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Crimes against Women under IPC, 1860 with the Reference of the Criminal Amendment 2013

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ABSTRACT

India today is not what it used to be that is it now more educated than before and more civilized but it does not change the fact that the crime rate in India is still increasing despite there being a lot of laws and acts. The problem probably lies in the implementation of those laws which is delayed due to a lack of personnel in the judiciary and increasing cases.

This paper studies one of the crimes prominent in India that is crimes against women that is in respect to the landmark and revolutionary judgment of 2013.

Even, in this category, we are going to discuss the crimes which are a lot more common in comparison to others which are stated in section 354A to 354D which were added by the 2013 amendment.

Keywords: *Sexual harassment, Voyeurism, Stalking.*

I. INTRODUCTION

In today's world, where the nations are talking about topics like peace and unity, there is one nation that is suffering from the overflow of crimes just because of the patriarchy which is rooted down to the bones of the people from the moment they are born. This situation not only creates an adverse effect on the people of the middle class but also the higher ones as they try to abuse their power in every way possible.

There can be a list full of crimes committed on the daily basis in a country like India which claims to be democratic that not all of them are even reported due to the pressure of the perpetrator with a powerful background or having some contact with the people in positions.

We no longer know who to blame, the society, the parents, or the teachers who try to teach everything possible in order to make a person capable enough to stand with his/her head high in the society without being corrupted in this rotten system.

Rather than being treated like a human being, a woman is subjected to every kind of crime possible and listed in our laws which not only breaks her physical body but also breaks the

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mental health of the person after being judged and criticized for being born as a woman.

Women tend to be ignored and neglected due to the harsh upbringing they have while living with their parents continuously compared with her brother and regretting being born as a girl where she should be proud to be born as someone who is able to bring a new life in this world which is a blessing.

The crimes according to IPC can be differentiated into numerous types which are not able to be discussed in a single paper and that too in detail due to which, in this paper, we are going to discuss the crimes against women which were added after the Criminal Amendment of 2013, after the heinous crime of brutal gang rape of Nirbhaya in December 2012.

It is true that society did change after the amendment of 2013 but whether it changed for the better or worse is yet to be discovered. But one thing is clear that the crime rate did not go down after the amendment but regrettably, it went even higher than before.

II. SEXUAL HARASSMENT

Due to the patriarchal culture of the society, women are subjected to every kind of crime as they seem to be an easy target in the eyes of the perpetrators which will not only harm them physically but also traumatize them to the extent that some women also go insane due to the sufferings, in extreme cases some also ends up committing suicide due to the questionings of the society and the surrounding. As it is human nature to find pleasure in other's misery we often forget the things that should be said and omitted in front of someone who is suffering from the trauma.

As if it is not enough, the men tend to take the rejection of the women to please them as an insult to their pride as a man due to which they not only try to defile the women of their reputation but also try to take their life if they see that things are not going their way and there might be a change that the woman might fight against him later when she recovers from that trauma.

This may seem like just a small act of messing with someone out of just curiosity but it may become someone's scar for life so we should always think as many times as we can before saying anything as sexual harassment not only includes physical harassment, it can also include the use of assault and even the ways of the internet in today's society to completely destroy the reputation of the victim.

Sexual harassment is not only an insult to the dignity of the woman but is also against the fundamental right of equality which provides that everyone is equal in the eyes of law.

Before the amendment of 2013, there was no specific section that particularly addressed the concept of sexual harassment. *Section 354* did include the concept of sexual harassment to some extent but it did not include the concept in-depth as it also included assault and the condition of the assault is the intention to outrage the modesty of the woman.

Sexual Harassment is defined under *section 354A Of Indian Penal Code,1860* as:

(1) A man committing any of the following acts—

- (i) physical contact and advances involving unwelcome and explicit sexual overtures; or
- (ii) a demand or request for sexual favors; or
- (iii) showing pornography against the will of a woman; or
- (iv) making sexually coloured remarks shall be guilty of the offence of sexual harassment.

Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) of sub-section (1) shall be punished with rigorous imprisonment for a term which may extend to three years, or with a fine, or with both.

