



ABHIDHVAJ LAW JOURNAL

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Judgement of Supreme Court in vulgar display of female (354 A to D) case.

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ABSTRACT :

Crime is defined as an act or omission which is a violation of law and thereby affects society at large. The Indian Penal Code, of 1860 have laid out various sections for the protection of women against any crime. In India, if we take a look at the hierarchy of the Court then we will find out that at the top level, there is the supreme Court. The decision of the Supreme Court is binding on all the lower-level courts. The judges of the Supreme Court are elected by the president of India to make any law for the welfare of functions related to it. It can declare any law unconstitutional if it violates the fundamental right of any citizen of the country. If any person has applied in the lower court for the protection of his right and he is not satisfied with the judgement of that Court then he can apply in the higher court or to the Supreme Court to protect his right and the decision of the higher court will be binding on all lower court according to hierarchy.

Nowadays, crime against women is happening in many forms and one of the most common forms is portraying or displaying the image of the woman in a wrong manner or manner which can harm the respect of women. Vulgar display of a woman means showing her revealing image or picture to the world without her permission, which directly affects her reputation in front of the whole society. There are many laws made by the Indian penal code which protect the rights of a woman related to this heinous type of crime. Section 354 A to D of the Indian penal code protects the rights of women when someone harms their respect or dignity. Most of the victims of this type of crime face various health issues such as social anxiety, depression, etc. Most of the women have to change their jobs and due to these crimes, many parents and guardians do not let their daughters or wives or any female member of the house work outside or go anywhere. And not only this, only females are blamed for all the crimes that are being suffered by them and committed by other people.

Explanation of section 354A, 354B, 354C and 354 D :

Section 354¹ of the Indian penal code deals with assault and criminal force. The section actually means that whoever assaults or uses criminal force against the woman with the intention to outrage or does any act knowing that it can outrage her modesty will be punished under this section of the Indian Penal Code,1860 and the punishment given to him will not be less than one year and it may extend to 5 years with fine of cognizable offence and in this type of offence No bail will be granted from the magistrate.

Section 354 A sexual harassment, and punishment for sexual harassment :

Section 354 A of the Indian penal code deals with matters relating to sexual harassment of women and the punishment has been described for this crime in the IPC. In this following section, it has been described that if the person commits any act or crime mentioned in the given section then it will come under sexual harassment and the person will be punished accordingly. It is a type of cognizable offence and in this type of offence, bail can be granted by the Court.

If any person tries to make any type of physical contact with the woman without her consent or if he tries to make physical contact forcefully, if any person demands or requests the woman to do the sexual favour for his benefit, if any person tries to show a video related to pornography to the women without her will or permission, if the person commits any of the above crime then he will be punished with the strict punishment with the imprisonment of upto 3 years and that person may be liable to give only fine or with both fine and imprisonment.

If any person tries to do sexually coloured remarks which means doing offensive comments or jokes, asking inappropriate questions, giving suggestions or giving marks on someone's sex life or doing graphic comments on the body of any woman, saying words related to her which can humiliate that person sexually. Then for this type of activity, the punishment is not very serious because no physical contact has been made so that person will get imprisonment upto 1 year or with a fine or with both of them- imprisonment upto 1 year and a fine.

Section 354 B – assault or use of criminal force to woman with intent to disrobe :

Section 354B of the IPC deals with the assault or use of Criminal force against a woman with the intention to disrobe her. If any person tries to assault any woman or use criminal force or

¹ Assault and criminal force which outrage the modesty of women

force of any type against any woman or blackmail, her or abets any type of activity with the intention of disrobing that woman or which can even compel her to be naked. Then that person will be punished under the section of the Indian penal code. This is the type of cognizable offence and No bail will be granted to that person if he commits an act which comes under this section of the Indian penal code. The punishment for this type of offence is that the person will be punished for imprisonment which will be not less than three years and it may extend up to 7 years of imprisonment along with it he will also be liable to pay a fine, which will be prescribed by that magistrate.

Voyeurism² :

Voyeurism may be defined as a type of interest in observing unknown people without their permission while they are undressed, involved in any kind of sexual activity. In this, the interest of the person is more in the act done not in the person who is doing so. The person who is watching another person without his or her permission is called Voyeur. The mean thing or element of this is that the person who is being watched does not even know that he or she is being watched by other people because the person is at a place where they can get some privacy like their home or any type of private area. According to the section, if any man watches or takes the image of any woman who is engaged in any kind of private act in a private place where she thinks that no one will be watching her or capturing the image of her. If that person captures or watches without her permission then he will be punished under the section of IPC. The punishment given to the person who has committed this type of act for the first time is imprisonment not less than one year and which may extend to 3 years with the fine as ordered by the magistrate. If the person commits that crime again for the second time, he will be punished with imprisonment not less than three years and which may extend to 7 years, and he will also be liable to pay a fine as ordered by the magistrate. It is a type of cognizable offence and the bail will only be granted by the magistrate, when the act is committed for the first time, only not for the second time.

Stalking³ :

Stalking may be defined as when the person follows another person from his or her house to

² Section 354 c of Indian Penal Code

³ Section 354 d of Indian Penal Code

the office or the workplace without knowing them and this act creates a feeling of fear in the mind of the person who is being followed by another. This type of activity is done by the unknown person with another. According to this section, if any person or a man follows, a woman tries to make contact with a woman,

follows that woman from her house to her workplace without her permission, forcefully or desperately with a clear intention from that woman that she is not interested in talking, if that person tries to follow, or see that woman on any social media account or any of the form of electronic communication, then these types of an act done by that person will come under this section and he will be punished accordingly with a punishment prescribed. The punishment given to the person who commits an act which comes under this section is – when he commits his act for the first time then he will get imprisonment for up to 3 years along with a fine, but if he commits the act for the second time then he will get imprisonment up to 5 years along with the fine as described by the magistrate. This is the type of cognizable offence⁴ and bail can only be granted by the magistrate when this act is committed for the first time, not for the second time by that person.

CONCLUSION :

There is a number of laws in India which protect the rights of woman in any form whether it be on paper or digital. Article 21 of the Indian constitution states that human being has a right to life with personal dignity and if any person violates the right or dignity of any woman. She can file a complaint against him for the violation of her right in any of the courts and if she is not satisfied with the decision of the lower court, then she can apply for the same in the higher court or in the Supreme Court whose decision will be binding on all lower court of India. The government of India has set up a very good mechanism to fight this evil. Even though with a number of mechanisms There are still some people who are hurting the, dignity or respect of the woman. A social awareness programme must be held among the people to make them understand that it is not appropriate to play with any other gender's dignity or respect.

⁴ These are the serious offences which deal with murder ,rape ,theft, dowry death etc.