

STUDY ON THE OFFENCES OF STALKING, VOYEURISM AND SEXUAL HARASSMENT IN INDIA

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INTRODUCTION

Stalking, voyeurism, and sexual harassment are serious issues that have been plaguing India for years. These acts of violence and intimidation are not only a violation of an individual's rights but also a threat to their safety and well-being. Despite various laws and policies in place, these crimes continue to persist and affect many individuals, particularly women.

A study on stalking, voyeurism, and sexual harassment in India can help shed light on the prevalence, nature, and impact of these crimes. It can also provide insights into the existing legal and institutional frameworks and identify gaps in addressing these issues. By examining the factors that contribute to the perpetration of these crimes, such a study can inform the development of effective prevention and response strategies.

Furthermore, understanding the social and cultural factors that enable and perpetuate stalking, voyeurism, and sexual harassment can help challenge harmful norms and attitudes and promote a culture of respect, equality, and safety. Through this study, we hope to contribute to a better understanding of these complex issues and support efforts to create a safer and more equitable society.

STALKING

A form of harassment known as stalking entails persistently paying someone unwelcome attention or making contact with them. Stalking is a widespread problem in India that affects

people of all ages, genders, and socioeconomic backgrounds.ⁱ In India, there were 7,468 reported occurrences of stalking in 2019, according to a survey by the National Crime Records Bureau (NCRB). Experts contend that underreporting may have led to a substantially higher actual number of cases. The survey also showed that most of the stalkers were familiar to the victims. Nearly 31% of stalkers were neighbours, followed by 18% who were friends and 12% who were family members. This shows that close friends or family members of the victim are frequently the perpetrators of stalking, which can make it challenging for the victim to disclose the activity. The study also revealed that women were more likely than men to experience stalking, with 94% of recorded incidents being female victims. Physical injury, emotional discomfort, anxiety, and sadness are just a few of the negative effects that stalking can have on a victim. It can negatively affect the mental and physical health of stalking victims since they often feel defenceless and helpless. Stalking can, in severe circumstances, result in sexual assault, murder, or suicide.

ⁱⁱAccording to Section 354D of the Indian Criminal Code, stalking is a crime. Stalking can result in a fine, a three-year prison sentence, or even both. Because of societal stigma, apprehension about reprisals, and a lack of confidence in the legal system, stalking cases don't get prosecuted often, and many cases go unreported. This emphasises the need for a more solid legal framework and efficient application of legislation to safeguard stalking victims.

To prevent stalking in India, numerous organisations and programs have been established. For instance, ⁱⁱⁱthe "Safe City" campaign, which strives to make public spaces safer for women and reduce instances of stalking and harassment, was started by the Ministry of Women and Child Development. The campaign calls for actions like stepping up police presence in high-risk locations, putting up women's hotlines, and raising awareness of stalking and other types of violence against women. Also, the government has established a National Cyber Crime Reporting Portal where victims of cyber stalking can submit their instances. As more people use social media and other online platforms to harass and threaten their victims, cyber stalking is becoming a bigger issue in India. The platform enables victims to report instances of cyber stalking anonymously and receive support from law enforcement organisations. Notwithstanding these attempts, more has to be done to combat the stalker problem in India. The general public has to be made more aware of stalking and its effects. This includes educating people on what stalking is, how to spot its symptoms, and what to do if they or

someone they know is a victim of stalking. Further assistance for stalking victims is also required, such as counselling and legal support.

There have been several landmark cases in India related to stalking, which have set important precedents and helped in strengthening the legal provisions related to stalking. Here are some of the notable cases:

1. ^{iv}The State of Punjab v. Major Singh: In this case, the accused was convicted of stalking and harassing a woman repeatedly despite her objections. The Supreme Court of India upheld the lower court's decision and stated that stalking is a serious offence that can cause psychological trauma to the victim. The court also noted that the punishment for stalking must be severe enough to act as a deterrent for others.
2. ^vAkku Yadav v. State of Maharashtra: In this case, the accused was convicted of stalking and harassing a woman repeatedly, and was sentenced to life imprisonment. The case gained national attention as the accused was a notorious criminal who had committed several crimes against women. The case highlighted the need for stronger laws to protect women from stalking and other forms of violence.
3. ^{vi}Vikram Singh v. State of Punjab: In this case, the accused was convicted of stalking and harassing a woman, and was sentenced to three years' imprisonment. The court noted that stalking is a serious offence that can cause psychological trauma to the victim, and that the punishment for stalking must be severe enough to act as a deterrent for others.

