LEGAL FRAMEWORKS ADDRESSING EVE TEASING IN INDIA: AN ANALYSIS OF EFFECTIVENESS AND IMPLEMENTATION

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ABSTRACT

Eve teasing is one of the most serious and debatable topics in current time and a barbaric human rights abuse. Eve teasing is an odious act done by men on a woman, eve teasing can be in form of touching, whistling, passing of sexual comments, hitting, gestures, rubbing of women. These activities are done in public domain, which includes streets, road, parks, restaurant, and any form of public transportation. Which is a form of street harassment and public sexual harassment. Eve teasing has been a major source of discomfort and restriction on a woman. And in some cases, the victim chooses to commit suicide because of constant harassment. In addition to this the victims of eve teasing are discouraged to come forward because of family reputation and shame. The term eve teasing is not defined in any of the Acts, and it does not have any universal definition, hence the legislation is very difficult. Though there are several laws and Acts that indirectly deals with the offence of Eve Teasing but, it still needs effective implementation and monitoring. This project aims to the cause of eve teasing and the ways by which we can curb this odious act. It shall analyse all the legal remedies and its effectiveness and implementation in India. Further recommendations are being made for curbing such offence from the society.

Keywords: Eve Teasing, sexual harassment, legal remedies, human rights.

INTRODUCTION

"Woman is the companion of man, gifted with equal mental capacities. She has the right to participate in the minutest details in the activities of man, and she has an equal right of freedom and liberty with him. She is entitled to a supreme place in her own sphere of activity as man is in his. This ought to be the natural condition of things and not as a result only of learning to read and write. By sheer force of a vicious custom, even the most ignorant and worthless men have been enjoying a superiority over woman which they do not deserve and ought not to have. Many of our movements stop half way because of the condition of our women."

- Mahatma Gandhi

Rape, sexual assault, eve-teasing and stalking are matters of serious concern not only because of the physical, emotional, and psychological trauma which they engender in the victim, but also because these are practices which are being tolerated by a society ostensibly wedded to the rule of law.

The fundamental rights to life with human dignity, to equality, and to work in ones chosen profession or trade inherently include protection from sexual harassment. It is indubitably the position that the Constitution guarantees fundamental freedoms to women

Eve teasing, is a term commonly used in India to describe public sexual harassment of women, encompasses a range of behaviors from lewd remarks and gestures to physical molestation. Eve teasing is a pervasive form of gender-based violence that undermines women's safety, dignity, and freedom in public spaces.

The gender, age, and socio-cultural background of the perpetrator and of the victim play a significant role. Studies from India revealed that Eve-teasing is a common threat to women, which repeatedly occurs every day, making them feel insecure, embarrassed, and humiliated. (Dhillon & Bakaya, 2014).

"Eve-teasing" was defined in 1984 by the government of New Delhi as¹:-

When a man by words either spoken or by signs and/or by visible representation or by gesture does any act in public space, or signs, recites, or utters any indecent words or song or ballad in

¹ https://rsdebate.nic.in/bitstream/123456789/273504/1/PD_148_24111988_10_p232_p277_23.pdf.

any public place to the annoyance of any women. (Dhillon & Bakaya, 2014). Eve teasing is the most common form of sexual violence as depicted in the Indian cinema, there they depict eve teasing as a playful act and typically this criminal act is shown as a romantic-love side in the Indian movies, which creates wrong impact on the viewers and leads to street harassment and it causes women to restrict their time in public places alone, be perpetually alert, and change neighbourhoods and jobs (Kearl, 2010) ².

The issue has quickly become a national concern across all sectors of society. Many students' life is falling due to this situation. The primary stage where this gets starts is at the start of academic life, the most favoured child may be negatively impacted by their parents' selfcenteredness and contentment, rather than growing up in a cheerful and caring environment.

Many students have turned to suicide as an alternative to becoming victims of bullying.

Gender violence has drastically impacted the lives and freedoms of school-aged girls. (Rathi, 2018). In India, a nation marked by rapid urbanization, cultural diversity, and a complex interplay of tradition and modernity, this issue has long challenged lawmakers, activists, and society at large. The legal response to eve teasing has evolved over time, reflecting shifts in societal awareness and political will. From the colonial-era Indian Penal Code (IPC) of 1860 to the transformative Criminal Law (Amendment) Act of 2013, and more recently the Bharatiya Nyaya Sanhita (BNS) of 2023, India has sought to craft a robust framework to address this menace.

What is Eve Teasing?

The term "Eve teasing" comes from the name "Eve," the first woman in the Bible, and "teasing," which means bothering someone in a playful way. But in India, it is not just playful- it is unwanted behaviour that makes women uncomfortable or afraid. Examples of eve teasing include³:

• Men shouting bad words or singing songs to annoy women. Staring at women for a long time

² Holly Kearl, "Stop Street Harassment: Making Public Places Safe and Welcoming for Women" Bloomsbury Academic, 2010.

³ Megha Dhillon and Suparna Bakaya1, "Street Harassment: A Qualitative Study of the Experiences of Young Women in Delhi" volume I SAGE Open July-September (2014).

in a way that feels creepy.

• Touching or brushing against women on purpose in crowded places like buses or trains.

• Following women while they walk or ride a scooter.

• Making jokes or gestures that insult women.

This behaviour is not new in India. It has been happening for many years, especially in cities and towns where men and women share public spaces more often. While some people call it "teasing," women who face it say it feels like harassment, not fun.

How Eve Teasing Affects Women

Eve teasing may seem small to some, but it has a big impact on women's lives. Here are some ways it affects them-

Fear and Stress: Women who face eve teasing feel scared to go out alone. They worry about what might happen on the street or in a bus. This fear makes their daily life stressful.

Limits Freedom: Many women avoid going to certain places or traveling at night because of eve teasing. Some stop going to school or work because they do not feel safe. This takes away their freedom to live as they want.

Hurt Feelings: Being teased or harassed makes women feel ashamed, angry, or helpless. Even if no one touches them, rude words or stares can hurt their confidence and self-respect.

Physical Harm: In some cases, eve teasing goes too far. If a woman fights back or says no, the men might get angry and hurt her. There have been cases where women were attacked or even killed for standing up to harassers.

Family Pressure: In India, some families blame women for being teased. They say it is because of what she wore or where she went. This makes women feel guilty, even though it is not their fault⁴.

⁴ Rana, Usha (2023) "Are We Safe? An Investigation of Eve-teasing (Public Sexual Harassment) in India," Journal of International Women's Studies: Vol. 25: Iss. 7, Article 7.

Why Does Eve Teasing Happen?

To understand eve teasing, we need to look at why it happens. One big reason is India's patriarchal culture. This means society often sees men as more powerful than women. Some men grow up thinking they can control or tease women without consequences. They might see it to show off to friends or feel strong. Movies and songs sometimes make it worse by showing eve teasing as romantic or funny like a hero chasing a heroine until she says yes. In real life, though, it is not love; it is harassment.

