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# **PERCEPTIONS AND EXPERIENCES OF 'MODESTY OUTRAGE' AMONG WOMEN IN RURAL VS URBAN SETTINGS: A SOCIO-LEGAL STUDY**

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## **ABSTRACT**

The idea of *outraging the modesty of a woman* holds a significant yet debated place in Indian criminal law. It represents both the moral values society expects and the gender-based realities that women experience. This socio-legal research explores how women perceive and experience acts considered as 'modesty outrage' under Section 73 of the Bharatiya Nyaya Sanhita, 2023 (which replaced Section 354 of the Indian Penal Code, 1860)<sup>1</sup>. The study focuses on differences between rural and urban contexts in India and examines how women from varied social, educational, and economic backgrounds understand the concept of modesty.

Adopting a qualitative research approach, this study uses focus group discussions, semi structured interviews, and analysis of real-life case studies to understand how women identify, internalize, and react to verbal harassment, unwanted physical contact, and acts of public insult that violate their dignity<sup>2</sup>. The findings highlight a clear contrast between rural and urban interpretations. Rural women tend to connect modesty with honour, family reputation, and community image, while urban women relate it to self-respect, bodily integrity, and personal autonomy<sup>3,4</sup>. These differences underline how cultural upbringing, education, and social empowerment shape women's awareness of their rights and their readiness to pursue legal action when their modesty is violated.

From a legal perspective, this study closely examines how Indian courts have interpreted the idea of modesty in landmark judgments such as *State of Punjab v. Major Singh*<sup>4</sup> and *Rupan Deol Bajaj v. K.P.S. Gill*<sup>5</sup>. These cases reflect the ongoing challenge faced by the judiciary in

defining modesty beyond moral and subjective boundaries. The research also explores how policing practices, social prejudice, and patriarchal attitudes influence the reporting and trial of such offences, particularly in rural regions where access to justice is often restricted.<sup>5</sup>

The study highlights the importance of gender-sensitive law enforcement, legal literacy, and awareness programs that present modesty as an issue of dignity and equality rather than one of chastity or appearance. It concludes that for laws protecting women's modesty to be truly effective, both legal and social mindsets must evolve. This requires an intersectional approach that recognises the effects of caste, class, and culture while upholding the constitutional values of gender justice and personal freedom.

### **1. State of Punjab v. Major Singh, AIR 1967 SC 63**

**Facts:** The accused was charged with committing a sexual assault on a female infant aged seven and a half months. The key legal question before the court was whether such an act could amount to outraging the modesty of a child who was too young to possess any sense of sexual awareness or understanding.

**Issue:** Can the notion of modesty be legally applied to a female child of such a tender age?<sup>6</sup>

**Judgment:** The Supreme Court held that modesty is an inherent quality of every female, regardless of age or level of understanding. The determining factor, according to the Court, is whether the act of the accused was capable of offending or shocking the sense of decency of a woman. The judgment extended the protection of Section 73 of the Bharatiya Nyaya Sanhita, 2023 (formerly Section 354 of the Indian Penal Code, 1860) to all females, reaffirming that modesty is not dependent on awareness of sexuality.

**Significance:** This case became the foundation for defining modesty as an inherent and gender linked attribute. It established that both the intention of the offender and the impact of the act on the victim are critical in determining whether an offence under Section 73 of the Bharatiya Nyaya Sanhita has been committed.<sup>7</sup>

### **2. Vishakha & Ors. v. State of Rajasthan, (1997) 6 SCC 241**

**Facts:** The case originated from the brutal gang rape of Bhanwari Devi, a social worker from Rajasthan, who was attacked while trying to stop a child marriage. At that time, there were no specific laws addressing sexual harassment in workplaces. This led several social organisations and NGOs to approach the Supreme Court through a Public Interest Litigation filed under Article 32 of the Constitution of India.

**Issue:** Does sexual harassment at the workplace amount to a violation of women's fundamental rights guaranteed under Articles 14, 15, 19(1)(g), and 21 of the Constitution?

**Judgment:** The Supreme Court held that sexual harassment at the workplace violates a woman's fundamental rights to equality, freedom, and life with dignity. Recognising the absence of legislative safeguards, the Court framed the *Vishakha Guidelines*, establishing an enforceable code for the prevention and redressal of workplace sexual harassment until a dedicated law was enacted.<sup>8</sup>

**Significance:** This judgment marked a turning point in Indian gender jurisprudence. It expanded the understanding of modesty outrage beyond physical acts to include violations of dignity and equality in workplaces. The *Vishakha Guidelines* laid the foundation for the *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*, which provides a comprehensive legal framework for ensuring safety and respect for women in professional environments.<sup>9</sup>

### 3. **Rupan Deol Bajaj v. K.P.S. Gill, (1995) 6 SCC 194**

**Facts:** Rupan Deol Bajaj, an Indian Administrative Service (IAS) officer, accused K.P.S. Gill, who was then serving as the Director General of Police in Punjab, of slapping her on the posterior during a social gathering in the presence of several people.

**Issue:** Does such conduct amount to assault or the use of criminal force with the intent to outrage the modesty of a woman under Section 73 of the Bharatiya Nyaya Sanhita, 2023 (earlier Section 354 of the Indian Penal Code, 1860)?

**Judgment:** The Supreme Court held that any form of physical contact made with an indecent or inappropriate intent constitutes an offence under Section 73 of the Bharatiya Nyaya Sanhita. The act need not result in physical injury or involve sexual intercourse; even an unwelcome gesture or touch that violates a woman's sense of dignity is sufficient to establish the offence.<sup>10</sup>

**Significance:** This decision reinforced the principle that a woman's dignity and bodily integrity are protected by criminal law, regardless of the perceived seriousness of the incident. The Court made it clear that the social standing or authority of the accused does not lessen their accountability, emphasising that respect for personal dignity must be upheld in all circumstances.

