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EMPOWERING WOMEN: ENCOUNTERING THE DARK REALITY OF STALKING, VOYEURISM, AND SEXUAL HARASSMENT- Samiya Choudhary¹**Abstract**

The research paper focuses on one of the most serious issues in our society. Crime has become banal nowadays, but particularly the offenses against women are taking new forms. This paper focuses primarily on three offenses, Stalking, Voyeurism, and sexual harassment. It deals with the prevalence of these crimes and how they are affecting today's society. They affect women physically, emotionally, and psychologically and render them helpless, anxious, and difficult to confront the world. It focuses on the importance of curtailing their occurrences and the urgent need in our society to socially awaken the people and to have a strong legal framework concerning the issue of offenses against women. Social awakening can be bought with the help of education, making people aware of the impacts of crime and the urgent requirement to combat these. These act as impediments towards the growth, development, and enhancement of society. The impact it has on the victims can't be valued. So, therefore, it is important to ponder over this problem and safeguard the rights and interests of women in our society and reduce insecurity and enhance their safety. It requires a multifaceted approach involving awareness among people, spreading education, making strong laws, etc. It is now considered a crime because of its intense impacts and nature. We are born free, and we must live free. We are provided with fundamental rights by our constitution, and nobody can deprive anyone from enjoying their fundamental rights. There is an urgent requirement for devising a proper mechanism to prevent

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the issues pertaining to offenses against women. So, the victims have to be aware and vigilant in identifying the occurrence of offenses against them, and be aware of what rights and remedies are available to them. It also throws light on a few cases of offense against women that show how victims are being tortured and endure suffering and how, in the end, the law plays its role in helping them.

Keywords

Banality of evil, offenses, social awakening, stalking, voyeurism, sexual harassment, women, etc.

Research Methodology

The paper is of a descriptive nature, and the sources referred to are secondary sources, including journals, websites, etc., used for research to highlight the need to prevent the social issue pertaining to domestic violence and make people aware of their rights.

INTRODUCTION

Offenses against Women are something that has become ubiquitous in today's world; this has become a banality of evil in our society. On a regular basis, the incidents of offenses against women come to the limelight. Despite having strong laws, effective machinery, etc, the occurrence of these incidents at a larger scale becomes questionable. There are numerous offenses that are done against Women, and these aren't confined to one place; rather, they prevail worldwide. Particularly in our country, India, the offenses against Women can be seen to a great extent. These have become serious issues in our society and attract great efforts and steps to be taken towards curtailing the occurrence of these. They are not only against Women but against society at large, though they are done against women at the individual level; their impacts are obviously on the victim women but also have numerous negative impacts on our society. They are serious and also can be considered as heinous to the extent that they affect society as a whole. They affect women in every aspect, in their social, economic, and psychological, Emotional spheres, and render them helpless and ineffective in their lives. Their rehabilitation also, at times,

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becomes very difficult because of the traditional thoughts, views, and opinions of our society, which, instead of asking anything to the accused, looks down on the women.

As from ancient times, as is evident from the ancient texts and scriptures, women were placed in the highest place in terms of status, respect, and power in our society. But the changes in our society, with the changing thoughts, views, and mindset of people, with the influence of modernization, and several other factors that contribute to the changes that our society went through, have made a huge change with respect to the position of women in society. In today's scenarios, there is less participation of women in every sphere, and they are only confined to their homes and their children. Patriarchy in society has also contributed to a great extent to the changes in the position of women in society. The role of women, be it in terms of health, literacy, employment, etc, is less compared to men. So, with the changes that took place in society, that further led to changes in the status and position of women, and with the advent of social evils in our society, Crimes have also played a major role; they are increasing rapidly against women. The meaning of the term Crime against Women is direct or indirect physical or mental cruelty to women². Offenses against women can be considered a wider term and must be interpreted widely, it may also include Violence against women; a crime includes violence as well in some way or the other. United Nations has defined violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual, or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life"³. There are numerous offenses against Women. For instance, Rape, Kidnapping, Domestic Violence, stalking, voyeurism, sexual harassment, etc., and several others can be done against both men and women, like, Murder, kidnapping, abduction etc. But in this writing, we will explore three offenses, namely, Stalking, Voyeurism, and Sexual Harassment. There are separate provisions for these three offenses included under the Indian Penal Code. Therefore, the offenses against Women are rampant in today's scenario and there is

²Parliament Library and Reference, Research, Documentation and Information Service, Lok Sabha Secretariat, <[Crimeagainstwomen.pdf \(loksabhadocs.nic.in\)](#)>, accessed on 28 October 2023.