Another reason is lack of education. Many boys are not taught to respect women or understand that teasing hurts. In some families or communities, they are raised to believe women should stay quiet and accept such behavior. Poverty and unemployment can play a role too—idle young men might hang out on streets and tease women out of boredom or frustration. Crowded places like buses or markets also make it easier for harassers to act and then disappear. All these factors mix to keep eve teasing alive in India.

How Does Society React?

Society's reaction to eve teasing is a mixed bag. Some people blame the woman, saying she provoked it by wearing "wrong" clothes or being out late. This victim-blaming makes women feel ashamed instead of supported. Families might tell daughters to stay home or marry early to "protect" them, which limits their lives even more. On the other hand, some communities and activists fight back. Women's groups hold protests, and brave individuals speak out.

High-profile cases, like the 2012 Nirbhaya gang rape in Delhi, have sparked outrage and forced people to talk about harassment, including eve teasing. But overall, society's response is uneven—some care, many don't, and the problem continues.

Challenges in Stopping Eve Teasing

Stopping eve teasing isn't just about laws—it's about how they're used and how society thinks. Police need better training to handle complaints kindly and quickly. Women need to know their rights and feel safe reporting. Society must stop blaming victims and start blaming harassers. Attitudes need to change—boys should learn early that teasing isn't cool or manly; it's wrong. Crowded places need more security, like cameras or patrols, to catch offenders. Right now, the system has gaps: laws exist, but they don't reach everyone or change everything.

HISTORICAL BACKGROUND

Early History

A long time ago—hundreds or even thousands of years back—most societies didn't give women the same freedom as men. In many cultures, women were supposed to stay at home, take care of the family, and not go out much. For example, in ancient India, texts like the Manusmriti (an old rulebook from around 200 BCE to 200 CE) said women should always be protected by men—first their fathers, then their husbands, and later their sons. Going out alone wasn't common for women, so there weren't many chances for eve teasing as we know it today.

But even back then, when women did step outside—like to fetch water, go to markets, or visit temples—some men would bother them. This wasn't called "eve teasing" yet, but it was similar. For instance, in old stories or poems from places like India or the Middle East, you can find hints of men making comments about women's looks or behavior. Because women weren't supposed to talk back or complain, this behavior wasn't seen as a big deal by society. Men got away with it, and women had to stay quiet⁵.

Medieval Times

(Around 500–1500 CE), this continued. In Europe, for example, women walking in towns might face catcalls or rude gestures from men, especially if they were alone. In South Asia, as towns and cities grew, women from poorer families had to work outside like selling goods or farming and they often faced harassment. Richer women stayed more hidden, but poorer women couldn't avoid it. Still, there were no real laws to stop this, and people thought it was just "how men are."

Colonial Era

The term "eve teasing" emerged during British colonial rule, which is a blend of Victorian notions of propriety with local patriarchal norms. Historically, Indian society has been structured around rigid gender roles, with women traditionally confined to domestic spheres. Their gradual entry into public life by the means of education, employment, and urban migration exposed them to harassment. Socially, eve teasing was rarely condemned outright in

⁵ Amita Rathi, "Law Regarding Eve Teasing in India" (IJRAR) Volume 5, Issue 3, 2018.

its early history. Victims were often blamed for "provoking" such behaviour through their clothing or presence in public, reflecting a victim-shaming culture⁶.

Under colonial rule, the IPC of 1860 provided the earliest legal tools to address such behaviour. Section 294 targeted obscene acts or words in public, punishable by up to three months imprisonment or a fine, while Section 509 penalized acts insulting a woman's modesty with up to one year imprisonment or a fine. These provisions, however, were rooted in maintaining public order rather than protecting women's rights. Colonial court records reveal that prosecutions were rare unless harassment escalated to physical assault, leaving verbal taunts and gestures largely unaddressed.

Post-independence, India's Constitution of 1950 promised equality under (Article 14) and the right to life with dignity under (Article 21), setting a theoretical foundation for women's protection. Yet, the attitude of society towards the women's safety and equality evolved slowly. The 1960s and 1970s, is marked as the era of urbanization and women's increasing visibility in public attending colleges, joining the workforce, or using public transport this was the time when we saw a corresponding rise in eve teasing. The 1980s brought a shift, driven by feminist movements and media exposure of incidents.

The 1987 case of Rupan Deol Bajaj⁷, an IAS officer harassed by Punjab's Director General of Police KPS Gill, galvanized public discourse. Gill's conviction under Sections 294 and 509 marked a rare instance of accountability, exposing the inadequacy of existing laws for addressing power imbalances. This period also saw early state-level responses, such as the Delhi Prohibition of Eve Teasing Bill, 1984, which, though not enacted, signalled growing recognition of the issue. Tamil Nadu's 1998 Prohibition of Eve-Teasing Act later emerged as a more concrete step, reflecting regional efforts to fill national gaps. The 1997 Vishaka v. State of Rajasthan, Supreme Court ruling, while focused on workplace harassment, had broader implications. By defining sexual harassment and mandating preventive measures, it laid a philosophical groundwork for addressing eve teasing in public spaces.

Modern Era

By the 2000s and 2010s, eve teasing was a well-known issue. Technology, like mobile phones

⁶ Rajya Sabha Secretariat New Delhi, "One Hundred and Sixty Seventh Report On The Criminal Law (Amendment) Bill, (2012)

⁷ Rupan Deol Bajaj AIR 1995 SCC (6) 19

and the internet, made it worse in new ways. Men could now harass women online or take pictures without permission. But it also helped women fight back they could record proof, share stories, and call out harassers on social media.

The turning point came in 2012 with the Nirbhaya gang rape case in Delhi—a brutal crime that began with street harassment and escalated to tragedy. The ensuing outrage spurred nationwide protests, forcing lawmakers to confront eve teasing as a precursor to graver offenses. The Criminal Law (Amendment) Act of 2013 and the subsequent BNS of 2023 reflect this significant move from vague colonial laws to specific, rights-based protections.

This historical evolution highlights a gradual awakening to eve teasing's severity, though cultural and systemic challenges persist. Today, in 2025, eve teasing is not gone, but now it is being discussed differently. Schools teach kids about respect, campaigns like "Beti Bachao, Beti Padhao" (Save Daughters, Educate Daughters) push for equality, and women are louder than ever. But still those old habits persist some men still harass, and some places still blame women for getting harassed because of their clothes, attitude, and many more aspects.

Legal Evolution

The legal response to eve teasing has undergone significant transformation, particularly in India, where the term is most widely recognized. Initially, colonial-era laws like Section 294 obscene acts and songs and Section 509. Word, gesture, or act intended to insult the modesty of a woman of the IPC, enacted in 1860, were used sporadically to address such offenses. However, these provisions were broad, lacked specificity, and carried light penalties often just fines or short jail terms making them ineffective deterrents⁸.