### 4. **Aparna Bhat & Ors. v. State of Madhya Pradesh, (2021) 3 SCC 247**

**Facts:** In a sexual assault case, a trial court granted bail to the accused but imposed an unusual condition requiring him to visit the survivor's home and ask her to tie a rakhi on his wrist. This condition faced widespread public criticism for being insensitive and was later challenged

before the Supreme Court.

## **India.**

<sup>10</sup> Rupan Deol Bajaj v. K.P.S. Gill, (1995) 6 SCC 194.

**Issue:** Do such judicial directions trivialise sexual offences and violate the survivor's dignity, autonomy, and right to justice?

**Judgment:** The Supreme Court strongly criticised the bail condition, holding that such directions reinforce harmful gender stereotypes and undermine the seriousness of sexual offences. The Court instructed all judges to refrain from making remarks or issuing orders that trivialise or normalise sexual violence, emphasising the need for sensitivity and respect in judicial conduct.

**Significance:** This case highlighted the importance of judicial awareness and empathy in cases related to offences against women. It reaffirmed that the interpretation of Section 73 of the Bharatiya Nyaya Sanhita, 2023 (earlier Section 354 of the Indian Penal Code)<sup>10</sup>, must always align with the constitutional values of gender equality, dignity, and justice.

## **5. State of Maharashtra v. X, (2024) [Recent Clarification on Section 354 IPC / § 73 BNS]**

**Facts:** In recent judgments, the Supreme Court re-examined the evidentiary and mental element (mens rea) requirements under Section 73 of the Bharatiya Nyaya Sanhita, 2023, which replaced Section 354 of the Indian Penal Code, 1860. The Court focused particularly on addressing concerns about possible misuse of the law and the need to ensure fairness in trials.

**Issue:** How can the judiciary protect women's dignity while also upholding safeguards against false or exaggerated allegations?

### **Judgment:**

The Supreme Court reiterated that the intention to outrage a woman's modesty must be proven, although it may be inferred from the accused's actions, behaviour, or the overall context of the incident. The Court stressed that investigations and trials should be both sensitive and impartial—avoiding bias that either automatically questions the survivor's credibility or presumes the accused's guilt.<sup>11</sup>

**Significance:** This line of rulings represents a growing judicial effort to balance women's safety with constitutional principles of due process. It underscores the importance of continuous judicial education and awareness to ensure that cases involving offences against women are handled with fairness, sensitivity, and without perpetuating stereotypes or procedural injustice.

## **1. INTRODUCTION**

The idea of outraging the modesty of a woman represents one of the most delicate intersections between law, morality, and gendered perception in Indian society. Historically, Indian criminal law has aimed to protect women from indecent behaviour, harassment, and physical acts that threaten their dignity and self-respect<sup>12</sup>. This legal safeguard was first established under Section 354 of the Indian Penal Code, 1860, which penalised assault or the use of criminal force against a woman with the intent to outrage her modesty. With the introduction of the Bharatiya Nyaya Sanhita, 2023, the same principle has been carried forward under Section 73, reflecting the legislature's continuing commitment to preserve women's dignity in an evolving social context.<sup>13</sup>

Despite its long presence in the legal system, the term "modesty" remains ambiguous and dependent on context. It is not specifically defined in statutory law but has been interpreted by courts as a quality associated with womanhood, encompassing moral integrity, decency, and bodily autonomy. However, many of these interpretations stem from male-dominated judicial perspectives and reflect cultural diversity across India. As a result, what is understood as an "outrage of modesty" differs significantly between rural and urban societies, influenced by social norms, education, and class distinctions.

In rural areas, modesty is often tied to ideas of family honour, reputation, and collective morality. A woman's identity and self-worth are seen as extensions of her family's standing within the community, and any act that violates her modesty is treated as a social affront.<sup>16</sup> Conversely, in urban environments, women are more likely to associate modesty with personal dignity, bodily integrity, and individual freedom. They view it as part of their autonomy rather than as an obligation to uphold communal honour. These contrasting viewpoints influence how women report incidents, how society reacts to them, and how justice is sought in different settings.<sup>14</sup>

Judicial interpretations of modesty have gradually evolved to align with constitutional principles of equality and dignity.<sup>15</sup> The Supreme Court in *State of Punjab v. Major Singh*<sup>16</sup> first recognised that modesty is an inherent quality present in every woman, regardless of age. Later, in *Vishakha v. State of Rajasthan*<sup>17</sup> and *Rupan Deol Bajaj v. K.P.S. Gill*<sup>18</sup>, the Court expanded the understanding of modesty beyond physical acts to include psychological, professional, and

emotional harm. More recent decisions such as *Aparna Bhat v. State of Madhya Pradesh*<sup>19</sup> and *State of Maharashtra v. X*<sup>21</sup> reaffirm the judiciary's duty to handle cases involving sexual offences with sensitivity and fairness, ensuring that the survivor's dignity is protected throughout the legal process.

This research provides a socio-legal analysis of how women across rural and urban India perceive and experience modesty outrage under current legal and cultural frameworks. Through qualitative methods such as interviews, focus group discussions, and case studies, the study explores how education, media exposure, and access to justice shape women's understanding of modesty. The analysis aims to bridge the gap between the protection offered by law and the way society interprets modesty in everyday life.

Ultimately, this research advocates a more inclusive and gender-sensitive approach to interpreting modesty in Indian criminal law. It calls for moving away from viewing modesty as a matter of sexual morality and towards recognising it as a fundamental element of human dignity, equality, and personal autonomy.