³World Health Organization, 'Violence Against Women', <[Violence against women \(who.int\)](#)>, accessed on 28 October 2023.

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an urgent requirement to ponder over this issue. The importance of dealing with this problem is explicit in its humungous impacts on society.

STALKING: A Banality Of Evil

Stalking, in simple terms, means the act of following someone or something very closely and watching its every move⁴. The offense of stalking is given under Section 354 D of the Indian Penal Code. *“Stalking is not a demonstration of love, but a violation of boundaries and a disregard for another person’s well-being, very rightly quoted by Sumit Gill”*⁵.

Stalking.—(1) Any man who⁶—

- (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) (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) (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.

⁴Stalking, <[Stalking - Definition, Meaning & Synonyms | Vocabulary.com](https://www.vocabulary.com/dictionary/stalking)>, accessed on 28 October 2023.

⁵Sumit Gill, ‘ Understanding section 354 D IPC: Stalking Offences and Legal Consequences’, (22 Mat 2023), <["Understanding Section 354D IPC: Stalking Offences and Legal Consequences" - Legal Studies](#)>, accessed on 29 October 2023.

⁶ Indian Penal Code, 1860, <[A1860-45.pdf \(legislative.gov.in\)](#)>, accessed on 28 October 2023.

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The essentials of the section 354 D, Stalking that must be fulfilled to complete the offence of Stalking, if any of the essentials is missing, it would not constitute the offense of Stalking under section 354 D. It is not only confined to physical terms but also applies in electronic or digital modes as well. So, the essentials are as follows

1. The accused must be a Man, and the victim must be a Woman⁷. This means that in the eyes of the Law, the offense of Stalking can only be done by a man and not by a woman against another woman. So, the essential requirement that the accused must be a man implies that if stalking, either online or offline, isn't done by a man or is done by a woman, the offense of stalking will not take place.
2. Follow or Contact women or attempt to Contact⁸. This essential meant that actual contact or following isn't necessary to constitute the offense of Stalking, but a mere attempt to contact or follow women will be sufficient to constitute the offense. In addition to the physical following of the women, following or contacting a woman online, by means of electronic devices like e-mail, internet, etc, will also come under the purview of stalking.
3. Despite the disinterest of Women⁹. The essentials also include the aspect of no interest on the part of women; this means that stalking must be a one-sided offense, and the woman or the victim must not be interested in that person. If, however, a woman is interested and makes some action or gestures for her interest, the accused will not be guilty of the offense of stalking on the grounds of interest shown by the girl. So, stalking will only be constituted if there is complete disinterest or resistance from the side of women.

Therefore, these are the essentials of the offense of Stalking that must be fulfilled to constitute the offense or to make the accused guilty. It includes one exception as well that provides that if stalking is done for a justified purpose under justified authority, the offense of stalking won't be done. The accused can absolve himself from the charge if he is able to prove that he wanted

⁷Neha Gururani, 'Offences Against Women', (27 June, 2019), <[Offences Against Women and Provisions for it in the IPC \(iplayers.in\)](#)>, accessed on 28 October 2023.

⁸Neha Gururani, 'Offences Against Women', (27 June, 2019), <[Offences Against Women and Provisions for it in the IPC \(iplayers.in\)](#)>, accessed on 28 October 2023.

⁹Neha Gururani, 'Offences Against Women', (27 June, 2019), <[Offences Against Women and Provisions for it in the IPC \(iplayers.in\)](#)>, accessed on 28 October 2023

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stalking or the woman herself was interested, etc. Hence, all the essentials are must and should be fulfilled before making a person guilty of Stalking.

