

# STREET SEXUAL HARASSMENT IN INDIA: A SOCIO-LEGAL STUDY FROM NORTH GOA

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*"The story of women's struggle for equality belongs to no single feminist nor to any one organization but to the collective efforts of all who care about human rights"*

- Gloria Steinem<sup>1</sup>

## Abstract:

Woman is subjected to violence, cruelty, and harassment from time to time. Various laws are made in India to protect and punish offenders. But till now there is no separate provision, rules or regulation to punish offenders against 'street sexual harassment against women'. Street sexual harassment is rampant in our society, the criminals are not punished, and such harassment continues. The concept of street sexual harassment is unexplored, no socio-legal study is done specifically in this field in India. Thus, the authors have conducted the socio-legal study and put forth the data obtained from various stakeholders including respondents who are victims of street sexual harassment and law enforcement authorities. The stiffest challenges faced by women are that of sexual harassment in public spaces. This form of exploitation of women and their privacy, only because of their gender, is today turning out to be a pervasive and overly complex crime to control. Such crimes do not limit itself to certain locations, situations nor time of day. The present research study seeks to bring to attention that women and girls experiencing even slightest abuse are forced to break out of their childhood innocence, tolerate it and helplessly suffer in silence. The authors conclude that the current provisions of law are not sufficient to curb street sexual harassment. Thus, there is a need to introduce stringent provisions in the matters relating to street sexual harassment against woman.

**Keywords:** Sexual harassment, street sexual harassment, criminal intimidation, eve teasing, molestation

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## 1. INTRODUCTION

Women have been deprived the freedom to build their own identity. As a child she comes to define herself in terms of how she is viewed by her parents. A seemingly unbreakable cycle follows into generations. In India, the untiring grip of vulnerability and stereotype have restrained her self-development to full potential. A large number of women are unable to contribute towards economic and social development. It is a staggering loss in labour force across all sectors. A resource still waiting to be tapped. One of the stiffest challenges faced by women is that of sexual harassment in public places. Every demeaning act directed towards women originates in gender inequality. Some founded on religious beliefs, others on notions of discipline.

Few crimes are not conspicuous. They can fairly be termed as invisible crimes. Consider a woman standing in a crowded bus and a man brushing against her when the driver applies brakes. The ambiguity of such actions may cause the victim to be uncertain as to whether she was victimized, or whether it was accidental. The victim has no sign of assault on her body, there was no criminal force used and is carried out fleetingly and deftly, leaving extremely low prospects for any eyewitnesses.

Women and girls are subjected to whistling, lewd remarks, obscene gestures, demeaning songs, stares, and other similar indecent behaviour when they step outside the safety of their homes. Crimes of such nature pose a complex and challenging problem.

In the current state of lawlessness in this regard, what is sought from the woman is not only to place some distance between the world and the female body but between the female body and the woman inhabiting it. Rather than respecting her femininity, she is compelled to become less visible to the world.

Demeaning acts targeting women irrespective of the gravity society associates with it, should be looked upon as serious offences. It needs the collective, empathetic, and focused attention of all stakeholders.

In this article the authors deliberate on the concept of street sexual harassment (hereinafter SSH), factors responsible for such crimes, effects of SSH, National and international norms to protect the

dignity of woman, SSH an empirical study in the State of Goa and concluding the article with few suggestions.

### 1.1. Concept of Street Sexual Harassment

A wide range of verbal and non-verbal behaviour is associated with Street harassment, and there are some defining characteristics as per Bowman. Following are the characteristics stated by Bowman:

- (1) Women are the targets of street harassment
- (2) Men are the harassers
- (3) Victims are unknown to the harassers
- (4) Victim and harasser come face to face
- (5) Verbal or non-verbal behaviour is conducted in a public place such as pavement, street, bus, bus station, taxi stand, public garden and the likes
- (6) Content of speech if any, is not intended as public discourse, are aimed at the woman, and are humiliating, objectifying, degrading, and frequently threatening in nature.<sup>2</sup>

“Street harassment seems to be a phenomenon parallel to workplace sexual harassment in the early 1970s. Sociologist Carol Brooks Gardner (1980)<sup>3</sup>, who has written what is probably the first academic examination of street harassment, defined it as *street remarks*, evaluative commentary from men that women, especially young women, are subjected to whenever they are unaccompanied by men in urban areas. Women do not seem free to return similar commentary to men. The comments vary in content (though they are typically about woman’s appearance) and in tone, ranging from a seemingly harmless ‘hello baby’ to vulgar suggestions and outright threats. This commentary may be supplemented with (or replaced by) whistles, leers, winks, and pinches.”<sup>4</sup> This expression ‘street remarks’ is an incomplete explanation of street harassment as it does not address the non-verbal or visual elements of harassment in the street.

SSH constitutes a form of sexual violence. Further as per some authors it is referred to as public harassment, sexual harassment in public places, or stranger harassment.<sup>5</sup>

Street sexual harassment (SSH) means any kind of verbal, non-verbal or physical violence “committed against girls and women in public areas by men unknown to them.”<sup>6</sup>

### 1.2. Factors Responsible for SSH

A number of factors work closely together rendering it difficult to deal with the problem. Firstly, in public places the people involved are likely never to cross paths again, allowing men to exploit their anonymity. Secondly, its momentary and fleeting nature entrenches the offender from detection. Thirdly they can be carried out very subtly, such that only the victim and perpetrator are aware of the offence. The fact that such accusations are disputable and easily deniable many a times fuels verbal abuse directed towards the victim.

Other facilitating factors are: difficulty in gathering evidence; lack of support from bystanders; the victims’ non-confrontational attitude; the victims’ inherent desire to avoid drawing public attention her way; her inclination to move herself away or adjust her routines to avoid further exploitation; her need to fit into the non-aggressive societal stereotype; her lack of confidence to pursue her allegation

<sup>2</sup> Cynthia Grant Bowman, *Street Harassment and the Informal Ghettoization of Women*, 106 HARV. L. REV. 517, (1993).

<sup>3</sup> Carol Brooks Gardner, *Passing By: Street Remarks, Address Rights, and the Urban Female*, 50 SOCIOLOGICAL INQUIRY 328-356, (1980).

<sup>4</sup> Elizabeth A Kissling, *Street Harassment: The Language of Sexual Terrorism*, 2 DISCOURSE & SOCIETY 451-460, (1991).

<sup>5</sup> Victoria A. Ferrer-Perez, Carmen Delgado-Alvarez, Andrés Sánchez-Prada, Esperanza Bosch-Fiol and Virginia Ferreiro-Basurto, *Street Sexual Harassment: Experiences and Attitudes among Young Spanish People*, 18 INT. J. ENVIRON RES PUBLIC HEALTH 10375, (2021).

<sup>6</sup> Habiba Chafai, *Contextualising street sexual harassment in Morocco: a discriminatory sociocultural representation of women*, 22 THE JOURNAL OF NORTH AFRICAN STUDIES 821- 840, (2017).

undaunted, if faced with denial or aggressive verbal abuse. Women who lack confidence rarely speak up.

Street Harassment of women and girls reflects a sad truth. The ability to feel comfortable in public is something not shared equally among genders.<sup>7</sup> The fear of SSH aggravating into physical contact without warning is an inalienable threat. The anguish caused by this constant apprehension should certainly not be part of a girl child's growing up. Older women's tolerance of such behaviour sets the stage for those younger, to suffer the consequences of their misplaced compulsion to tolerate it and the systems laid back attitude which is compounded due to this tolerance.