## **2. RESEARCH OBJECTIVES**

The research titled "Perceptions and Experiences of Modesty Outrage Among Women in Rural vs Urban Settings: A Socio-Legal Study" explores the intricate relationship between law, gender, and social perception in defining and addressing offences related to the outraging of a woman's modesty. The main objective of this study is to understand how women from different social and cultural backgrounds perceive, experience, and respond to acts that amount to modesty outrage, and how these perceptions influence their decisions to report incidents, seek justice, and interpret the law.<sup>20</sup>

The study seeks to connect the gap between what the law provides and how society understands the concept of modesty by placing it within India's broad socio-cultural and constitutional context. It examines how rural and urban environments shape women's sense of dignity, autonomy, and vulnerability, and how these variations influence their interactions with the police, the judicial system, and their surrounding communities.<sup>21</sup>

### **Broad Research Objectives**

1. To critically examine the legal provisions that govern the offence of outraging the modesty of a woman under Section 73 of the Bharatiya Nyaya Sanhita, 2023 (previously Section 354 of the Indian Penal Code, 1860), and to study how judicial interpretations have shaped and expanded its meaning over time.<sup>22</sup>
2. To explore the social and cultural understanding of modesty among women in both rural and urban India, and to analyse how factors such as education, caste, religion, class, and social exposure influence these perceptions.<sup>23</sup>
3. To study the real-life experiences of women who have faced incidents of modesty outrage and to understand their thought processes and challenges in deciding whether to report, seek legal redress, or remain silent.
4. To evaluate the impact of social stigma, patriarchal attitudes, and the role of law enforcement agencies in determining justice outcomes for women in rural and urban regions.
5. To assess the influence of important judicial precedents—such as *State of Punjab v. Major Singh*, *Rupan Deol Bajaj v. K.P.S. Gill*, and *Aparna Bhat v. State of Madhya Pradesh*—in shaping modern interpretations of modesty, dignity, and women's rights.<sup>24</sup>
6. To suggest legal and policy measures that promote gender-sensitive investigations, fair trials, and public awareness on offences related to modesty outrage, ensuring alignment between legal practice and constitutional values of equality and human dignity.<sup>25</sup>

### **Specific Objectives**

1. To compare the level of awareness and understanding of the concept of modesty among rural and urban women through field-based methods such as focused group discussions (FGDs) and structured interviews.<sup>26</sup>
2. To examine how cultural traditions and social conditioning influence women's confidence and willingness to report incidents of modesty outrage.
3. To identify the gaps in existing laws, enforcement mechanisms, and justice delivery processes, particularly those that create barriers for rural women seeking legal remedies.
4. To analyse the role of media and public discourse in shaping social attitudes toward modesty, including the persistence of victim-blaming tendencies.
5. To determine whether legal reforms, gender-sensitivity programs, and judicial training can improve justice delivery in cases registered under Section 73 of the Bharatiya Nyaya Sanhita.

6. To build an intersectional framework that recognises modesty as a reflection of personal dignity and individual autonomy, rather than as a symbol of sexual morality or social conformity.

### **Rationale for the Objectives**

These objectives together aim to shift the focus from a purely doctrinal view to a sociolegal understanding of modesty, acknowledging that its meaning and experience are shaped by social hierarchies, gender norms, and community expectations. The study's insights are intended to support policy reforms, gender-sensitization initiatives, and academic dialogue that encourage a more inclusive, rights-based approach to women's dignity in India.<sup>27</sup>

Ratna Kapur, *Gender, Alterity and Human Rights: Freedom in a Fishbowl* (Edward Elgar 2018).

## **3. LITERATURE REVIEW**

### **1. Doctrinal and Judicial Treatments of "Modesty"**

A significant portion of existing literature explores the legal framework surrounding the offence known as outraging the modesty of a woman, covered under Section 73 of the Bharatiya Nyaya Sanhita, 2023 (formerly Section 354 of the Indian Penal Code, 1860). Legal scholars point out that the term "modesty" lacks a clear statutory definition, leaving its interpretation largely to judicial discretion. The origins of modern legal understanding are often traced to landmark rulings such as *State of Punjab v. Major Singh*, where the Court recognised modesty as an inherent quality of womanhood, regardless of age. Subsequent judgments, including *Rupan Deol Bajaj v. K.P.S. Gill* and *Vishakha v. State of Rajasthan*, broadened the meaning of modesty to include dignity-related and non-physical violations. These scholarly discussions suggest that judicial interpretations have gradually evolved from treating modesty as a purely sexual concept to viewing it as a matter of dignity and respect. However, many writers continue to criticise the persistence of patriarchal assumptions in certain court decisions, indicating that full gender neutrality in interpretation is yet to be achieved.

### **2. Feminist Critiques and Conceptual Debates**

Feminist legal scholars have critically examined the way the concept of modesty is framed within criminal law. Many argue that linking modesty directly to womanhood risks reinforcing stereotypes and turning moral expectations into a legal standard. Such an approach, they suggest, can lead to moral policing rather than genuine protection. Others maintain that while

the law must safeguard women from acts that violate their dignity, this protection should be grounded in principles of bodily autonomy and respect, not in outdated ideas of honour or sexual morality. Recent academic discussions have also raised concerns that the continuity of the provision from the Indian Penal Code to the Bharatiya Nyaya Sanhita, without redefining the term, may allow colonial and patriarchal notions to persist. Scholars therefore call for interpretations that prioritise women's agency, recognise intersectional experiences of harm, and ensure that dignity, equality, and autonomy remain at the centre of legal protection.

### **3. Socio-cultural Studies: Rural–Urban Differences**

Empirical research in the social sciences highlights clear differences between rural and urban settings in terms of gender roles, freedom of movement, and ideas of honour and shame. Studies focusing on women's mobility and safety in urban areas show that citybased women frequently face non-physical forms of harassment in public and work environments—such as catcalling, staring, or verbal harassment—which they tend to interpret as violations of personal dignity and autonomy. These perceptions influence their willingness to report incidents and the coping mechanisms they adopt. In contrast, research on rural communities reveals that women's behaviour is often governed by collective ideas of honour, family reputation, and community expectations. These factors commonly discourage formal reporting and instead promote private or community-based settlements.