Modes of Stalking

The offense of stalking is not only confined to following women but there are different modes recognized by our criminal justice system. These are:-

- Tracking the victim¹⁰. Tracking the victim means following the victim's movements, keeping an eye of what they are doing, where they go, etc, not only physically but can be through electronic modes, like following through the internet, email, and other modes of social media. The accused can track the victim online, he may keep a check on her locations, and by using different apps try to follow her.
- Forceful attempts to communicate and send offensive messages¹¹. The stalker can use different means to follow the victim; he can also send offensive messages to the victim, which also comes under the purview of stalking. It is not just about following but involves all the related or subsequent acts of the accused. The accused can't absolve his liability, saying that he didn't follow but just tried to communicate etc. The accused can be coercive in nature in terms of letting the victim communicate with him, he might use coercion, and threats to the victim so that he can communicate with her. So, any means that can be used, whether it is innocent or coercive, stalking will be constituted if the essentials are fulfilled. The threats given to the victim by the accused might be to manipulate her, which can go to the extent of violence done by him. Most often in our society, stalking can be seen by someone who stands near or in front of our house unnecessarily, without any reason and purpose, or watches or keeps a look all the time at the victim. So, standing unnecessarily near the house of the victim with the mindset of following her will also constitute the offense of stalking. It also includes the photographic aspect, meaning that if the accused takes photographs unnecessarily of the victim without her consent, it will constitute the offense of Stalking because it is an invasion of her right to privacy

¹⁰354 D IPC, Law Bhoomi, (21 October 2023, <[Section 354D IPC \(lawbhoomi.com\)](http://www.lawbhoomi.com)>, accessed on 29 October 2023.

¹¹354 D IPC, Law Bhoomi, (21 October 2023, <[Section 354D IPC \(lawbhoomi.com\)](http://www.lawbhoomi.com)>, accessed on 29 October 2023
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given by the constitution. This violation of the right would obviously cause the accused trouble, and therefore, he can't go spot free. Hence, the offense of stalking can have a wider interpretation, and it includes a plethora of acts and all the related or subsequent acts done by the accused.

- The term Cyberstalking has been in use in recent times, and the cases pertaining to cyberstalking can also be seen in today's scenario. The act that approaches and deals with cyberstalking is the IT Act.



Cyberstalking, as mentioned above, is stalking not physically but by the use of internet technologies like the use of different apps, etc. One real-life instance under this offense which is a recent instance that relates back to 2022, In a clear example of cyberstalking, Khanna got a series of e-mails from a man asking her to pose naked for him or pay him Rs 1 lakh and According to the woman, she began getting these emails in the third week of November 2003, The accused threatened Khanna by publishing her modified photographs and contact information on sex websites, She disregarded the emails at first, but she soon began getting letters in the mail with the same warning. She felt forced to report the event to the cybercrime unit, then On

¹²Anshuman Singh, 'What is Cyberstalking and How to prevent it?', (21 August 2023), <[What is Cyberstalking and How to Prevent it? - Shiksha Online](#)>, accessed on 29 October 2023.

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February 3, 2022, the Rajkot cyber crime police detained two males in different incidents for accused cyberstalking of underage girls using social media morphing¹³.

Punishment of Stalking¹⁴:

The punishment for the offense of stalking is given under section 354 D (2), which provides that Whoever commits the offense of stalking shall be punished on first conviction with imprisonment of either description for a term that 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. The punishment given to the accused also depends upon the facts and circumstances of each case and also the evidence attracted there. In addition to this, It also depends upon the gravity of the offense committed, and the subsequent offenses if committed are also taken into consideration.

Instances of Stalking in India:

There are many landmark judgments dealing with the offense of stalking. As the offenses are not only stalking in particular but in general, offenses against women have become rampant and banal. The recent instances and the landmark judgments show how the offense has become banal nowadays and what its implications are on society as whole.

- **Shri Deu Bajju Bodake v The State of Maharashtra**¹⁵, This is a landmark case dealing with the offense of stalking under section 354 D of the Indian Penal Code. The facts of the case are that a woman committed suicide. The only reason for committing suicide by the women was stalking by the accused. The accused used to stalk or follow her on a daily basis and also used to harass her. Despite her clear disinterest and resistance, the accused continuously stalked and harassed her even during her working hours as well.

