Much talking on stalking, but what does it all mean?

There's much noise being made about women's safety and giving the law more teeth by adding new sections and clauses, but what does it really translate to?

The much-debated anti-rape bill or the Criminal Law (Amendment) Act, which was passed in February in the wake of the horrific Delhi gang-rape, has included stalking and voyeurism as new offences, and is more specific on what amounts to an 'intent to disrobe'. Here's an attempt at decoding the law to find out when a woman can approach the [police](http://timesofindia.indiatimes.com/topic/police) to file a complaint regarding these newly-added crimes.

**What's new?**
"Earlier, sections 354 and 509 of the IPC, about attempts to outrage and insult a woman's [modesty](http://timesofindia.indiatimes.com/topic/modesty), did cover these offences in broad terms, but did not explain exactly what would amount to outraging a woman's modesty. The newly added sections are more explicit and specific about the nature of the crimes," says HC lawyer Satish Tamta.

So, now we know — if a man pulls a woman's dupatta, he can be dragged to the police station for attempting to disrobe. If he clicks and circulates [pictures](http://timesofindia.indiatimes.com/topic/pictures) of her engaged in any private act without her permission, he can be sentenced to three years in jail. And if he's planning to contact the neighbourhood girl he secretly admires and follows every day, it could land him in jail for three years.

**What do the new sections say?

1. Stalking (section 354D)**
A man following a woman and trying to contact her repeatedly without her consent and despite a show of disinterest, can be sent to jail for maximum three years, provided it is the first time the person is convicted of the crime. For subsequent convictions, he could be sentenced to a maximum of five years with or without fine. "So if a girl's secret admirer follows her everyday from her house to the bus stop and tries to contact her, she can file a complaint against the guy," says Tamta.

**Online stalking**
The crime of stalking can also be committed via the internet, where a man monitors the woman's use of the internet, or any other form of electronic communication. "These days, mobile phones and social networking sites give ample scope for such crimes. You have men trying to contact or follow a woman on these sites often," says Tamta.

Advocate VK Singh says, "Sending lewd messages via mobiles will also come under stalking as per section 354D. In case of online stalking, the woman has to show that the act results in a reasonable fear of violence or a serious alarm or mental distress, and the monitoring must be of private contents only. If a woman posts content on Facebook, Twitter or other social media platforms, which by their very nature are public platforms, she allows her contact and communication or such public platform to be revived or read. Such use of the internet by women, which becomes public due to the nature of the platform, may be excused."

**2. Voyeurism (Section 354C)**
Cases of MMS scandals and morphed obscene images can now be handled under this section, with punishment for not less than one year for a first time offender, which may extend up to three. Subsequent offences' sentences can be extended up to seven years.

[The section](http://timesofindia.indiatimes.com/topic/The-Section) clearly states that watching or capturing images of a woman engaged in a 'private act', without her consent, is a crime. Even circulating MMSes or such pictures will be considered an offence. "Obscenity, voyeurism and stalking have become big problems over the years. After inserting this section under the IPC, such illegal acts can be punished. In particular, MMS scandals, morphing of images and fake photography cases will be dealt with better now," says Singh.

**3. Intent to disrobe (Section 354B)**
Minimum three and maximum seven years is the punishment for a man who forcefully tries to disrobe a woman or compels her to be naked. Abetting such an act will also attract the same punishment.

**Need of the hour**
"Laws are always made or amended keeping in mind the need of the hour and to safeguard whatever is considered proper by the society. The section on voyeurism has been included now. At the time when the law was made, no one had even heard of mobile phones, so MMSes were unimaginable," says Tamta. "There were no sections like these, particularly about voyeurism, added in the IPC earlier. Now that we are living in the 21st century and in an electronic era, such laws will help protect the [women](http://timesofindia.indiatimes.com/topic/Women) of India," says Singh.

**The flip side: 'any man', as opposed to 'whoever'**
"I got 35 calls from a particular number on my phone for two consecutive days last week. It was a woman on the other side, who kept disturbing me with a call or a missed call every half an hour. When I called up the Delhi Police's anti-stalking cell, they said they couldn't register a complaint since it was against a woman," says Nidhisha Kumar (name changed), a 24-year-old Delhi-based media professional.

earlier, section 354 began with 'whoever', without being gender-specific. But the new amendment is particularly aimed at men, as each added section now begins with 'A man' or 'Any man'. Be it voyeurism, sexual harassment or stalking, the law now talks about a man committing these crimes. "It is not clear what would be the course of action if a woman is found involved in any such crimes," Tamta says.

However, Singh is of the opinion that the amendment is not against men. Instead, it is against the scourge of sexual violence, and seeks to prevent and protect society from heinous sexual crimes like rape, molestation, disrobing and parading of women. "60% of women are now working to support themselves and their families. Their protection is a prime issue and it can be done only if such a law is enforced. The new amendment will be beneficial not just for women but also for civil society," he says.

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<http://timesofindia.indiatimes.com/life-style/people/Much-talking-on-stalking-but-what-does-it-all-mean/articleshow/19755907.cms#write>