



BNS - CRIMINAL FORCE AND ASSAULT AGAINST WOMAN

SECTION 74. ASSAULT OR USE OF CRIMINAL FORCE TO WOMAN WITH INTENT TO OUTRAGE HER MODESTY

The object of this provision is to protect women against indecent behaviour of others which is offensive to morality as well as to safeguard the interest of public morality and decent behaviour.

- ✓ The word 'modesty of woman' means womanly propriety (moral) of behaviour.
- ✓ Outrage is an act of extreme violence or indecent behaviour or cruel act; or a gross violation of decency.

Essential ingredients

- ❖ Assault must be on a woman.
- ❖ The accused should have used some sort of criminal force on her. (i.e indecent assault)
- ❖ Criminal force must have been used on the woman with the intention/knowledge of **outrage her modesty**.

Guiding principle – Court

- Any type of conduct that is degrading to the decency or morality of a woman may be termed as outraging the modesty.
- Even gestures when they are made with the intention of outraging the modesty of a woman attract the section 74 of BNS.
- Mere knowledge that modesty of a woman is likely to be outraged is sufficient without any deliberate intention.

- If such intention or knowledge is lacking, even if it is proved that the assault had been committed or criminal force used and the victim was a woman, the act would not amount to an offence under Section 74 of BNS but it may amount to an offence under Section 131 of BNS.
- Offence under this Section can be committed by any man or a woman with the necessary intent or knowledge.
- The essence of a woman's modesty is her sex and from her very birth she possesses the modesty which is the attribute of her sex.
- Age of woman is an irrelevant consideration while dealing with the guilt of the accused under Section 74.
- Any kind of indecent act, such as taking off a girl's clothes or slapping a woman on her posterior, amounts to outraging her modesty.
- The reaction of the woman would be irrelevant under Section 74.