Any man who commits the offence specified in clause (iv) of sub-section (1) shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

This section not only tells us about the definition of sexual harassment but also the punishment which is being defined in the same section. But the punishment might seem a bit lacking as it does not consider the trauma and mental torture, the victim has to go through because of the continuous harassment and how much of an impact will that have on the victim's daily life. Not only her relatives and neighbours but also the people who come to know about the circumstances of the victim will start to pity them for having to live that life and judge her based on their own prejudices.

Nothing is as scary as prejudices in India as anything else, as because of the prejudices, there are many people that fall victim to, not only that about also threats and eventually ends up losing their lives.

India has two different acts that deal separately with sexual harassment and sexual harassment at the workplace under IPC and The Sexual Harassment of Women At Workplace (Prevention, Prohibition and Redressal) Act, 2013 respectively.

(A) Types of Sexual Harassment

There can be different types of Sexual Harassment which can be derived from the definition of

Sexual Harassment given under Section 354A of IPC, 1860 such as:

- Verbal Sexual Harassment
- Non-Verbal Sexual Harassment
- Physical Sexual Harassment

1. Verbal Sexual Harassment

This type of harassment includes the use of crude language which will insult the woman and make her lose confidence in herself. The easiest thing to do in the world is saying something but at the same time, it is the heaviest weight on a person as once you have said something, no matter what you do you cannot take back the words which are already being spoken out of your mouth.

Some examples of the same may include:

Referring to an adult as a girl, doll, honey, or babe; whistling at someone; catcalling, making sexual comments about someone; turning work discussions into sexual topics; or telling sexual jokes or stories.

2. Non-Verbal Sexual Harassment

This does not include the words rather the actions are the main aspect of this type of harassment which will make the victim self-conscious of the surroundings as to whether is someone judging her or not. This type of harassment includes the element of *actus reus* which shows the guilty intention of a person to make the other person uncomfortable just by the stare.

Some examples of the same may include:

Looking a person up and down (Elevator eyes); staring at someone; blocking a person's path; or following the person.

3. Physical Sexual Harassment

This type of harassment also includes the element of *actus reus* accompanied by the physical touches which makes the person uncomfortable just by the thought of that touch.

Some examples of the same may include:

Touching the person's clothing, body, or hairs or hugging; kissing, patting, or stroking in any kind, or touching or rubbing oneself sexually around another person; or standing close or brushing up against another person.

This crime is not only cognizable but also bailable at the same time can be tried by any judge due to the maximum rigorous punishment extending to 3 years.

(B) Provisions in IPC addressing the concept of Sexual Harassment

There are many acts and laws dealing with the concept of sexual harassment like IPC, Vishakha Guidelines but they all deal with harassment at completely different places. The one covered in this paper is the one mentioned in IPC.

There are a total of three sections which states about the concept of sexual harassment which is section 294, 354A and 509 of the Act.

- **Section 294:** Obscene acts in any public place, singing obscene songs to the annoyance of others. Punishment for violation of this Section is Imprisonment for a term of up to 3 months or fine, or both.
- **Section 354 (A):** A man committing any physical contact, advances involving unwelcome and explicit sexual overtures; or demanding or requesting sexual favors; or showing pornography against the will of a woman, or making sexually colored remarks, shall be guilty of the offense of sexual harassment. It entails a punishment of rigorous imprisonment for a term that may extend to three years.
- **Section 509:** Uttering any word or making any gesture intended to insult the modesty of a woman and intrudes her privacy. The offender is punished with simple imprisonment for a term which may extend to three years, and also with a fine.

(C) Tuka Ram And Anr vs State of Maharashtra (Mathura Case)³

The Court stated that no marks of injury were found on the girl, there were no signs of any struggle, any resistance, also from the shreds of evidence it can be shown that the girl had not been put in fear of death or hurt so the consent would be considered as free or voluntary. Also, the girl was habituated to sex so, it may be possible that she might have incited the cops. So, it was concluded and held by the Supreme Court of India that the sexual intercourse which was in question in the given case is not proved to amount to rape.

