

Eve Teasing and Molestation – A Case Study of District Srinagar

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Abstract: *Despite the jocular connotations Eve teasing and Molestation is a serious issue now a days. Eve teasing is a euphemism used in India for sexual harassment or molestation of women by men. It is an action of perversion like touching, rubbing, groping, teasing, staring, pinching, slapping, display of private parts and even pornographic material. Many acts can be added to this compendium. It has also been defined as crime committed against women everyday but the criminals are not punished and continue violating a women's privacy assuming they have a right to do so. It is an offence every women faces in her life and not just once and ignores the offence and accept it as a price she has to pay for being a women. Further the making of unwanted sexual remarks or advances by a man to a woman in a public place. Sexual abuse or molestation is the forcing of undesired sexual behavior by one person upon another. When the force is immediate, of short duration, or infrequent .society's attitude towards this particular violence against women has been dismal. According to constitution of India, women are legal and prominent citizens of the country and have equal rights when compared to men .Due to lack of credence from the male dominant society, women suffer immensely. Many cases of eve teasing and molestation have been reported in Kashmir. In the present research paper an attempt has been made to understand the factors of the problem through an empirical study.*

Keywords: Women, Crime, Law, Eve teasing, Molestation.

1. Introduction

“The Semantic meaning of crime against women is direct or indirect physical or mental cruelty to women. Crimes which are directed specifically against women and in which only women are victims are characterized as Crime against Women”. It is equally important to clarify the concept of Violence against women. Violence is also known as abuse and includes any sort of physical aggression or misbehaves. When violence is committed at home it becomes domestic violence and involves family members such as children, spouse, parents or servants. Domestic violence may involve different means such as hitting, kicking, biting, shoving, restraining, throwing objects. In broad terms, it includes threats, sexual abuse, emotional abuse, controlling or domineering, intimidation, stalking, passive/covert abuse and economic deprivation, rape, abduction, kidnapping, murder (all cases of criminal violence, dowry death, wife battering, sexual abuse, maltreatment of a widow and for an elderly women (all cases of domestic violence) and eve-teasing, forcing wife/daughter-in-law to go for feticide, forcing a young widow to commit sati, etc (all cases of social violence), are issues which affect a large section of society(Singh and Choudary,2012).

2. Crime against Women

Violence against women is the most pervasive violence under recognized human rights violence in the world it is also a profound health problem that saps women's energy, compromises their physical and mental health, and erodes their self-esteem. In addition to causing injury, violence increase women's long term risk of a number of other health problems, including chronic pain, physical disability, drug and alcohol abuse and depression. Women with a history of physical or sexual abuse are also at increased risk for unintended pregnancy; sexually transmitted infections in

almost every society in the world legitimize, obscure and deny abuse. The same acts that would be punished if directed at an employer, a neighbor or an acquaintance often unchallenged when men direct them at women, especially within the family. For over three decades, women's advocacy groups around the world have been working to more attention to the physical, psychological and sexual abuse of women and to stimulate action. They have provided abused women with shelter, lobbied for legal reforms, and challenged the widespread altitudes and beliefs that support violence against women. (Ellesberg and Heise, 2005).

Increasingly, these efforts are having results today international institutions are speaking out gender –based violence. Surveys and studies are collecting more information about the prevalence and nature of abuse.

3. Constitutional and Legal Provision for Women

The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favor of women for neutralizing the cumulative socio economic, education and political disadvantages faced by them. Within the framework of a democratic polity, our laws, development policies, Plans and programs have aimed at women's advancement in different spheres. India has also ratified various international conventions and human rights instruments committing to secure equal rights of women. Key among them is the ratification of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) in 1993 Constitutional Provisions for women are as under:

- Article 14, confers on men and women equal rights and opportunities in political, Economic and social sphere.
- Article 15, prohibits, discrimination against any citizen on grounds of religion, race, caste, sex etc.
- Article 16, provides for equality of opportunities matters relating to employment or appointment to any office under the state.
- Article 39(a)(d), mentions policy security of state equality for both men and women the right to a means of livelihood and equal pay for equal work for both men and women.
- Article 42; Direct the State to make provision for ensuring just and humane Conditions of work and maternity relief. **MSPI, (2012).**