Factors that influenced a feeling of lack of safety included dark streets, presence of more men than women, uncontrolled crowds such as during festivals and lack of familiarity. Open shops, listening to a known language, sign boards, presence of women and well-lit streets made a positive difference to women while in public.<sup>8</sup>

### 1.3. Importance of the Study

SSH is a significant determiner of how women are perceived in society. Objectification of women at the expense of their freedom to enjoy public spaces, is a violation of their fundamental right to life affecting several other rights that are integral to a woman's sense of dignity. Being targeted and victimised solely because of one's gender is appallingly unjust, unethical, and shameful. Yet, it is a pervasive and stubborn crime with an increasing propensity to cause unimaginable consequences like suicides, oppression and murder.<sup>9</sup> Another dismal fact is the massive underreporting and equally low conviction rates. The recently released 2020 NCRB data that revealed that the trial conviction rate of crimes against women in Goa stood at 14.7% and pendency rate of disposal of court cases at a frustrating 95.7%.<sup>10</sup>

Sexual harassment has a wider ambit than sexual assault as it does not necessarily involve engaging in physical overtures which only criminal minded men or men sufficiently provoked by strong intentions of rage or sexual interest would engage in. It has a wider ambit also because it is a crime that can be said to be blinded to the targets age. School going children are targets of such disgraceful behaviour. Women who are mostly unknown to the accused are targeted, raising the probability of the number of such incidents by manifold.

The study aims to determine the extent of SSH in Goa. The authors assumes that the crime is prevalent but underreported due to various reasons. The authors aimed at understand whether strategic decisions such as, whether or not reliance should be placed on the police by focusing on prevention, or the focus should be upon the victim, by spreading awareness and ensuring ease of reporting.

The authors however would like the readers to be aware of the fact that the State of Goa is in comparison considered to be safer for women than other Indian states. It would be of relevance to note here that the Ministry of Women and Child Development declared Goa to be the safest state for women in India in the year 2017.<sup>11</sup> However, the existence of SSH in the State of Goa cannot be denied and its unwarranted impact on women in terms of their professional and personal development needs to be studied.

<sup>7</sup> Maya Tutton, *Street Harassment of young girls should not be normal. I won't rest until it is illegal*, THE GUARDIAN, Oct. 10, 2019. (Accessed on Mar. 23, 2022, 7.15 PM),

<https://www.theguardian.com/commentisfree/2019/oct/10/street-harassment-young-girls-illegal-abuse-public>

<sup>8</sup> Chinmayi S. K. & Tania Devaiah, *Women and the Streets of Goa - A Pilot Study of safety of women in public spaces in Goa*, THE BACHCHAO PROJECT, (Accessed on Mar. 23, 2022, 7.30 PM), <http://thebachchaoproject.org/wp-content/uploads/Women-and-The-Streets-of-Goa.pdf>.

<sup>9</sup> Muhammad Aminul Hoque, *Eve teasing in Bangladesh: Causes and Impact on Society, A Study from Islamic Perspective*, 15 THE INTERNATIONAL JOURNAL OF SOCIAL SCIENCES 1 - 11, (2013).

<sup>10</sup> PTI, New Delhi, *Crimes against women down*, THE NAVHIND TIMES, Sep. 16, 2021.

<sup>11</sup> India Today Web Desk, *These are the safest and most dangerous states for women in India*, INDIA TODAY, Nov. 8, 2017. (Accessed on Mar. 24, 2022, 6.30 PM) <https://www.indiatoday.in/lifestyle/buzz-top/story/women-india-go-safest-state-go-gender-vulnerability-index-delhi-bihar-unsafe-lifest-1081944-2017-11-08>

A pilot study on eve teasing was conducted in Goa in 2016 which was repeated in 2017. It was conducted by Safe Goa, in collaboration with 'Bachchao Project'.<sup>12</sup> The results showed that nearly 100% women had experienced eve teasing in buses. Recently (Jan. 2021), the Goa Government stated that they are working on placing 24x7 monitoring and tracking systems as well as panic buttons in private and state-owned public transport systems. The systems will be integrated with the police control room making it a long-term initiative to ensure women's safety.<sup>13</sup>

There are two important reasons to take up the research study related to SSH. They are: 1. Lack of research and debate in the area and 2. Absence of an effective and dedicated law.

### 1.3.1. Lack of research and debate in the area

There is great need for focused large-scale study and diligent debates on the crime of SSH in India. It is important to note that the large-scale research that has been conducted is in limited number of cities like in Mumbai by Akshara Centre<sup>14</sup>, in Hyderabad by the SHE Team of the city police<sup>15</sup>, and by Safetipin in a few other cities in India such as Bengaluru, Bhopal, Chennai, Delhi, Kolkata etc.<sup>16</sup> Despite some of these studies and valuable data from certain parts of the country, it is not sufficient as it needs to be scaled up to cover the country and conducted on a fixed periodic basis. However, the limitation of the study is that the researchers are able to cover only a particular geographical area that is North Goa.

### 1.3.2. Absence of a dedicated law dealing with sexual harassment in public places

Indian criminal law for centuries shied away from recognising certain crimes specific to the female gender. The term 'Sexual harassment' had not been pronounced as belonging to a juridical class of crime until 1997. The year witnessed judicial activism when the Supreme Court of India set out comprehensive guidelines to be followed in cases of sexual harassment of women at the workplace. It took the legislature sixteen years to enact the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. The term 'Sexual Harassment' was only added to the country's Criminal Law Code via the Criminal Law (Amendment) Act, 2013.<sup>17</sup>

There are specific laws that are being invoked in cases of SSH, but they are inadequate both in their framing and implementation.<sup>18</sup> The complexity of this crime demands multifaceted attention. However, before such an exercise is attempted thorough field studies and debates are a necessity in order to get a complete and clear picture of the crime and its consequences.

## 1.4. Objectives of the Study

The objectives of the research article are as stated below -

- a) To critically analyse the causes behind street sexual harassment.
- b) To conduct an in-depth study on the negative effects of street sexual harassment on women and especially young girls.

<sup>12</sup> *Supra* note 8.

<sup>13</sup> NT Network, Panaji, *Buses to have Tracking Device, Panic Button*, THE NAVHIND TIMES, Jan. 20, 2021.


<sup>14</sup> Diksha Singh, *Can We Make Our City Safe for Women? - A Report on an Experiment in Mumbai*, AKSHARA CENTRE, 2015. (Accessed on Mar. 25, 2022, 7.35 PM) <https://www.aksharacentre.org/wp-content/uploads/2016/03/report4.pdf>

<sup>15</sup> Jahnvi Reddy, *5 years of SHE teams: A look at Telangana's pioneering women's safety initiative*, THE NEWS MINUTE, Oct. 3, 2019. (Accessed on Mar. 25, 2022, 8.20 PM) <https://www.thenewsminute.com/article/5-years-she-teams-look-telangana-s-pioneering-women-s-safety-initiative-109918>

<sup>16</sup> City Wise Reports, SAFETIPIN, Accessed on July 29, 2022, <https://safetipin.com/reports/>

<sup>17</sup> The Criminal Law (Amendment) Act, 2013 widely came to be known as the Nirbhaya Act that rescripted rape laws and it amended the Indian Evidence Act, 1872, Indian Penal Code, 1860, and the Code of Criminal Procedure, 1973.

<sup>18</sup> Megha Dhillon & Suparna Bakaya, *Street Harassment: A Qualitative Study of the Experiences of Young Women in Delhi*, SAGE OPEN, 1-11, (2014). (Accessed on Mar. 26, 2022, 7.20 PM) <https://journals.sagepub.com/doi/pdf/10.1177/2158244014543786>

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- c) To critically analyse all applicable constitutional and national provisions in India as well as international measures that can be applied to the crime of street sexual harassment.
  - d) To determine the prevalence of street sexual harassment in the State of Goa.
  - e) To ascertain public awareness of laws related to street sexual harassment.

### 1.5. Hypothesis

The study aims at gaining a comprehensive understanding of SSH in the State of Goa. The authors are keen to verify and understand the implementation of Sec. 509 of IPC in the State of Goa. A few assumptions of the authors for this research study are as follows:

1. Women in Goa experience street sexual harassment.
2. Street sexual harassment victims begin to be targeted at a very young age.
3. Public in Goa lacks awareness of the legal protections against street sexual harassment.
4. The laws invoked against street sexual harassment matters lack clarity.

In order to empirically analyse the veracity of the above stated hypothesis, data has been collected from different agencies and organizations.

### 1.6. Methods of Data Collection

The methodology followed for this research is both doctrinal and empirical in nature.

#### 1.6.1. Secondary data

Secondary data has been sourced from the State Crime Records Bureau, Panjim Police Headquarters, North Goa Police Stations, Trial Courts Patto, books, articles and other reliable online resources.