(D) Vishaka vs. State of Rajasthan and Ors. (Bhanwari Devi Case)⁴

To get justice, she took her case to the Trial Court where the Court acquitted the accused for the reason of lack of a medical shred of evidence and other reasons. Due to this so many women's groups and organizations went to appeal against the judgment. The result of which, public interest litigation was filed in the Supreme Court of India on the issue of sexual

³ 1979 AIR 185, 1979 SCR (1) 810

⁴ JT 1997 (7) SC 384

harassment at the workplace. This judgment had its basis in so many international treaties which had not been adopted in the municipal law.

Supreme Court held that the sexual harassment of a woman at a workplace would be violative of her fundamental rights of gender equality and right to life and liberty under Articles 14, 15, 19, and 21 of the Indian Constitution. The court concluded that such Act would be considered a violation of women's human rights.

III. ASSAULT OR USE OF CRIMINAL FORCE TO WOMAN WITH INTENT TO DISROBE

Since ancient times, there are many instances that can evidently show us that the men from those times and from now are no different as they often forget that they are supposed to respect the women as their equal not try to forcefully disrobe them.

The men in ancient times seem to misunderstand the silence of a woman as their accent which is not always true as sometimes when a woman feels uncomfortable, they tend to ignore the behaviors of those around her.

The major fight and one of the great granth Gita was also written when the war started between the Pandavas and Kauravas for the esteem of Draupadi who became the trophy of the bet between the Yudishtar and Duryodhan when playing the game of Chausar.

In the hall full of people and gods, Draupadi was derobed and there was not a single person who tried to help her as some of them were enjoying themselves and some were unable to help even if they wanted to help.

Which eventually lead to the demise of the Kauravas and is still referred to as a legend as it made the greatest contribution to our granthas in the form of Gita.

People in today's world seem to have forgotten the cause of the demise of one kingdom was disrespect and disrobing of a woman as the crimes against women where the assault is involved is increasing at an alarming speed which if not stopped in times will only bring the demise of the nation just like the Kauravas.

There are many instances where one must think about what would happen if society is never going to change when the times are changing faster than anything else. The men today too seem to seek pleasure by assaulting a woman when she stays silent as they think that the women will not report the crime as it will only destroy the reputation of the woman and make it hard for her to marry but surprisingly it does not have that much of an effect on the marriage of the perpetrator who made the victim live in guilt and embarrassment all her life.

Women by nature are very sensitive and tend to think everything deeply which ends up hurting

her mental health to the extent which makes it hard for her to live. The perpetrator always came out unscratched before as they were unable to be charged under section 354 of the Indian Penal Code, 1860. There was always one essential that was not fulfilled which was the intention to disrobe and use of physical touch to bring it in the ambit of section 354. This shortcoming was removed when the new section 354B was included in the Act by the Criminal Amendment of 2013, which not only specified the crime of assault but also included the punishment for the same.

According to *section 354B⁵ of the Indian penal code*, Any man who assaults or uses criminal force to any woman or abets such act with the intention of disrobing or compelling her to be naked, shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to seven years, and shall also be liable to fine.

This crime is non-bailable as well as cognizable and at the same time can be tried by any judge.

The section points out three essentials that are required to be fulfilled in order to invoke the section are:

- Assault or use of criminal force to any woman or abets such act
- with the intention of disrobing or
- compelling her to be naked.

The first one is a must but the second and third are an option out of which can be one or both can be used given the circumstances and facts of the case. The selection will differ from case to case due to the different facts and circumstances of each case.

(A) Outraging Modesty of Women

Section 354 IPC makes it a special crime to use force, or even threaten to use force against a woman if the intention is to 'outrage her modesty'. It is treated more seriously than normal and criminal force. It allows police to make arrests for such crimes even without a warrant. The law does not explain the term 'outraging the modesty of the woman'. They usually make the determination by noticing the circumstances surrounding this incident. The Supreme Court referred to 'modesty' as *feminine decency* and virtue that women possess owing to their sex. The punishment is imprisonment between one and five years along with a fine.

(B) Section 509 IPC, 1860

This section reads-

⁵Criminal Law (Amendment) Act, 2013

Whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

The object of this section is to protect the modesty and chastity of a woman. The offence under this section is cognizable, bailable, non-compoundable and triable by a Magistrate of first class. The punishment under this section may extend to one year with simple imprisonment or fine or both.