A turning point came with growing feminist movements and public outrage over high-profile cases in the late 20th and early 21st centuries. For instance, the 1980s and 1990s saw increased activism in India, with organizations pushing for stricter laws and better enforcement. The brutal gang rape and murder of a student in Delhi in 2012 the Nirbhaya⁹ case marked a shocking movement and public demand for comprehensive legal reform. While this case was far more

⁸ Rajya Sabha Secretariat New Delhi, "One Hundred And Sixty Seventh Report On The Criminal Law (Amendment) Bill, (2012

⁹ Nirbhaya case AIR 2017 SC (2161).

severe than typical eve teasing, it highlighted the quantum of gender-based violence and spurred broader changes.

Post-2012, the Criminal Law (Amendment) Act of 2013 in India introduced significant updates. Section 354A of the IPC was added to explicitly criminalize sexual harassment, including acts like making sexually coloured remarks, unwanted physical contact, and showing pornography, with punishments ranging from one to three years in prison. Stalking Section 354D and voyeurism Section 354C were also codified, addressing behaviours often associated with eve teasing. These amendments shifted the legal framework from vague moralistic terms like "modesty" to more concrete definitions of harassment.

In other South Asian countries, progress has been slower but notable. Bangladesh introduced the PWCRA in 2000, amended later to include stricter penalties for harassment. Pakistan's Protection Against Harassment of Women at the Workplace Act of 2010 and subsequent amendments to the Penal Code have also tackled public harassment, though enforcement remains inconsistent.

INTERNATIONAL CONVENTION AND ITS EFFCET ON INDIA LEGAL SYSTEM

What Are International Conventions?

International conventions are like promises that countries make to each other. They are written agreements signed by governments to follow certain rules or work toward common goals. For example, some conventions focus on human rights, others on the environment, and some on protecting women and children. When a country signs a convention, it agrees to try to follow its rules. In legal terms, this is called "ratifying" the convention.

India has signed many international conventions, especially those about human rights and women's rights. These agreements do not directly become laws in India, but they push the government to make or change laws to work for achieving the convention's goals. For eve teasing, the conventions we are going to talk about deal with women's safety, equality, and freedom from violence or harassment. There is not a single convention called the

"International Convention on Protection Against Eve Teasing," but several global agreements cover issues like sexual harassment, violence against women, and gender equality. These apply to eve teasing because it is a form of harassment and discrimination.

1. UDHR, 1948¹⁰

What It Is: The UDHR is not a treaty, but it is a famous document created by the UN after World War II. It lists basic rights that every person in the world should have. It says everyone has the right to life, liberty, and security Article 3. It also says no one should be treated unfairly because of their sex Article 2, and everyone is equal before the law Article 7.

2. (CEDAW), 1979¹¹

CEDAW is often called the "women's rights treaty." It is a big UN agreement that countries sign to stop discrimination against women and promote equality between men and women.

India signed it in 1980 and ratified it in 1993.

CEDAW asks countries to end all forms of discrimination against women under Article 1. Take steps to stop violence against women, including in public and private life. It further states that make sure women can enjoy their rights to safety, education, and work without fear Articles 3, 11, and 15.

Connection to Eve Teasing: Eve teasing is a type of gender-based violence and discrimination. It stops women from feeling safe in public places, going to school, or working freely. CEDAW says countries should make laws and take action to stop this.

Effect on India: CEDAW has been a big influence on India's laws. For instance;

The Supreme Court of India used CEDAW in the Vishaka v. State of Rajasthan case (1997) to create rules against sexual harassment at work. These rules, called the Vishaka Guidelines, came before India had a specific law for workplace harassment. Later, India passed the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act), partly because of CEDAW's push for women's safety.

¹⁰ Universal Declaration of Human Right https://treaties.un.org/ (last visited on March 25, 2025).

¹¹ Convention on Elimination of All Forms of Discrimination Against Women https://treaties.un.org/ (last visited on March 25, 2025).

3. ICCPR, 1966

The ICCPR is another UN treaty about basic human rights. India signed and ratified it in 1979.

It protects rights like:

• The right to life and security Article 6 and 9.

• Freedom from cruel or degrading treatment Article 7.

• Equality before the law Article 26.

Connection to Eve Teasing: Eve teasing can feel degrading and unsafe for women. It's a threat to their security and equality. The ICCPR says governments should stop this kind of behavior.

Effect on India: The ICCPR has inspired Indian courts to protect women's rights. For instance, in cases about eve teasing or harassment, judges have said it violates a woman's right to live with dignity, which is part of Article 21 of the Indian Constitution. This idea of dignity comes from ICCPR too.

4. Beijing Declaration and Platform for Action, 1995

This is not a binding treaty but a plan from a big UN conference on women's rights. India agreed to follow it. It calls for action to stop violence against women, including sexual harassment in public spaces. It asks countries to make laws, educate people, and punish offenders.

Connection to Eve Teasing: Eve teasing fits under the violence and harassment the Beijing Platform wants to stop. It says women should feel safe everywhere—streets, buses, workplaces.

Effect on India: The Beijing Platform encouraged India to strengthen laws against gender violence. It influenced campaigns and laws like the Criminal Law (Amendment) Act, 2013, which added tougher rules against sexual harassment and stalking after the 2012 Delhi gang rape case.

How These Conventions Work in India

International conventions do not automatically become laws in India. India follows a "dualist"

system, which means the government must make new laws or change old ones to match the conventions it signs. But even without direct laws, these agreements have a big impact i.e.

Influencing the Constitution

India's Constitution already has rights that match these conventions—like equality (Article 14), no discrimination based on sex (Article 15), and the right to life and liberty (Article 21). Courts use these articles to protect women from eve teasing.

Guiding Courts

Judges in India often look at international conventions to make decisions, even if they are not laws yet. For example, in the Vishaka case, the Supreme Court used CEDAW to create workplace harassment rules because India had not made a law yet.

Pushing New Laws

Conventions pressure India to update its legal system. Laws like the POSH Act and amendments to the Indian Penal Code (IPC) came partly because of international commitments.

Eve Teasing in Indian Law

Eve teasing isn't named as a specific crime in Indian law, but it's covered under laws about sexual harassment, assault, and insulting women. These laws have evolved over time, partly because of international conventions.

Old Laws in IPC, 1860

Before international conventions had a big impact, India had some basic laws in the IPC:

Section 294: Punishes anyone who does obscene acts or says obscene things in public (like lewd comments or songs). Penalty: Up to 3 months in jail, a fine, or both.

Section 354: Punishes assault or force used to "outrage a woman's modesty" (like touching or pushing). Penalty: Up to 2 years in jail, a fine, or both.

Section 509: Punishes words, gestures, or acts meant to insult a woman's modesty (like rude

remarks or winking). Penalty: Up to 1 year in jail, a fine, or both.

These sections were used for eve teasing, but they weren't enough. They didn't cover all types of harassment, and punishments were light. Plus, proving these crimes in court was hard.

Changes After International law's

International conventions like CEDAW and the Beijing Platform pushed India to do more.

