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'EVE-TEASING: CAN THE COURTS PROVIDE THE CLOAK OF PROTECTION TO INDIAN WOMEN?'

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1. ABSTRACT

Women and their needs have been sacrificed time and again for the advancement of civilisation. They have faced innumerable impediments and 'Eve – teasing' is one of them. Though a widely used definition of the term is not provided, it has become a synonym of public harassment. This article analyses various causes that can possibly result in 'Eve – teasing', along with numerous implications of the same. It helps to understand as to where the conflict lies or where does our present laws lack in dealing with the issue. It tries to provide a suitable answer to the question – Has the Laws failed the Indian Women? Outlining the trends in the Indian Judiciary, it introspects on what the future lays ahead for women in India. The article mentions a list of suggestions which can be taken into account for their welfare.

Keywords – *Eve – teasing, Public Sexual Harassment, Laws in India.*

2. INTRODUCTION

In a world where women have long grappled with anxiety and uncertainty at all levels, governments of all around the world are taking measures to finally create a space, a healthy space that they deserve. Nevertheless, when we look around can we say with confidence in our hearts and certainty in our eyes that the world has changed for the good?

Even today, in the 21st century when a girl walks through a path tightening her heart and fastening her pace, do you know what fear mongers in her heart? It is nothing but the fear of getting subjected to that uncomfortable gaze and those unwanted lewd comments that can shake her very soul. It is then when a piece of her dies, fades away and no amount of security whatsoever can save her.

But to say it is only a fear is underwhelming. This, in fact, is the reality of women across the globe and especially of India. Among the 4.5 lakh crimes reported against women, roughly 19 percent falls in the category of 'assault on

women with intent to outrage their modesty.'⁹⁹¹ So, clearly the issue at hand is crucial to be discussed.

So, what is the problem? Where does the gap truly exist? Aren't there sufficient laws in place? Perhaps the real problem is not what appears to be. There is whole part namely, Part VII which is dedicated to women in Bharatiya Nyaya Sanhita with sections like Section 73⁹⁹², 74⁹⁹³ and 76⁹⁹⁴ all guarding the women. And even this is not all, other acts like the POSH Act⁹⁹⁵, POCSO Act⁹⁹⁶ and even numerous helplines all catered by the State are present for the same purpose. But that has not stopped, or even deterred such crimes to unfold. So, there is inevitably a gap, a gap either in the application or enforcement of

⁹⁹¹ National Crime Records Bureau, *Crime in India 2023* (2025).

⁹⁹² Bharatiya Nyaya Sanhita, 2023, § 73, No. 45 of 2023 (India).

⁹⁹³ BNS § 74.

⁹⁹⁴ BNS § 76.

⁹⁹⁵ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, No. 14, Acts of Parliament, 2013 (India).

⁹⁹⁶ The Protection of Children from Sexual Offences Act, 2012, No. 32, Acts of Parliament, 2012 (India).

these laws or at least in the reporting of incidents pertaining to it.

Also, unlike other crimes against women which unfold in the private space of individuals between four walls, eve – teasing is different. It happens in public space – for everyone to see, so everyone can see and it sets an example as to how the society sees women. Therefore, a study to outline and highlight the inadequacies in our legal system is pertinent.

2.1 RESEARCH QUESTIONS/ OBJECTIVES

This article will cater to the following objectives

- 2.1.1. It aims to address the gap in the existing laws dealing with ‘Eve – teasing’ and the possible reforms that need to be taken forward.
- 2.1.2. It aims to figure out how ‘Eve-teasing’ as an offence is seen by the society and the possible trends in the area.
- 2.1.3. It tries to analyse the implications of the afore-mentioned issue on the young girls.

