



INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed Edition :

www.ijlra.com

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HARASSMENT THROUGH UNWANTED PHONE CALLS.

SECTION 509 OF IPC.

AUTHORED BY - SAMSON RAVI KUMAR

INTRODUCTION:

Harassment via phone calls, through messages, and other communication platforms is a very common way of abuse. These days, it has become quite common for people to receive harassing phone calls. Most survivors of domestic and family violence just want the harassment stopped, while other survivors may want the person charged and prosecuted.¹ It gets more serious because the person on the other side is a complete stranger.[i]

According to a report published by "Truecaller", it has been noticed that in India, 8 out of 10 women receive inappropriate, sexual, or harassing calls at least once a week. Due to their high populations, Karnataka, Chennai, and Delhi are the most affected cities. and Only 12% of women reported it to the police, and the rest just blocked the number.

How to identify a harassing call:

Not all unwanted phone calls come with the meaning of harassment.

- (i) By continuously calling you with the intention to harass.
- (ii) Not disclosing his identity properly.
- (iii) Abusing you²
- (iv) remaining silent with the intention to harass.

¹ .Understanding the impact of harassment India. https://www.business-standard.com/article/pti-stories/8-out-of-10-women-in-india-have-faced-harassment-via-calls-sms-truecaller-120030501544_1.html

² (ii).Harassment of women over phone, The Hindu (Updated on January, 2017)

Effects of harassment calls on the women:

In 2019, a survey was conducted on 2150 women aged between 15 and 35 from 14 different cities. Nearly four out of every five women said they felt irritation and anger due to these harassment calls. After Section 66A of the Information Technology Act of 2000 (penalty for sending unpleasant messages through communication services, etc.) was set down by the Supreme Court,³

REMEDIES IN INDIA:

The first thing the victim has to do when he receives a harassment call is report it to the nearest police station and file a complaint. Give certain information, like the gender of the caller, his voice, and the date and time of the call. If the harassment on phone calls continues for a long period of time, then the victim must file an FIR.

The provisions In India under which the harasser can be charged are as follows:

(i). **Section 354A of Indian Penal Code:** Under this section, any person who asks for sexual favour or makes sexually coloured remarks shall be guilty of the offence that the person has committed and shall be punished with the imprisonment of 3 years, a fine, or both of those.

(ii). **Section 354D of Indian Penal Code:** According to this section, any person who asks for a sexual relationship and the other person is not interested in having sex with him may be punished with 3 years imprisonment, a fine, or both.

(iii). **Section 509 of Indian Penal Code:** According to this section, if a person insults your feeling in a phone call, he will be liable to be punished with imprisonment up to one year and a fine or both.

(iv). **Section 506 of Indian Penal Code:** Whoever the person is if the person commits the offence with the criminal intention shall be punished with imprisonment for a term which may extend to two years, with a fine, or with both.

³ (iii). "Stalker alert: 1 in 3 women who use mobiles in India face harassment, receive inappropriate calls", The Economic Times [Last Updated: March 25, 2019]

(v). *Section 507 of Indian Penal Code*: This section tells us it is a criminal offence to intimidate a person through communication, which includes any letter, message, or other communication sent without revealing the sender's identity, and can be punished for up to 2 years.

POSITION IN OTHER COUNTRIES:

The Federal Communications Act, specifically 47 U.S. Code § 223 and several state laws, prohibit harassment over phone calls and specify the legal remedies and enforcement mechanisms.

According to the Texas Penal Code [3], ringing the phone consistently with the intention to harass the person is punishable with imprisonment up to 180 days and a fine up to 1–2000 dollars.

In Canada, Section 264 of the Criminal Code provides that repeatedly communicating with a person with the intention of harassing is punishable with imprisonment of not less than ten years.

CONCLUSION:

A useful way to deal with unwanted calls is to block them. Blocking devices or calls can stop a lot of the illegal unwanted calls you get, like scam calls and illegal robocalls, before they reach you. phones that make calls on the internet, landlines each have their unique call-blocking options. Although there are laws against harassing phone calls, a person can also tackle these issues in many ways. Not disclosing personal information to strangers on social media can help lessen the chances of harassment.⁴

REFERENCES:

- (i). Understanding the impact of harassment India. https://www.business-standard.com/article/pti-stories/8-out-of-10-women-in-india-have-faced-harassment-via-calls-sms-truecaller-120030501544_1.html
- (ii) The Hindu Harassment of women over phone, (Updated on January, 2017)
- (iii). The Economic Times “Stalker alert: 1 in 3 women who use mobiles in India face harassment, receive inappropriate calls”, The Economic Times [Last Updated: March 25, 2019]
- (iv). The Canadian Resource Centre for Victims of Crime, Criminal Harassment [which is Available at <https://www.crcvc.ca/docs/crimharass.pdf>]
- (V). <https://www.legalserviceindia.com/>

⁴. Criminal Harassment, The Canadian Resource Centre for Victims of Crime. [which is Available at <https://www.crcvc.ca/docs/crimharass.pdf>]