VOYEURISM

Voyeurism is a sexual disorder characterized by the need to watch other people engaged in sexual activities, without their consent, for sexual pleasure. The phenomenon has been researched in different parts of the world, and while data on voyeurism in India is scarce, there is reason to believe that it is a problem in the country.

^{vii}Voyeurism is a criminal offense under Section 354C of the Indian Penal Code. The section defines voyeurism as the act of watching, capturing or disseminating the image of a person engaging in a private act without their consent. It is punishable by imprisonment for up to three

years or a fine or both. Despite this legal provision, voyeurism is a widespread problem in India, with women and children being the most vulnerable to such offenses.

One of the reasons why voyeurism is prevalent in India is because of the societal attitude towards women's sexuality. Indian society is still conservative, and the sexual freedom of women is still not accepted. Men are expected to be sexually aggressive, while women are expected to be passive and submissive. Therefore, when women assert their sexuality, it is seen as a threat to the patriarchal order, and they become targets of sexual violence, including voyeurism. Another reason why voyeurism is a problem in India is because of the lack of privacy. Indian homes are often small and cramped, with multiple generations living under one roof. Therefore, there is little room for privacy, and people are often forced to undress and bathe in common spaces. This creates opportunities for voyeurs to watch and film others without their knowledge.

Studies on voyeurism in India are scarce, but some research has been conducted on related topics. ^{viii}For instance, a study by the International Center for Research on Women (ICRW) found that 80% of women in India had experienced some form of sexual harassment, including being stared at or watched in a sexually suggestive manner. The study also found that sexual harassment was a pervasive problem in public spaces, with women being subjected to groping, catcalling, and lewd remarks. Another study by the National Crime Records Bureau (NCRB) found that incidents of voyeurism had increased by over 100% between 2014 and 2018. However, it is important to note that many cases of voyeurism go unreported, and the actual number of incidents may be much higher.

The impact of voyeurism on its victims is severe. Victims of voyeurism often experience anxiety, depression, and post-traumatic stress disorder (PTSD). They may feel violated, humiliated, and ashamed, leading to a loss of confidence and self-esteem. The effects can be long-lasting, affecting their relationships and quality of life. To address the problem of voyeurism in India, there is a need for more research, awareness campaigns, and legal reforms. Research can help to understand the extent of the problem, its causes, and its impact on individuals and society. Awareness campaigns can help to sensitize people about the problem and encourage them to report incidents of voyeurism. Legal reforms can strengthen existing laws and provide better protection to victims of voyeurism. There is also a need to challenge

the societal attitudes towards women's sexuality. Women should be free to express their sexuality without fear of harassment or violence. This can be achieved through education, awareness campaigns, and cultural change.

There have been several cases in India where individuals have been prosecuted and convicted for the offense of voyeurism. Here are a few notable cases:

1. **Peeping Tom Case in Kolkata (2016):** In this case, a man named Debkumar Maity was arrested for secretly filming women in public places in Kolkata. He used a camera hidden in his shoes to capture inappropriate videos. He was charged with voyeurism among other offenses.
2. ^{ix}**State of Punjab v. Major Singh:** In this case, the accused had installed a hidden camera in a bathroom and was using it to record his female tenants. The Supreme Court of India upheld the accused's conviction for the offense of voyeurism under Section 354C of the IPC.
3. ^x**Ramkumar v. State of Tamil Nadu:** In this case, the accused had installed a hidden camera in a women's hostel bathroom and was using it to record the women. The Madras High Court convicted the accused of the offense of voyeurism under Section 354C of the IPC.