On a close reading of the section, we can infer that the basic constituents of the offense under Section 509 are-

1. Intention to insult the modesty of a woman.
2. The insult must be caused
3. By uttering some words, or making some sound, or gesture or exhibiting any object so as to be heard or seen by such woman, or
4. By intruding upon the privacy of such a woman.⁶

In *Mrs. Rupan Deol Bajaj & Anr v. Kanwar Pal Singh Gill & Anr*⁷, the accused was held liable for outraging the modesty of an Officer of the Indian Administrative Service (I.A.S), belonging to the Punjab Cadre. He was held liable under both sections 509 and 354 of the IPC.

IV. VOYEURISM

In general, voyeurism means observing people while they are naked, undress, or engages in sexual activities. The interest is mainly in watching rather than in the person being watched. The person watching is called a voyeur. Voyeurism implies that one party doesn't consent to the activity.

The key element of voyeurism is that the person who is being watched is unaware of the voyeur. The person is in the place where they are expected to have privacy, such as their home or another private area.

Voyeurism may never progress beyond a fantasy but the chances are likely. But in some cases, voyeurism becomes a paraphilic disorder as a voyeuristic disorder. This disorder involves sexual fantasy or urges that result in causing distress. They usually involve children, inanimate

⁶K.D Gaur, The Indian Penal Code (Fourth Edition, 2012) p. 833.

⁷1995 (6) SCC 194.; https://www.lawctopus.com/academike/critical-overview-offences-women-indian-penal-code/#_ednref33

objects, or unconsenting adults.

Voyeurism can be in various ways. Some of such ways are mentioned below:

1. Pornography: Voyeurism is a popular genre in pornography. A large number of films in this genre involve violating someone's privacy. It includes a video recording. Many such videos are uploaded without consent, leading to invasion of privacy and the set boundaries are violated. These sorts of films allow a person to watch from voyeur's point of view.
2. Entering an area illegally for watching other people.
3. Violating a person's expectation of privacy in his/her own home, locker rooms, or a similar area.

The Indian Parliament in 2013 made certain amendments in the Indian Penal Code, introducing voyeurism as a criminal offence. A man committing this offence would be liable for imprisonment for not less than 1 year and which may extend up to 3 years for the first offence and shall also be liable to fine and for any subsequent conviction would be liable for imprisonment for not less than three years and which may extend up to seven years and with fine.

Voyeurism is defined in section 354 C of the Indian Penal Code, 1860:

‘Any man who watches, or captures the image of a woman engaging in a private act in circumstances where she would usually have the expectation of not being observed either by the perpetrator or by any other person at the behest of the perpetrator or disseminates such image shall be punished on first conviction with imprisonment of either description for a term which shall not be less than one year, but which may extend to three years, and shall also be liable to fine, and be punished on a second or subsequent conviction, with imprisonment of either description for a term which shall not be less than three years, but which may extend to seven years, and shall also be liable to fine.’

Explanation 1:- For the purpose of this section, “private act” includes an act of watching carried out in a place which, in the circumstances, would reasonably be expected to provide privacy and where the victim's genitals, posterior, or breasts are exposed or covered only in underwear; or the victim is using a lavatory, or the victim is doing a sexual act that is not of a kind ordinarily done in public.

Explanation 2:- Where the victim consents to the capture of the images or any act, but not to their dissemination to third persons and where such image or act is disseminated, such dissemination shall be considered an offence under this section.

The punishment is prescribed in the same section.

‘Imprisonment of not less than 3 years but which may extend to 7 years and with a fine.’

It is a cognizable and non-bailable offense. It is triable by any magistrate.

Punishment as prescribed under schedule 1 of CrPC:

- 1 to 3 years + Fine for first conviction
- 3 to 7 years + Fine for second or subsequent conviction

(A) Electronic Voyeurism under Information Technology Act, 2008

It has been introduced in the IT Act, 2000 by Information Technology Amendment Act, 2008. It was introduced by the influence of the Video Voyeurism Prevention Act of 2004 a federal law of the USA which deals with the act of video voyeurism.

This amendment was made to prohibit voyeuristic conduct and to protect the privacy of the individual. A large number of women and teenagers are trapped here. Security is the most sensitive element in the internet world.