2.2 METHODOLOGY

2.2.1. In research of this paper, the researcher has adopted both doctrinal and non – doctrinal methodology and the findings are based upon the analysis of the data collected by the empirical research with support from other research articles, case reviews and commentaries which outlines the void in the legal framework, pertaining to ‘Eve – teasing’ and other women issues. Also, it involves a comparative analysis of the change in Indian Laws, stance of Indian Courts and even international conventions. Contemporary events have also been mentioned for better understanding. Numerous recommendations have also been mentioned to encounter the problem; some of them are from the responses of the respondents of the survey.

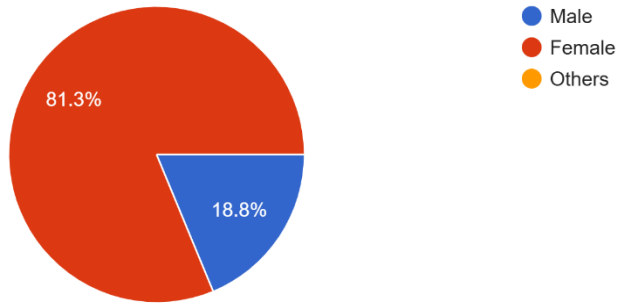
2.2.2. The scope of this article is restricted to a general comprehension and analysis of laws in force and their effectiveness.

2.2.3. The empirical research which forms a part in the paper suffers from limitation, as it was conducted by urban residents via a *google form*. The method followed was accidental sampling in which about 20 people were covered. A short questionnaire was formed for the same.

Out of 20 people who were covered, 16 people chose to respond, requesting anonymity

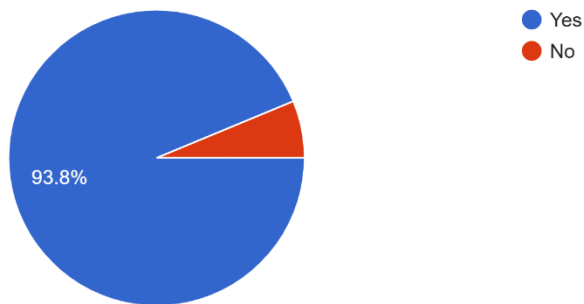
Choose your Gender Identity

16 responses



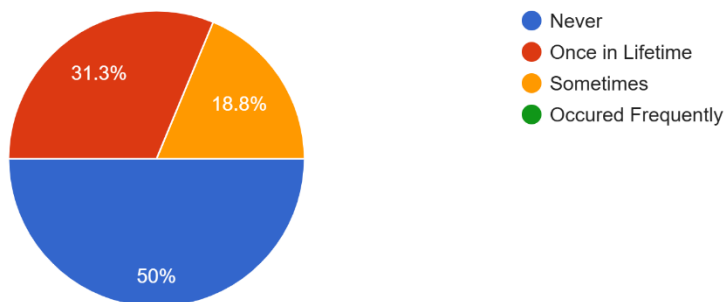
Are you acquainted with the term 'Eve - teasing'?

16 responses



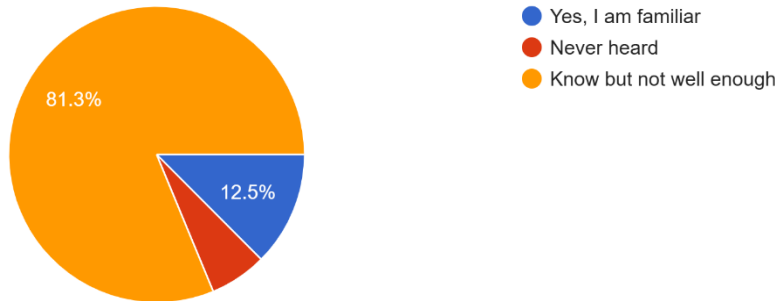
Have you ever experienced any form of 'Eve - teasing'?

16 responses



Are you familiar with the laws in force in India?

16 responses



Two more questions were asked namely, - “If you encountered such an incident, what did you do about it?” and “What more can be done to make India safer?” These questions were answered with paragraph like answers and therefore, cannot be displayed here. However, their analysis with the other questions will be done in the next sections.

