

Standing Order

No.	Issue Date	Issued By	Issuing Unit	Issuing Branch
170	18/03/1989	COMMISSIONER OF POLICE	Police Head Quarters	

Subject : Check over eve-teasing.

Contents

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I. Introductory:- Various legal provisions can be invoked to deal with offences like eve-teasing. Sections 294, 354 and 509 of Indian Penal Code and Sections 91, 92 & 93 of the Delhi Police Act., 1978 are the relevant ones which should be freely made use of so that this crime is kept under check.

2. .Eve-teasing is generally indulged in by 'young ROMEOS on festival days e.g. Holi, in University/Colleges especially during opening sessions, submission of forms, cash counters, cinema houses, places of public entertainment, busy market centres and by miscreants including DTC staff in lone DTC buses etc. It shall be the duty of local police especially and all other officers/ men generally to check this evil firmly.

II. Preventive steps:- The following steps are suggested for the purpose:-

(i) In order to tackle the problem of eye teasing, vigilance around the educational institutions particularly girls institutions and DTC ,bus routes/stops shall be intensified.

(ii) Special squads in muft:i shall be set up. Beat patrolling shall be so organised as to cover as many girls "Schools/ Colleges as possible.

(iii) Beat Constables shall be instructed to station themselves near their schools/ colleges/institutions, particularly during closing timing.

(iv) Motorcycle patrolling & PCR vans in the area shall be instructed to cover all the girls Schools/Colleges/institutions so as to prevent incidents of eve- teasing.

(v) Anti-goonda and anti-eve-teasing drives shall be stepped up during the Holi festival and with re-opening of colleges and schools.

(vi) P.C.R., Crime(W) Cell and Distts. shall launch joint anti-eve-teasing drives at suitable intervals. In the drill, DTC buses and U.Specials shall be stopped at fixed points and police men shall ask ladies if they have any problem or complaint against anyone travelling in the bus. The Police men shall also ensure that the ladies seats are not occupied by the men travelling in buses.

(vii) The DTC staff shall be instructed to stop buses near any of the PCR vans, police stations and police Posts in case there is a complaint of eve-teasing or rowdism in the buses.

(viii) The measures adopted shall be given wide publicity in colleges and the lady commuters shall be advised to take help of the PCR staff at times of need.

(ix) Efforts shall be made to organise joint drives by the volunteers from students unions, both girls and boys, DTC staff and Police. The menace of eve-teasing can only be successfully combated if they combine their efforts whole heartedly.

(x) DCP/PCR will have surprise checks conducted at Rlys. Station, in local trains with the help of crime (W)Cell.

(xi) Sensitive bus routes shall be identified plain clothed/uniformed arrangements in such buses.

(xii) Liaison shall be established with University College authorities, organisers of sports, dramas, and similar other functions and joint operations launched with the help of these volunteers from educational institutions, especially the Women's colleges.

(xiii) Police pickets shall be posted in front of major Women's colleges, Co-educational institutions, near bus stops and other places where hooligans operate.

(xiv) The police Control Room shall ensure the presence of its vehicles at sensitive spots. PCR staff shall be properly briefed about the action to be taken by them in cases of hooliganism which may come to their notice.

(xv) Suitable arrangements shall be made by the Districts at liquor shops as well as in communally sensitive areas.

(xvi) DCP/Crime(W) Cell shall monitor the anti- eve-teasing arrangements in the city and shall also take steps to involve women special police officers and voluntary Women's organisations to prevent un-savoury incidents during this period.

(xvii) Goondas and bad characters shall be rounded up in advance of festivals.

(xviii) Black-Sheep among the DTC staff and drivers/ conductors of private buses shall be identified and matter brought to the notice of DTC authorities. This apart stringent legal action shall be taken against such offenders.

III Action by Police officers/men

3. Whenever a Police Officer, whether on duty by or otherwise, happens to notice any one uttering indecent words, ,songs etc., in or near any public place directed towards any woman, or indecently exposing his person in the presence of a woman in any public place, the police officer shall arrest that person at once u/s 294, IPC. If the police officer happens to be in mufti, he shall disclose his identity to the accused and others. This act also comes within mischief contemplated by aforesaid Sections of the Delhi Police Act. Both the offences are cognizable. In such a case, the police officer has to collect evidence that the act of the accused caused annoyance to any member or members of the public, who happened to be there. The prosecution case does not suffer for lack of proof of annoyance merely, because the woman who was the aimed victim of the obscene act is not being produced as a witness. Any member of the public who happens to be there and to whom the annoyance was caused due to the indecent act of the accused may be cited as witnesses in the case. If section 294, IPC, is applied then the case has to be registered and properly investigated, even if the occurrence is reported at the police station or outside though occurrence may not have been witnessed by the police officer. On the other hand if arrest is made under appropriate sections of Delhi Police Act, only a complaint constituting the offence together with a list of witnesses is to be forwarded to the court for trial through the SHO/SDPO concerned.