Some of landmark advancements are -

Vishaka Guidelines (1997):

After the Vishaka v. State of Rajasthan case, the Supreme Court used CEDAW to make rules against sexual harassment at work. While this didn't directly cover eve teasing on streets, it set a tone that harassment anywhere is serious. It said employers must protect women and set up complaint committees.

Criminal Law (Amendment) Act, 2013:

After the 2012 Delhi gang rape case, India updated its laws. This was partly to meet international standards on women's safety. New IPC sections were added:

Section 354A: Defines sexual harassment (unwelcome physical contact, sexual remarks, showing pornography). Penalty: Up to 3 years in jail, a fine, or both.

Section 354D: Covers stalking (following or contacting a woman against her will). Penalty: Up to 3 years for the first offense, 5 years for repeat offenses. These sections directly apply to eve teasing-like lewd comments or following women.

POSH Act, 2013:

The Sexual Harassment of Women at Workplace Act came from the Vishaka Guidelines and CEDAW. It protects women from harassment at work, including eve teasing if it happens in a workplace setting (like comments from coworkers). Employers must have committees to handle complaints.

Bharatiya Nyaya Sanhita (BNS), 2023:

In 2023, India replaced the IPC with the BNS. It keeps and updates the rules against sexual harassment:

Section 74: Replaces IPC Section 354 (outraging modesty).

Section 79: Replaces IPC Section 509 (insulting modesty).

These changes make the law clearer and stronger, aligning with international goals.

LEGAL FRAMEWORKS

Why Do We Need Laws for Eve Teasing

Law is made for the protection of peoples right, life, privacy, faith etc. but what if there is no law in the society nothing will function correctly and there will be no hierarchy left. In the same manner imagine walking down the street and someone starts shouting rude things at you or following you. It's not just annoying it's frightening. For many women, this happens too often, and it stops them from feeling free or safe. That is why laws exist to punish those who harass others and to make sure everyone can live with respect. Without laws, people might think they can get away with bad behavior, and victims might feel helpless. The legal framework is like a set of rules that says, "This is wrong, and if you do it, there will be consequences." It also gives victims a way to fight back by reporting the problem and getting justice.

Constitutional Provisions

In view of Article 15(3), which enables the State to make special provisions for women and children, the equality of women and children is firmly enshrined in Article 14 as well as

Article 15(1) of the Constitution. It is also necessary to note that Article 21 applies equally to women.

Article 21- A, which guarantees the right to education applies to "all children" irrespective of gender.

Article 23 prohibits traffic in human beings and forced labour. Article 24 protects children and

enjoins that no child below the age of 14 years will be employed to work in any factory or mine or hazardous employment. It may also be noticed that

Article 51-A(e) provides that it shall be the duty of every citizen of India to renounce practices derogatory to the dignity of women.

In fact, the Preamble to the Constitution guarantees social, economic and political justice which, in the view of the Committee, would include gender justice, liberty of thought, expression, belief, faith and worship; equality of status and opportunity that would again reinforce the theory of equality; while fraternity enjoins citizens to treat each other with respect and dignity, regardless of gender.

Hence, the right to be protected from sexual harassment and sexual assault is, therefore, guaranteed by the Constitution, and is one of the pillars on which the very construct of gender justice stands.

This right is buttressed by the directive principles of State policy contained in Articles 38, 39 and 39-A of the Constitution, which are to be construed harmoniously with the fundamental rights in Part III; and these fundamental principles bind the State in performance of its task of governance of the country.

Every person invested with public power remains primarily a citizen who is duty bound to perform the fundamental duties of every citizen with the added public duty of implementing the directive principles of securing a social order for the promotion of welfare of the people.

The duty of the State, therefore, is to provide a safe environment, at all times, for women, who constitute half the nation's population; and failure in discharging this public duty renders it accountable for the lapse. The State's role is not merely reactive to apprehend and punish the culprits for their crimes; its duty is also to prevent the commission of any crime to the best of its ability. Crimes against women are an egregious violation of several human rights demanding strict punishment with deterrence to prevent similar crimes in future by the likeminded.

The National Human Rights Commission has also held the Government accountable and responsible for the violation of human rights within its jurisdiction, observing:

"is the primary and inescapable responsibility of the State to protect the right to life, liberty,

equality and dignity of all of those who constitute it. It is also the responsibility of the State to ensure that such rights are not violated either through overt acts, or through abetment or negligence. It is a clear and emerging principle of human rights jurisprudence that the State is responsible not only for the acts of its own agents, but also for the acts of non-State players acting within its jurisdiction. The State is, in addition, responsible for any inaction that may cause or facilitate the violation of human rights."

Legal Framework for Eve Teasing in India

India's legal system has specific rules to deal with Eve teasing. These rules don't use the term "Eve teasing" directly but cover it under crimes like sexual harassment, insulting a woman's modesty, and obscene behaviour. Both IPC and BNS have sections for these offenses, though the numbers and some details have changed. Constitution of India also provides some provisions regarding gender equality and privacy.

In India, laws have been made to punish these acts and protect women. Until July 1, 2024, the IPC was the main law. Now, it's been replaced by the BNS, a new law meant to update and improve how crimes are handled. Let's explore how these laws work for Eve teasing and what's different between IPC and BNS.

Overview of IPC (Old Law)

The IPC was India's criminal law from 1860 until 2024. It was updated over time, especially after the 2012 Nirbhaya case (a horrific gang rape in Delhi), when people demanded stronger laws for women's safety. The IPC had sections to punish acts like lewd comments, touching, stalking, and more—things we call Eve teasing.

Overview of BNS (New Law)

The BNS came into effect on July 1, 2024, replacing the IPC. It's part of a big change in India's legal system, along with other new laws like the BNSS (replacing the CrPC) and the BSA (replacing the IEA). The BNS keeps most of the IPC's ideas but renumbers section, simplifies language, and makes some punishments stricter. It aims to be more modern and victim oriented.

Key Sections in IPC and BNS for Eve Teasing

Here's a detailed look at the sections that cover Eve teasing, with differences between IPC and

BNS explained simply.

1. Obscene Acts or Words in Public

IPC Section 294: If someone does something obscene—like singing a dirty song, making rude

gestures, or saying vulgar words—in a public place to annoy others, they can be punished.

Punishment: Up to 3 months in jail, a fine, or both.

This section catches trifling Eve teasing acts that don't involve touching but still bother women.

BNS Section 296: Same as IPC 294—punishes obscene acts or words in public that annoy

people.

Punishment: Up to 3 months in jail, a fine, or both.

Difference: The section number changes from 294 to 296. The punishment stays the same, and

the wording is a bit simpler, but there's no big change in how it works.

2. Outraging a Woman's Modesty

IPC Section 354: If someone uses force or assaults a woman to insult her modesty (her sense of

dignity), they're breaking this law. Modesty means a woman's honor or comfort. Punishment:

1 to 5 years in jail (at least 1 year) and a fine. This was updated in 2013 to make it tougher.

This covers physical Eve teasing that's more serious than just words.