*It must be noted that all the respondents belong to the age group of 16 – 25.

3. MAIN DISCUSSION

Time and again, women have been subjected to scores of harassments and ‘Eve – teasing’ is one among them. To put simply, it is the synonym of public harassment and as an umbrella term includes singing obscene songs, stalking, calling names, making lewd comments or even touching. Well, etymologically speaking, ‘Eve’ in ‘Eve-teasing’ refers to the first woman as mentioned in the Bible and ‘teasing’ is the playful mocking of someone. However, nothing about this, is playful or funny at the least.⁹⁹⁷

The Government has defined the phrase itself in 1984 as “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 sings, recites, or utters any indecent words or song or

ballad in any public place to the annoyance of any women.”⁹⁹⁸

It is only in the modern times after the feminist movement in 1970s and 1980s that the word started carrying a negative connotation. Even the phrase ‘Eve – teasing’ has tried to give a very soft image to the infamous action. Over and over, movies have glamorously portrayed the action of ‘eve – teasing’ as if it is a symbol of continued and dedicated love. It has been romanticised in such a manner that it has been shown without shame that more often than not, the woman falls in love with her own stalker or harasser.

3.1. POSSIBLE CAUSES OF ‘EVE – TEASING’:

3.1.1. Patriarchal Notions of Society – It must be pointed out that men have always exercised more power in comparison to women and they have always counted the latter as inferior to the them. In the contemporary world, when men carrying the same notion look at women who are far more modernised and urbanised and are increasingly going out of their homes to make a name of themselves. The men in order to exert the same power fall on these means. This helps them to hide their insecurities and cover

⁹⁹⁷ Ananya Srivastava, *Legal Frameworks Addressing Eve Teasing in India: An Analysis of Effectiveness and Implementation*, Indian J. L. & Legal Rsch., Vol. VII, Issue III, at 8188–8219 (2025).

⁹⁹⁸ *Id.*

their faces with the forged aggressiveness.

3.1.2. Historical Perception –Even Manusmriti, a rulebook heavily relied upon by the Indian Legislature and Judiciary highlighted that women should always be protected by men.⁹⁹⁹ This perception has been inserted in the minds of people alike.

3.1.3. Psychological Factors – Sigmund Freud, a well-known psychologist has given theories about Socialisation and has mentioned that the sexual offenders have either gone through a traumatic childhood experience with no stable or loving caretaker or has had intimacy issues or is trying to imitate the relationship or equation with the opposite sex as he has seen or learned in his years of early development.¹⁰⁰⁰ If this theory developed by Freud and associates stands to be correct, this would imply that the punishment given to the offenders of ‘Eve- Teasing’ would need to include reformation and rehabilitation as well.

3.2. FAR – REACHING IMPLICATIONS OF EVE – TEASING:

3.2.1. When out of nowhere, someone catcalls a girl and she shudders with fear, never taking that lane whether day or night, that is, the implication of ‘Eve – teasing’. Any such incident can lead to widespread psychological harm, feeling of insecurity, erosion of trust or even suicidal ideation. The process of *Socialisation* which is rampant in the adolescent and

adult stage gets vastly affected by this, to an extent that it cannot be repaired.

3.2.2. Even the families of these innocent girls, to save their family honour and name decide to marry them off as soon as they reach the legal age with the intent to ‘protect’ them. *This undermines* their educational and other *future opportunities* and robs them from creating a career or name of their own.

3.2.3. It is beyond imagination as to how much the self – esteem of a young bud who is just coming out of her shell would be impacted when she faces the reality of the inbuilt patriarchal notions of Indian Society.

Believe it or not, ‘Eve – teasing’ has become a problem so embedded in the fabric of the public life of India that 90 percent of the cases just go unreported¹⁰⁰¹. Why? It is because it has been generalised and normalised and too to such an extent that it sounds near to utopian to think of a world that it would not exist, giving men a unique right, a privilege, an assertion of sorts to do or say anything, whatever your heart desires.