FIR copies and other relevant data were procured by raising an RTI application with the Police Headquarters, Panaji (PHQ). The request was sent out to North Goa Police Stations.

#### 1.6.2. Primary Data

An interview was conducted with one high level officer at the Panjim Women & Child Cell to understand the current scenario relating to women's safety with focus on sexual harassment and in order to get an understanding of the kinds of cases that are reported, withdrawal of complaints if any & reasons for the same. An effort was made to identify loopholes in the process.

Interviews with the personnel at the Public Prosecutors Office, advocates dealing with SSH cases, and NGOs were also conducted in order to gauge how best to gather information on the topic, to ascertain legal challenges involving SSH cases, and to ascertain conviction rates.

Google Forms were used as a tool for conducting survey cum online questionnaire to gauge the prevalence of SSH in Goa. These online questionnaires were prepared for four different response groups: Women and girls; police; lawyers; and NGOs. Random and snowball sampling method was used to select participants. Due to lack of response from the police to the online survey format, hard copy questionnaires were circulated and responses collected.

The findings and analysis of the data has been interpreted and depicted in the form of tables and graphs.

## 2. EFFECTS OF SSH

SSH is one of the most complex among crimes against women. Majority of women, irrespective of their age, are subject to it.<sup>19</sup> It is not viewed as an assault on the minds of women but rather as an expected

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<sup>19</sup> Batool Zahoor Qazi, *Sexual Harassment Law in India: Thus Far And Further*. (Accessed on Mar. 30, 2022) <https://amity.edu/UserFiles/aibs/28a0BATOOL%20ZAHOOOR%20QAZI.pdf>



behaviour from men.<sup>20</sup> Culprits perpetrate their act with finesse and impunity. There are various effects on the victims of SSH that the authors have discussed in the succeeding paragraphs.

### 2.1. Psychological impact on adolescents

The effects of sexual harassment in public are much deeper, pervasive and enduring than one may wish to believe. Exposure to such behaviour leaves an indelible mark on the personality especially of adolescent girls leading to psychological stress, depression and even suicides.<sup>21</sup> It is essential to have a deep understanding of all the factors that play a role in this phase of a young women's life. The emotionality and related moodiness experienced by adolescents is considered natural and symbolic of this phase and it is possible that hormonal changes may result in disproportionate increases in the intensity of negative emotional responses to environmental circumstances<sup>22</sup> following discouraging events, such as eve teasing.<sup>23</sup>

### 2.2. Psychological impact on women

The impact of SSH manifests itself in mood changes, loss of freedom and a growing sense of self-hatred because of their inability to retaliate against aggressors. It creates a confusion as to whether their own perceptions of themselves and generally of women are correct, ending up experiencing their world through the male eye, giving their personal experiences, perceptions and understanding less importance and validating male notions of what womanhood signifies. Fear of men is an aspect that affects women's capacity to trust and form friendships with males. A general hatred of men has also been revealed. Such experiences also have a tendency to make consensual sex an ordeal for them. Feelings of shame, humiliation, disgust anger and helplessness become a constant and over a period of time may lead to mental health problems.<sup>24</sup>

Every incident of street harassment compels a woman to engage in forced emotion work. The feeling of being easily violable and being forced to respond to a stranger who think they have a right to her privacy undermines her right to life.<sup>25</sup> She needs to examine her circumstance from several angles to decide her response carefully. The effects on the social life of the victim can be traumatising. Certain research studies have termed this phenomenon as 'social rupture'. Bringing back the victim's confidence levels enough to sustain social interaction without much damage can be challenging.

### 2.3. Impact on education

Incidents of eve teasing with disastrous results have occurred outside women's colleges and hostels which are intentionally frequented by men. Sarika Shah a young student from Chennai lost her life when she ventured outside her college gate to a nearby juice stall. A few young men passing by in an auto rickshaw threw water on her face and attempted to grab her. During the tussle, she lost her

<sup>20</sup> Chesfeeda Akhtar, *Eve teasing as a form of violence against women: A case study of District Srinagar, Kashmir*, 5 (5) INTERNATIONAL JOURNAL OF SOCIOLOGY AND ANTHROPOLOGY, 168-178 (2013). (Accessed on Mar. 29, 2022 at 8.15 PM) <https://academicjournals.org/journal/IJSA/article-full-text-pdf/133B71E5783>

<sup>21</sup> Chandni Laroia & Rajni Arya, *Impact of Eve Teasing on Self Confidence and Well Being among Rural Adolescent Girls of Haryana*, 1(8) INTERNATIONAL JOURNAL OF RESEARCH CULTURE SOCIETY, 123-127, (2017). (Accessed on Mar. 30, 2022) <https://ijrcs.org/wp-content/uploads/201710026.pdf>

<sup>22</sup> Tara S. Beattie et. al., *Prevalence and correlates of psychological distress among 13-14 year old adolescent girls in North Karnataka, South India: a cross-sectional study*, 19 (1) 48 BMC PUBLIC HEALTH, 1- 12 (2018). (Accessed on Mar. 30, 2022 at 8.35 PM)

<sup>23</sup> J. Brooks-Gunn & Michelle P. Warren, *Biological and Social Contributions to Negative Affect in Young Adolescent Girls*, 60(1) CHILD DEVELOPMENT 40-55, (1989). (Accessed on Mar. 30, 2022 at 9.30 PM). <https://europepmc.org/article/med/2702873>

<sup>24</sup> Janaki Abraham et. al., *Sexual Harassment in Delhi University*, GENDER STUDY GROUP, DELHI UNIVERSITY, (1996). (Accessed on Apr. 2, 2022 at 5.25 PM) <http://feministlawarchives.pldindia.org/wp-content/uploads/du-shwp.pdf>

<sup>25</sup> Fiona Vera-Gray & Liz Kelly, *Contested gendered space: public sexual harassment and women's safety work*, 44 (4) INTERNATIONAL JOURNAL OF COMPARATIVE AND APPLIED CRIMINAL JUSTICE, 265- 275, (2020). (Accessed on Apr. 2, 2022 at 6.40 PM) <https://www.tandfonline.com/doi/full/10.1080/01924036.2020.1732435>

balance and fell on the pavement sustaining head injuries that lead to her death a few days later.<sup>26</sup> Men frequenting areas around educational institutions are commonplace. Another very disturbing reality is men seem to have an impression that women staying in hostels attached to educational institutions are available and loose characterized as they stay away from their families. Various studies exposed the prevalence of SSH at universities. A study on Punjab University in 2015 rated the prevalence of sexual harassment on campus roads at 71.53% and gender discrimination at 83.79%.<sup>27</sup>

#### 2.4. Impact on everyday life activities

SSH has a significant impact on women's mobility. Daily life activities are reworked and tailored in a manner that cause least exposure to the outside world, especially when unescorted. Reporting is an embarrassing proposal and women do not wish to relive their experiences multiple times or face the possibility of secondary victimisation from the unsympathetic police. This dramatically reduces participation in activities that routinely impact their lives, such as visits to the doctor, exercise outdoors, recreation etc.

#### 2.5. Impact on Trauma Survivors

Another significant consideration would be the effect SSH has on women who have a history of violence such as survivors of rape, domestic violence or child abuse. Even a single disrespectful utterance can be traumatising. Despite being a decade old the following reliable statistic is a case in point revealing that the number of sexually abused women is large and growing. A government survey of rape and domestic violence in 2011 in the U.S. revealed that 1 in 5 women in the United States had been raped or had experienced an attempt to rape.<sup>28</sup> Women are also forced to relocate due to harassers who live in their localities.

#### 2.6. Impact on travel and related expenditure

Women tend to feel more unsafe in public settings than men, largely impacting their travel choices. Government planning of travel experiences revolve around peak hours which could be viewed as being gender blind. Men's use of public transport tends to be limited to rush hours and services cater to these hours.<sup>29</sup> Women's trip patterns are very different from that of men.<sup>30</sup> This deprives women in many ways. Their dependency on public transport is high. Working women continue to retain their domestic responsibilities. Elder care and childcare influence women's travel choices more than men.<sup>31</sup> Transportation planning needs to cater to these gendered demands by assuring women of their safety during travel.

