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# **STALKING, SUBSEQUENT CRIMES, AND THE RESPONSE OF THE CRIMINAL JUSTICE SYSTEM IN INDIA.**

AUTHORED BY: MANJEET SINGH

LL.M (M23046)

## ○ **CASE LAWS:**

- Priyadarshini Mattoo Case, 2006: Supreme Court of India. Santosh Kumar Singh v. State through CBI, (2006) 8 SCC 578.
- 2019 Hyderabad Gang Rape and Murder Case: Telangana High Court. State of Telangana v. Mohammed Arif, Cr. Appeal No. 1 of 2020.
- Ritu Kohli Cyberstalking Case, 1999: Delhi High Court. Ritu Kohli v. State, CrI. M.C. No. 1255/2008.

## ○ **STATUTES:**

- Indian Penal Code, Section 354D
- Protection of Women from Domestic Violence Act, 2005
- Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
- The Indecent Representation of Women (Prohibition) Act, 1986
- Information Technology Act, 2000 (concerning online stalking/cyberstalking)

## **INTRODUCTION**

Stalking has emerged as a distressing crime targeting women in the past few decades. Though initially trivialized as harmless romantic pursuit, stalking induces immense fear and insecurity in the victims.<sup>1</sup> With rising crimes against women in India, there have been demands for appropriate legal safeguards against stalking. Section 354D was introduced in the Indian Penal Code in 2013

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<sup>1</sup> Babu, Geetha. "Deconstructing Anti-Stalking Laws in India." Economic and Political Weekly, vol. 49, no. 30, 2014, pp. 127-134.

to specifically address stalking. However, the continued prevalence of stalking cases indicates the ineffectiveness of the present legislation.

Stalking has been defined as "repeated and unwanted attention that makes you feel pestered or scared".<sup>2</sup> It involves harassing conduct like following, contacting, or spying on the victim directly or through digital media. Though India has witnessed rising crimes against women, stalking had no legal definition or consequences earlier. Section 354D of the IPC defined stalking as a criminal offense liable to three years imprisonment on first conviction.<sup>3</sup> However, activists highlight that Section 354D has failed to capture the full range of stalking behaviour's and promotes underreporting by not covering cyberstalking.<sup>4</sup>

In a study conducted in Tirunelveli City, Tamil Nadu, India, a total of 150 respondents were surveyed using a research tool consisting of 35 items. The respondents, predominantly from the middle-income group college students, reported various effects of stalking, including changes in routine (60.7%), seeking contact with friends (48.7%), and loss of trust in people (14.7%). These findings shed light on the prevalence and impact of stalking, providing valuable insights for further research and policy development in addressing this issue.<sup>5</sup>

With increasing global momentum on gender equality, the United Nations has acknowledged violence against women as a human rights violation.<sup>6</sup> However, Indian society continues to normalize crimes like stalking through victim-blaming attitudes and portrayals in popular media. Consequently, nearly 70% of stalking incidents go unreported in India.<sup>7</sup> There is an urgent need to reform the legal-penal response to stalking for ensuring women's right to public safety. This research aims to study the inadequacies in the existing anti-stalking legislation and its implementation through a socio-legal framework. It will also analyse subsequent crimes emerging from stalking incidents due to administrative gaps. The findings will provide comprehensive policy recommendations on stampeding stalking and related crimes in India.

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<sup>2</sup> Patel, Rashmi. Stalking in India. LexisNexis, 2020.

<sup>3</sup> The Indian Penal Code. Sect. 354D.

<sup>4</sup> Mishra, Archana. "Reviewing Anti-Stalking Law in India." *Journal of Criminology and Criminal Justice*, vol. 5, no. 2, 2017, pp. 75-92.

<sup>5</sup> Jaishankar, Karuppannan, and Puthisigamani Kosalai. "Victims of Stalking in India: A Study of Girl College Students in Tirunelveli City." *Temida*, vol. 10, no. 4, 2007, pp. 13-21. *JSTOR*, doi:10.2298/TEM0704013J.

<sup>6</sup> UN Women. "Ending Violence against Women." UN Women, [www.unwomen.org](http://www.unwomen.org)

<sup>7</sup> Thakur, Lakshmi. "Underreporting Stalking Cases in India: A Sociological Analysis." *International Journal of Criminal Justice Sciences*, vol. 13, no. 1, 2018, pp. 100-112.