BNS Section 74: Like IPC 354, it punishes assault or force meant to outrage a woman's

modesty.

Punishment: 1 to 5 years in jail and a fine.

Example: Same as above—grabbing or pushing a woman.

Difference: The section number changes from 354 to 74. The punishment is the same, but

BNS uses clearer language and stresses protecting women's dignity.

3. Sexual Harassment

IPC Section 354A: This section lists specific acts of sexual harassment, like-Unwanted physical

contact or advances, making sexual remarks, showing pornography against someone's will,

Asking for sexual favors.

Punishment: For physical contact or advances: Up to 3 years in jail, a fine, or both. For remarks

or other acts up to 1 year in jail, a fine, or both.

BNS Section 75: Covers the same acts as IPC 354A-physical contact, sexual remarks,

pornography, or demands.

Punishment: For physical contact or advances: Up to 3 years in jail and a fine. For remarks or

other acts: Up to 1 year in jail and a fine.

Difference: The section number changes to 75. The big change is that fines are now mandatory

in BNS (in IPC, they were optional with "or"). This makes the punishment a bit stricter.

Comparison: BNS 75 is tougher because you can't escape without a fine, unlike IPC 354A.

Otherwise, the crimes and jail time are the same.

4. Assault to Disrobe a Woman

IPC Section 354B: If someone attacks a woman or uses force to strip her or make her naked,

they're punished under this.

Punishment: 3 to 7 years in jail (at least 3 years) and a fine.

BNS Section 76: Same as IPC 354B—assault or force to disrobe a woman.

Punishment: 3 to 7 years in jail and a fine.

Difference: Section number changes to 76. No change in punishment or meaning.

Comparison: IPC 354B and BNS 76 are identical except for the number. The law stays strict for

these severe cases.

5. Voyeurism

IPC Section 354C: Punishes secretly watching or recording a woman when she expects privacy (like changing clothes or bathing).

Punishment: First time- 1 to 3 years in jail and a fine. Repeat offense- 3 to 7 years in jail and a fine. This covers Eve teasing that involves sneaking or spying.

BNS Section 77: Same as IPC 354C—voyeurism against a woman's privacy.

Punishment first time- 1 to 3 years in jail and a fine. Repeat offense- 3 to 7 years in jail and a fine.

Difference: Section number changes to 77. BNS clarifies it's about violating privacy, but the punishment stays the same.

6. Stalking

IPC Section 354D- Punishes a man who follows a woman, contacts her, or tracks her online after she says no.

Punishment first time- Up to 3 years in jail and a fine, repeat offense-Up to 5 years in jail and a fine. This tackles repeated Eve teasing that scares woman.

BNS Section 78- Same as IPC 354D—stalking a woman against her will.

Punishment first time: Up to 3 years in jail and a fine, repeat offense: Up to 5 years in jail and a fine.

Difference: Section number changes to 78. No change in punishment or scope.

7. Insulting Modesty with Words or Gestures

IPC Section 509- Punishes words, sounds, or gestures meant to insult a woman's modesty—like lewd comments or winking.

Punishment: Up to 3 years in jail and a fine (updated in 2013). This covers verbal or nonphysical

Eve teasing.

BNS Section 79- Same as IPC 509 words or acts to insult a woman's modesty.

Punishment: Up to 3 years in jail and a fine.

Difference: Section number changes to 79. Fines are now mandatory (in IPC, it was "or" a fine),

making it stricter.

CASE LAWS AND ACTS

The Indian government has implemented several initiatives to address the issue of eve teasing,

a term which is commonly used in India to describe public sexual harassment of women. These

initiatives span legislative reforms, law enforcement measures, and public awareness

campaigns aimed at enhancing women's safety and curbing such behaviour. Below are some

key initiatives taken by the government to curb this issue from the society.

Legislative Measures:

Criminal Law (Amendment) Act, 2013: Following the 2012 Delhi gang rape case, this

amendment introduced significant changes to the Indian Penal Code (IPC). It explicitly defined

and penalized sexual harassment under Section 354A, which includes acts like making sexually

colored remarks, unwanted advances, and physical contact. Punishment can extend up to three

years of imprisonment, a fine, or both. Related provisions like Section 354D (stalking), Section

354B (disrobing), and Section 354C (voyeurism) also broadened the legal framework to tackle

various forms of harassment often associated with eve teasing.

Section 294 and 509 of IPC: Prior to 2013, these sections were used to address eve teasing.

Section 294 penalizes obscene acts or songs in public with up to three months imprisonment,

while Section 509 targets words, gestures, or acts intended to insult a woman's modesty, with

punishment up to three years and a fine.

BNS (2023)

1. Section 74: Assault or Use of Criminal Force to Woman with Intent to Outrage Her

Modesty (Corresponding IPC Section: Section 354).

Penalty: Minimum imprisonment: 1 year (non-bailable for serious cases).

Maximum imprisonment: 5 years, plus a fine. The mandatory minimum ensures a baseline deterrent, unlike discretionary sentencing in minor cases under the IPC.

2. Section 75: Sexual Harassment (Corresponding IPC Section: Section 354A introduced via 2013 amendment).

Penalty Physical acts or demands: Up to 3 years rigorous imprisonment and/or fine.

Verbal/non-verbal acts: Up to 1 year imprisonment and/or fine. The tiered punishment reflects the severity of the act, offering flexibility in prosecution.

- **3.** Section 76: Assault or Criminal Force to Woman with Intent to Disrobe (Corresponding IPC Section: Section 354B).
- **4.** Section 77: Voyeurism
- **5.** Section 78: Stalking (Corresponding IPC Section: Section 354D.)
- 6. Section 141: Obscene Acts and Songs (Corresponding IPC Section: Section 294.)
- 7. Section 79: Word, Gesture or Act Intended to Insult the Modesty of a Woman

(Corresponding IPC Section: Section 509.)

Legislative initiatives and acts.

Anti-Romeo Squads:

Introduced in Uttar Pradesh in 2017 under Chief Minister Yogi Adityanath, these squads consist of police teams patrolling public spaces like markets, colleges, and bus stops to deter eve teasing and harassment. The initiative aimed to enforce existing laws more effectively, though it has faced criticism for potential misuse.

Shishtachar Squads:

In Delhi, the Outer District Police have deployed anti-eve-teasing squads to patrol and prevent molestation and harassment, reinforcing a commitment to women's safety in public areas.

Women Police in Disguise: In various states, women police officers have been deployed in plain clothes to catch offenders in the act, making it harder for perpetrators to evade detection.

Helplines and Technology-Based Solutions:

Women's Helpline (1091): A dedicated national helpline allows women to report incidents of eve teasing and seek immediate assistance, providing a confidential and accessible reporting mechanism.

Pan-India Emergency Number '112': Launched in 2019 by the Ministry of Home Affairs, this single emergency number integrates police, medical, and fire services, with a focus on women's safety, including a panic button feature for rapid response. Safe City

Implementation Monitoring Portal: Introduced alongside the 112 helpline, this portal tracks safety initiatives in cities, ensuring coordinated efforts to combat harassment.