<sup>26</sup> Jayaraj Sivan, *Madras HC upholds 5-year RI for 9 killers*, MUMBAI MIRROR, Mar. 15, 2018. (Accessed on Apr. 2, 2022 at 7.10 PM) <https://mumbaimirror.indiatimes.com/news/india/madras-hc-upholds-5-year-ri-for-9-killers/articleshow/15794179.cms>

<sup>27</sup> *Sexual harassment peeves Punjab University eves*, THE TIMES OF INDIA, Mar. 5, 2015. (Accessed on Apr. 2, 2022 at 6.55 PM) <https://timesofindia.indiatimes.com/city/chandigarh/Sexual-harassment-peeves-Punjab-University-eves/articleshow/46464099.cms>

<sup>28</sup> Roni Caryn Rabin, *Nearly 1 in 5 Women in the U.S Say They Have Been Sexually Assaulted*, THE NEW YORK TIMES, Dec. 14, 2011. (Accessed on Apr. 3, 2022 at 5.10 PM) [https://www.nytimes.com/2011/12/15/health/nearly-1-in-5-women-in-us-survey-report-sexual-assault.html?\\_r=0](https://www.nytimes.com/2011/12/15/health/nearly-1-in-5-women-in-us-survey-report-sexual-assault.html?_r=0)

<sup>29</sup> Lina Marcela Quinones, *Sexual harassment in public transport in Bogotá*, 139 TRANSPORTATION RESEARCH PART A: POLICY AND PRACTICE 54 -69, Sep. 15, 2020, (Accessed on Apr. 3 2022 at 5.50 PM) <https://www.sciencedirect.com/science/article/pii/S0965856420306376>

<sup>30</sup> Sonal Shah & Leticia Bortolon, *Creating gendered mobility plans to enable safe and secure transport: Challenges and ways forward for India and Brazil*, INTERNATIONAL TRANSPORT FORUM OECD, WOMEN'S SAFETY AND SECURITY: A PUBLIC TRANSPORT PRIORITY, 2018, 28-29. (Accessed on Apr. 3, 2022 at 6.25 PM) [https://www.itf-oecd.org/sites/default/files/docs/womens-safety-security\\_0.pdf](https://www.itf-oecd.org/sites/default/files/docs/womens-safety-security_0.pdf)

<sup>31</sup> Nancy McGuckin & Elaine Murakami, *Examining Trip-Chaining Behavior: A Comparison of Travel by Men and Women*, TRANSPORTATION RESEARCH RECORD JOURNAL OF THE TRANSPORTATION RESEARCH BOARD 1-13, (1999). (Accessed on Apr. 4, 2022 at 5.25 PM) [https://www.researchgate.net/publication/228368202\\_Examining\\_Trip-Chaining\\_Behavior\\_Comparison\\_of\\_Travel\\_by\\_Men\\_and\\_Women](https://www.researchgate.net/publication/228368202_Examining_Trip-Chaining_Behavior_Comparison_of_Travel_by_Men_and_Women)



The Justice Varma Committee Report, 2013, proposed equipping public transport with CCTVs and GPS devices. Another suggestion was to have a constable in every public transport vehicle between 5.30 pm and 7.30 am as most of heinous crimes against women in public transport have known to have taken place during odd hours.<sup>32</sup>

### 3. LAW RELATING TO PROTECTION OF WOMEN IN INDIA ESPECIALLY FROM THE PERSPECTIVE OF CURBING SSH

This section of the research paper discusses the current position of law, the lacunae and need for special provisions to deal with SSH.

There are many provisions in the Constitution that serve to promote equality among genders and uphold the honour of women. The Constitution of India under the Fundamental Duties<sup>33</sup> has stated in Art 51A (e)<sup>34</sup> that all citizens should respect the dignity of women. Further, as per Article 14<sup>35</sup> every citizen irrespective of gender will be seen as equal in the eyes of law and equal protection of the law is guaranteed to all. Art. 15<sup>36</sup> forbids any form of bias on the grounds of sex and empowers the state to especially provide for women and children under Art. 15(3)<sup>37</sup>. This differential treatment has been constitutionally protected. The Constitution has made provisions through Article 23<sup>38</sup> and Article 42<sup>39</sup> to prohibit traffic in human beings and to provide for maternity benefit, ensuring humane work conditions and equality among sexes.

In course of time many evils against women began to surface which warranted the urgent need for a radical shift in legal perspective. The need for a variety of laws both personal and public, show that the problem of gender inequality needed to garner much more attention than it was receiving from law enforcement.

It is evident by the delayed insertion of Fundamental Duties via PART IV by the Constitution (Forty-second Amendment) Act, 1976, s. 11 (w.e.f. 3-1-1977)<sup>40</sup> that a mere assumption by the makers that duties would be responsibly adhered to without being specially spelt out had failed, ushering the need to engrave duties into the Constitution.

History is witness to the fact that radical changes in many laws protecting women took place post extreme incidents of violence and injustice. In India adverse triggers have become a normative precursor for filling evident gaps in both substantial and procedural law. The first wave of Indian

<sup>32</sup> Amit Bhat et. al., *Women's Safety in Public Transport A Pilot Initiative in Bhopal* Embarq India [https://wrirosscities.org/sites/default/files/Final\\_Report\\_30072015.pdf](https://wrirosscities.org/sites/default/files/Final_Report_30072015.pdf)

<sup>33</sup> The Constitution of India p. 36, <https://legislative.gov.in/sites/default/files/COI-updated.pdf>

<sup>34</sup> "Art. 51(A) - Fundamental duties - It shall be the duty of every citizen of India -

(e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women."

<sup>35</sup> "Art. 14 - Equality before law - The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth."

<sup>36</sup> "Art. 15 - Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth -

(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

(2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to

(3) Nothing in this article shall prevent the State from making any special provision for women and children"

<sup>37</sup> "Art. 15(3) - Nothing in this article shall prevent the State from making any special provision for women and children."

<sup>38</sup> "Art. 23 - Prohibition of traffic in human beings and forced labour.

(1) Traffic in human beings and begar and other similar forms of forced labour are prohibited, and any contravention of this provision shall be an offence punishable in accordance with law.

(2) Nothing in this article shall prevent the State from imposing compulsory service for public purpose, and in imposing such service the State shall not make any discrimination on grounds only of religion, race, caste or class or any of them."

<sup>39</sup> "Art. 42 - Provision for just and humane conditions of work and maternity relief - The State shall make provision for securing just and humane conditions of work and for maternity relief."

<sup>40</sup> The Constitution of India p.36 footnote 3. <https://legislative.gov.in/sites/default/files/COI-updated.pdf>

feminism began with the Bengal Sati Regulation on 4<sup>th</sup> December 1829, a cause vehemently led by Raja Ram Mohan Roy. The Mathura custodial rape of 1972 which led to spontaneous widespread protests and involvement of women's organizations lead to the very significant Criminal Law Amendment Act, 1983. Four decades later history repeated itself to awaken a slumbered governance in a more gruesome manner, where a female student was gang-raped in Dec 2012. The country was out on the streets in the winter of 2012 triggering The Criminal Law Amendment Act 2013.

Other than the Indian Penal Code, 1860, India has enacted crime specific as well as location specific laws to protect women against crime. Sec. 354A and Sec. 509 are the two sections that are invoked in sexual harassment cases. IPC Sec. 509<sup>41</sup> is primarily invoked for verbal harassment in both public and private spaces in the State of Goa. The section aims to criminalise verbal and visual abuse. It also ropes in the words 'act' and 'privacy' to broaden the sections scope. Exhibiting objects and making sounds have been expressly mentioned. However, the laws intention to criminalise such behaviour only if it has sexual overtones is not clear, nor is the location or intention laid down as a differentiator. The normative meaning of the term 'Eve Teasing' necessitates a sexual interest even if it does not specifically mean sexual desire or the state of being sexually aroused. The Law Commission of India, in their 172nd Report after reviewing rape laws had suggested increasing the penalty for IPC sec. 509 from 1 year to 3 years. 13 years later the increase was felt necessary but the reason behind it was to particularly increase penalty for acts involving sexual intent.<sup>42</sup>

The section uses the words 'insult' and 'modesty' which are both highly relative words. In addition to this important fact the word '*modesty*' is misplaced in the context. SSH against woman, conduct of the criminal and expressions used need to be thoroughly reviewed and debated. The current provisions display infirmities of lack of clarity, focus, uniformity, effectiveness as well as unwitting prospects of misuse by miscreants within public as well as the criminal justice system.