¹³Anshuman Singh, 'What is Cyberstalking and How to prevent it?', (21 August 2023), <[What is Cyberstalking and How to Prevent it? - Shiksha Online](#)>, accessed on 29 October 2023.

¹⁴Section 354 D(2), 'Indian Penal Code', 1960,

¹⁵Sanchari Banerjee, 'Stalking: The Understudied Violence Against Women', (10 March 2023), <[Stalking: The Understudied Violence Against Women. \(legalresearchandanalysis.com\)](#)>, accessed on 29 October 2023.

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when she got fed up with the behavior of the accused or when the incident went out of the capacity of the victim woman, she gave up her life and committed suicide.

- **State of Punjab v Major Singh¹⁶**, This is also a landmark case that deals with the offense of Stalking. In this case, as well, the accused was guilty of stalking the victim. He used to stalk her or follow her on a regular basis and harass her despite her disinterest and objections. In this case, the Supreme Court held that the offense of stalking is a serious one and also recognized the need for severe punishment for stalking, taking into account the impacts it renders on the victim and on society as a whole.
- **Santosh Kumar Singh v. State Through CBI (2010)¹⁷**, This is a recent case that is related to offenses against women, It revolves around the offenses of rape, murder, stalking, etc. In this case, the victim girl, Priyashdarini Matoo, who originally belongs to Srinagar and completed her schooling in the state of Jammu and Kashmir, then shifted to Delhi to pursue further studies, that was her degree in law from Delhi University. The accused in this case is the son of an IPS Officer who was the senior of the victim girl at the University of Delhi, north campus. The accused used to stalk her on a regular basis, harass her, and ask for lewd demands. Several complaints were filed by the victims at the police stations in Delhi, but the activities of the accused were the same and continuing. Once, he was even arrested, but after that, he was granted bail from the police station. This case went to the extent that the Dean of the university himself intervened and protected the girl and instructed the accused to stop his obnoxious behavior and abnormal attitude towards the victim. However, the offense of stalking went to the extent of involving the other offenses as well. One day the victim was alone at her place when the accused went to her place and raped her, and murdered her. After that, he fled away. The Supreme Court, in this case, granted him the punishment of Death, but later on, based on the facts and evidence of the case, commuted his punishment and gave him life

¹⁶Shrishail Lakhepatil, 'STUDY ON THE OFFENCES OF STALKING, VOYEURISM AND SEXUAL HARASSMENT IN INDIA', <[Shrishail-Lakhepatil-ALPPR.pdf \(thelawbrigade.com\)](#)>, accessed on 29 October 2023.

¹⁷Times of India, 'Stalking: Five cases that shook Delhi's conscience', (11 August 2017), <[Stalking: Five cases that shook Delhi's conscience | Delhi News - Times of India \(indiatimes.com\)](#)>, accessed on 29 October 2023.

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Imprisonment. So, this shows how serious an offense is stalking that leads to the occurrence of other heinous offenses as well. Its impact on the victim and her family can't be valued, and they lost their daughter without any fault or mistake on the part of their daughter. This offense is to be considered important, and its rampant occurrence also needs to be ceased as an urgent requirement.

Therefore, the above-mentioned cases show the impacts and the rampant occurrence of offenses against women and the impacts it leaves on the victim and society. This offense at times, leads to the killing of the victim or at times, leaves the victim anxious, helpless, and filled with fear and threat. So, The Indian Penal Code provides for the offense of Stalking and the punishment thereof, and the landmark judgments recent instances, and real-life examples help us to gain insights into this offense and its interpretation and help us in gaining knowledge about all the aspects of Stalking.

VOYEURISM

The meaning of the term Voyeurism in simpler terms, is, Getting pleasure by watching other people in their private lives or watching them when they are involved in such activity that would otherwise not be done in public, for instance, a sexual act¹⁸. This offense is considered a disorder and is done by the person to satisfy his sexual needs by getting pleasure through watching others and invading their privacy. The offense of Voyeurism is defined under section 354 C of the Indian Penal Code. It defines it as follows:-

—¹⁹Any 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

¹⁸Cambridge Dictionary.