It may also happen that while a police officer is present outside the Police Station on duty or otherwise, somebody comes forward and charges a person present there with having committed an obscene act in any public place aimed at a women. The police officer in such circumstances can also arrest that person u/s 42 Cr.P.C., if that person on demand by the Police officer refuses to give his name and residence or gives a name or residence, which such the police officer has reason to believe to be false, so that his name or residence may be ascertained. The police officer shall also forward a complaint stating facts of the case to the Magistrate under appropriate Sections of D.P. Act. If the circumstances warrant a heavier punishment, a case u/s 294, IPC, be registered and investigated.

IV. Public place significance of:-

4. The word 'public place' includes any place to which the public has an access, whether they have a right, to go there or not, like public urinals, public houses and public conveyances such as" buses, taxies, tongas, Railway platforms, goods yard of a Railway Station, unfenced compound, a place forming part of compound of place of workship, ghats, theater halls and all other open spaces resorted to by the public for the purpose of recreation and amusement etc. The act, if committed even from house top Visible -to persons present on the road or in some

other houses is also punishable under these sections of law V. Mischief:-

5. If the indecent utterance of words or songs or making of any sound or gesture and exhibition of any object is done by any person at any place whether public or otherwise with the intention of insulting the modesty of a woman, when the act of that person comes within the mischief contemplated by section 509 IPC. Even in the cases covered under this section, it is not necessary to cite a woman victim aimed at, as a witness. It is also not necessary that the woman aimed at, should have either heard the indecent words or seen the indecent exposure herself. Arrest of the culprit can, however, be made if the act is committed in the presence of police officer or the culprit has been charged' as stated in' section 42 Cr.P.C. This section also covers the cases where a person intending to insult the modesty of the woman, intrudes upon the privacy of a woman, such as following a woman at various places and laughing and grinning and staring at her while passing and re-passing and shouting her name and so on, or sending a letter to a woman containing: indecent overtures.

VI. Criminal force in cognizance to be taken:-

If, however, an assault is made on or criminal force is used to, a woman with intent to outrage or knowing it to be likely that he will thereby outrage her modesty, the act of the culprit comes within the purview of section 354 IPC which offence is cognizable and bailable. A regular case should there be registered and, investigated. The Supreme Court of India has held in 1967 Cr.L.J. page 1: that when any act done to or in the presence of a woman is clearly suggestive of sex according to the common notion of the mankind, that act will fall within this section. The essence at the woman's modesty is her sex. The reaction of the woman is very relevant but its absence is not always decisive. For example when the accused with a corrupt mind stealthily touches the flesh of a sleeping woman, she may be an idiot she may be unable to appreciate the significance of the act. Nevertheless, the offender is punishable under this section. Snatching or trying to snatch any wearing apparel including 'Dupatta' or 'BURQA' of a woman, sitting by the side of the woman sleeping on a cot, unbuttoning or loosening the trousers of the woman are also some of the instances punishable under this section. In all the cases falling under this section, not only the woman aimed at is an essential witness, but independent evidence has also to be collected.

7. The Police Officer while submitting a complaint under Delhi Police Act, before the court, may also consider the desirability of applying section 509 IPC, if it is so warranted by the facts. The provisions of section 42 Cr. P.C. may also be availed of in all suitable cases keeping in view the aforesaid instances which are merely illustrative and not exhaustive.

VII. Super-Session Clause:-

Previous S.O. No...170 issued vide this Hdqrs. No.22709-22810/C& T, dated .17.11.66 and circular order No.30 issued vide this Hdqrs. No. 8979-9500/C&T, dated 20.4.78: are hereby cancelled.

Sd/-(KANWALJIT DEOL): DCP/HQ(II)
for COMMISSIONER OF POLICE.DELHI
No. 7614- 7814/XXV /97/86,.C&T -AC-V, dated the 31/01/1989
CORRIGENDUM

Subject:- Check over Eve-teasing- S.O. No. 170

The sentence "The offence, however, is non-cognizable and permission to investigate the case and arrest of the accused by a magistrate is essential occurring in 8th to 10th lines of para V under sub-head "Mischief"- in S.O. No.170 issued vide this Hdqrs. No. 7614-7814/C&T-AC-V, dated 31.1.89 may please be deleted as the offence is cognizable..

Sd/- (KANWALJIT DEOL) DCP/HQ/(II)
for COMMISSIONER OF POLICE: DELHI
No.18827-,19059/C&T-AC-V, dated, Delhi the 18/3/89.