Violation of women's rights in the domestic space and workspace are now well acknowledged as human rights violation and covered by legal protection. The Protection of Women from Domestic Violence Act, 2005 (DVA), is a milestone for Indian legislation from a feminist perspective as it was the first legislation that broke into the *public-private divide* that was consistently maintained in law. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act), is another significant testimony to this fact, though it was enacted sixteen years after the landmark judgment that arose out of the repercussions of a gang rape dealt with in *Vishaka v. State of Rajasthan* (1997).<sup>43</sup> Street Harassment however, continues to lie in a legal vacuum.

#### 4. INTERNATIONAL NORMS FOR THE PROTECTION OF WOMEN

The protection of woman from sexual harassment is a universal necessity. To protect women's privacy and dignity international norms were introduced from time to time. In this article, the authors have mentioned the most important international norms below.

##### 4.1. Universal Declaration of Human Rights, 1948

The UDHR, is a historical agreement, committed to promote altruistic values across borders. The agreement is one of the world's greatest living documents.

<sup>41</sup> "Section 509 of IPC, 1860: Word, gesture or act intended to insult the modesty of a woman - Whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to three years and also with fine."

<sup>42</sup> "Section 509 of IPC is also sought to be amended providing higher punishment where the offence set out in the said section is committed with sexual intent." Excerpt - Law Commission of India, 172nd Report on Review of Rape Laws, Mar. 2000 <https://lawcommissionofindia.nic.in/rapelaws.htm>

<sup>43</sup> AIR 1997 SC 3011

The preamble to the UDHR speaks of the inherent dignity of all human beings and the recognition of it being the foundation of peace and justice.<sup>44</sup>

The words in the first Article being intentionally changed while in its draft form from ‘All *men* are born free...’ to ‘All *human beings*...’ set the focus on gender equality. Article 1 of UDHR asserts that all people share dignity and rights in equal measure.<sup>45</sup>

Article 22 declares that every individual should have access to favourable circumstances to exercise their social rights because it is essential to one’s dignity and advancement of their personality.<sup>46</sup>

Article 29 introduces the concept of duties to fellow beings. It reinforces the unalienable role that each citizen plays in the others’ lives. Whether it’s an active participatory role or a conscious role of non-interference by respecting the others right to space, privacy and enjoyment. The three aims of securing public order, morality and general welfare<sup>47</sup> carry weight placed against the crime of sexual harassment in public places as this crime brings down the value of all these obligations.

The three articles significantly influence any dialogue on SSH. Treating all genders de facto as equals, recognises and appreciates the contrasting contributions each gender offers, accentuating the likelihood of a larger collective progress.

#### 4.2. United Nation's International Covenant on Civil and Political Rights, 1966

India ratified ICCPR on 10<sup>th</sup> April 1979. The right to privacy has been focused upon in this document. Article 17 of the Covenant states that everyone has the right to seek the protection of law against assaults on their reputation and honour. It also seeks to protect every person’s right to privacy and to have equal rights to legal recourse against frivolous, wrongful intrusion.

The UN Human Rights Council and the UN General Assembly have expressed concern over the onset of the digital age stating that it has opened up many arenas for miscreants to abuse the right to privacy, especially of vulnerable members of society, such as women and children.<sup>48</sup> They have urged upon the member states to make efforts to control such violations.

#### 4.3. Convention on the Elimination of All Forms of Discrimination against Woman, 1979 (CEDAW)

This International Human Rights Treaty was adopted by the UN on 18<sup>th</sup> December 1979 and is also known as the ‘Treaty for the rights of women’. India acceded the treaty on 30<sup>th</sup> July 1980. The same was ratified on 9<sup>th</sup> July 1993.<sup>49</sup> The goal is to stamp-out any form of prejudice against women, to ensure the elimination of biases of the kind that lead to conditions that are more favourable to men

<sup>44</sup> “Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world” - Paragraph 1 of the Preamble of the UDHR

<sup>45</sup> Article 1 of UDHR - “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”

<sup>46</sup> Article 22 of UDHR - “Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.”

<sup>47</sup> Article 29 of UDHR - “Everyone has duties to the community in which alone the free and full development of his personality is possible. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.”

<sup>48</sup> UNGA, A/HRC/40/63 - Part IV - Right to privacy: a gender perspective, Point No. 48 states that the Human Rights Council, in its resolution 34/7, and the General Assembly, in its resolution 71/199, have called upon States “to further develop or maintain, in this regard, preventive measures and remedies for violations and abuses regarding the right to privacy in the digital age that may affect all individuals, including where there are particular adverse effects on women, as well as children and persons in vulnerable situations or marginalized groups.”

<sup>49</sup> <http://india.myunwomen.website/CEDAW/>

than women in any field. Article 1<sup>50</sup> of the Convention expressly defines ‘Discrimination’ as differentiation or rejection of a woman on the basis of gender in such a manner that it diminishes her capability to enjoy or exercise her fundamental freedoms and human rights in the economic, social and cultural fields.

The following Articles have a bearing upon women’s rights. Article 2 (a) urges state parties to embody the principle of gender equality in their constitutions and national legislations. Article 2 (c) recommends adoption of tribunals and public institutions that help ensure women are not discriminated against. Discrimination by any individual or organization as well has been expressly sought to be discouraged via Article 2 (e). Article 3 significantly influences the topic of this study as it stresses the need to ensure the full development and progress of women. It seeks from the member states a guarantee of the freedom to enjoy all their human rights and freedoms ensuring their equal rights with men. Article 5 mandates States to amend any cultural or social prejudices against women that make them feel inferior to men in any way. It discourages any form of stereotyping. Article 10 (h) seeks state parties to afford access to specific educational information. All favourable opportunity provided to young individuals in terms of sex education and family planning is a great platform for giving way to open and healthy discussions. Awareness is key especially in a country like ours where such topics continue to be taboo. Article 11 (f) mandates the safety of women and protection of their health at their workplaces. The achievement of the aforementioned goals will make a great positive change in women’s lives.

#### 4.4. Beijing Declaration and Platform for Action 1995

The fourth world conference on women’s rights and gender equality was held in Beijing in September 1995. It saw an unprecedented participation of 47,000 people from across the world. The document released was the world’s most progressive document that endeavoured to advance women’s rights. One of the significant declarations made in this document is that women’s rights are human rights. It stated that all human rights whether political, social, cultural and the right to development are interrelated as well as interdependent and inalienable. Every government has to make it a priority to ensure women enjoy all their human rights and freedoms equally as men. Emphasis was placed on the fact that doing so was essential for the advancement of women.<sup>51</sup>

This declaration expressly stated that violence against women included sexual as well as psychological harm, including threats of such harm. Depriving women of their liberty whether in public or private life has also been recognised as violence. Subjecting women to sexual and psychological harassment anywhere within the general community has been placed under the category of violence.<sup>52</sup> The document specifies that the fear of harassment perennially restrains free movement of women limiting their access to essential tasks affecting them adversely.<sup>53</sup> The declaration in every way touches the raw nerves in a woman’s life reasserting that gender equality is a prerequisite for peace and development.

<sup>50</sup> Article 1 of CEDAW - “For the purposes of the present Convention, the term ‘discrimination against women’ shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”

<sup>51</sup> UN Women, *Beijing Declaration and Platform for Action*, p 134 New York 1995

[https://beijing20.unwomen.org/-/media/headquarters/attachments/sections/csw/pfa\\_e\\_final\\_web.pdf](https://beijing20.unwomen.org/-/media/headquarters/attachments/sections/csw/pfa_e_final_web.pdf)

<sup>52</sup> Id. at page 76

<sup>53</sup> The United Nations Fourth World Conference on Women, Beijing, China, Sep. 1995 - Part D - Violence against Women - Point 117 “Acts or threats of violence, whether occurring within the home or in the community, or perpetrated or condoned by the State, instil fear and insecurity in women’s lives and are obstacles to the achievement of equality and for development and peace. The fear of violence, including harassment, is a permanent constraint on the mobility of women and limits their access to resources and basic activities. High social, health and economic costs to the individual and society are associated with violence against women. Violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.”