These cases illustrate the seriousness with which the Indian legal system treats the offense of voyeurism, and the harsh punishments that can be imposed on those who are found guilty of this offense.

SEXUAL HARASSMENT

Sexual harassment is a serious offense in India, and it is punishable under various laws. The most significant legal framework ^{xi}addressing the issue is the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013. However, several other laws and provisions exist to protect victims of sexual harassment. This article will discuss the various offenses of sexual harassment in India and the legal provisions that apply.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, defines sexual harassment as any unwelcome physical, verbal, or non-verbal conduct of a sexual nature that creates an intimidating, hostile, or offensive work environment. The law applies to all workplaces, whether public or private, and to women of any age. The act mandates

employers to set up an Internal Complaints Committee (ICC) to address complaints of sexual harassment.

- Under the act, the following actions constitute sexual harassment:

1. ^{xii}Physical contact and advances: This includes unwelcome physical contact, such as touching, hugging, or kissing, and unwelcome advances, such as requests for sexual favors.
2. Verbal or written communication: This includes unwelcome sexual advances, sexually suggestive comments, and offensive jokes or remarks.
3. Non-verbal conduct: This includes the display of sexually explicit materials, making sexually suggestive gestures, or stalking.
4. Threats or reprisals: This includes threatening or intimidating behavior, including retaliation for refusing sexual advances.

The punishment for sexual harassment under the act includes a fine of up to Rs. 1,00,000 or imprisonment for up to three years, or both. In addition, the employer may take disciplinary action against the offender, which may include suspension or termination of employment.

Sexual harassment is a pervasive problem in India, affecting women from all walks of life. While India has made significant strides in women's rights and gender equality in recent years, sexual harassment remains a significant issue, with many women experiencing unwanted attention, comments, and physical contact in public spaces, workplaces, and educational institutions. In this essay, I will examine the prevalence and impact of sexual harassment in India and the efforts being made to address the issue.

- Prevalence of Sexual Harassment in India:

Sexual harassment is prevalent in India, with women across the country reporting incidents of harassment in various forms. According to a 2019 survey conducted by the Indian National Bar Association, over 70% of women in India have experienced some form of sexual harassment. This statistic underscores the extent of the problem and highlights the need for urgent action.

The survey also found that the most common forms of harassment included staring, lewd comments, and touching. Women reported experiencing harassment in public spaces such as

streets, public transport, and parks. Workplace harassment was also reported, with women often subjected to unwanted advances, inappropriate comments, and physical contact from their male colleagues and bosses.

- ^{xiii}Impact of Sexual Harassment in India:

Sexual harassment can have a significant impact on women's mental and physical health, as well as their ability to participate fully in society. Women who experience harassment may suffer from anxiety, depression, and other mental health issues. They may also feel unsafe and anxious about going out alone, which can limit their ability to work or study.

Sexual harassment can also have long-term consequences for women's careers and professional growth. Women who experience harassment at work may be passed over for promotions or denied opportunities for career advancement. In some cases, women may be forced to quit their jobs or drop out of school to avoid the harassment.

- ^{xiv}Efforts to Address Sexual Harassment in India:

Over the years, India has introduced several laws and policies to address sexual harassment and promote gender equality. In 2013, the Indian government passed the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, which mandates all workplaces to have an Internal Complaints Committee (ICC) to investigate and resolve complaints of sexual harassment.

Despite these efforts, the implementation of laws and policies to address sexual harassment has been uneven. Many workplaces and educational institutions lack an ICC, leaving women with nowhere to turn when they experience harassment. Additionally, many women face significant barriers to reporting harassment, including fear of retaliation, victim-blaming, and lack of trust in the legal system. To address these challenges, civil society organizations, activists, and individuals have launched several initiatives to raise awareness about sexual harassment and support survivors. One such initiative is the #MeToo movement, which gained significant momentum in India in 2018. The movement encouraged women to speak out about their experiences of sexual harassment and created a platform for them to share their stories.