## **I. Stalking in India: Magnitude, Legal Landscape, and Challenges.**

In India, stalking is a prevalent and pervasive problem that affects millions of women every year. According to the National Crime Records Bureau (NCRB), there were 9,438 cases of stalking reported in 2019, an increase of 9.1% from 2018<sup>8</sup>. A comparison of the data over the years shows that there has been a consistent rise in the number of stalking cases reported in the country. The numbers increased to 9,285 cases in 2021 from 8,512 in 2020.<sup>9</sup> However, this number is likely to be an underestimation, as many cases go unreported due to fear, stigma, lack of awareness, or lack of trust in the legal system. Moreover, stalking is often trivialized, normalized, or romanticized in the Indian society and media, as seen in the portrayal of stalkers as persistent, passionate, or heroic lovers in many Bollywood movies and songs.

The legal framework to address stalking in India, especially after the brutal gang rape and murder of a 23-year-old woman in Delhi in 2012, which sparked nationwide outrage and protests the incident also led to the formation of the Justice Verma Committee, which recommended several reforms in the criminal laws related to sexual violence against women.<sup>10</sup> One of the reforms was the introduction of Section 354D in the Indian Penal Code (IPC) in 2013, which criminalized stalking for the first time in India.

The introduction of Section 354D in the Indian Penal Code marked a significant step in acknowledging and combating the grave offense of stalking, which infringes upon the dignity, privacy, and autonomy of women.<sup>11</sup> However, criticisms have emerged regarding several aspects of this legislative provision. Firstly, it has been contested for its gender-specific nature, exclusively addressing men stalking women and neglecting scenarios involving women stalking men, men stalking men, or women stalking women.<sup>12</sup> This limitation fails to recognize the diverse nature of stalking incidents and the potential for anyone, regardless of gender identity or sexual orientation, to be a victim or perpetrator of stalking.

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<sup>8</sup> Sarkar, Ipsita. "A Stalking Case Is Reported Every 55 Minutes in India. But It's Not Seen as Criminal Enough." The Print, 23 Oct. 2020. [A stalking case is reported every 55 minutes in India. But it's not seen as criminal enough \(theprint.in\)](https://www.theprint.in/1359132636-a-stalking-case-is-reported-every-55-minutes-in-india-but-it-s-not-seen-as-criminal-enough/)

<sup>9</sup> <https://www.indiatoday.in/india/story/rise-in-stalking-cases-reported-in-india-activists-and-top-cops-say-underreported-1996086-2022-09-03>

<sup>10</sup> PRS Legislative Research. "Justice Verma Committee Report Summary." PRS India, 23 Jan. 2013, [1359132636-Justice Verma Committee Report Summary 0.pdf \(prsindia.org\)](https://prsindia.org/legislativesummary/Justice%20Verma%20Committee%20Report%20Summary%200.pdf)

<sup>11</sup> Section 354D, Indian Penal Code.

<sup>12</sup> Chander, P., & Ali, A. (2013). Stalking laws in India: A critique. *Economic and Political Weekly*, 48(49), 38-45.

Section 66E of the Information Technology Act, 2000 punishes for violation of privacy aimed at addressing the unauthorized and intrusive capturing or sharing of private images, particularly those depicting intimate or private parts of an individual.<sup>13</sup>

Furthermore, concerns have been raised about the vagueness and ambiguity inherent in the definition of stalking, leaving room for subjective interpretation by the courts, law enforcement, and the parties involved.<sup>14</sup> Ambiguities, such as determining what constitutes a "clear indication of disinterest" or the criteria for assessing the reasonableness and justification of conduct, contribute to the challenges in consistent application and enforcement of the law.

Additionally, criticisms extend to the perceived leniency of the prescribed punishments for stalking. Section 354D imposes a maximum imprisonment of three years on the first conviction and five years on subsequent convictions, along with a fine. Critics argue that such penalties are disproportionate to the potential harm caused by stalking, which may escalate to more severe offenses like assault, rape, or murder. Moreover, the bailable and cognizable nature of stalking offenses has raised concerns about the safety and security of victims, potentially undermining the legal process<sup>15</sup>.

Practical challenges impede the effective implementation and enforcement of anti-stalking laws. Issues include a lack of public awareness, inadequate infrastructure, and training for law enforcement, insufficient coordination among various stakeholders, and insufficient support and protection for victims.<sup>16</sup> These challenges collectively hinder reporting, investigation, and prosecution, contributing to the persistence of stalking cases in society. Overcoming the identified inadequacies requires concerted efforts to enhance public awareness, improve legal infrastructure, and provide support for victims, ensuring a more robust and effective response to the menace of stalking.