4. Eve Teasing in Kashmir

Despite being caught in conflict and subjected numerous physical and mental traumas, women of Kashmir have shown great character and strength in competing with their counter parts in any other part of the world. At whom, they take care of the house hold chores and outside, they are successful Teachers, Doctors, Engineer and what not. An added feature of the modern day Kashmiri women in her tendency and capacity to step out in her choice of work in any other country. Since the existence of this world, women are subjected to different kinds of violence .with the change in the life style and with the advent of modernization. The forms of violence and nature of crime against women has also changed .This has put a lot of challenge before women folk. There are certain social challenges which might prove suicidal for any such health trend among the women. Today one among the alarming issues is eve teasing in our public transport which women often come across. This is something which needs to be taken care. Transport has become challenge for women folk who, every now and then, have a complaint of teasing and feel frustrated at the alarming increase in such incidents. It has also become nightmarish for womenfolk as, since local buses are usually over loaded. Some ill-mannered and undignified people take undue advantage of the situation unnecessary pushing and managing closeness with women; needless gazing and staring have become the order of the day and thus creates an extremely embarrassing situation for women folk. Moreover, there are only a few people who would raise their voice against the menace and if such a situation arises, at times pin-drop silence is maintained by even those who are brewing with fresh and young blood in veins. Men need to show respect towards the females. Rather than a being a part of menace, they should be guardians of the chastity of their mother's, sister's and daughter's. The Government and Civil Society need to make sure that the already established laws are followed in letter and spirit. (**Bashir, 2012).**

Though some time back, Government did start the ladies Bus service but the fate was very unfortunate? Nothing came out from idea and the service was the closed down. And recent developmental initiative had been taken by the officials who reserve eight seats for female passengers which seems as other joke as over loading is a normal routine now and the seats just not possible. One can't deny the fact the population of people has increased at a fast speed in the Jammu and Kashmir particularly in Srinagar

city. Women should have separate traffic facility otherwise provide and honorable and decent traffic facility, otherwise provide an honorable and decent traffic management without over loading so that women should not feel harassed (**Bashir, 2012).**

Eve teasing is mostly witnessed at public places, public transport, streets, coaching centre. Pertinently, coaching centers in Kashmir often feature in news papers for wrong reason such as the growing menace of eve teasing. ***If we ponder over it we will find that their isn't a single cause but most of them.*** The culprits are mostly economically poor and socially backward families. For them, practices like playing loud music, capturing pictures on mobile phone while following a girl , indulging in 'Gang Wars' showing off flashing accessories are their charm. Parents are also turn into an accomplice through carelessness. Escorting their daughter to places like coaching centre is seen as the last option. Bollywood has always been at the forefront in promoting 'roadside Romeos' being the highest militarized zone with 'Lawless' laws, 'security forces' also indulge in such acts in Kashmir' these molestations often go unreported for fear of reprisal and exposure to public shame (**Ganie, 2011).**

Although, Indian penal code 298 [a] and [b] prescribes 3 months prison and if repeated , 5 years prison with a fine of Rs 5000 while referring to the social crime as equable to observe, remarks or even songs, we still need to do a lot more. If the law would have been enough, then Delhi-capital of India, wouldn't have been referred to as 'one of the world's dangerous places for women. The fact that eve teasing is one of the main causes for increasing rate of female suicide in contemporary societies, and there is a dire need to act fast rather than playing. Keeping in view the above statement it's suggested that;

- Empower the organization like National commission for women (NCW) so that justice would be delivered to the victims at the earliest.
- Police officers, especially females, should be stationed in plain clothes at places often in complaints.
- Special anti- eve teasing cells should be established to confront the menace in an effective manner.
- The employees in the valley should allow female employees to leave at 4:00pm or arrange adequate transport facility for them so that they can reach home before it's too dark especially in winters.
- Parents should be involved into daily activities of children and also provide moral education to them, to keep them on right track. Parents should spend quality and quantity time with their children, as it helps them to share healthy relationship with each other.
- Ulema also have a role to play in curbing social crime. Besides, delivering sermons and speeches, they should encourage people for setting up of "Mohalla committee" in each and every locality for the every act of arresting and bringing the culprit to book that will surely help in bringing an end to this ever growing social evil.