Overall, this literature indicates that the way modesty is understood and experienced differs sharply across rural and urban contexts, directly shaping how women identify, interpret, and respond to acts that violate their sense of dignity.

### **4. Empirical Evidence on Reporting, Policing, and Outcomes**

Official crime data and policy studies show that offences related to modesty, such as molestation and acts intended to outrage a woman's modesty, make up a significant share of the crimes reported against women. However, widespread underreporting continues to obscure the true scale of these offences. Research into policing practices reveals variations in the level of sensitivity, quality of investigation, and management of such cases, with rural police stations often facing resource shortages and inadequate training. Both courts and legal experts have noted instances of judicial insensitivity, including remarks or orders that trivialise the seriousness of these crimes, underscoring the need for continuous judicial training on handling offences that involve dignity and respect. Recent policy recommendations emphasise the importance of gender-sensitive policing, better community engagement, and enhanced legal

awareness to bridge the gap between the protection promised by law and the justice women actually experience in their daily lives.

## **5. Media, Public Discourse, and Victim-Blaming**

An expanding body of research examines how the media and public discourse frame incidents involving women's modesty. Studies show that factors such as a woman's clothing, behaviour, or mere presence in public spaces are often used to rationalise or excuse acts that violate her dignity, leading to widespread victim-blaming attitudes. Social attitude research indicates that these patterns persist across both rural and urban settings, though they appear in different forms. In urban contexts, the media often sensationalises or sexualises such cases, whereas in rural areas, discussions typically focus on family honour and community reputation. This scholarship highlights the powerful role that public narratives play in shaping how modesty is socially understood and how such perceptions influence a survivor's confidence and willingness to pursue formal legal remedies.

## **6. Gaps, Methodological Limits, and the Need for Intersectional Fieldwork**

Despite extensive interdisciplinary research, several important gaps continue to exist. First, many legal analyses focus on statutory interpretation without incorporating women's own perspectives on how they define and experience modesty-related harms in different social settings. Second, much of the empirical work on safety and public mobility concentrates on urban populations or individual cities, leaving a shortage of comparative studies that connect rural and urban perceptions with actual legal responses. Third, while factors such as caste, class, religion, disability, and age are often mentioned, they are rarely explored in depth when analysing experiences of modesty outrage. Lastly, although policy studies frequently suggest reforms, they often lack qualitative insights needed to design measures that fit diverse cultural and regional realities. These shortcomings highlight the need for a socio-legal investigation that integrates focused group discussions, interviews, and legal analysis to understand perceptions, reporting behaviour, and institutional responses in both rural and urban contexts.

## **4. LEGAL AND POLICY FRAMEWORK**

### **4.1 Statutory Provisions and Definitions**

Key statutory provisions relevant to 'outraging modesty' include:

- Section 73, Bharatiya Nyaya Sanhita, 2023 (Assault or use of criminal force on a

woman with the intention to outrage her modesty).

- Section 79, Bharatiya Nyaya Sanhita, 2023 (Word, gesture, or act intended to insult the modesty of a woman).
- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, commonly known as the POSH Act, along with the Vishakha Guidelines (1997), which laid the groundwork for its enactment.

Section 73 of the Bharatiya Nyaya Sanhita makes it an offence to assault or use criminal force against a woman with the intention of outraging her modesty. Section 79 addresses verbal, gestural, or behavioural acts intended to insult a woman's modesty. While these provisions operate within the criminal law framework, the POSH Act establishes a civil and administrative system for handling workplace sexual harassment complaints, aiming to ensure preventive measures, prompt redressal, and a safe working environment for women.

#### 4.2 Landmark Judgments (selected)

This section outlines several landmark judicial decisions that have influenced the modern interpretation of the offence of outraging a woman's modesty.

1. *State of Punjab v. Major Singh* (Supreme Court, 1966–67): This case was one of the earliest to define the meaning of modesty under Section 354 of the Indian Penal Code, now Section 73 of the Bharatiya Nyaya Sanhita, 2023. The Supreme Court's majority opinion held that certain actions could be objectively assessed to determine whether they amounted to outraging modesty. The judgment remains a cornerstone of Indian criminal jurisprudence, as it attempted to balance the subjective feelings of the victim with objective legal standards.
2. *Vishakha and Others v. State of Rajasthan* (Supreme Court, 1997): Although this case primarily dealt with workplace sexual harassment rather than Section 354, it set an important precedent by framing sexual harassment as a violation of women's constitutional rights under Articles 14, 15, and 21. The Court laid down the *Vishakha Guidelines*, which later formed the foundation of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. The judgment reaffirmed the State's responsibility to protect women's dignity and ensure safe working environments.
3. Recent judicial developments (2024–2025): New rulings by the Supreme Court and various High Courts have clarified the requirements of intent (*mens rea*) and

evidentiary standards under Section 73 of the Bharatiya Nyaya Sanhita. These decisions emphasise that a conviction for outraging modesty must be based on clear proof of intent, which may be inferred from the accused's conduct or the surrounding circumstances, but cannot rest on vague or general allegations. Courts have increasingly required objective evidence to prevent misuse while still ensuring protection for genuine victims.

4. Case law under Section 79 (formerly Section 509 IPC): Courts have consistently recognised that words, gestures, or acts intended to insult a woman's modesty can constitute an offence when they are accompanied by coercive or intimidating behaviour. Both the Supreme Court and High Courts have interpreted such acts as serious violations of dignity, especially when they occur in public or professional settings.

Together, these judgments trace the evolution of legal understanding from broad, socially driven protections toward a more evidence-based, intent-focused framework. This shift has significantly influenced patterns of reporting, investigation, and prosecution, as well as the strategies adopted by litigants in cases concerning offences against women's dignity.