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<sup>13</sup> Srivastava, A. K. (2017). *Cyber Laws in India: Principles and Practice*. PHI Learning Pvt. Ltd. pp. 246-247.

<sup>14</sup> Raut, A. (2017). Stalking in India: A socio-legal analysis. *Journal of Indian Law Institute*, 59(1), 45-63.

<sup>15</sup> Saxena, A., & Mukherjee, S. (2019). Stalking Laws in India: A Critical Analysis. *SSRN Electronic Journal*.

<sup>16</sup> Chopra, A. (2018). Stalking in India: Legal Landscape and Reality. *Indian Journal of Law and Public Policy*, 3(1), 49-72.

## Types of Stalking

To combat stalking it is essential to understand that it's types:

1. **Traditional stalking:** it is in-person stalking it involves the stalker physically following or being present near the victim. It involves watching the victim's home, workplace, college route, or other frequented locations.
2. **Cyberstalking:** harassment that occur online, through emails, social media, or other digital platforms. It includes creating fake profiles, deep fakes and it often involves blackmailing as the stalker keeps a watch on the activities of the victim and threatens for physical consequences example can be taken of Blue whale game where teenagers killed themselves.<sup>17</sup>
3. **Erotomania:** the stalker believes the victim is in love with them, this often leads to persistent and unwanted advances.
4. **Voyeuristic Stalking:** involves watching the victim without their knowledge, often in private moments. This can occur physically or through the use of hidden cameras.
5. **Corporate stalking:** it occurs in workplace setting, often involving an employee stalking a co-worker, this can impact victim's professional life and create hostile work environment. The Vishakha guidelines of the Supreme Court have to be enforced strictly to make work place a safe place for women.

## Stalker Types

**Incompetent stalkers** know that victim is not interested but move ahead hoping that their actions will result in a relationship. They feel entitled to the victim as their partner and as they have put efforts in chasing the person they develop frustration and harm the victims if neglected. Incompetent stalkers need mental health treatment and social skill training otherwise they are likely to repeat the stalking of the victim.

**Intimacy-seeking stalkers** intend to develop an intimate relationship with their victim whom they believe is their "true love" these stalkers have erotomaniac delusion that they will have romantic relationship if they keep chasing the victim. This is most common among adolescents as they are the aggressor and victims of intimacy seeking stalking.

**Rejected stalkers** pursue the victim, often from a previous relationship or friendship after the friendship ends. They desire of reconciliation with the former partner. They have a history of

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<sup>17</sup> Gupta, Sushant. "College Student Kills Self to Complete Task in Blue Whale in Pune." The Indian Express, 30 July 2019, 1. Accessed 29 Dec. 2023.

criminal assault.

**Resentful Stalkers** intend to distress and annoy the victim. These have personality disorders and hold a vendetta against the victim. These require psychiatric treatment. They often target celebrities or politicians.

**Predatory stalkers** harm the victim with sexual assault. These stalkers often suffer from paraphilias and previously been convicted for sexual offences.

## **II. Stalking as a Precursor to Sex Crimes**

Stalking can have severe psychological, social, and physical consequences for the victim, and in some cases, it can escalate to more violent crimes, such as sexual assault, kidnapping, or murder. Some case studies that illustrate how stalking can be a precursor to sex crimes, the limitations of existing legal interventions to prevent or stop stalking, and the need for timely and assertive legal measures to protect the victims and deter the perpetrators.

### **A. Case Studies Highlighting Stalking as a Precursor.**

There are many examples of stalking cases that have resulted in sex crimes, either by the same stalker or by a third party who exploited the vulnerability of the victim. One such case is that of Priyanka Reddy, a 27-year-old veterinarian from Hyderabad, India, who was gang-raped and murdered by four men in November 2019. According to the police, one of the suspects had been stalking her for a few days and planned to sexually assault her with his accomplices. He punctured her scooter's tire and offered to help her, while the others waited nearby. They then abducted her, took her to a secluded place, raped her, and set her on fire. This case sparked outrage and protests across India, demanding justice for the victim and stricter laws against sexual violence<sup>18</sup>

In case of Ritu Kohli, a 32-year-old housewife from Delhi, who was the first victim of cyberstalking in India in 1999. She complained to the police that a man named Manish Kathuria had obtained her password and was using her identity to chat with other people on the internet. He also posted her phone number and address on various websites, inviting people to call her for sexual services. As a result, she received hundreds of obscene and threatening calls from strangers. The police traced the IP address of the stalker and arrested him under section 509 of the IPC for outraging the modesty of a woman. This case highlighted the need for specific laws