All these measure would be helpful only if we change our attitude towards this social evil and recognize this fact that our own daughter's or sister's can be safe if we prevent the

matter from getting bad to worse perhaps, education and educational institutions can play a better role in this regard.

4.1 Status of Crime against Women in Kashmir

Year	Rape	Kidnapping of women's	Molestation	Eve teasing	Cruelly by Harassed	Dowry Deaths	Total
2006	119	526	815	233	18	0	1711
2007	142	514	824	253	48	1	1782
2008	91	471	759	196	26	2	1545
2009	102	579	823	259	35	3	1801
2010	66	446	723	162	24	0	1421
Total	520	2563	3944	1103	151	6	8260

Source <http://www.peacewomen.org/news-article>

4.2 Existing framework to tackle the problem of Eve Teasing

Crime against women has been existing since times immemorial. Women have been subjected to different kinds of violence and sexual harassment. Eve teasing is no new concept with the advent of modernization. Women who once remained under the four walls of a house got an opportunity to come out of that isolation and they started seeking education and employment. Their role not only remained limited to manage household chorus, but now they had to play multiple roles and started contributed towards the economic wellbeing to their families. With this change in their role, the women started encountering incidence of sexual harassment at public places and work places i.e., eve teasing.

Various legal measure to address the issue of eve teasing at public places, fixes responsibility on many stakeholders and family places it as a violence of once constitutional rights. Supreme court of India in one of its judgment clearly states "Every citizen in this country has right to live with dignity and honor which is a fundamental right guaranteed under article 21 of the constitution of India. Sexual harassment like eve teasing of women amount to violence of rights guaranteed under 14 and 15 as well.

The national crime record bureau statistics shows 71 increases in crime against women between 2010 and 2011. This may be just a tip of an iceberg as majority of cases go unreported due to many reasons, which include fear of shame, lack of family support and lack of faith in police system. The root problem lies also in the fact that eve teasing is persuaded as a minor offence and little is done to prevent it. Also the existing legal regime of section 294, 549 and 354 of RPC are insufficient and the fact that burden of truth lies on women often makes it impossible to nail the accused. Supreme Court has also observed that protection of sexual harassment at work place against women bill 2012 pending in parliament will not be enough to deal with the offence in public spaces. Some of the immediate measures as directed by Supreme Court to tackle the problem include:

1. Increased policing at bus stands, railway, public places as well.
2. Installation of CCTV's in strategic locations making heads of educational institutions responsible for initiatives aimed at prevention of harassment.
3. Public messaging on the issue.
4. Affixing responsibility on the staff of public Transport Instituting help lines and even holding bystanders responsibility.

5. Objectives

- To study the magnitude of the crime against women in Kashmir.
- To understand the factors of Eve teasing.
- To suggest measures for the welfare of women.

6. Justification

One of the alarming issues in Kashmir valley is eve teasing, this is something which needs to be taken care of on war footings. Unreported episodes of eve teasing have led to spur in this menace in the valley. Each day, hundreds of women and young girls face the threat of eve teasing. While negligible cases are reported, most go unaddressed as women prefer silence. This research paper will focus on different dimensions of eve teasing in district Srinagar especially awareness, factors and current situation of violence against women. The present study is an attempt with a small sample so as to understand Eve teasing and Molestation in Kashmir. This study may set the framework for an extensive study to be undertaken in future.

7. Research Methodology

The sample of the present study was divided into three groups:

Group 1: Consisted of Adolescent girls in the age group of 18-25yrs.

Group 2: consisted of police officials in the age group of 30-50yrs.

Group 3: consisted of lawyers in the age group of 30-50yrs.

Sample Size: The total sample size was 30.

