



Stalking - Part II

Click [here](#) for Part I

\n\n

What is the issue?

\n\n

\n

- Despite the rising number of cases, the conversation on sexual violence in India continues to be centred on rape.

\n

- Other trivialised forms of violence against women essentially need discussions and legislations for protecting the complete rights of women.

\n

\n\n

What are the flaws in the laws?

\n\n

\n

- Following the public outrage after the Nirbhaya gang rape case in 2012, the **Criminal Law (Amendment) Act, 2013** came into force.

\n

- It expanded the scope of rape, penalised voyeurism and eve-teasing and also defined and recognised stalking as a standalone offence.

\n

- Under this, Section 354-D of the IPC makes both **physical and electronic stalking** an offence.

\n

- Two provisions in this regard has to be noted -

\n

\n\n

\n

1. Under **subsection 1**, the intention of the perpetrator is irrelevant as long as

the woman in question “has clearly expressed her disinterest”.

\n

2. **Subsection 2** criminalises the monitoring of a woman’s online behaviour.

\n

\n\n

\n

- There is an opinion that subsection 2 has the potential to be used arbitrarily.

\n

- Verma Committee draft stated that online monitoring should amount to stalking only when it results “in a fear of violence or serious alarm or distress in the mind” of the victim.

\n

- Further, there are three **exceptions** to the offence if the conduct was:

\n

\n\n

\n

- i. pursued for prevention or detection of crime by a person authorised to do so.

\n

- ii. pursued under any law.

\n

- iii. reasonable and justified in the circumstances.

\n

\n\n

\n

- Here, exception iii seems to be vague, and it can prove to be an escape clause given that stalking is culturally normalised.

\n

- Such loose drafting leaves **scope for misinterpretation** and subsequent denial of justice to the victim.

\n

\n\n

What should be done?

\n\n

\n

- Stalking and eve-teasing are not given the same importance as other “grave” forms of sexual violence such as rape.

\n

- These are often normalised, romanticised and encouraged especially in **popular culture** such as the Indian cinema.

\n

- But offences such as stalking, voyeurism and eve-teasing deprive women of their fundamental right to occupy public space without fear.
- The perception that violence against women must necessarily involve some form of bodily harm should definitely change not only with the law but also with the society.

Source: The Hindu



IAS PARLIAMENT
Information is Empowering
A Shankar IAS Academy Initiative