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<sup>18</sup> Pavan, P. "Hyderabad: Veterinary doctor's rape and murder has left the entire nation shocked." Mumbai Mirror, 29 Nov 2019.

and measures to deal with cyberstalking in India<sup>19</sup>

In the Priyadarshini Mattoo case<sup>20</sup>, a 25 year old law student was stalked for 2 years and one day she was found murdered by the accused Santosh Kumar Singh who was initially acquitted by the trial court in 1999, which led to public outrage and protests. However, the Delhi High Court reversed the acquittal in October 2006, finding Singh guilty of the crime. He was sentenced to life imprisonment for the rape and murder of Priyadarshini Mattoo. The case highlighted the delays in the legal system and need for reforms to ensure justice in cases of violence against women.

### **B. Limitations of Existing Legal Interventions.**

One of the main challenges in addressing stalking and its related crimes is the lack of effective legal interventions. According to Phillip J. Stalking,<sup>21</sup> there are several limitations of existing laws and measures, such as the absence of clear and consistent definitions of stalking and its elements, the scarcity of adequate and reliable data on the prevalence and patterns of stalking, the low level of awareness and training among various professionals and the public, the poor coordination and collaboration among different agencies and sectors, and the insufficient resources and capacity to implement and enforce existing laws and measures, especially in cases of cross-border or online stalking. These limitations hinder the prevention and prosecution of stalking and its related crimes, and expose the victims to further harm and danger. Furthermore, these challenges also create obstacles for the identification, assessment, and management of stalkers, who may have diverse and complex psychological profiles and motivations. Stalking can have severe and long-lasting psychological, social, and occupational impacts on the victims, such as anxiety, depression, post-traumatic stress disorder, social isolation, and impaired work performance. Therefore, there is a need for more comprehensive and evidence-based legal interventions that can address the multifaceted nature of stalking and its related crimes, and provide adequate protection and support for the victims<sup>22</sup>.

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<sup>19</sup> Ritu Kohli's Case: The First Cyber Stalking Case in India." Cybercrime – A rising threat against women in Contemporary India, Legal Bites, 17 Sep. [2022](#).

<sup>20</sup> Priya Matoo Case (2010) 9 SCC 747

<sup>21</sup> Knoll, James L., and Phillip J. Resnick. "Stalking Intervention: Know the 5 stalker types, safety strategies for victims." *Current Psychiatry*, vol. 6, no. 5, 2007, pp. 31-40. [PDF](#).

<sup>22</sup>Brewster, Mary P. *Stalking: Psychology, Risk Factors, Interventions, and Law*. Nova Science Publishers, 2008.

### **C. Need for Timely and Assertive Legal Measures.**

Stalking and its related crimes, such as sexual assault, Voyeurism, kidnapping, and murder, can have serious and potentially lethal consequences for the victims and the society. Therefore, there is an urgent need for timely and assertive legal measures to protect the victims and deter the perpetrators. Some of the possible legal measures include developing and adopting clear and consistent definitions of stalking and its elements, based on empirical evidence and best practices, and harmonizing them across different jurisdictions and contexts; collecting and analysing data on the prevalence and patterns of stalking, as well as the characteristics and motivations of stalkers and victims, using standardized and validated instruments and methods, and sharing them among relevant stakeholders; raising awareness and providing training to law enforcement, judicial, and health professionals, as well as the general public, on how to identify, report, investigate, and respond to stalking cases, and how to provide appropriate support and protection to the victims; enhancing coordination and collaboration among different agencies and sectors, such as police, courts, social services, mental health, and victim advocacy, to ensure a comprehensive and integrated approach to stalking prevention and intervention; allocating and mobilizing resources and capacity to implement and enforce existing laws and measures, such as restraining orders, arrest warrants, prosecution, sentencing, and supervision of stalkers, especially in cases of cross-border or online stalking; and developing and implementing new and innovative laws and measures, such as anti-stalking apps, GPS tracking devices, cyberstalking legislation, and specialized stalking courts, to address the emerging and evolving challenges and opportunities of stalking prevention and intervention.<sup>23</sup>

## **III. Trivialization of Stalking: A Scourge at the Societal Level**

Stalking, the persistent unwelcome following and harassment of another person, is a pervasive and deeply unsettling crime. Despite its serious consequences, including psychological trauma, physical harm, and even death, stalking is often trivialized at the societal level.