¹⁹ Section 354 C of IPC, 1960.

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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 offense under this section.

- The essentials of section 354 C are, firstly watching or capturing an Image, This means that this offense would constitute if a man watches or captures the image of a woman, the image is not just the image of women, but the image of a woman while the woman is engaged in any private act like a sexual act or where the private parts of the victim woman are exposed or are covered only in undergarments and not with full clothes.
- Secondly, There is an expectation on the part of a woman that she is not being observed by anyone while she is engaged in such an act, this is because the act can't be done in public or in open spaces and requires to be done in their private spheres and hence requires privacy. Where such an act is done by the accused the victim has no expectation that someone is watching, and the accused by doing such an offense is in violation of her right to privacy as well. So, the offense of Voyeurism will only constitute if there was no expectation on the part of women, but however, if there were clear circumstances where it was clearly expected that someone may watch them, etc, then this offense may not constitute, meaning thereby this offense has to fulfill the essential requirements in order to hold the accused guilty under section 354 C of IPC. Explanation 2 deals with the situation where consent for taking or capturing the pictures of the victim is obtained. If the victim herself consented to the capturing of the images in such circumstances, this offense would not be considered to have occurred. But however, where the victim

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consented only to capture the image but not to circulate it or disseminate it to the third person, and if it is disseminated, then the punishment will be attracted, and it will also constitute the offense of Voyeurism. The offense of Voyeurism is Cognizable in nature; this means the police have the right to arrest the accused without the requirement of any warrant issued by the court, but at the same time, it is bailable, and the accused can be granted bail by the court of law.

There was no offense of Voyeurism in India till 2013, but with the advent of technological changes in society and increased incidents of new forms of crimes, the criminal law amendment was done in the year 2013, which incorporated several provisions and also made Voyeurism as a crime in India. This is also rampant, like all other offenses. This can take place through different means like cameras, other online platforms, and newer technologies. This has a huge impact on the victim, as it is in violation of the right to privacy granted under the constitution of India. The accused invades the privacy of the victim, which in turn affects the victim severely. They feel helpless, anxious, and filled with fear and worry, which has a huge impact on their emotional and psychological spheres.

- The offense of Voyeurism is also covered under the IT Act, in the form of Electronic Voyeurism. For instance, Section 66E of the Information Technology Act of 2008 recognizes the right to protect the human body from unreasonable and obscene intrusions by video technology, as well as adequately protecting individual privacy from the crime of video voyeurism, which destroys personal privacy and dignity by secretly videotaping or photographing unsuspecting individuals²⁰. It has been on an increasing scale as earlier, it wasn't recognized as a crime, but now it is considered a crime which affects the victim and also gives a bad impact or image to the society. Due to the lack of privacy in India, it has become on an increased scale. The right to privacy was in the limelight and was in debate, but now it is considered a fundamental right. Everyone is entitled to the right to privacy and no one has the right to invade or infringe the privacy of another person. According to the National Crime Records Bureau (NCRB), voyeurism incidences

²⁰ Prathyusha, 'Voyeurism', Legal Service India E-Journal, <[Voyeurism \(legalserviceindia.com\)](http://legalserviceindia.com)>, accessed on 29 October 2023.

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climbed by more than 100% between 2014 and 2018, However, it is crucial to realize that many occurrences of voyeurism go unreported, and the true number of incidences may be substantially higher²¹. This shows how it has been increasing day by day.