Public Transport Safety:

Ladies Special Compartments: Cities like Mumbai have introduced women-only compartments in local trains and reserved coaches in metros to provide a safer travel environment, reducing the risk of eve teasing.

CCTV and Patrols: Increased surveillance through cameras and police presence in public transport systems has been implemented to deter offenders.

Awareness and Community Efforts:

Campaigns by Ministry of Women and Child Development: Initiatives like "Talk to Your

Sons" (2016) encourage parents to educate boys about respecting women and rejecting eve teasing, aiming to shift societal attitudes.

Judicial Support:

The Supreme Court has emphasized stronger measures, as seen in cases like Aparna Bhat vs. State of Madhya Pradesh (2021), where it directed increased patrolling and awareness campaigns to protect women from harassment in public spaces.

These initiatives reflect a multi-pronged approach combining legal reforms, enforcement, technological aids, and societal education. While progress has been made, challenges like underreporting, inconsistent enforcement, and deep-rooted cultural attitudes continue to hinder complete eradication of eve teasing. Ongoing efforts focus on strengthening implementation and fostering a cultural shift toward gender respect and safety.

National Commission for Women (NCW) Initiatives:

The NCW, a statutory body under the Ministry of Women and Child Development, has been proactive in addressing eve teasing. It conducts awareness programs, workshops, and legal literacy camps across states to educate women about their rights and the mechanisms available to report harassment.

Special Cells for Women: In collaboration with state governments, the NCW has set up special cells in police stations to handle complaints of eve teasing and other gender-based violence, ensuring a more sensitive and swift response.

Mission Shakti:

Launched in 2021 by the Ministry of Women and Child Development, Mission Shakti is an umbrella scheme aimed at enhancing women's safety and empowerment. It includes subschemes like:

Sambal:

Focuses on strengthening legal and institutional support for women facing harassment, including eve teasing, through One-Stop Centres (OSCs) that provide medical, legal, and psychological aid.

Samvidhan:

Promotes gender sensitization and awareness in schools, colleges, and communities to prevent behaviors like eve teasing from taking root. The scheme integrates efforts across ministries to create safer public spaces, with specific attention to urban areas prone to such incidents.

ACTS

POSH Act, 2013-

The POSH Act is a law in India made in 2013 to protect women from sexual harassment at their workplaces. Its full name is the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. "POSH" is just a short way to say it. This law was created to make sure women feel safe and respected while working, whether in an office, factory, school, hospital, or even as a maid in someone's home. It's not about sending people to jail like some other laws—it's about stopping harassment, solving complaints fairly, and making workplaces better for women. Sexual harassment means any unwanted behavior—like rude comments, touching without permission, or asking for sexual favors—that makes a woman feel scared, upset, or unsafe at work. Before this law, there were no clear rules to handle such problems at workplaces, so women often suffered quietly. The POSH Act changed that by giving women a way to complain and get help.

Objectives of the POSH Act

The POSH Act has some main goals (objectives) to make life better for women at work.

Here's what it aims to do in simple words:

1. Stop Sexual Harassment Before It Happens (Prevention)

The law wants to make sure harassment does not start in the first place. It tells companies, schools, and other workplaces to make rules and teach people that harassing women is wrong. For example, they might hold training sessions to tell workers how to behave properly. The idea is to create a safe space where women do not have to worry about being teased or bothered.

2. Ban Harassment Completely (Prohibition)

The POSH Act says sexual harassment is not allowed—no excuses. It lists what counts as harassment, like making dirty jokes, showing bad pictures, or touching someone in a way they do not like. By making it clear that these things are banned, the law warns people not to do them, or they will face consequences.

3. Help Women Complain and Get Justice (Redressal)

If a woman faces harassment, the law gives her a way to tell someone and get it fixed. It says every workplace with 10 or more workers must have a group called an IC to listen to complaints. For smaller places or homes, there is a LC run by the government. The goal is to solve the problem fairly—maybe by punishing the harasser or helping the woman feel safe again.

4. Protect Women's Rights

The law wants women to feel equal and respected at work. It says no one should make a woman feel bad because she's a woman. This helps women keep their jobs, grow in their careers, and work without fear.

5. Make Workplaces Safe and Fair

The bigger goal is to change how workplaces feel. If women are safe, they can focus on their work and not worry about bad behavior. This makes the whole workplace better for everyone—not just women. In short, the POSH Act's objectives are to prevent harassment, stop it from being okay, and fix it when it happens, all while keeping women safe and respected.

PIVOTAL RULING

MRS. RUPAN DEOL BAJAJ & ANR VS KANWAR PAL SINGH GILL

Introduction

This case, famously known as "the butt-slapping case" was one of the most criticized highprofile cases. Mrs. Rupan Deol Bajaj, an officer of the Indian Administrative Services belonging to the Punjab Cadre was then working as the Special Secretary, Finance lodged a complaint with the Inspector General of Police, Chandigarh Union Territory alleging commission of offences under Sections 341, 342, 352, 354, and 509 of the Indian Penal Code

by Mr. K.P.S. Gill, the Director General of Police, Punjab on July 18, 1988 at a dinner party. The last decision came in 2005, after an SLP was filed in the Supreme Court, which ultimately reduce the punishment to probation. An opinion can be formed from this case about the lenient judicial procedure towards the elite members of the society.

Brief Facts:

Treating the complaint filed by Mrs. Bajaj as the First Information Report (FIR) a case was registered by the Central Police Station, Sector 17, Chandigarh, and investigation was taken up. Thereafter on November 22, 1988, her husband Mr. B.R. Bajaj, who also happens to be a senior I.A.S. officer of the Punjab Cadre, lodged a complaint in the Court of the Chief Judicial Magistrate for the same offences, alleging, inter alia, that Mr. Gill being a high-ranking Police Officer the Chandigarh Police had neither arrested him in connection with the case registered by the Police on his wife's complaint nor conducted investigation in a fair and impartial manner and apprehending that the Police would conclude the investigation by treating the case as untraced he was filing the complaint.

Judgment

The court directed the learned Chief Judicial Magistrate, Chandigarh to take cognizance upon the police report in respect of the offences under Sections 354 and 509 IPC and try the case himself in accordance with law.

They made it abundantly clear that the learned Magistrate should not in any way be influenced by any of the observations made by them relating to the facts of the case as their task was confined to the question whether a 'prima facie case' to go to the trial was made out or not whereas the learned Magistrate will have to dispose of the case solely on the basis of the evidence to be adduced during the trial. Since both the offences under Sections 354 and 509 IPC are tribal in accordance with Chapter XX of the Criminal Procedure Code the court directed the learned Magistrate to dispose of the case, as expeditiously as possible.

MUKESH V. STATE OF NCT DELHI (NIRBHAYA CASE)

Facts of the case

In the case the victim was a 23 years old para-medical student, on 16th Dec. she went to PVR

select city walk mall, Saket Delhi, to watch a movie with her friend, while they are returning, they were waiting on Munirka bus stand.