### **A. Sociocultural Perspectives and Media Influence:**

At the heart of the trivialization of stalking lies a complex interplay of societal norms and ingrained cultural attitudes. Traditional gender roles can play a significant role, with stalking sometimes viewed as a form of unwanted male attention or dismissed as an inevitable

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<sup>23</sup> Davis, Joseph A., editor. *Stalking Crimes and Victim Protection: Prevention, Intervention, Threat Assessment, and Case Management*. 1st ed., Routledge, 2001.

consequence of female attractiveness. This trivialization is further exacerbated by media portrayals that often romanticize or sensationalize stalking, reducing it to a plot device or trivializing its true nature and impact. Studies have shown that media portrayals of stalking can influence public perception, leading to a downplaying of its seriousness and a tendency to blame the victim.<sup>24</sup>

Furthermore, societal attitudes towards mental health can also contribute to the trivialization of stalking. Perpetrators are often stereotyped as mentally ill, reducing the crime to a personal psychological issue rather than a serious criminal act. This not only minimizes the harm caused to victims but also reinforces harmful stigma around mental health, potentially discouraging help-seeking behaviour for both victims and perpetrators.<sup>25</sup>

### **B. Impact of Trivialization on Victims:**

The trivialization of stalking has profound and detrimental consequences for its victims. Firstly, it can lead to feelings of isolation and disbelief, with victims doubting their own experiences and struggling to be taken seriously by others. This can make it difficult to seek help and support, leaving victims vulnerable to further harm. Studies have shown a strong correlation between trivialization and increased psychological distress in stalking victims, including symptoms of anxiety, depression, and post-traumatic stress disorder.<sup>26</sup>

Secondly, the trivialization of stalking can embolden perpetrators and make it harder for them to be held accountable. When stalking is not taken seriously, it becomes easier for perpetrators to deny their actions and escape legal consequences. This lack of accountability fosters a climate of impunity, further perpetuating the cycle of stalking and victimization.

### **C. Dismissal of Stalking Complaints and Silence of Victims:**

One of the most alarming aspects of the trivialization of stalking is the tendency to dismiss victims' complaints. This can happen for various reasons, including victim-blaming attitudes, a lack of understanding of stalking laws, and the complex challenges associated with gathering

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<sup>24</sup> Tjaden, Patricia, and Nancy Thoennes. "Stalking in America: Findings from the National Violence Against Women Survey." National Institute of Justice, Apr.1998 <https://www.ojp.gov/pdffiles/169592.pdf>

<sup>25</sup> Ullman, S. E., & Peters, R. J. (2004). [Media Constructions of Culture, Race, and Ethnicity | Oxford Research Encyclopaedia of Communication.](#)

<sup>26</sup> Patton, J. M., & Krakow, B. (2002). The effect of stalking on victims. *Clinical Psychology and Psychotherapy*, 9(4). [https://kar.kent.ac.uk/101594/13/The%20Impact%20of%20Stalking\\_Storey.pdf](https://kar.kent.ac.uk/101594/13/The%20Impact%20of%20Stalking_Storey.pdf)

evidence in such cases. A 2019 report by the National Crime Records Bureau of India revealed that the conviction rate for stalking cases is a mere 24%, highlighting the systemic challenges in addressing this crime effectively.<sup>27</sup>

This dismissal of complaints often leads to victims remaining silent, either out of fear, shame, or a sense of hopelessness. The feeling of not being taken seriously can discourage victims from reporting the crime, seeking legal recourse, or accessing critical support services. This silence further perpetuates the cycle of trivialization and contributes to the underreporting of stalking, making it difficult to accurately assess its prevalence and develop effective prevention strategies. The trivialization of stalking is a serious societal issue with profound consequences for both victims and perpetrators. Addressing this issue requires a multipronged approach that tackles its sociocultural roots, improves media representation, promotes mental health awareness, and strengthens legal frameworks. Additionally, fostering a supportive environment where victims feel empowered to come forward and report their experiences is crucial. By challenging our ingrained attitudes and raising awareness about the true nature and impact of stalking, we can move towards a society where this crime is no longer trivialized and victims are given the support and justice they deserve.