Section 66E of the IT Act, 2008 recognizes the right to protect the human body from unreasonable and obscene intrusion by video technology. This section aims to adequately protect individual privacy from video voyeurism which destroys personal dignity and privacy by secretly photographing and videotaping unsuspecting individuals.

Sending obscene material such as photos, films, messages, pictures to a woman through social media is also an act of sexual harassment under the IPC, 1860. Showing or sending pornographic or sexually explicit content to a woman without her consent is a form of sexual harassment under section 354A of IPC. The perpetrator of such a crime is liable for imprisonment of 3 years or fine or both.

If the woman gave consent for the pictures to be taken but not for posting private pictures online, it is a crime. The punishment for such an offense is imprisonment for not less than 3 years extending up to 7 years and a fine. Section 67A of the IT Act states that if such material is published online is sexually explicit, the person can be imprisoned for 5 years and is liable to pay a fine of up to 10 lakhs.

(B) Voyeuristic Disorder

Voyeurism isn't a disorder in itself. But when a person is consumed by voyeuristic thoughts in a strong and persistent manner that they are unable to function or are distressed or act on the urges with the unconsenting party, then it becomes a disorder.

The voyeuristic disorder is a type of paraphilic disorder. It is a condition that is characterized by persistent and strong sexual urges, sexual interest, and behaviors typically involving children or inanimate objects.⁸ This condition typically develops in adolescence or early adulthood and is more common in men than in women. Some people with this condition might also experience thoughts of harming themselves or others during sexual activities⁹

(C) Voyeuristic Disorder Symptoms

There are certain symptoms that show that a person has the voyeuristic disorder. These include:

1. Engaging in voyeurism with an unconsenting person.
2. Persistent sexual arousal
3. Intense sexual arousal from observing people perform sexual activities.
4. Being distressed or unable to function because of voyeurism fantasies and urges.

Some people with this condition perform sexual acts on themselves while observing others engaged in sexual activities.

***R v Turner (2006)*¹⁰**

The manager of the sports center filmed four women taking showers after the practice. There was clearly no indication that the footage had been shown to anyone else or distributed. The defendant pleaded guilty. The court of appeal confirmed a sentence of 9 months to reflect the seriousness of the traumatic effect and abuse of trust of victims.

V. STALKING

“Stalking is a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear,” according to the Department of Justice.

Stalking is about control and power. Stalking can be of several forms. This may include :

1. Threats against someone or that person’s family, friends, or someone they know.
2. To contact, track, harass, or threaten someone.
3. Physical or visual closeness repeatedly, like the following someone or waiting at certain locations, or observing someone’s every action with ill intention.

⁸ Brown, G. MSD Manual Professional Edition. Voyeurism

⁹ McManus MA, Hargreaves P, Rainbow L, Alison LJ. Paraphilias: definition, diagnosis and treatment.

¹⁰ 2006 All ER (D) 95 (Jan)

4. Non-consensual communications repeatedly such as text messages, calls, unwanted gifts, and emails.

The Indian Parliament in the year 2013 made amendments to the Indian Penal Code 1860, introducing stalking as a criminal offence. It has been defined as a man following or contacting a woman, despite clear disinterest of woman, or monitoring her use of electronic communication or the internet. A man committing such offence of stalking would be liable for punishment, imprisonment up to 3 years for the first offence and shall also be liable to a fine and for any subsequent conviction would be liable for imprisonment up to 5 years with fine.

Stalking is defined in section 354D of the Indian Penal Code, 1860.

354-D. Stalking.—(1) Any man who—

- (i) follows a woman and contacts, or attempts to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman; or
- (ii) monitors the use by a woman of the internet, email, or any other form of electronic communication,

commits the offence of stalking:

Provided that such conduct shall not amount to stalking if the man who pursued it proves that—

- (i) it was pursued for the purpose of preventing or detecting crime and the man accused of stalking had been entrusted with the responsibility of prevention and detection of crime by the State; or
- (ii) it was pursued under any law or to comply with any condition or requirement imposed by any person under any law; or
- (iii) in the particular circumstances such conduct was reasonable and justified.