Cases Pertaining to the offense of Voyeurism:

1. There are many cases related to the offense of Voyeurism. One of the recent incidents was in the limelight a few months back at Chandigarh University. A female student in Chandigarh University captured the videos of her fellow mates in the hostel while bathing and sent them to another boy in Shimla. They were charged with the offense of Voyeurism. The video was captured without the consent of the victim students in the hostel, and the videos exposed the private parts of victims, as the videos were recorded while bathing. This was an infringement on their right to privacy as well, So this shows the recent incident or instance of Voyeurism in India. The impacts of Voyeurism are severe as it has affected all the victim students whose videos were exposed or sent or made without their consent. It would have affected them psychologically, socially, and emotionally and rendered them helpless and feared. Another instance is, where the Union Home Minister Smriti Irani filed a complaint in 2015 after noticing a camera pointed towards the changing area in a business in Goa²². There are numerous small cases that deal with the offense of voyeurism, not only in India but worldwide. For instance, the matter of *R v Turner*²³ (2002), this case relates to the UK where the Sports Centre Manager recorded four ladies showering, but However, there was no proof that the film was circulated or shown to anybody. The defendant received a nine-month jail term and This was done to ensure the justice of those who had suffered and endured the painful effects of this.

²¹Shrishail Lakhepatil, 'STUDY ON THE OFFENCES OF STALKING, VOYEURISM AND SEXUAL HARASSMENT IN INDIA', <[Shrishail-Lakhepatil-ALPPR.pdf \(thelawbrigade.com\)](#)>, accessed on 29 October 2023.

²²Section 354 C IPC, The Basic Structure, <[Section 354-C of the Indian Penal Code – Offence of Voyeurism – The 'Basic' Structure \(wordpress.com\)](#)>, accessed on 29 October 2023.

²³K.D Gaur, 9th Edition.

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2. **R v Jarvis**, the facts of the case are that Ryan Jarvis, a man who worked as a teacher in a school situated in Ontario, London, in a school named Bean Secondary School. He was never charged for anything related to his behavior or teaching in the past, But in this case, he was guilty of the offense of voyeurism, as he used to shoot the film with the help of a pen that had a camera. This act was done particularly to female students; their videos were recorded in that camera without their consent and mainly focused on the chests of female students. The incident got to the knowledge of a coworker, who then informed about the incident to the principal of the school. Jarvis wasn't permitted to do such things by the school or by the board. When the incident was discovered, it came to the knowledge that the pen which had a camera intact it has recorded over 17 films of 30 different students most of whom were female students, and the recording, particularly, focused on the chests of the students, and therefore the teacher was charged under the offense of Voyeurism for capturing the videos of the students without their consent.
3. **State of West Bengal v Animesh Boxi**²⁴: In this case, the accused and the victim were intimate partners or were in a relationship with each other. During their relationship, the pictures taken by them were consensual, as in a relationship, usually whenever the person takes a picture, it is with the mutual consent of both partners, whether implied or expressed. Similarly in this case, pictures of the accused and victim together, which were taken when they were in a relationship, were taken consensually and when there arose a dispute between the two partners, the victim ended the relationship. The accused in revenge for that shared or uploaded the picture on a pornographic website. Therefore, in this, the act of Voyeurism will be constituted because firstly, though the pictures were taken consensually by both during their relationship but however, the victim never asked him to upload them on a pornographic website, so the act was against the victim and without her consent. The court charged the accused with the offense of Voyeurism and gave him the punishment of a term of 5 years with a fine.
4. **Peeping Tom case (2016)**, In this case, a woman filed a complaint in Kolkata against a man named Subhransu Patra, who peeped into the washroom and started to film a video

²⁴Section 354 C IPC, The Basic Structure, <[Section 354-C of the Indian Penal Code – Offence of Voyeurism – The 'Basic' Structure \(wordpress.com\)](#)>, accessed on 29 October 2023.

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with his mobile camera while she was changing her clothes. She after catching him, he raises the alarm but the accused refuses to accept the allegations against him. Later he threatens the victim for dire consequences and asks her that he will upload all the photos. The woman then files a complaint against him, and he is charged with the offense of Voyeurism because he at the first place, was capturing the photos or videos of the victim while she was changing her clothes. Secondly, this was not with her consent and was done secretly without her consent, so all the essentials of section 354 C are fulfilled. Hence, he is guilty of Voyeurism.