It needs to be pointed out that while the implications of extreme sexual violence like rape or even domestic violence is widespread and heavily covered in the media, ‘Eve – teasing’ has stayed behind the curtain. Nonetheless, if we look at it clearly, we will understand that in reality, ‘Eve – teasing’ is the preparatory stage which leads to a far greater crime as it keeps on building the confidence of the perpetrators.

⁹⁹⁹ *Id.*

¹⁰⁰⁰ Miss Aswathy J. B., *Eve Teasing: Different Perspectives*, 5 Int'l J. Res. Pub. & Rev. 1893 (2024), <https://doi.org/10.55248/gengpi.5.1224.3520>.

¹⁰⁰¹ Rana, Usha, *Are We Safe? An Investigation of Eve-teasing (Public Sexual Harassment) in India*, 25 J. Int'l Women's Stud. 7 (2023), available at <https://vc.bridgew.edu/jjws/vol25/iss7/7>.

Even in the Delhi Rape Case of 2012¹⁰⁰² which shook the very conscience of the nation, the rape and violence unfolded after lewd, obscene comments were passed and the victim was 'Eve – teased.'

3.3. AN ANALYSIS OF THE INDIAN LAWS AS TO KNOW WHERE THE GAP LIES:

3.3.1. IPC Section 354 (which has been replaced with BNS Section 74) – This Section highlights that if a man outrages the 'modesty' of a woman, he shall be liable for a fine and for a punishment extending to 5 years in jail.¹⁰⁰³ It strengthens the point that the dignity of a woman must be protected at all costs. Nonetheless, the point to be noted here is that 'modesty' which implies the honour or comfort is not in itself a very defined term. So more or less, it depends on the court to interpret the said term, which may vary from one jurisdiction to another.

3.3.2. IPC Section 354D (which has been replaced with BNS Section 78) – This Section focuses upon the punishment given to a man who contacts a woman, stalks her physically or online, needless to say without her consent¹⁰⁰⁴. However, a grappling problem which has emerged in the legal arena is that more and more offenders if charged under this section twist the case in such manner as to depict that there was due consent or interest of the woman or the victim had a role to play in it.

3.3.3. IPC Section 354C (which has been replaced with BNS Section 77) – This Section outlines the punishment for secretly watching or recording a woman when she

requires of privacy.¹⁰⁰⁵ No wonder that this has strengthened the position of woman. However, like most of the laws concerning 'Eve – teasing, even this section cannot outdo the problem of heavy evidentiary support. All the cases of the aforementioned problem rely too much upon circumstantial evidence which can be easily twisted. More often than not, it is the victim that convinces the police authorities and perhaps later the court as to what really occurred with her, how the comments were lewd or obscene or uncomfortable to her. In India, the perception of the society and the police is that this is a 'minor' offence, which unfolds close to on a daily basis and therefore it does not get the focus or attention that it must get in order to have it completely eradicated.

3.3.4. Vishaka v. State of Rajasthan – This case provided the Indian Legal arena with a landmark judgement which attempted to bridge the gap which existed for a very long time in the Indian Judicial Space. As per the facts of this case, the victim was a social worker who was working to prevent child marriages which was very prevalent in some areas of Rajasthan. In an attempt to prevent the marriage of a one-year-old, she was threatened and brutally harassed by the villagers. In addition to that, she was raped in front of her husband.¹⁰⁰⁶ Five NGOs together filed an appeal in front of the Hon'ble Court in this matter. The Court witnessed that there existed a huge void that the Legislators had not focused upon. Taking CEDAW

¹⁰⁰² *Id.*

¹⁰⁰³ Srivastava, Legal Frameworks Addressing Eve Teasing, at 8204.