## 5. SSH IN THE STATE OF GOA WITH SPECIAL REFERENCE TO SEC. 509 OF IPC, 1860

This part mainly deals with analysis and interpretation of data collected. Collected data has been verified, interpreted, and depicted in the form of tables and graphs wherever necessary. Statistical data was collected from government agencies and secondly FIRs under Section 509 filed with North Goa police stations and State Crime Record Bureau (SCRB) in the last 5 years.

The primary data collected is mentioned in detail in the immediate section. The authors have strived to understand ground realities by distributing questionnaires and making use of online surveys hosted on Google Forms. Four groups of respondents were targeted: women and girls; Police personnel; lawyers; and NGO's. To appreciate the problem at hand it was important to ascertain ground realities in relation to crimes against women in the State of Goa.

### 5.1. Crimes against women

First table reveals the type of crimes that are recorded under the category of 'crimes against women' and the number of cases that were reported in a particular year and the number of cases in which the police were able to successfully investigate and file charge sheets. The authors chose to focus on the last five years data as that would provide an insight into whether the situation has improved or worsened in the last five years.

Table No. 1: Crimes Against Women Reported in the State of Goa From 2016 to 2020

Sr. No.	Head of Crime	2016		2017		2018		2019		2020 (up to 8.10.20)	
		Rep*	Det*	Rep	Det	Rep	Det	Rep	Det	Rep	Det
1.	Rape	63	61	78	75	62	58	72	72	43	42
2.	Kidnapping	67	45	65	51	79	63	53	37	26	18
3.	Molestation	163	155	167	149	148	132	129	120	62	62
4.	Eve Teasing	41	41	44	36	44	42	40	40	24	23
5.	Cruelty to married woman	24	24	18	17	7	6	7	7	3	3
6.	Dowry Death	2	2	1	1	0	0	1	1	0	0
7.	Suicide Abetment	4	4	4	3	2	2	2	2	1	1
8.	Dowry Prohibition Act	1	1	5	5	2	2	4	4	1	1
9.	Immoral Trafficking	40	40	39	38	51	49	40	40	12	12
10.	Indecent representation of woman	0	0	1	0	0	0	1	1	0	0
TOTAL		405	373	422	375	395	354	349	324	172	162
% of Detection		92%		89%		90%		93%		94%	

**Source:** State Crime Records Bureau, Police Headquarters, Panaji.

\* Rep - Reported / Det - Detected, charge sheet filed.

A look at the data reveals that the crime with the largest ambit in the last five years was molestation with 669 reported cases. 318 rape cases reported closing in on kidnapping with 290 cases. Eve teasing cases in comparison stood at 193 cases. There is no radical increase or decrease in crime reporting rates both in the individual crime head categories as well as in the overall reporting rates under the crime against women. If we compare the year wise statistics then we can say that the occurrence of kidnapping and molestation seems to have mildly gone down in 2019.



The above Table No. 1, data with regard to eve teasing specifically has been consolidated and tabulated in Table No. 2 below.

Table No. 2: Eve Teasing Detection Rates

Year	Eve Teasing Reported	Eve Teasing Detected	Detection Percentage
2016	41	41	100%
2017	44	36	81%
2018	44	42	95%
2019	40	40	100%
2020 (as on 08.10.2020)	24	23	95%
Total	193	182	94%

Source: State Crime Records Bureau, Police Headquarters, Panaji.

An important point to note is that the detection rates of the police is encouragingly high across all crime heads, negating the generic public perception of the police not taking certain category of cases seriously. Such public view may stem out of cases that were refused to be registered, cases being withdrawn post complaint or being encouraged to be compromised at the onset. In the first instance of cases being refused to be registered, with the Criminal Law Amendment Act 2013 inserting Sec. 166A<sup>54</sup> into Cr. P.C to punish officers with minimum imprisonment of 6 months which may extend to 2 years, an attempt has been made to thwart such illegalities. Sec. 197 Cr. P.C also states that no sanction will be required in order to file a complaint under IPC Sec. 166A. As far as the latter two points are concerned the element of compulsion from the hands of the complainant cannot be ruled out as cases have been sought to be withdrawn due to associated societal taboos after sincere efforts have already been put in by the police. However, the authors wish to put here a word of caution, that there is no attempt made to verify the authenticity of such reasoning as no data has been collected in this regard. The dip in overall crime rate seen in the year 2020 was a fairly universal phenomenon due to the ongoing Covid 19 pandemic. The details of the consolidated table are depicted in the below bar graph.

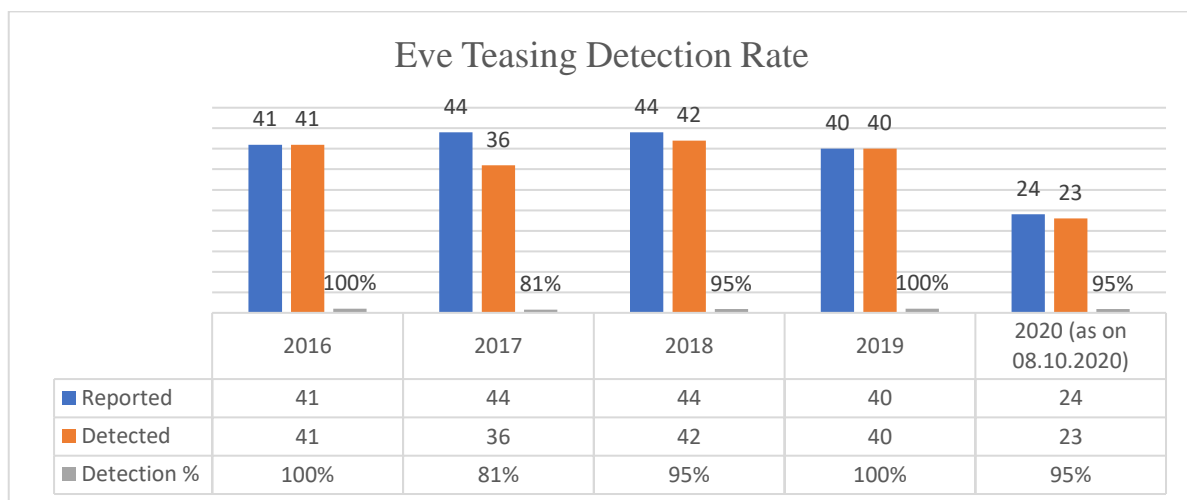


Figure 1: Eve Teasing Detection Rate

<sup>54</sup> Section 166 A of Code of Criminal Procedure - Public servant disobeying direction under law -

“Whoever, being a public servant,

(a) knowingly disobeys any direction of the law which prohibits him from requiring the attendance at any place of any person for the purpose of investigation into an offence or any other matter, or

(b) knowingly disobeys, to the prejudice of any person, any other direction of the law regulating the manner in which he shall conduct such investigation, or

(c) fails to record any information given to him under sub-sec. (1) of Sec. 154 of the Code of Criminal Procedure, 1973 (2 of 1974), in relation to cognizable offence punishable under Sec. 326A, Sec. 326B, Sec. 354, Sec. 354B, Sec. 370, Sec. 370A, Sec. 376, Sec. 376A, Sec. 376AB, Sec. 376B, Sec. 376C, Sec. 376D, Sec. 376DA, Sec. 376DB, Sec. 376E or Sec. 509,

shall be punished with rigorous imprisonment for a term which shall not be less than six months but which may extend to two years, and shall also be liable to fine.”

## 5.2. Police stations and number of FIR's received

The next table deals with number of FIR's filed under Sec. 509 in the various police stations in the North Goa District in the last 5 years.