(2) Whoever commits the offence of stalking shall be punished on first conviction with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and be punished on a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

(A) Cyber stalking

Using technology to stalk is called Cyberstalking. Cyberstalking is a term that covers all forms of stalking that rely on technology.

This includes:

1. Tracking someone's computer activity by using spyware

2. Using someone's computer harboring ill intentions.
3. Video voyeurism or installing video cameras giving stalkers access to monitor someone's personal life.
4. Posting or threatening to post personal information on public internet forums.
5. Using GPS or other software used for tracking systems to monitor someone without their consent or knowledge.
6. Persistent unwanted communication through internet such as spamming someone's social media platform or email inbox.

Although not all of these behaviors are considered stalking they can be uncomfortable and violating. Stalking can induce fear, anxiousness, nervousness, stress, and signs of depression.

(A) Types of Victims

The victims are divided into 6 types depending on their relationship with the stalker.³

1. Casual friends and acquaintances:

Among the stalkers, this is the 2nd most common category. Neighbor stalking is also included in this category. This often results in the victim's change of residence.

2. Prior intimates:

The stalker was the person who was previously in an intimate relationship with the victim. This is the largest category of stalkers. The most common profile shared by women were of the people with whom they had previously intimate relationships. The victims are more likely exposed to violence by their stalker especially if the stalker had a criminal past.

'Date stalker' is the individual who had an intimate relationship with the victim for a short period of time. Victims who have date stalkers less likely to experience violence from their stalkers.

3. Professional contacts:

The stalkers are patients, students, or clients with who they have had a professional relationship with. Certain professions such as teachers, health care providers, and lawyers are at higher risks than others for stalking.

4. The famous:

Victims are individuals who are heavily portrayed on media. Athletes and politicians can also be victims.

5. Strangers:

Victims here are usually unaware of the fact that how their stalker began stalking them. These type of stalkers admires their victims from distance.

6. Workplace contacts:

The stalkers of this kind visit their victims in their workplace. They can either be employer, customer, or employee. When stalkers visit the workplace of their victims, it not only poses threat to that individual's safety but other individuals as well.

(B) Types of stalkers

Psychologists group stalking individuals into two categories: psychotic and non-psychotic.

Some of the stalkers have pre-existing psychotic disorders like schizophrenia, delusional or schizo-affective disorder.

But, most stalkers are non-psychotic and exhibit disorders such as adjustment disorders, depression or substance dependence as well as personality disorders. This type of stalker's pursuit is focused, vindictive, angry, jealousy, obsession, projection of blame, minimization, and denial.

Mullen et al. (2000)¹¹ identified five types of stalkers:

1. Resentful stalkers: They have a sense of grievance and are motivated by the desire to distress and frighten their victim.
2. Rejected stalkers: They follow their victims to reverse, avenge or correct their rejection.
3. Predatory stalkers: They spy on their victims to prepare and plan an attack often sexual on the victim.
4. Intimacy seekers: They seek to establish a loving, intimate relationship with their victims. These types of stalkers often believe that the victim is their long-lost soul mate and they were meant to be together.
5. Incompetent suitors: They have poor courting and communication skills or in certain cases, they have a sense of entitlement to an intimate relationship with those who have attracted their interest. Their victims are usually already in a dating relationship with someone else.

Stalking may escalate in behavior. And if someone thinks they are being stalked, they have the right to be concerned. There are certain tips that can be followed to increase the safety of that

¹¹ "A study of stalkers"

individual. They are:

1. If it is Cyber stalking, make it clear that you wish to stop the contact. Once that's done, there's no need to respond to further communication.
2. Reporting the incident to local law enforcement.
3. Keep accurate logs of incidents of stalking.
4. Keeping any evidence received from the stalker such as emails, letters, etc. Screenshots of conversations or even printing the emails.
5. Try to avoid the stalker. This can be difficult if the person stalking you is close to your family or you.
6. If the person being stalked has children, creating a code word to leave the house or call the police can be an effective measure.
7. Informing friends, supervisors or family, or co-workers of the situation.

VI. LEGAL PRONOUNCEMENTS

(A) Vishaka v State of Rajasthan (1997)

The Supreme court of India discussed sexual harassment at the workplace which is read with the important judgment of the supreme court in the matter of *Apparel Export Promotion Council v. A.K. Chopra (1999)* Which states that every act of sexual harassment results in violation of the fundamental right of women workers mentioned under Article 14, 19 and 21 of the Indian constitution.