¹⁰⁰⁴ *Id.*

¹⁰⁰⁵ *Id.*

¹⁰⁰⁶ ZIA MODY, 10 JUDGEMENTS THAT CHANGED INDIA (Penguin Books 2013).

into account which India had long signed and ratified in 1993, the Hon'ble Court made rules protecting women from sexual harassment in workplaces¹⁰⁰⁷. This led to the enactment of the POSH Act of 2013 as well which led to the formulation of the *Vishaka* guidelines into a more robust framework. Though, the POSH Act does not directly deal with 'Eve – teasing' as such but it more or less tries to make public places, especially places of work more dignified.

3.3.5. *Mrs. Rupan Deol Bajaj & ANR v. Kanwar Pal Singh Gill*– Just to provide a very brief outline of the case, the petitioner was an IAS officer who lodged an FIR against the defendant alleging that he had 'butt-slapped' her at a dinner party. Now, because the latter himself was a high official he was initially not arrested but as the case progressed, it was directed by the Court that the Chief Judicial Magistrate should in fact treat the case in the most impartial manner and justice must be afforded.¹⁰⁰⁸ Though the case is an embodiment of the fact that Indian Judiciary has finally taken a serious note of the persisting problem, it must be put forth that Mrs. Rupan Deol was an IAS herself, she had all the power and resources one could need to establish a case like the above. The harsh reality that the common girls do not possess the same. Also, this inevitably points out that if an IAS herself could suffer from an incident as intimidating as this, what could possibly be the

outcome of the young girls out in the street?

3.4. AN ANALYSIS OF SURVEY FINDINGS:

As already mentioned, the respondents belonged to a very young population who are just venturing out in the world. 93.8% of them were acquainted with what the term meant that means that there is a general level of awareness. 81.3% of the total respondents were females, the rest were males but they still had an idea about the term that without a doubt shows a growing trend in the awareness of the issues in the growing gender, even attending the last question about plausible solutions. 31.3% confirmed that any form of eve – teasing had occurred with them once in lifetime and 18.8% believed that it had occurred more than once but has not become a daily occurrence. To bring in the penultimate question here, most respondents noted that they could do 'nothing' after its occurrence as they did not know how to react. A few of them realised it was a form of 'Eve – teasing' much later. This brings us to the point that there has been an undeniable void with most people, not knowing how to react. This lack of knowledge often results in suicidal ideation and depression in young girls in rural areas. An optimistic response came when 81.3% resorted to saying that they knew the laws pertaining to harassment, though not well enough. However as can be well pointed out that they knew the law, they couldn't much about it, highlighting to a lack of accessibility of justice, especially when it comes to the cases relating to women (though these should be the type of cases which are easy to navigate). Answering the last question, the respondents brought up the principle of equality and dignity, mentioning that the Constitution declares all of us to be equal and that equality should stem and be seen in more ways, a view that the author completely agrees with. Also, bringing into light the question that how can the "right to dignity" be achieved if young ladies are treated as 'public objects' or 'trophies' just to be looked at?

¹⁰⁰⁷ Srivastava, Legal Frameworks Addressing Eve Teasing, at 8204.