## **IV. Societal Trends and Challenges: Examining Gender-Based Violence in India**

### **A. Rise in Crimes Against Women in India:**

India witnesses a disturbingly high rate of crimes against women, including rape, domestic violence, acid attacks, sexual harassment, and honour killings etc. National Crime Records Bureau (NCRB) data reveals a steady increase over the past decade<sup>28</sup>:

- **Rape:** In 2021, 31,677 rape cases were registered, an increase of 14.2% from 2020. This translates to an average of 86 rapes reported daily.
- **Domestic Violence:** In 2021, 1,48,378 cases of domestic violence were reported under the Protection of Women from Domestic Violence Act (2005), signifying a rise of 5.5% from 2020.

These statistics paint a grim picture, but experts believe the actual numbers are much

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<sup>27</sup> National Crime Records Bureau. "Crime in India - 2019." Ministry of Home Affairs, Government of India, 2019.

<sup>28</sup> National Crime Records Bureau (NCRB). "Crime in India 2021. <https://ncrb.gov.in/crime-in-india-year-wise.html?year=2021&keyword=>

higher due to underreporting, societal stigma, and fear of repercussions.

### **B. Organized Nature of Crimes: Priya Mattoo and Hyderabad Rape Case:**

The Priya Mattoo case and the Hyderabad rape case exposed the disturbing trend of organized, pre-meditated crimes against women.

- ***Priya Mattoo case:*** A 25 year old LLB student was stalked for 2 years despite her reports no formal action was taken highlighting ineffectiveness of the criminal justice system in the national capital territory of Delhi, Priya Mattoo, was later raped and murdered by the stalker who was given acquittal by the District Court and capital punishment by the High Court later on Supreme Court converted capital punishment to life imprisonment. This case exposed the vulnerability of women even in seemingly safe urban spaces.<sup>29</sup>
- ***Hyderabad rape case:*** A 27-year-old veterinarian was lured, raped, and murdered by four men near a toll plaza in Hyderabad. The pre-meditated nature of the crime, the involvement of multiple perpetrators, and the gruesome details sent shockwaves across the nation, reigniting demands for stricter laws and better law enforcement.<sup>30</sup>

These cases highlight the need to address factors like:

- ***Patriarchal attitudes:*** Deeply ingrained social norms that normalize male dominance and objectification of women.
- ***Lack of gender sensitivity:*** Ineffective police training and handling of crimes against women, leading to victim shaming and inadequate investigations.
- ***Inadequate legal framework:*** Loopholes in existing laws and slow judicial processes that fail to deter perpetrators and provide timely justice to victims.

### **C. Gender-Based Violence as Recognized by the United Nations:**

The United Nations recognizes gender-based violence as a violation of human rights and a major public health concern. Several declarations and conventions address this issue:

- Declaration on the Elimination of Violence against Women (1993): Calls for state action

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<sup>29</sup> Goyal, Vaibhav. "Priyadarshini Mattoo Case 2006." Indian Law Portal, Indian Law Portal, 8 July 2020. [Priyadarshini Mattoo Case 2006 - Indian Law Portal](https://indianlawportal.com/priyadarshini-mattoo-case-2006/).

<sup>30</sup> <https://indianexpress.com/article/india/hyderabad-vet-rape-murder-case-a-timeline-of-events-since-november-27-6153281/>

to prevent, investigate, and punish violence against women<sup>31</sup>.

- Beijing Declaration and Platform for Action (1995): Identifies violence against women as a critical area for concern and action, outlining strategies for its eradication.<sup>32</sup>
- Sustainable Development Goals (2015): Goal 5 specifically targets achieving gender equality and empowering all women and girls, with a focus on eliminating all forms of violence against women and girls.<sup>33</sup>

These international frameworks highlight the global responsibility to combat gender-based violence and provide a roadmap for national governments to implement effective policies and programs. The rise in crimes against women in India, the organized nature of some attacks, and the recognition of gender-based violence by the UN illustrate the urgent need for a multi-pronged approach. This requires addressing societal attitudes, strengthening legal frameworks, improving law enforcement, and empowering women through education and economic opportunities. Only through these collective efforts we can create a safer and more equitable world for all.

## **V. Policy and Procedural Recommendations to Combat**

### **Stalking in India:**

Addressing stalking requires a multi-faceted approach not just relying on legal reforms but involving legal reforms, efficient law enforcement, community awareness, and the provision of support services for victims. A collaborative effort from lawmakers, law enforcement agencies, civil society, and the public is essential to create an environment where stalking is not tolerated, subsequent crimes are prevented, and the criminal justice system responds effectively to protect the rights and well-being of individuals in India.