Therefore, the offense of voyeurism is rampant worldwide, but particularly in India, it has taken a new form of crime. With the advent of technology, though, the country is improving and enhancing its capabilities and taking its economy to higher heights, but with this, the evolution of new kinds of crimes has been prominent. Despite having laws, provisions, and punishments related to these crimes, still they persist in our society and therefore, there is a need to combat the issue of crimes in our society and protect the rights and dignity of women in particular and everyone in general. According to the second report published in 2019 by Georgetown University's Institute for Women, Peace, and Security (GIWPS), India is ranked 133 out of 167 countries and is not considered a safe place for women, which considers inclusion, justice, and safety of women as three main factors along with 11 sub-indicators²⁵. Hence, there is an urgent need to combat the crimes pertaining to women and society. There must be dissemination of awareness amongst the people about the nature and impacts of crimes. People must be made aware of the urgent need and requirement to cease the occurrence of crimes in India. Awareness can help everyone know about their rights and duties, the remedies available to them, and also the punishments contained thereof, which will help the accused to gain knowledge about the crime and about, the rigorous punishments assigned to them and the consequences thereof.

SEXUAL HARASSMENT

Sexual harassment in the office or learning environment involves unwanted sexual approaches, demands for sexual favors, and other verbal or physical sexual harassment, according to EEOC

²⁵Barira Parvez, 'Voyeurism in Indian Law', (October 19, 2022), <[Voyeurism in the Indian Law \(lawbhoomi.com\)](http://www.lawbhoomi.com)>, accessed on 29 October 2023.

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or Equal Employment Opportunities Commission. The offense of Sexual harassment is defined under various laws and is a serious offense. As under the Indian Penal Code, it is defined in Section 354 A.

Section 354 A provides (1) Aman committing any of the following acts²⁶—

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

(2) Any man who commits the offense specified in clause (i) 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.

(3) Any man who commits the offense 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 a fine, or with both

So, the offense of sexual harassment as defined under IPC involves unwelcome sexual overtures, which may include gestures like kissing, touching, etc. It also involves comments whether verbal or written to make sexual advances by the accused. The rigorous punishments involved in the offense of Sexual harassment show the severity and gravity of the seriousness of the offense that is prevalent in today's time against women.

There is a special law for sexual harassment of women in the workplace, that is The Sexual Harassment of Women at the Workplace (Prevention, Prohibition, and Redressal) Act 2013 according to which “No woman shall be subjected to harassment at any workplace, whether public or private, whether the aggrieved woman is employed there or not.”

It defines sexual harassment as per (S. 3 (2) of the Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act 2013, as²⁷,

²⁶ Section 354 A, Indian Penal Code, 1960.

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1. Implied or explicit
 - a. promise of preferential treatment in employment;
 - b. threat of preferential treatment in employment;
 - c. threat about her present or future employment status
2. Interference with her work or creating an intimidating offensive or hostile work environment for her;
3. Humiliating treatment likely to affect her health or safety

Therefore, with the crime of sexual harassment increasing at a higher pace in India, the government felt it necessary and recognized the need and importance of having a special Law for the crime that has become banal and prevalent.,

Case Laws Forthe Offense of Sexual Harassment:

1. **Vishakha v State of Rajasthan**²⁸, In this case, the menace of sexual harassment has been dealt with and the apex court via this case has given certain guidelines to deal with this banality of evil. The victim in this case is Banwari Devi. She was a social worker who was working under a program, the aim of that program was to stop child marriages. In lieu of that, she tried to stop the marriage of a girl child who belonged to a Gujjar family, who didn't recognize or realize the consequences of early or child marriages. Though she got numerous criticisms from all around, she was keen on fulfilling the aim of the program. The marriage was stopped and the girl child was saved from coming under the umbrella of child marriages. Despite doing this great job, the Gujjar family still had that orthodox thinking, they didn't realize the issue and criticized Banwari Devi. They were keen on taking revenge for what Banwari Devi did that is, stopped the marriage from taking place in their family. One person namely, Ramakant Gujjar along with five other persons to take revenge from Banwari Devi, gang-raped her in a brutal manner in front of her husband.

²⁷(S. 3 (2) of the Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act 2013.

²⁸Byjus Exam Prep, <[Vishakha Case Summary \(1997\) - Important SC Judgements for UPSC \(byjus.com\)](#)>, accessed on 30 October, 2023.