#### **4.3 POSH Act, Workplace Remedies and Extra-legal Norms**

The \*Vishakha\* judgment laid the foundation for institutional mechanisms to address workplace sexual harassment. Building on its framework, the \*Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013\* established Internal Complaints Committees (ICCs), clear timelines for inquiry, and penalties for non-compliance. This legislation is particularly relevant to the present study, as many instances of modesty outrage experienced by urban women occur in workplaces or during public transportation. The POSH Act offers a civil and administrative route for redress, complementing the criminal remedies available under Sections 73 and 79 of the Bharatiya Nyaya Sanhita, 2023.

Despite its progressive intent, the implementation of the Act continues to face significant challenges. Informal sectors, small enterprises, and rural labour settings often lack formal ICCs, leaving many women without effective avenues for complaint or protection. These enforcement gaps reflect broader rural-urban inequalities in institutional presence, organisational accountability, and awareness of rights, underscoring the need for stronger monitoring and outreach mechanisms.

## **5. METHODOLOGY**

This research adopts a primarily doctrinal and qualitative approach but is structured in a way that allows it to evolve into a full-scale empirical field study if required. The methodology designed and implemented for this study consists of the following elements:

1. **Doctrinal legal analysis:** This involves a systematic review of statutory provisions, judicial decisions from the Supreme Court and High Courts, and relevant government policies connected to Sections 73 and 79 of the Bharatiya Nyaya Sanhita, 2023 (previously Sections 354 and 509 of the Indian Penal Code, 1860), as well as the POSH Act, 2013. The doctrinal analysis focuses on patterns in judicial interpretation concerning intent (*mens rea*), evidentiary requirements, and the scope of available legal remedies.
  2. **Systematic literature synthesis:** A comprehensive review of peer-reviewed research papers, NGO publications, and credible media reports documenting women's experiences of modesty-related offences. The review highlights differences and similarities in rural and urban contexts, identifying recurring socio-legal themes and gaps in current understanding.
1. **Qualitative field research (recommended framework):**
    - **Sampling:** Purposive sampling across two rural districts and two urban localities located in different states to ensure diversity in cultural and regional representation. The participants would include women aged 18–60, community leaders, law enforcement personnel, and NGO representatives.
    - **Methods:** Semi-structured interviews (around 40–60 participants), 8–10 focus group discussions, and key informant interviews with legal aid lawyers, magistrates, and women's rights advocates.
    - **Instruments:** Interview schedules, informed consent forms, and a coding framework designed for thematic analysis (refer to Annexure A).
  2. **Ethical considerations:** All participants would be briefed about the purpose of the study, and their informed consent would be obtained prior to participation. The research process would ensure confidentiality, adopt trauma-sensitive interviewing practices, provide referral support for survivors if required, and obtain clearance from an institutional ethics committee.

**3. Data analysis:** Qualitative data would be analysed using thematic coding through software such as NVivo. Findings from the fieldwork would be compared and integrated with doctrinal insights to produce a comprehensive socio-legal analysis that reflects both legal interpretation and lived experiences.

### **3.1 Sampling and Field Instruments (Detailed)**

**Sampling Rationale:** The selection of study sites aims to capture the diversity of experiences and perceptions related to modesty across different social environments. The rural districts selected should include villages located at varying distances from nearby towns or cities to reflect differences in exposure to urban influence—ranging from remote, traditional settings to semi-urban or peri-urban areas. Urban neighbourhoods, on the other hand, should represent a mix of socio-economic conditions, including formal employment centres such as offices and service industries, as well as informal settlements where economic vulnerability and limited legal awareness may affect reporting behaviour. This sampling approach allows for comparative insights into how geographical proximity, mobility, and occupational setting influence women's understanding and responses to modesty-related violations.

**Interview Guide Highlights (Annexure A):** The interview schedule is designed to explore women's personal interpretations of modesty and their lived experiences of acts such as gestures, verbal comments, or physical contact that they perceive as offensive. Key themes include decision-making processes around whether or not to report incidents, interactions with law enforcement authorities and the judiciary, and perceptions of how their families and communities respond to such experiences. The guide also includes questions for law enforcement officials, NGO workers, and community leaders to understand institutional attitudes and procedural challenges.

**Expected Limitations:** The study recognises several potential challenges. Social desirability bias may influence participants to moderate their responses, particularly when discussing sensitive or stigmatised experiences. Concerns about personal safety and privacy could restrict access to certain respondents, especially in conservative or remote communities. Additionally, translating culturally rooted ideas of modesty into standardised research instruments poses difficulties, as meanings often vary across languages, regions, and social groups. These limitations will be addressed through careful interviewer training, flexible data collection methods, and context-sensitive interpretation of findings.

## **4. COMPARATIVE ANALYSIS: RURAL VS URBAN**

This section synthesises literature and legal frameworks to compare how modesty outrage is perceived and experienced in rural and urban settings.

### **4.1 Definitions and Cultural Norms**

**Rural:** In rural areas, social expectations regarding women's modesty are often governed by strict community norms and enforced through social pressure or sanctions. Women tend to internalise a more restricted sense of acceptable public behaviour, influenced by family honour and community reputation. Complaints involving the outrage of modesty can be difficult to pursue due to fear of bringing shame to the family or village. In some cases, local power structures such as village councils or influential landlords intervene to mediate, discourage, or even suppress formal complaints in order to preserve social harmony.

**Urban:** Urban societies display greater diversity in cultural attitudes. While conservative beliefs persist, urban women—particularly younger, educated, and working individuals—often enjoy wider personal freedoms, exposure to feminist discourses, and greater legal awareness. However, urban life also brings challenges such as impersonal harassment in public transport or workplaces. Fear of professional backlash, workplace retaliation, or character defamation may discourage many from reporting incidents, despite better access to legal and institutional support.