#### **A. Strengthening the Legal Framework:**

Addressing the urgent need for comprehensive legal reforms to combat stalking in India requires a complicated approach. Firstly, the enactment of a robust anti-stalking law is imperative. The existing legal framework is disjointed and insufficient, necessitating a new law that precisely

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<sup>31</sup> United Nations. "Declaration on the Elimination of Violence against Women." 1993. <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-elimination-violence-against-women>

<sup>32</sup> United Nations. "Beijing Declaration and Platform for Action." 1995. <https://www.unwomen.org/en/digital-library/publications/2015/01/beijing-declaration> .

<sup>33</sup> United Nations. "Sustainable Development Goals." 2015. <https://sdgs.un.org/goals>.

defines stalking, delineates specific offenses, and prescribes appropriate penalties. Harsher punishments, including fines and imprisonment, should be imposed to serve as effective deterrents against potential perpetrators. Additionally, expediting judicial processes is crucial to ensure timely justice for victims<sup>34</sup>. Introducing specialized stalking courts and fast-track procedures can streamline the legal system, minimizing the protracted waiting periods that currently hinder justice. Moreover, empowering courts to issue restraining orders against stalkers can significantly enhance victim protection by restricting the contact and movements of perpetrators, thus preventing further harassment. This comprehensive strategy aims to not only address the inadequacies in the existing legal framework but also to create a more responsive and protective system for those affected by stalking<sup>35</sup>.

### **B. Enhancing Prevention and Reporting Mechanisms:**

One such mechanism is establishing dedicated stalking helplines, operated by trained personnel, who can provide immediate support and guidance to victims, as well as facilitate access to resources such as legal, medical, and psychological services<sup>36</sup>. Another mechanism is creating online reporting platforms, ensuring anonymity, which can encourage victims to report their experiences without fear of stigma or retaliation.<sup>37</sup> Furthermore, law enforcement officials should receive comprehensive training in identifying and handling stalking cases, in order to conduct victim-sensitive investigations and collect evidence that can support prosecution.<sup>38</sup> Additionally, investing in technology, such as GPS tracking devices and panic buttons, can enable victims to alert authorities quickly in case of danger, as well as deter perpetrators from continuing their pursuit. This comprehensive strategy aims to create a supportive and efficient system, that encourages timely reporting and swift action against stalking incidents.

### **C. Public Awareness and Education Initiatives:**

Raising awareness about stalking requires a concise yet impactful strategy. Launching extensive

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<sup>34</sup> Srivastava, Shubham. "Introduction of Stalking into Indian Legal Regime." *Soo LEGAL*, 2 Jan.2021. [INTRODUCTION OF STALKING INTO INDIAN LEGAL REGIME | Soo LEGAL](#).

<sup>35</sup> Keswani, Heena. *Cyber Stalking: A Critical Study*. Manupatra, 2019.

<sup>36</sup> McEwan, T. E. (2021). Stalking threat and risk assessment. In J. R. Meloy & J. Hoffmann (Eds.), *International handbook of threat assessment* (pp. 210–234). Oxford University Press. <https://doi.org/10.1093/med-psych/9780190940164.003.0011>

<sup>37</sup> [Dealing with the unknown: Learning from stalking victims' experiences | Crime Prevention and Community Safety \(springer.com\)](#)

<sup>38</sup> Reins, B. A situational crime prevention approach to cyberstalking victimization: Preventive tactics for Internet users and online place managers. *Crime Prev Community Saf* **12**, 99–118 (2010). <https://doi.org/10.1057/cpcs.2009.22>.

awareness campaigns through media, educational institutions, and community outreach is crucial to educate the public about stalking signs and how to seek help. Now good touch bad touch is told to the students to identify inappropriate touch, similarly a chapter on how stalking can have bad consequences and is not a right thing can be introduced in the education curriculum to create awareness. Additionally, challenging discriminatory attitudes tied to patriarchal norms and gender stereotypes is essential to combat victim-blaming. Empowering potential victims through self-defence training enhances personal safety. Engaging men and boys in awareness initiatives promotes positive masculinity, challenges harmful gender roles, and encourages their active role in preventing stalking. This streamlined approach aims to efficiently communicate the importance of awareness and societal involvement in addressing the issue of stalking.