India has seen several landmark cases related to sexual harassment, which have paved the way for stronger legal protections for women. Here are some significant case laws related to sexual harassment in India:

1. ^{xv}Vishakha v. State of Rajasthan (1997): This case was the first legal recognition of sexual harassment at the workplace in India. The Supreme Court held that sexual harassment violated the fundamental rights of women under Articles 14, 15, and 21 of the Constitution of India. The court also laid down guidelines for employers to prevent and redress sexual harassment at the workplace, which formed the basis of the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013.
2. ^{xvi}Bhanwari Devi case (1995): This case gained national attention when Bhanwari Devi, a social worker in Rajasthan, was gang-raped for trying to stop child marriages. The trial court acquitted the accused, stating that Bhanwari Devi was a lower caste woman and could not have been raped. The case led to the formulation of the Vishakha Guidelines and later the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013.
3. ^{xvii}State of Punjab v. Major Singh (1967): This case established the concept of consent in rape cases. The court held that a woman's consent must be voluntary and free of fear or duress. The case recognized that consent obtained through deceit or false promises was not genuine

These cases have had a significant impact on India's legal framework and have helped to create stronger protections for women against sexual harassment. They have also raised awareness about the issue and led to a greater understanding of the need to prevent and redress sexual harassment in all spheres of life.

CONCLUSION

To conclude, the study of stalking, voyeurism, and sexual harassment in India reveals a disturbing reality where women continue to face systemic and institutionalized discrimination and violence. The pervasive nature of these issues has significant implications for the physical, mental, and emotional well-being of women and girls, as well as their ability to access education, employment, and participate in public life.

Despite the existence of legal and policy frameworks, their implementation and enforcement have been inadequate, resulting in a culture of impunity for perpetrators. The lack of awareness and social stigma surrounding these issues has further contributed to underreporting and the normalization of such behavior. It is imperative to address these issues through a comprehensive approach that encompasses legislative, judicial, and social measures. Implementation of laws and policies must be accompanied by awareness-raising campaigns and education on gender equality and consent. Empowering women and girls with education, skills, and legal knowledge can enable them to recognize and resist sexual harassment, stalking, and voyeurism.

There is also a need to shift societal attitudes towards these issues and promote a culture of respect and gender equality. This will require sustained efforts from policymakers, civil society organizations, and communities to create safe and inclusive environments for women and girls in India. In conclusion, addressing the issue of stalking, voyeurism, and sexual harassment requires a concerted effort from all stakeholders. Only then can we hope to create a society that upholds and protects the rights of all its citizens, regardless of gender.

ENDNOTES

ⁱ Survey of National Crime Records Bureau (NCRB)

ⁱⁱ www.indiacode.nic.in

ⁱⁱⁱ www.safecity.in

^{iv} <https://indiankanoon.org/doc/960519/>

^v <https://www.scribd.com/document/250922246/Nagpur-Goon-Akku-Yadav-Murder-Case-Judgement>

^{vi} <https://main.sci.gov.in/>

^{vii} www.indiacode.nic.in

^{viii} <https://www.icrw.org/>

^{ix} <https://indiankanoon.org/doc/960519/>

^x <https://indiankanoon.org/doc/70463126/>

^{xi} https://www.researchgate.net/publication/262579452_Eliminating_sexual_harassment_at_the_workplace_Broadening_the_discourse_on_gender_equality

^{xii} https://www.indiacode.nic.in/show-data?actid=AC_CEN_5_23_00037_186045_1523266765688&orderno=395

^{xiii} NLU Gujrat paper

^{xiv} Southern New Hemisphere Paper

^{xv} <https://blog.ipleaders.in/case-analysis-vishaka-ors-v-state-of-rajasthan-ors-1997-6-scc-241-landmark-case-on-sexual-harassment/>

^{xvi} <https://www.bbc.com/news/world-asia-india-39265653>

^{xvii} <https://indiankanoon.org/doc/960519/>

