

LAW AREA NAME : WOMAN
SECTION NAME : CRIMINAL LAWS
SUB SECTION NAME : MOLESTATION

LAW IN BRIEF

Any person who assaults a woman or uses criminal force on any woman with the intention to outrage her modesty is guilty of an offence under section 354 of the Indian Penal Code. He may also do so with the knowledge that by doing so he would be outraging the modesty of the woman.

Any person who utters any word or makes any sound or gesture or exhibits any object with the intention that it will be seen or heard by such woman or will intrude up on her privacy is guilty of insulting the modesty of that woman

LAW IN DETAIL

Assault or using criminal force is an offence under section 354 of the Indian Penal Code while insulting the modesty of the woman through words or gestures is an offence under Section 509 of the Code.

Some of the examples illustrating acts that amount to outraging the modesty of a woman are as follows:

- Hugging a woman without her consent, kissing her, touching her private parts or any act which is likely to put her to shame by outraging her modesty.

Examples of insulting the modesty of the woman are:

- Writing letters using vulgar language.
- Making vulgar gestures
- Displaying vulgar figures
- Singing songs with vulgar suggestions
- Entering a woman's house and making vulgar gestures
- Exhibiting his nude body

The offence under section 354 is punishable with imprisonment up to 2 years or fine or both while that under Section 509 is punishable with a simple imprisonment of 1 year or fine or both.

Both the offences are cognizable, bailable and compoundable with the permission of the court.

PROCESS FOR SOLUTION

Complaint Under which Section ?

Section 354 of the Indian Penal Code: Outraging the modesty of a woman

Section 509: Insulting the modesty of a woman

Whom to complain / where to complaint?

Any person may file a complaint and lodge an FIR against the offender in the nearest Police Station.

The case can be tried by the Metropolitan Magistrate or a First Class or Second Class Judicial Magistrate.

How to file the Case ?

Once the case is filed in the Court, the concerned woman has to prove the following:

- Under Section 354 of IPC,
 - a) That the accused had assaulted the woman or has used criminal force on her.
 - b) That he had done so with the intention of outraging her modesty or that he had done so knowing that thereby he outrage her modesty.
- Under Section 509 of IPC,
 - a) That the accused has uttered any word or made any sound or gesture or exhibited any object to the woman with the intention that she sees or hears it or it intrudes her privacy.
 - b) That he has done so with the intention of insulting her modesty.

What Next ?

The case will be decided as per the procedure laid down by the Criminal Procedure Code. Appeal lies to the next higher Court.

ALTERNATE REMEDIES

The case may be compounded with the permission of the Court or the accused may resort to plea bargaining for sentence reduction or any other concession.