Locale of the Study: All the three groups were taken from Srinagar district only. Survey method was adopted to select the entire groups.

8. Results and Discussions

Analysis of Data (Adolescent Girls)

- 80% of respondents are aware about eve teasing and stated that eve teasing is the harassment of women by men or eve teasing is the passing of indecent comments to the female folk usually by the other gender, this is the issues of concern as per them and need to be addressed and rest 20% were unaware about the same.
- It was found that all the respondents forwarded different responses about the meaning of eve teasing and majority 50% respondents perceived that eve teasing is the harassment of women by men, 30% of the respondents

said that it is the verbal abuse by men in the form of abuse language like Aay kya bolti tu”, aati kya khandala etc and rest of them opined that it is the disrespect of women and affect the overall being of women.

- Majority of the respondent’s reason out that physical appearance of the girls are responsible for eve teasing. Girls usually wear tight and transparent clothes which evokes male folk for eve teasing and also invites so many social problems which has a bad implications for upcoming generation and few percent perceived that usually average look is responsible for same.
- It was found that majority i.e., 60% of the respondents said eve teasing is in form of verbal abuse, 10% said that it is physical abuse, 40% of the respondents are of the view that eve teasing is the mental abuse as it disturbs the whole psyche of the women and after facing such incidences women is not able to perform her day to day activities properly as these incidences were like nightmare for the women.
- 90% of the respondents are of the view that Eve teasing affects the overall well being of the person i.e., 10% said it doesn’t affect the well being of the person .Few of the respondents said eve teasing retards the person physically ,90% said that eve teasing retards mental growth of the person.
- It was observed that 60% of the respondents are of the opinion that there should be imprisonment for eve teasing, so that the eve teaser will learn the lesson and should have repentance for the same, 20% said that there should be fine for eve teasing so that it should be at the cost of his savings, 10% of the respondents are of the view that eve teasers should be insulted in front of everyone and should be grabbed in the streets of every locality and should be media highlighted.
- 40% of the people are of the view that eve teasing can be curbed by providing moral education in schools /colleges so that the children will learn good lessons from the very beginning of their lives, 40% said that religious education should be provided to youth in Masjids and Darasgahs as it has serious implications on people and they start doing things which are for the betterment of the society ,and 20% of the respondents said that there should be proper care by parents for their children so that get sound upbringing from beginning for their bright future.

9. Analysis of Data (Police)

- 10% of the respondents are of the view that eve teasers are of the age group of 10-12 yrs as it is the beginning of adolescence and stage full of stress and strain, 20% said that they are in the age group of 12-15 years, as it is the stage where children have a tendency to get deviated from the normal track, 70% said they are in the age group of 15-25 yrs or above.
- It was found that 40% of the respondents are of the view that due to lack of parental care youth indulge in such activities as eve teasing, molestations, rapes etc, 50% said peer group is responsible for inculcating bad habits, as it is due to bad company youth get addicted to antisocial crimes like drinking of alcohol, drug addiction which are the root causes such issues in our society, 10% said there are other reasons responsible for same.

- 30% of the respondents are of the view that Eve teasers are Drug addicts as they have deviated behavioral symptoms which lead to such antisocial activities, 20% said that they are dropouts, 30% said they are Delinquent, 20% are of the view that they are unemployed youth indulge in eve teasing as they have nothing to do except creating nuisance in society.
- It was observed that 20% of the respondents are of the view that eve teasing takes place outside schools as boys always wander in the vicinity of schools and take undue advantage of the situations and start doing such activities which create unhealthy atmosphere in the society , 40% said that it takes place outside tuition centre’s due to mushrooming growth of these centre’s in Srinagar city lot of episodes have occurred in recent years , one of the episode which has shocked society is the death of innocent girl ROMANA which took place due to the incident of eve teasing outside the tuition centre near Barzulla area of Srinagar city ,20% of the respondents are of the view that eve teasing take place in botanical gardens due to lack of security in these garden.
- 60% of the respondents said that eve teasers usually belong to lower income group families, 30% said they belong to upper income group families, 10% of the respondents are of the view that eve teasers belong to upper middle income group families.