Table No. 3: Number of FIR's as per the North Goa Locations *in the last 5 years (2016-2020)*

Name of Police station	No. of FIR's
Old Goa	10
Panaji	19
Agacaim	17
Women's Police Station	12
Bicholim	32
Porvorim	37
Calangute	23
Saligao	8
Anjuna (Cyber Crime Branch, Ribandar)	1

Source: SCRB, Head Quarters, Panaji

Out of the 159 FIR's accessed, 2 were not legible and 3 were in local language. A total of 154 FIR's were analyzed. A large majority of the Sec.509 of IPC, 1860 related crimes occurred due to general altercations between neighbors; property related disputes like encroachment, trespass, eviction of rental or lease premises; money lending; cheating; business disputes; suspension from job; parking issues; road rage; illegal construction over government property; obstruction of Panchayat members from performing their lawful duties as well as previous enmity due to police complaints or pending court cases. Disputes arising between relatives and cases charged by wives against their husbands also were among causes. As exceptions, there were 12 cases of verbal abuse intending to insult the modesty of women with motives that were sexual in nature. This indicates that the hypothesis I proposed is proved all cases of SSH are filed under Sec. 509 of IPC, 1860. Three police stations namely Anjuna, Pernem & Mapusa were unable to provide the data due to bulky records. The details of the table are shown in the form of the below pie graph.

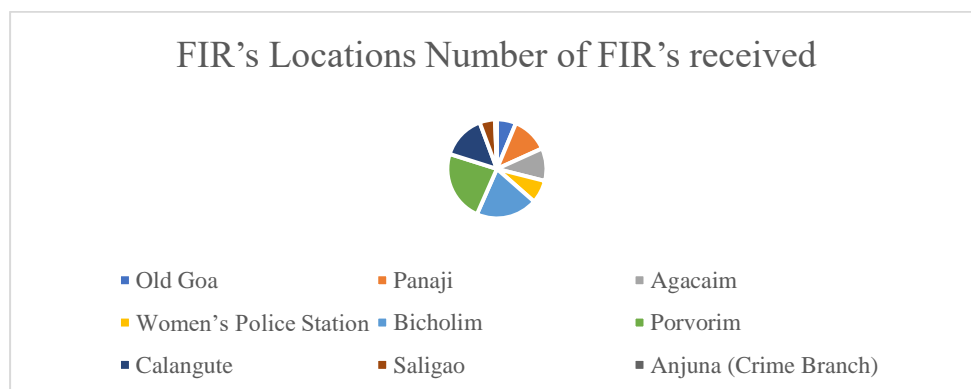


Figure 2: Number of FIR's received in different police stations at North Goa

### 5.3. Cases invoking Sec. 509 of IPC, 1860:

The following table indicates the data relating to reported cases invoking Sec. 509 of IPC, 1860 which deals with criminal intimidation in various police stations.

Table No. 4: Total Reported Cases in Goa Invoking Sec. 509 IPC - Police Station

Location	2016	2017	2018	2019	2020	2021 (Up to 10.3.21)	Location Total
Panaji	Split up not maintained total 41 of all locations	2	1	3	3	1	41+10
Old Goa	--	1	1	3	0	0	5
Agacaim	--	3	2	0	0	0	5
Mapusa	--	11	15	8	12	1	47
Anjuna	--	0	0	0	2	2	4
Pernem	--	2	2	4	3	0	11
Calangute	--	7	1	1	1	2	12
Saligao	--	0	1	2	1	1	5
Porvorim	--	3	4	2	2	0	11
Bicholim	--	1	0	2	1	0	4
Valpoi	--	0	4	0	0	0	4
Margao	--	2	0	3	0	0	5
Curtorim	--	0	1	2	1	2	6
Cuncolim	--	1	1	2	1	2	7
Colva	--	1	0	1	2	1	5
Fatorda	--	0	1	0	1	0	2
Curcholem	--	1	0	0	0	0	1
Sanguem	--	0	1	0	2	0	3
Canacona	--	1	1	1	3	0	6
Vasco	--	2	2	2	1	0	7
Marmugao	--	0	0	1	0	0	1
Vasco - Rly	--	0	0	0	0	0	0
Verna	--	2	2	3	1	0	8
Dabolim	--	0	1	0	0	0	1
Ponda	--	4	2	0	2	0	8
Woman PS, Panaji.	--	0	1	0	0	0	1
6 Yr. Total	41	44	44	40	39	12	220

An analysis of the above data reveals that the highest number of cases filed within the last 6 years in the State was with the Mapusa Police 47 out of 220. Calangute has 12 cases filed. Pernem and Porvorim had 11 cases each. Panaji reported 10 cases. Ponda and Verna had 8 cases each. Vasco and Cuncolim had 7 cases each. 6 cases each were reported at Canacona and Curtorim. Old Goa, Agacaim and Colva had 5 cases reported. The other PS's reported below 5 cases. This table displays that each year there is about an average of 40 cases that were filed under Sec. 509.

To cross verify the statistical data the authors also collected empirical data from various stakeholders as stated above in the introduction. For this purpose, the authors collected the data from 162 respondents. Data collected from respondents is tabulated and analyzed to verify the hypothesis.

#### 5.4. Prevalence of SSH in Goa

An effort was made to gather the opinions of all respondents on whether incidents of SSH occur in the State of Goa. The respondents were given 4 options to choose from: (i) Such incidents are common; (ii) Such incidents are very common; (iii) Such incidents are rare; (iv) Such incidents do not occur. In order to arrive at the *rate of occurrence*, respondent numbers who selected the options (i), (ii) or (iii) were added and then divided over the total number of respondents. Further the *rate of prevalence* rate was calculated on the basis of total of respondents who selected option (i) and (ii) and then divided over the total number of respondents. Figure No. 3 is a graphical representation of the results.

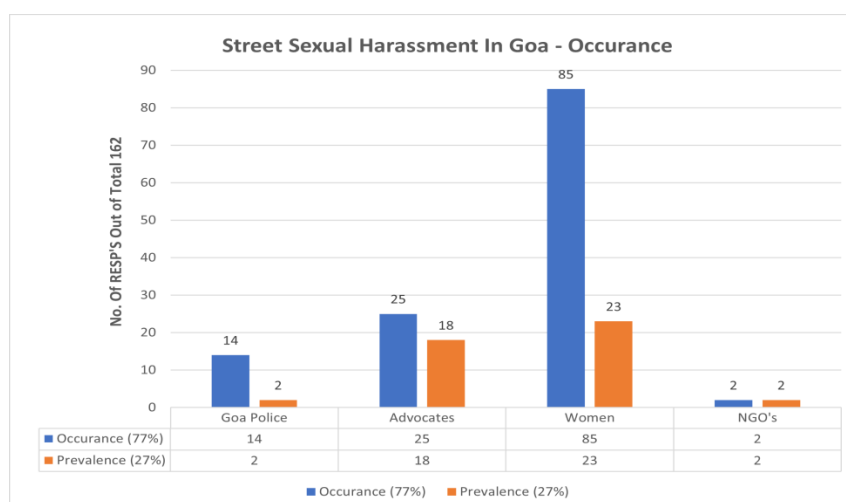


Figure No. 3 Street Sexual Harassment in Goa - Occurance & Prevalence

Out of the 162 respondents, 126 respondents (14+25+85+2) chose option (i)/(ii)/(iii) which portrays the fact that SSH occurs (occurrence) in the State of Goa and 45 respondents (2+18+23+2) chose option (i)/(ii) which leads to the conclusion that SSH is widespread (prevalence) in the State of Goa.

#### 5.5. Public Awareness of Legal Protections

To find out the awareness and legal protection against SSH, responses are obtained from different stake holders, collected data is analyzed and portrayed in the form of following graph.

