faces the same problem. Sexual Harassment is assuming new and subtler form each day, but very few organisations have formalized measures to tackle it, never even openly acknowledge its existence. There is no sexual Harassment in our office, maintain most of the men. This statement, to say the least is gross understatement. The trouble is sexual Harassment is as hard to defiance as it is hard to take and there is virtually no women who has not experiences it at one stage of her career or the other. The experience of nurses in the hospital and girls students in the colleges is not better. The nurses are Harassed by the male doctors as well as the patients unfortunately, I caught the eye of a senior professor who is notorious for taking pretty women's said sister Sushma, 'he appointed me to his word and life became a living hell whenever I refused to go out with him. 14 An act of sexual Harassment and molestation is by its nature difficult to prove in a court of law. The lack of evidence and social stigma, prevent the victim from complaining, According to Indira Jaising a famous lawyer 'this phenomenon is widely prevalent but not many cases come to court. Eve-teasing is a compoundable offence. In Ram Asray V. State of UP<sup>15</sup> is the famous case of the acceptance the appeal at the Revision stage, and the court compounded the offence and set the accused free.

### SOME CASES :-

Among the most controversial case one was in October 1989 when Mukti Datta, Secretary to Jan Jagran Samiti, accused the then Union Minister of Environment and forests, Z.R. Ansari of forcible pushing her down on a Coach and assaulting her inside his private office at parivahan Bhawan in Delhi, when she telent to complain to him about alleged timber Mafia operation in Almora she filed the FIR and Ansari was subsequently arrested but later released in bail. 16

An incident which generated a lot of Controversy took place when Rupal Bajaj, A Senior IAS officer accused the than Director General of Police Punjab, K.P.S. Gill of Sexually abusing her at a dinner party. 17 This case made the headlines "I realised that silence only helps the culprit to continuous with the same kind of behavior" said Mrs. Deol about her decision to go the court.

Another source of Molestation of women are the Indian Godmen who are increasingly proving that they are more men than gods in their sexual overtures. There are several cases where the so called godmen have been accused deriving young girls and gullible young women and abusing them sexually. Sexually Harassment by some one who is in a position to dispense favor to a women specially if she is in a subordination or in a powerless position is will know and will documented, but sexual Harassment of colleagues and women from higher strata of society is a recent development.

### Conclusion And Suggestion :-

Although the Directive Principles enshrined in the constitution and the increasing number of protective laws, Crimes against women have contented their upward trend, pushing the more and more women in to the list of the victims of rape, currently eve-teasing and sexual Harassment. Generally women have no faith in law to knock at its doors they do not have enough resources to fight the long unending and extremely expensive legal battles. The enforcement authorities against women stoic silence when cases of atrocities against women are reported to them the police try to underplay the whole incident rather than springing in to action. The courts have no place for these victims in the list of their priorities. The efficiency of laws passed to protect women from social as well as individual deviance is very doubtful. The offences are multi dimensional and multi causal. They are the manifestations of a very deep rooted disease which has socio-economies, cultural and political dimensions. The endeavors of the legislatures and the law enforces have not succeeded so far because their whole concentration was only on legal measures moreover, their efforts were superficial symptomatic.

There is a need to reform the images of women that have been created over centuries by history, mythology and social customs women must be considered as individuals who are equal to men in their own rights. Parents should not impose crippling restrictions on their daughters. The Legislatures must treat women as participant not merely as recipients women also have to be assertive and develop a self- Identity so that they can lead a life of security and dignity. They must be made economically independent to achieve this aim.

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