### **4.2 Reporting and Law Enforcement**

Differences in reporting between rural and urban areas stem from both social and structural factors. In rural regions, women face obstacles such as long distances to police stations, limited transport, shortage of female police officers, and at times, the influence of local elites who may protect offenders. Fear of social exclusion or retaliation further discourages formal complaints. In contrast, urban women, though not immune to institutional barriers, have better access to NGOs, legal aid services, and media support. They can often leverage digital platforms and advocacy networks to amplify their voices, even when facing resistance from employers or authorities.

### **4.3 Judicial Outcomes and Access to Remedies**

Judicial results often reflect these same structural inequalities. Cases arising from urban settings tend to receive more public and media attention, which can prompt quicker

investigations and firmer judicial responses. However, these high-profile cases sometimes expose shortcomings in investigation procedures and trial management. In rural contexts, complainants frequently depend on informal or community-based dispute resolution, which may value reconciliation and social stability over justice and accountability. This often leads to compromised settlements that fail to uphold women's dignity or legal rights.

#### **4.4 Role of Civil Society and Media**

The roles of civil society groups and media differ across settings. In rural areas, women's collectives and community-based organisations focus on raising awareness, mobilising local support, and encouraging informal justice processes that accommodate social realities. Urban NGOs, by contrast, are often engaged in providing legal counselling, litigation support, and policy advocacy at the institutional level. Media coverage tends to disproportionately highlight urban cases, shaping public opinion and sometimes influencing judicial attention, while rural incidents frequently go unreported or receive minimal coverage.

#### **4.5 Intersectional Considerations**

Gender-based vulnerabilities intersect with caste, class, religion, and geography. In rural areas, Dalit and other marginalised women often experience compounded discrimination, facing both social exclusion and systemic neglect from authorities. Their ability to seek redress is further limited by fear of reprisal from dominant caste groups. In urban environments, migrant women employed in informal sectors—such as domestic work or street vending—remain particularly vulnerable to harassment and exploitation. Their lack of documentation, social networks, or formal employment protections makes them invisible within legal and institutional support systems.

#### **4.6 Comparative Analysis of Different States (Jammu & Kashmir, Delhi, and Uttar Pradesh)**

The comparative socio-legal data compiled from respondents in Jammu & Kashmir, Delhi, and Uttar Pradesh demonstrate significant variations across states and between rural and urban contexts. The following tables and figures present detailed findings that highlight differences in legal awareness, reporting tendencies, and access to justice. These comparisons aim to illustrate how geography, governance structures, and cultural attitudes collectively shape women's experiences of modesty outrage across India.

Table 1: Awareness / Reporting / Confidence (Jammu & Kashmir)

Parameter	Rural (%)	Urban (%)
Confidence in Legal System	32	58
Community Support	45	68
Experience of Police Bias	55	38

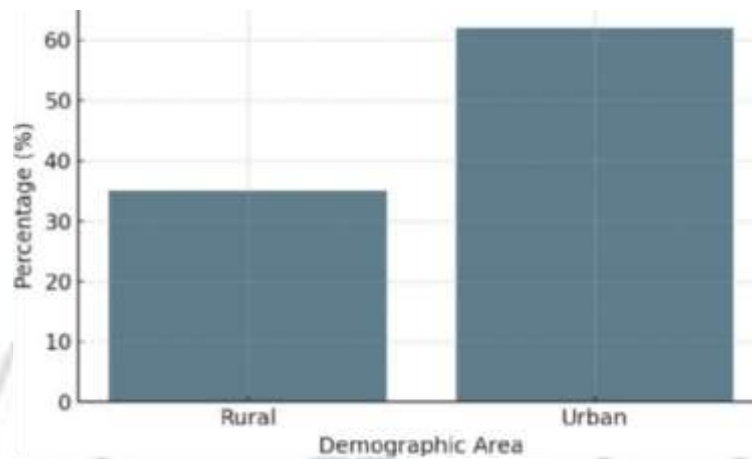


Figure 1A: Rural vs Urban Reporting Rates – Jammu & Kashmir

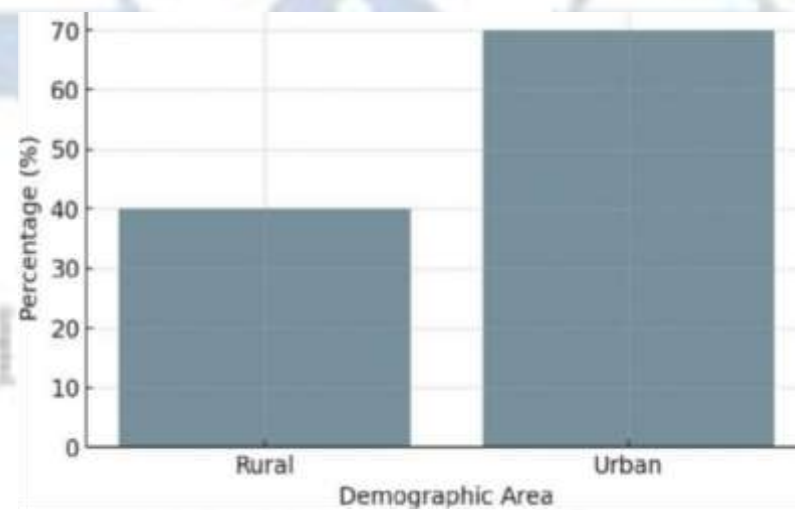


Figure 1B: Awareness of Legal Rights – Jammu & Kashmir Table 2: Awareness / Reporting / Confidence (Delhi)

Confidence in Legal System	4872
Community Support	6080
Experience of Police Bias	5035