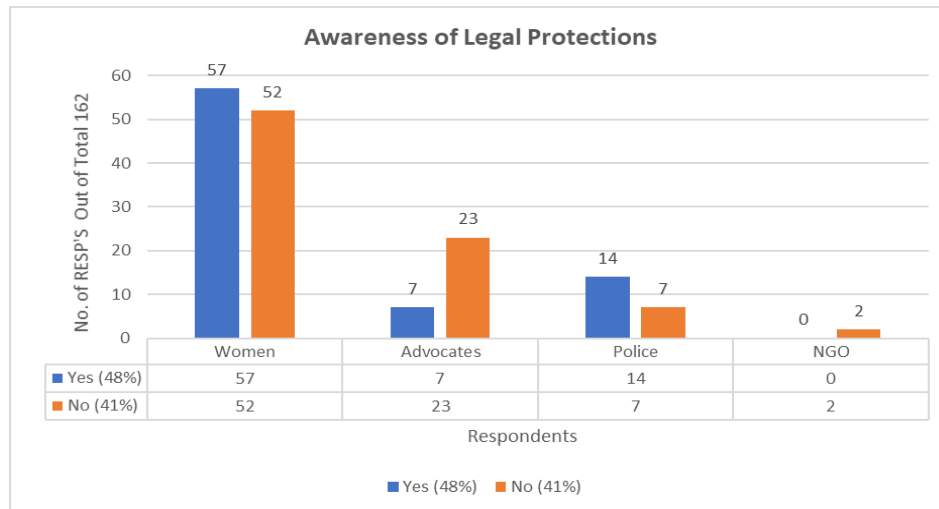


Figure No. 4: Public Awareness of Available Legal Protections

The question was posed as to whether in their opinion the general public is sufficiently aware of the legal remedies available to them. An analysis of the cumulative results reveals a near balance between the two opinions. 48% (78/162) replied that public is aware of the available legal remedies in relation to SSH and 52% (84/162) responded in the negative.

However, on the individual level there is a significant difference in opinion among the police and especially the advocates. 73% (23/30) advocates answered in negative, while 66% (14/21) of IO's answered in the positive. Figure No. 4 above shows the responses received, revealing that hypothesis III proposed is partly proved.

#### 5.6. SSH - Personal Experience of Women Respondents

To the question how often the participants experience eve teasing, 55% stated *rarely*, 16.4% stated *often* and 4.6% stated *very often*. 24% participants said they had *never* experienced eve teasing. An analysis of this data reflects that 21% of the participants have frequently been victimized and the fact that 55% confirm having faced eve teasing, though rarely, is reflective that a very large percentage (almost 75%) of respondents have experienced eve teasing at some point of time in Goa. This proves hypothesis I of the study that women in Goa experience SSH. Figure No. 5 is a graphical representation of the same.

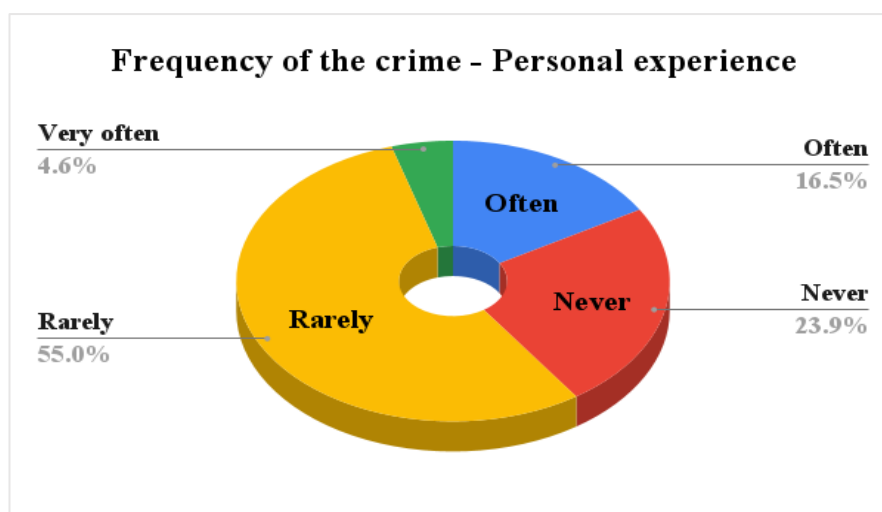


Figure No. 5: Frequency of the crime gathered from personal experience of women respondents



### 5.7. First SSH Experience - Age

A major concern that the authors wish to highlight are the extreme negative effects of eve teasing on young girls. Hypothesis II proposed that women are made targets at a very young age. Table No. 8 showcases the responses to the question posed to understand at what age participants first experienced eve teasing.

Table No. 5: First Experienced Eve Teasing - Age

First experienced SSH - Age	No. of Respondents	Percentage
Below 10	9	8.3%
10-15	31	28.4%
15-20	39	35.8%
20-30	2	1.8%
Above 30	Nil	Nil

The responses reveal that 8.3% participants (9 respondents) first experienced eve teasing even before adolescence (Below 10 years). 28.4% participants (31 respondents) encountered the crime during early adolescence (Between 10-15 years). The age group highest targeted was seen to be adolescents aged 15-20 years, which stood at 35.8% (39 respondents).

An important fact worth noting is that 25.7% participants (26 respondents) had never experienced SSH. Among the respondents who have admitted to being sexually harassed in public places in their lifetime, nearly half i.e., 40 respondents have experienced their first incident by the age of 15. Table No. 4 tabulates the data to highlight the fact.

Thus, sexual harassment is predominant irrespective of age. Majority of the females are victims between the age of 10-20 years of age. This specifies that the hypothesis II proposed by the authors is proved.

## 6. Conclusion and Suggestions

This research study hopes to encourage all those in authority to treat SSH as a serious criminal offense that is wanting their attention. It must be emphasized that recognising the significant impact SSH puts on women's liberty, equality, and sense of self-dignity is the first step towards finding a solution.

Based on the research several suggestions are put forward for possible changes in substantive laws and new procedural requirements for prevention, better implementation, and ease of reporting of this crime.

1. Spreading awareness among public is the first step towards crime prevention. Children from a young age should be taught the importance of gender equality and of respecting the opposite sex.
2. Gender Equality should compulsorily be made part of the school curriculums as early as possible.
3. There is a great need to educate the public as to which acts constitute and which do not constitute an offence. Hence legal provisions should strive for clarity and in addition any efforts at spreading legal awareness among public should be carried out with utmost responsibility to ensure public understand all acts that are currently viewed as an offence.
4. It is suggested that the police in consultation with NGO's and legal aid cell's need to come up with a response manual to prepare women on how to respond when faced with SSH.
5. Another concept that could prove beneficial to better police public relations is that of community policing. Community Policing would make reporting much easier. A group of representative/s from local areas (for example, a representative person from each society in the local area) can hold meetings and sessions with residents of societies to make known that they and the police are there to help. Thus, they can act as intermediaries between the Police and the residents. Such liaising can go a long way to foster better relations as well as ease the process of reporting, as many hesitate to go to the police.



6. Amending Sec. 509 of the IPC, 1860 for dealing with verbal and visual sexual harassment of women in public places. The authors propose amendments to section 509 of IPC, 1860 to incorporate the idea of SSH through the following model provision:

***Proposed Amendment to sec. 509 IPC, 1860 - Model Provision:***

**“509 (1) (a) -** Harassment by word, sound, gesture, or act intended to insult or intrude upon the privacy of a woman for the sake of amusement by person below the age of 21 years -

Whoever, below the age of 21 years, intending to insult or intrude upon the privacy of a woman for the sake of amusement, utters any words, makes any sound or gesture, does any act or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, shall be punished with simple imprisonment for a term which may extend to one year and also with fine.

**509 (1) (b) -** Harassment by word, sound, gesture, or act intended to insult or intrude upon the privacy of a woman for the sake of amusement by person aged 21 years and above -

Whoever, aged 21 years and above, intending to insult or intrude upon the privacy of a woman for the sake of amusement, utters any words, makes any sound or gesture, does any act or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, shall be punished with simple imprisonment for a term which may extend to two years and also with fine.

**509 (1) (c) -** *Harassment by word, sound, gesture, or act intended to insult or intrude upon the privacy of a woman triggered by anger. -*

*Whoever, intending to insult or intrude upon the privacy of a woman triggered by anger, utters any words, makes any sound or gesture, does any act or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, shall be punished with simple imprisonment for a term which may extend to three years and also with fine.”*

Control and prevention of crime is a fundamental function of governance. SSH demands a radical shift in focus, from criminals to criminality. Awareness among both the sexes as well as early intervention are key. Stress on gender equality should begin inside families, who in many cases are the true carriers of this evil. Orientations held at schools, colleges as well as societies on a consistent basis will foster this aim. The proposed amendment in Section 509 of IPC can be a stop gap arrangement, till a specific and dedicated legislation is adopted to deal with SSH.