Then suddenly an empty bus stop, she was convinced and enter the empty bus. Only 6 boys were there including the driver and one 17-year-old young boy were there. Both were attacked by the 6 person who were already present there. The victim had become playful thing for all sex person including the minor to the savage lust of the gang of six, face was brutally assaulted and she was tossed around the empty bus and got gang rape with multiple injuries. The friend of the girl tries to protect her but was beaten up by those six members. Later, they both were thrown out of the bus, the accused person tries to crush them with the bus and the accused left them as they think they were no more alive. The victim died due to several medical injuries.

This case led people filled with anger and this led to make changes in the law and the Criminal Law (Amendment) Act, 2013 which amended the IPC, CrPC, EA. These amendments were suggested by the committee which was headed by the Justice J.S. Verma, former judge of the Supreme Court of India.

SURVEY FINDINGS

For better understanding on this topic i.e. "Eve Teasing" the researcher has conducted the survey and to find out exact data what people have experienced form such incidences.

Below are the questions and the data collected by the means of survey.

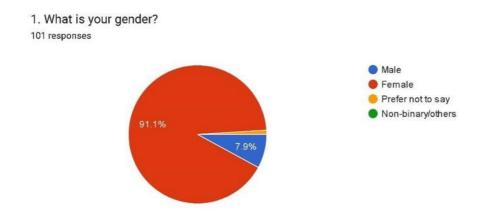


Figure 1

As of the first question we can see that majority of the respondents are the female. And only 7.9% are male.

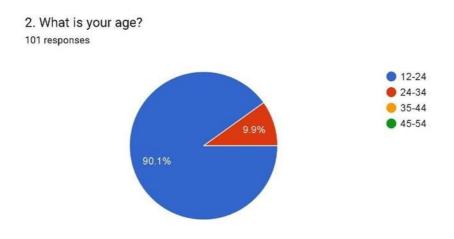


Figure 2

Majority of the respondents are of the age group between 12-24 and only 9.9% are between 2434 age group.

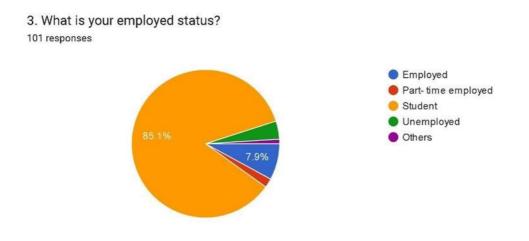


Figure 3

Most of the responders are the student and only 7.9% are employed and 4.4% are unemployed and 2% are part-time employed.

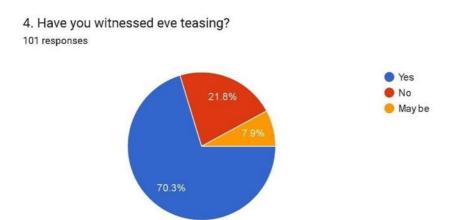


Figure 4

In the above chart we can clearly see that almost 70% of the women have faced the situation like eve teasing. And only 21% are stating that they haven't witnessed eve teasing, while 8% of the responders say that they are not confirm that they have ever witnessed eve teasing.

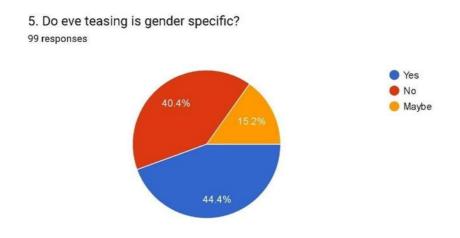


Figure 5

The above-mentioned question plays a very prime role as tells that do eve teasing is gender specific. 44% people says yes eve teasing is gender specific it means that only boys or male dose eve teasing to women and women are the only target to eve teasing.

While 40 % says no its not gender specific. And 15% are not sure about it.

6. Is eve teasing a problem in your community? 101 responses

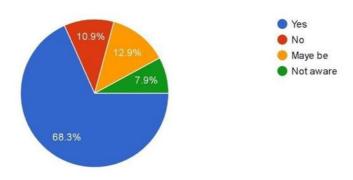


Figure 6

The most conflicting question of this survey is this and around 68% people says that yes eve teasing is a problem in their society or community. While there are some other responses like-only 10% says no and 12 % says they are not sure about it and 7% says they are unaware as they haven't faced such issues in their society or community

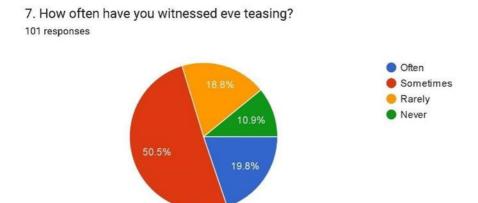


Figure 7

One of the important questions of the survey which states that 50% of the responders have faced eve teasing and 18 %have rarely faced such situations and 19% are those who have or are facing eve teasing on a daily basis. But there are responders who have never faced such situations.

8. Have you EVER been teased in a way that really bothered you? 101 responses

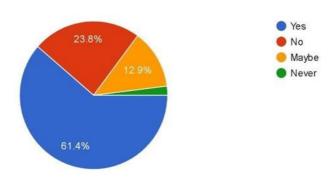


Figure 8

The above-mentioned question shows the data that do eve teasing create any kind of inconvenience or trauma among the victims. In this 61% says that they were bothered by such incidence and only 23% says that they didn't mind about it. 12% said they are not sure about it.

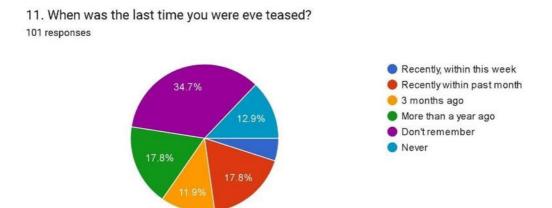


Figure 9

This question got mixed data as it shows the data how often women face eve teasing. In this around 12% says that recently they have faced such incidence 33% says that they even don't remember. And 17% says that they have faced eve teasing within past month.

16. Does type of dresses influence people to do eve teasing? 100 responses

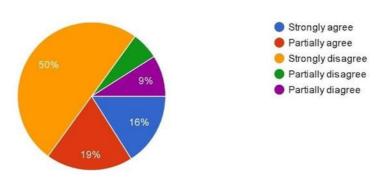
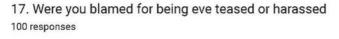


Figure 10

Among 100 of response 50% strongly disagree with the statement that type of dress influence the culprit to do the act of eve teasing and 16% still thinks that type of dress plays crucial role women getting harassed or teased. And 19% says they partially agree to it.



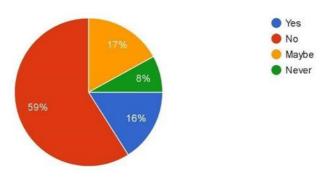


Figure 11

Most of the responders says that they were never got blamed for getting harassed and 16% says that they were questioned or blamed for such incidence.