#### **D. Collaboration among Government Agencies and NGOs**

Establishing inter-agency task forces is essential to create a collaborative and holistic response to stalking. Coordinated efforts involving police, prosecutors, social workers, and mental health professionals can provide comprehensive support for victims and enhance the prosecution of perpetrators. Additionally, partnering with non-governmental organizations (NGOs) specializing in women's safety and gender equality is crucial. NGOs can contribute by offering counselling, legal aid, and shelter for stalking victims, leveraging their expertise and resources. To optimize policies and responses, there needs to be regular communication and knowledge exchange between government agencies and NGOs, facilitating the sharing of data and best practices. Finally, promoting community-based initiatives is key. Encouraging local communities to organize watch groups, safe spaces, and support networks creates a culture of prevention and intervention. This collaborative strategy ensures a robust and effective approach to combating stalking while drawing on the strengths of diverse stakeholders.<sup>39</sup>

## **VI. Conclusion**

### **A. Recapitulation of Key Findings**

This research underscores the escalating threat of stalking in India, revealing shortcomings in both legal frameworks and societal responses. Despite the trauma inflicted by stalking, its criminalization under Section 354D IPC is limited, fostering under-reporting due to ambiguities

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<sup>39</sup> Deo, Sapna Sukrut. [“Cyberstalking and Online Harassment: A New Challenge for Law Enforcement.” Manupatra, 2014.](#)

in defining stalking behaviour's and lenient penalties.<sup>40</sup> Cases like Priyadarshini Mattoo, Priyanka Reddy and Ritu Kohli illustrate how stalking often escalates into more severe crimes, yet practical challenges hinder investigations, prosecutions, and victim support.<sup>41</sup> The research emphasizes the detrimental role of media trivialization and victim-blaming attitudes, contributing to a high dismissal rate of complaints and silencing victims while shielding perpetrators. Recognizing stalking and gender-based violence as human rights violations, the study advocates for necessary legal reforms aligned with UN declarations.<sup>42</sup> Addressing these challenges requires a comprehensive approach spanning legal, societal, and media dimensions to effectively combat the growing menace of stalking in India.

### **B. Urgency for Comprehensive Reforms**

The research findings underscore the imperative for substantial legal revisions and shifts in societal attitudes to enhance women's safety and address the issue of stalking. Urgent reforms are recommended, including the amendment of Section 354D to encompass all forms of stalking clearly, accompanied by stringent punishments, as advocated by Dhliwayo<sup>43</sup>. Additionally, there is a pressing need to enhance the infrastructure and capacity of law enforcement agencies to ensure prompt and effective stalking investigations, as highlighted by Nigam.<sup>44</sup> To counteract media stereotypes and societal prejudices that contribute to the dismissal of stalking complaints, nationwide gender sensitization programs are deemed essential. Finally, fostering inter-agency coordination is crucial to facilitate data sharing, victim rehabilitation, and community policing against stalking, as emphasized by Mander.<sup>45</sup> These recommended reforms collectively aim to address the inadequacies identified in the research and create a more robust framework for tackling the growing threat of stalking in India.

### **C. Final Call to Action for a Safer Society.**

Eradicating the shadow pandemic of stalking necessitates collective national responsibility and

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<sup>40</sup> Mathew, P.J. "Ambiguities in the Criminalization of Stalking in India." *International Journal of Criminal Justice Sciences*, vol. 10, no. 2, 2015, pp. [163-176](#).

<sup>41</sup> Pearce, J. "A Study of Legal Outcomes in Stalking Related Homicide Cases in India." *Asian Journal of Criminology*, vol. 14, no. 4, 2019, pp. [401-419](#).

<sup>42</sup> Mukherjee, C. "Locating Domestic Violence in India within the Human Rights Discourse." *Indian Journal of Human Development*, vol. 15, no. 1, 2021, pp. 1-16. [s12905-022-01703-3.pdf](#).

<sup>43</sup> Dhliwayo, C. "Stalking Victimization in India: An Analysis of Legal Shortcomings." *International Journal of Criminal Justice Sciences*, vol. 17, no. 1, 2022, pp. [1-18](#).

<sup>44</sup> Nigam, R. "Policing Cyberstalking in India: Issues and Challenges." *International Journal of Cyber Criminology*, vol. 14, no. 2, 2020.

<sup>45</sup> Mander, Harsh. "Nomadic Trajectories: Human Rights Interventions to Curb Violence Against Women in India." *Journal of Human Rights Practice*, vol. 10, no. 1, 2018.

assertive policy changes. All citizens, activists, organizations and government bodies must work collaboratively to implement legal reforms, ensure gender equality and establish zero tolerance for such gender-based violence. We must create a society where women enjoy fundamental rights to privacy, autonomy and security without fear. Urgent state-societal interventions can transform the current culture of impunity into one upholding women's safety and human rights.

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