10. Analysis of Data (Lawyers)

- 60% of the respondents are of the view that there is no specific act for eve teasing in J&K, 40% of the respondents said that there is a specific section in Ranbir Panel code for eve teasing.
- It was found that 20% of the respondents are of the view that eve teasers are Drug addicts, 20% said that they are Dropouts .10% of the respondents said they are Delinquents and 40% of the respondents are of the view that there is no specific person for the same.
- Majority i.e., 40% of the respondents are of the view that parents file cases as they are more concerned about their children future and find it as their responsibility, 20% said friends as people usually share these matters with their friends without any hesitation and 40% of the respondents are of the view that victim herself file cases, as they want to fight for their rights and to get justice they file cases against the eve teasers but it has been said by respondents that due to less follow-up ,they hardly get justice in these matters, fear and stigma can be one of the reason for of less follow ups.
- It was observed that 40% of the respondents are of the view that fear and stigma are the reasons behind non reporting of eve teasing cases ,as women feel it as a kind of shame due to which they don’t report to concerned persons , 40% said that due to legal formalities like fee of lawyers, court fee , fee of affidavits etc cases go unreported and 20% are of the view that due to ignorance on part of the victims cases go unreported as they feel that it is not that huge crime.
- It was observed that 30% of the respondents are of the view that it is improper guidance that is responsible for such issues in society, 30% said that due to peer pressure youth indulge in eve teasing and majority i.e., 40% are of

the view that lack of moral education is responsible for eve teasing issues in society

- 40% of the respondents are of the view that moral education can stop eve teasing, 40% are of the view that religious education in Darasgahs and Masjids can stop such issues from happening and 20% said that counseling can help in curbing the menace of eve teasing.
- 50% of the respondents said that legal hassles are impediments while dealing with eve teasing cases and 50% of the respondents are of the view that other technicalities are responsible for the same.

11. Conclusion

From the data analysis of three groups, one thing is clear that in Srinagar district women are in vulnerable situation. There are lots of women who are tortured in various ways every day. Many women keep silent after such incidents. Usually women don't want to bring forward their domestic and personal problems. But when the problem is out of control it bursts out. Even a woman doesn't want to complain to her parents regarding such incidences as she feels it is the matter of shame. Kashmir is a conflict ridden society where women are in wretched conditions.

In recent years in Kashmir we have witnessed huge atrocities against women rapes, kidnapping, eve teasing, molestations etc. women education is expanding but before that and presently lacs of women are deprived of education, self awareness. Most of them are unaware of rights and law. That's why they are victims of dowry, acid attacks etc. A woman or a girl needs family support after they are victim. Our law should be stronger and its execution is mandatory to monitor. There should be separate law for eve teasing in J&K, and that should not only in papers, we want its reflection in our life. But what is the fault of three years old child who is raped? Before knowing this earth properly she has to face the rapist hand. This study aims to understand the present situation of violence against women in Srinagar district and to understand various factors that are responsible for eve teasing. We want women of positive existence not as show pieces which enhance society's false pride, family's beauty or newspapers sale.

12. Limitations

This study is based on three group's youth, police officials and lawyers in district Srinagar. Therefore may be having some shortcomings to draw conclusion or find out problems for the limited study period. This study may need further research expanding study universe

13. Recommendations

- 1) Law and order should be more women friendly.
- 2) Law and punishment should be executed properly and neutrally.
- 3) Government should take more initiative to publicity law against any violence against women.
- 4) School and college teachers should be more pro-active to motivate students against eve teasing and sexual harassment. They should also teach male students to honor their classmates.

- 5) Imams of mosques can preach positively about violence against women in their *khutbas*.
- 6) Print media and electronic media can work more actively to publicity of punishments for a violator.
- 7) A victim's family needs to take care of her more delicately.
- 8) All the society's members, neighbors, villagers should be united to protest any violence against women.
- 9) News should be more positive about women.
- 10) Stronger laws are needed to stop fatwa, acid throwing, rape.
- 11) Need to repair the loop holes of our existing laws.

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