18. Where have you been harassed/eve teased? 98 responses

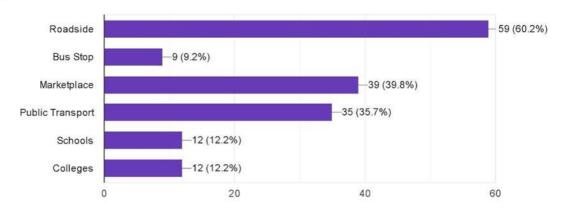


Figure 12

About 60% of the responders have faced eve teasing at roadside and nearly 40% have faced at marketplace and 35% have faced in public transport. In this race the school and colleges are also involved as some of the responders have faced eve- teasing even at school and college.

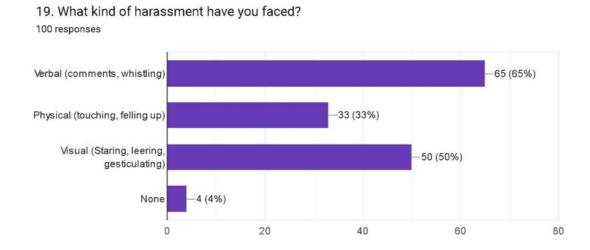


Figure 13

Most of the responder or we can say victims of the eve teasing says that they have faced verbal form of eve teasing. And 50% have faced visual forms, 33% have faced physical form of eve teasing.

20. At what time of the day have you faced eve teasing? 99 responses

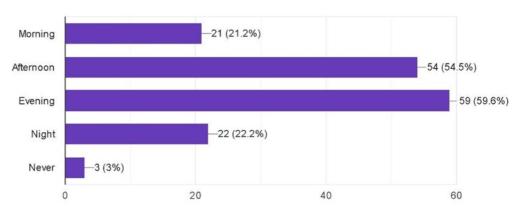


Figure 14

Most of the responders says that they faced eve teasing either at afternoon or at evening, at afternoon because at that time mostly people stay at home and shops are closed. And at evening because it gets dark and it is difficult to catch them or recognize them.

21. How does street harassment/eve teasing make you feel? 101 responses

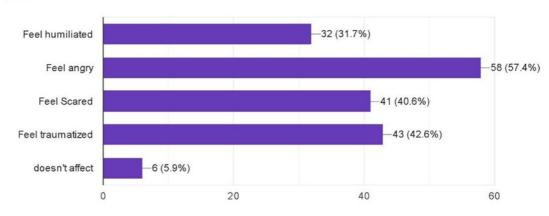


Figure 15

Most of the responders had mix emotions they felt humiliated, angry, and this incidence made them feel scared of going outside alone and around 42% faced mental agony.

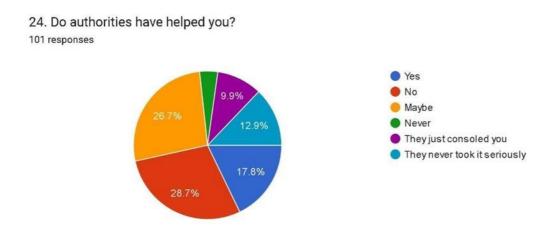


Figure 17

Another most crucial question of this survey is about the authorities that do they even helped the victim. So 28% say no, 26% says they are not sure 9 % says that they haven't taken any action and just consoled them. About 4% says never.

Conclusion of the Survey

The above conducted survey is clearly depicting that how eve teasing is a global issue and which is left unheard or un notice for a long time.

While conducting this survey I have found several people who are least aware about it. This was because either they have not paid attention to it or they just ignore it or they have a good community where women are respected not treated as a thing. And such positive attitude is needed to be considered and must be followed by the people.

By this survey I have found that there are many people who really need help and they have no one to hear them as society and family keep them blaming about happening of such incidences.

Further authorities must be more vigilant and investigate such matters immediately and the legislature should make specific law regarding it. Schools, colleges must organize an awareness program and there should be transparency and fast track law. also counselling sessions must be organized to make the victim comfortable so that they can easily share their views.

CONCLUSION AND SUGGESTIONS

Conclusion

Eve teasing is a serious problem in India that affects women every day. It is a form of harassment where men annoy, tease, or trouble women in public places like streets, buses, trains, markets, or even near schools and colleges. This behavior includes things like making rude comments, whistling, staring in a bad way, or even touching women without their permission. Though the term "eve teasing" sounds light or playful, it is not a joke-it hurts women, makes them feel unsafe, and takes away their freedom to move around without fear. In India, where women are respected in culture and religion, this problem shows a big gap between what people say and how they act. This conclusion will sum up why eve teasing is harmful and offer simple, practical suggestions to stop it, focusing on better laws and how to make them work.

Why Eve Teasing Is a Big Problem

Eve teasing is not just a small issue it has deep effects on women and society. First, it makes women feel scared and ashamed. Many women stop going to school, college, or work because they do not want to face this harassment. What starts as teasing can turn into stalking, touching, or even worse things like rape or murder if it is not stopped early. Third, it affects the whole country. When women cannot study or work freely, they cannot contribute to society, and everyone loses out.

The law in India already has rules to punish eve teasing, but the problem is still growing. Sections like 294, 354, and 509 of the IPC (now replaced by the BNS, in 2023) make it a crime to annoy women with obscene acts, use force to insult their modesty, or say rude things to hurt their dignity. After 2013, new laws added stronger punishments for things like stalking Section 354D and showing sexual behavior Section 354A. These laws can send someone to jail for up to 3 years or make them pay a fine. But even with these rules, eve teasing has not stopped.

Why? Because making laws is not enough—they need to work in real life, and right now, they do not. Problems with Current Laws and Implementation even though India has laws against eve teasing, they do not work well for a few reasons:

Not Enough Reporting: Most women do not tell the police when they are teased. They feel shy, scared, or think no one will help them. For example, if a girl complains, her family might blame

her or tell her to stay quiet to avoid trouble. Society sometimes says it is the woman's fault for how she dresses or where she goes, which is wrong but stops her from speaking up.

Police Problems: Sometimes, the police do not take eve teasing seriously. They might say it is a small issue or refuse to file a report (called an FIR). Even when they do, they may not act fast or find the person who did it. In some cases, the teaser's family has money or power, and the police do not do anything because of that.

Weak Punishment: The punishment for eve teasing—like 3 months in jail or a small fine— is too light for some people. They do not feel scared to do it again because they know they will not suffer much. Also, many cases do not even reach the court, so teasers go free.

No Clear Law Just for Eve Teasing: The laws we have mix eve teasing with other crimes like sexual harassment or assault. There is no special law that says "eve teasing" and explains exactly what it is and how to punish it. This confuses police and courts, and it is harder to stop the problem.

Society's Attitude: Many men think eve teasing is fun or a way to show they are strong. Movies and TV sometimes show teasing as romantic, which makes young boys think it is okay. Until people's thinking changes, laws alone cannot fix this.

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