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When she tried to file the case against them, she was able to. Later she succeeded in filing the case against them, but however, court acquitted the accused on the grounds of lack of evidence against them. The society rather than asking the accused, looked down upon her with cruelty and evil eyes. Despite no fault on her part, she has to face the problems of society. Then she filed a writ petition in the apex court, the Supreme Court tried to understand the inequality existing in our society and interpreted the case and the condition of our society and how they look upon women. Supreme court in light of this gave detailed guidelines which are popularly known as Vishakha Guidelines. These guidelines particularly focus on the menace of sexual harassment of women, particularly in the workplace. The Supreme Court held that the offense of sexual harassment is a serious one as it affects the victims severely, their life gets entirely disturbed and they find no purpose in their lives, It leaves them helpless. It is a violation of their fundamental rights granted by our constitution. So, the court gave the guidelines pertaining to the issue of sexual harassment at the workplace, it provided that the occurrence of this menace must be dealt with properly, there must be a complaint committee at the workplace, there must steps taken to spread awareness amongst people related to this offense, etc. Then after these guidelines, in 2013 there came a special law for the subject matter of sexual harassment of women at the workplace, which was wider than these guidelines. With the issue of this menace becoming prevalent in every sphere and the increased and rampant occurrence of this offense, a special law was made by parliament, that is Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

2. **Tukaram &Ors. v State of Maharashtra**²⁹, this case is a criminal case, where a woman named Mathura was raped by two police officers in the state of Maharashtra. The family of Mathura filed a case against the two police officers who raped Mathura. But however, the trial court acquitted the accused on the grounds that there was consensual intercourse between the accused and the victim, as the victim didn't object or resist to the said act, and therefore it was implied that she consented to it. The Mathura family was not satisfied by

²⁹Landmark Judgements related to Prevention Of Sexual Harassment (PoSH), (23 December 2022), <[Landmark Judgements related to Prevention Of Sexual Harassment \(PoSH\) \(ilms.academy\)](#)>, accessed on 30 October, 2023.

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the judgment of the trial court, and to get justice for their daughter, they appealed to the High Court. The high court upheld the judgment or acquittal of the accused. Then, the apex court gave the judgment in favor of Mathura and held that the lower courts were mistaken. The court made both the police officers guilty of the offense and therefore, held that non-resistance doesn't amount to consent of the girl. As there can be circumstances where she can't resist the said act, this doesn't mean that she has consented to the act. So, consent must be clear and voluntarily taken.

Conclusion

Therefore, offenses against women are rampant in our society. Crimes are taking newer forms and are of an obnoxious nature. They have a huge impact not only on victims but on society as a whole sending a wrong message to society and acting as an impediment to the growth and advancement of society. It renders the victim helpless, in fear, and anxious, ruptures their reputation, and interferes in their peaceful living life. It is a violation of their fundamental rights. It is an interference with their privacy. Hence, offenses against women are increasing at a higher pace and there is an urgent requirement to take strong steps towards this menace. Women are not safe in our society, everywhere we see, there is an insecurity among every parent, every girl or woman about their safety. They feel worried when they step out of their houses. So, the offenses against women as discussed above show the ground reality of our society, it reveals how disturbing and unstable our society is. It also shows that modernization doesn't mean having everything available or being self-reliant, advancement in the economy, etc, but it includes every aspect of the society, the growth and development of every aspect that contributes to the enhancement of the society. The reality and the mindset of society towards women show that women are not safe in our society, and it is need for an hour to ponder over the issue and protect and safeguard the rights of our women. As we can see women are no less than men in today's society, but this kind of problems acts as an impediment to their growth, and success. Despite having strong laws, special laws, with rigorous punishments etc, still we can see that crimes are persistent in our society. This implies that there is a requirement to make people aware, to awaken them about the reality of our society, and to teach them the positive path. Therefore, we must respect women and safeguard their rights and interests. Everyone needs a good

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environment to achieve their goals and aims with their fullest potential, but if such kinds of things are taking place in society, women will not feel safe and will always be insecure about their safety, and this can be an obstacle towards their success.



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