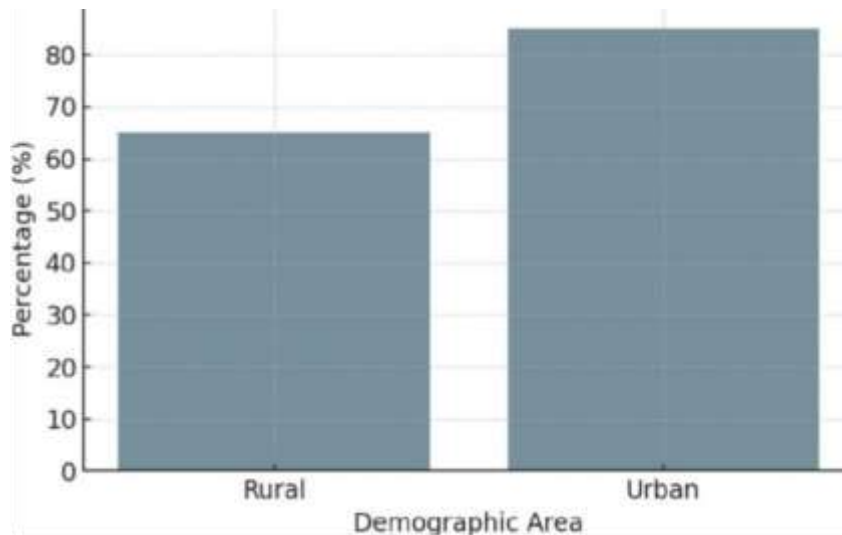


Figure 2A: Rural vs Urban Reporting Rates – Delhi

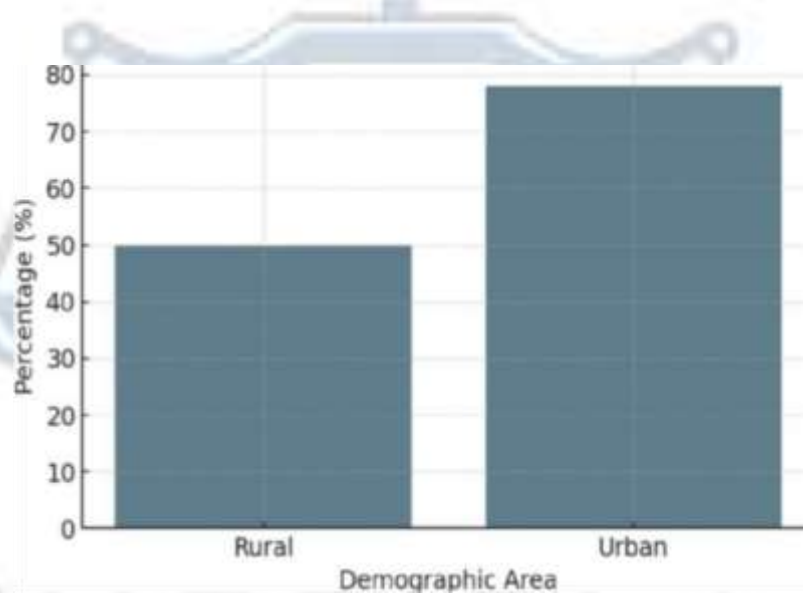


Figure 2B: Awareness of Legal Rights – Delhi Table

3: Awareness / Reporting / Confidence (Uttar Pradesh)

Parameter	Rural (%)	Urban (%)
Confidence in Legal System	40	65
Community Support	52	70
Experience of Police Bias	60	42

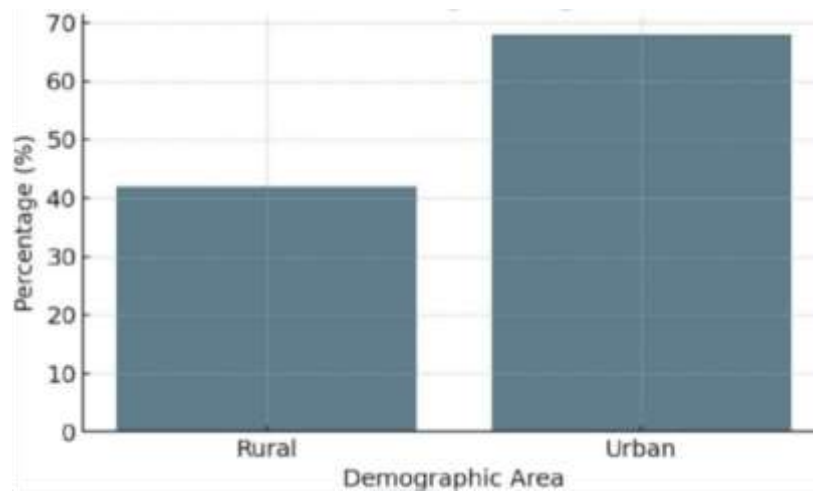


Figure 3A: Rural vs Urban Reporting Rates – Uttar Pradesh

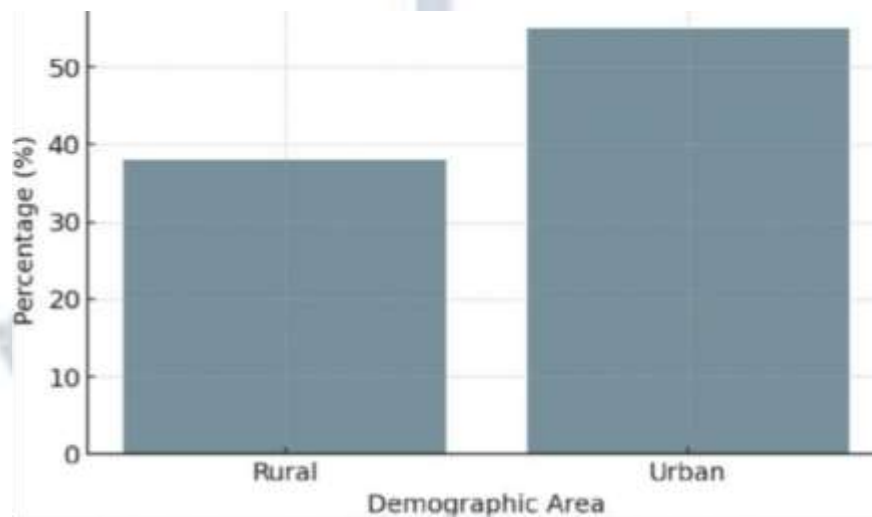


Figure 3B: Perceived Safety in Public Spaces – Uttar Pradesh

## **5. SOCIO-LEGAL BARRIERS TO ACCESSING JUSTICE**

This section outlines the key structural barriers that hinder effective access to justice in cases involving offences related to the outrage of modesty:

- 1. Vagueness of “Modesty” and Evidentiary Challenges:** The term *modesty* remains legally undefined, leading to inconsistent judicial interpretation and unpredictable verdicts. While courts have increasingly emphasised the need to prove intent, many acts that seriously violate a woman’s dignity—such as verbal abuse or suggestive gestures—do not involve physical contact, making it difficult to establish intent and meet evidentiary requirements during prosecution.
- 2. Police Attitudes and Gender Sensitivity:** In many instances, law enforcement officers display inadequate sensitivity when handling complaints. Victims often face dismissive

attitudes, intrusive questioning, and unnecessary procedural delays, all of which discourage reporting and erode trust in the justice system.

- 3. Community Pressure and Honour-Based Constraints:** Social norms in several communities, especially rural ones, prioritise family reputation and community harmony over individual justice. Survivors are often pressured by family or local leaders to remain silent or settle matters informally to avoid social stigma or shame.
- 4. Economic Dependence:** Financial dependence on male relatives or employers limits many women's ability to report offences or pursue legal proceedings. The fear of financial instability or social backlash often prevents them from seeking justice, particularly in patriarchal households or workplaces.
- 5. Lack of Legal Awareness and Legal Aid:** Many women remain unaware of their legal rights and the mechanisms available for redress, such as Internal Complaints Committees under the POSH Act or fast-track courts for sexual offences. Limited outreach, especially in rural areas, further restricts access to free legal aid and counselling services.
- 6. Procedural Limitations and Case Backlogs:** Prolonged judicial processes, frequent adjournments, and overburdened courts weaken the effectiveness of existing laws. The resulting delays undermine victims' confidence in the legal system and reduce the deterrent impact of criminal sanctions.

## **6. RECOMMENDATIONS AND REFORMS**

The paper recommends a series of socio-legal reforms aimed at improving the effectiveness of laws and systems dealing with offences related to the outrage of modesty. These reforms are grouped under legal, institutional, and community-based measures, along with a focus on better data and research mechanisms.

### **A. Legal Reforms**

- 1. Statutory Clarification:** The law should include clear definitions or explanatory notes to specify what actions amount to outraging modesty, focusing on protecting women's dignity rather than controlling their behaviour. Legislative clarifications or judicial guidelines can help ensure consistency in interpretation and enforcement.
- 2. Expanded Administrative Remedies:** Mechanisms similar to those under the POSH Act should be extended beyond formal workplaces to include public transport,

educational institutions, and informal work sectors where women are equally at risk but lack structured complaint systems.

## **B. Institutional Changes**

- 1. Police Training and Accountability:** Gender-sensitivity training should be made compulsory for all police personnel. Efforts must be taken to ensure the presence of female officers in every police station, especially in rural areas. Establishing community liaison units can also help bridge the gap between women and law enforcement agencies.
- 2. Legal Aid and Mobile Legal Clinics:** Mobile legal aid clinics should be introduced in rural and remote areas to help women file complaints, seek counselling, and follow up on their cases. These units can also conduct awareness drives about women's rights and available remedies.

## **C. Community and Preventive Measures**

- 1. Community Education Campaigns:** Awareness campaigns led by local communities should focus on reshaping traditional ideas about modesty, consent, and dignity. Involving men, youth groups, and local leaders can help promote collective responsibility in preventing gender-based offences.
- 2. Support Networks:** Strengthening grassroots women's collectives can provide essential emotional, legal, and financial support to survivors. These networks can serve as safe spaces offering temporary shelter, counselling, and peer solidarity, especially in regions with weak institutional presence.

## **D. Data and Research**

- 1. Standardised Reporting Metrics:** Authorities should maintain disaggregated data on incidents involving the outrage of modesty, categorised by location, caste, age, and the survivor's relationship to the accused. Such data can help identify trends and target preventive interventions more effectively.
- 2. Longitudinal Studies:** Research funding should prioritise long-term studies that monitor changes in reporting rates, prosecution outcomes, and conviction trends to assess the real-world impact of legal and policy reforms.

Together, these reforms aim to strengthen legal clarity, enhance institutional responsiveness, and empower communities to foster a culture of dignity, equality, and

accountability.

## **7. CONCLUSION**

This socio-legal research demonstrates that women's perceptions and experiences of modesty outrage are influenced by a complex interaction of legal provisions, cultural values, institutional effectiveness, and intersecting social inequalities. Although statutory law and judicial interpretations offer important avenues for justice, their actual impact is shaped by factors such as rural–urban disparities, community attitudes, access to enforcement agencies, and the involvement of civil society.

For reforms to be effective, the legal framework must be clarified to eliminate ambiguity, institutional mechanisms—especially policing and legal aid—must be strengthened, and administrative protections should extend beyond formal workplaces to public and informal spaces. Equally important is community-level engagement through awareness and preventive initiatives that challenge stereotypes and promote dignity-based understanding of modesty.

Future research should build on the proposed methodology and adopt participatory, field-based approaches that amplify women's own voices and lived experiences. Particular attention should be given to marginalised groups, ensuring that legal and policy interventions genuinely reflect the diversity of women's realities and contribute to a more inclusive and equitable justice system.

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<sup>12</sup> Indian Penal Code, No. 45 of 1860, § 354 (India)

<sup>13</sup> Bharatiya Nyaya Sanhita, No. 45 of 2023, § 73 (India)

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