(B) Inspector General of Police v. S. Samuthiram (1999)

Supreme Court in 2012, set out eight guidelines to curb eve-teasing. The Court discussed the dire need to take up the grievances of the victims of eve-teasing and the bystanders as well in public places like educational institutions, public transportation, movie theaters, etc.

(C) Priya Matoo Case

It is a leading case of stalking and rape. In this case, there was a young law student who was stalked by Mr Santosh Singh who was the son of a former IPS officer, raped her and then murdered her in her home at Vasant Kunj, Delhi. Multiple complaints were filed against the culprit in Vasant Kunj police station as well as R.K. Puram police station. The victim was alone at home on January 23, 1996, when she was raped by the Santosh and then murdered. The case was afterward transferred to CBI in 1996. The high court awarded him the death penalty. Then the Supreme Court later granted him life imprisonment in December 2010.

(D) Shri Deu Bajju Bodake v The State of Maharashtra

The Bombay HC in 2016 looked into the matter of suicide by a woman who claimed that the reason was stalking and constant harassment by the accused. The accused continuously stalked her during work and insisted on marrying her. The HC held that the charges under section 354D ought to have been recorded in addition to the charge for abatement to suicide.

VII. SUGGESTED REFORMS

1. The act of voyeurism whether took place in public places or private places must be treated as a crime.
2. Criminalizing threats to share intimate images and other forms of sextortion.
3. New framework totally focused on this form of criminal conduct and the harm it causes to the people.
4. Automatic anonymity for all victims to protect them from defamation.
5. Strict rules must be made to prevent crimes against women.
6. The local enforcement bodies must be at alert to protect the people.
7. The punishment must be serious to avoid the crimes.
8. People must be given adequate knowledge and the procedure must be taught to them in cases when the crime actually happened.

VIII. CONCLUSION

Even if we are trying our best to remove the patriarchy from the Indian society but it is not as easy as it seems as there are many men in position who feels that if a woman is to take their job then their credibility and authority will be jeopardized.

Many people are there and that too in today's world who still think that women should not be given opportunity and if there is crime which happened against her then it is her fault for wearing cloths which reveals excessive skin but no one try to question the eyes which judged hat woman as it is her right to wear whatever she wants and live however she wants. The duty is of the parents to make the children understand and imprint in their brain that the women are to be treated with the same respect they treat their equal neither above nor below.

The crimes discussed above are all newly added nearly a decade ago due to which the crime rate for these crimes is even higher than any other crime against women. No doubt the courts are doing their best in finalizing the cases as soon as they can but still it still takes about 7 to 8 years of time to give the final verdict. There can be seen a significant increasing of piling in cases due to the insufficiency of the judges in the courts.

There can be no guarantee that you will live to see the verdict of the case but the people still

seem to believe that they will get justice someday.

Another problem can be seen that the crimes discussed under section 354A – 354D provide less punishment that extends to maximum of 7 years, where if the criminal have completed half of his imprisonment time then the he can be released on parole which will only add to the problems of the victim.

Due to the leniency of the judicial system in our country, the victim suffers not only by the physical trauma as the aftermath of the crime but also from mental trauma also which makes even her daily schedule hard for her to complete by just based on her strength.

Even if we are able to completely eradicate the patriarchy, and some are genuine victims of the crime, we might try to avoid the cases being registered because of increasing number of the false cases where the woman press charges under the given sections just to take revenge and torment the man who might have rejected her advancements which resulted in her lunatic behavior.

There are now – a – days many cases where the woman threatens to press false charges against the man or even ends up pressing the charges just to torment the person and through him into hell due to which a careful investigation on the part of police to find whether the charges are true or not.

Another problem might be seen as the concept of equality which can be brought into question when the man is being punished for doing a crime but at the same time the women are being able to get out of the crimes without even being punished for the crimes such as assault, sexual harassment or the other crimes under 354A – 354D.

Now everything depends on the judicial authorities to find out the truth covered in the layers of lies to help bring out justice and punish the wrong doers.

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