¹⁰⁰⁸ *Id.*

4. SUGGESTIONS

- 4.1. If we analyse all the sections that are mentioned above and even the possible legislations like those proposed by the National Commission for Women (No.9 Eve Teasing New Legislation 1988)¹⁰⁰⁹, we will understand that all of them are focused upon 'punishing' the offenders, leaving the victims at an edge. It is important that they go through a proper counselling session depending upon the damage that has been caused. Also, proper awareness and educational campaigns must be undertaken both for boys and girls to educate them in this area.
- 4.2. Even if you look at National Crime Records Bureau, it comes up with a heavy compilation called 'Crimes in India' which includes the crimes committed against women. Though the term has been in use well before 1980s itself, it has not been used in the report. Crimes against Women need to be analysed to find out the ones under this banner. It would be better if efforts were made to make it more comprehensive for the general public as a whole.
- 4.3. Similarly, we have always needed to accommodate the forms of 'Eve – Teasing' in one or another law or section. It would be better if a sense of comprehensiveness was achieved, making it feasible for general public. This wide ambit has often become a tool for the culprits to always find an exception or perhaps, a loophole.
- 4.4. The State and Society should promote safety of women in public places. CCTV cameras must be installed at all places of high risk¹⁰¹⁰. A general level of vigilance must be achieved by the public as well. There should be provisions under which the witnesses of this offence should be at liberty to report it.
- 4.5. Additionally, young girls must be promoted to join National Cadet Corps (NCC).¹⁰¹¹ This will lead to reinstatement of their self-esteem and will teach them techniques of self-defence and confidence as well.
- 4.6. Under the POSH Act, 'workplaces must include 'colleges', 'schools', and other such educational institutions. The committees formed so as per this Act have become very dysfunctional which must be reviewed and changed. At times, the offenders have been victimised and the real victims have been depicted as 'delinquents', applying the same logic that it is the women and their attributes which cause rape.
- 4.7. The recommendations of Justice Verma Committee¹⁰¹² must be followed, including deployment of plain clothed women police officers, women helplines and other restrictions in the public places, especially public transport must be undertaken.
- 4.8. Also, the women who have already encountered a belittling and disgraceful incident should be assisted at all costs even during the filing of the case and its trial so that the trauma she has encountered gets reduced.

5. CONCLUSION

Since time immemorial, India has worshipped its women, treated them as 'goddesses' and went to them for succour and guidance. But at the same time, we have failed our womenfolk in more ways than we can imagine.

¹⁰⁰⁹ Aswathy, Eve Teasing, at 1893.

¹⁰¹⁰ Rana, Are We Safe? at 2.

¹⁰¹¹ *Id.*

¹⁰¹² *Id.*

After a careful analysis, it can be concluded that what India needs today is not more laws. Countless policies are framed at ministries; debates are held on high platforms but change does not seem to come. The author believes that the change will come but only after a connection is drawn to the ground realities.

As the survey itself has concluded that every young woman should know about her rights, about her first call of action after such an unfortunate incident takes place. If the laws are simplified and taught as a part of school curriculum, the boys would know to treat women better and the girls would know how to deal with such an incident. The perception or mentality that Indians hold is ripe for a change.

The long seven year wait for justice should send shiver down the spine of Indian Judicial System. Efforts must be made to come up with fast-track justice in this field as well. Because with every increasing date, the accessibility of justice loses its prominence and it is only the victim who suffers. The punishment given to the real offenders is far less, in comparison to the time and resources that the family of the victim puts up with, not to mention the shame and constant scrutiny of the society. Moreover, the stance of the Indian Courts in cases like *Vishaka v. State of Rajasthan*¹⁰¹³ and others do provide us with a promising picture.

It is quite scary to know that when the incidents of 'Eve – Teasing' occur with the young women, they do not know whom to turn to, what to do or how to react. The worse part is that some women do not even know that what unfolded with them was entirely 'illegal'. It is much later in their life that they realise the truth of the incident and there is not much that can be done. The most powerful weapon to deal with this problem is the education of women. Education is not only important so they can file cases on the culprits but also so they will at least know 'what' happened and that right must not be taken away. Even if they do not file a case, they would at least try to stop such

incidents for themselves and for others like them, take an initiative, however small they would be. It must not be a shame in the households to openly talk and discuss about such matter, instead the family should become a source of constant support at such times.

At last all that can be said is that the laws of the land of Durga and Saraswati should not fail its women in such a way that even doing the bare minimum sounds like luxury.

Only when we create a better example to live up to, the next generation would follow path and the society itself would evolve and become a more welcoming place for all.

¹⁰¹³ *Vishaka*, (1997) 6 SCC 241.