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CYBER STALKING IN GUJARAT: A COMPARATIVE STUDY OF MEHSANA AND AHMEDABAD CITY WITH SPECIAL REFERENCE TO VICTIM VULNERABILITY, REPORTING BEHAVIOUR AND LEGAL AWARENESS

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ABSTRACT

Cyber stalking has emerged as one of the most pervasive forms of technology-facilitated gender-based violence in India. With the rapid penetration of smartphones, social media, and affordable internet in Gujarat, stalking has moved from physical spaces to digital spaces, Instagram, WhatsApp, Facebook, Snapchat, and dating apps.

This article presents a comparative empirical study of cyber stalking in two contrasting cities of Gujarat: Mehsana, a semi-urban, tier-2 city with strong traditional social structures, and Ahmedabad, a metropolitan, highly digitised city with a large student, working women and migrant population.

Based on a doctrinal analysis of law and an empirical survey of 200 respondents (100 from each city, aged 16-35, comprising students, working women, homemakers and professionals), along with 12 semi-structured interviews with victims, police officers and advocates, this study finds a paradox: Ahmedabad has a higher _incidence_ of cyber stalking, but Mehsana has a higher _impact_ and lower reporting rate. In Ahmedabad, 68% of respondents reported experiencing at least one form of cyber stalking, compared to 52% in Mehsana. However, only 12% of victims in Mehsana reported to the police, compared to 34% in Ahmedabad. The primary reasons for non-reporting in Mehsana were family honour, fear of victim-blaming, and lack of awareness of cyber cells. In Ahmedabad, non-reporting was driven by distrust in the police process, lengthy procedures, and fear of retaliation.

The article argues that the current legal framework - Section 78 of the Bharatiya Nyaya Sanhita,

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2023 (formerly Section 354D IPC), Section 66C, 66D, 67 of the Information Technology Act, 2000, and Section 79 of BNS for voyeurism - is adequate on paper but fails in implementation due to low digital literacy, lack of localised cyber cells, and absence of victim-support mechanisms. The article proposes a three-tier model: Prevention through school and college digital literacy, Protection through women-only cyber helpdesks at district level, and Prosecution through fast-track digital evidence protocol.

Keywords: Cyber Stalking, Comparative Study, Mehsana, Ahmedabad, BNS, IT Act, Gender-Based Violence, Digital Harassment

1. INTRODUCTION

In 2013, the Criminal Law (Amendment) Act introduced Section 354D IPC, making stalking a specific offence in India. The provision was a response to the Justice Verma Committee Report after the Nirbhaya case. With the enactment of the Bharatiya Nyaya Sanhita, 2023, stalking is now codified under Section 78 BNS. Yet, the nature of stalking has changed fundamentally. The stalker no longer needs to follow the victim on the street. He can follow her through location tags, fake Instagram accounts, morphed photos, continuous calls, and tracking apps.

Cyber stalking is defined as the use of the internet, email, social media or other electronic communication to stalk, harass, threaten or intimidate another person, repeatedly and without consent, causing fear, distress or a sense of insecurity.

Gujarat is an ideal state to study this phenomenon. It has one of the highest internet penetrations in India, with over 65% of the population online. Ahmedabad, as the largest city, has a vibrant digital culture. Mehsana, located 75 km north of Ahmedabad, represents the new India - semi-urban, aspirational, with high smartphone penetration but conservative social norms. Comparing these two cities allows us to understand how the same technology produces different victim experiences based on urbanisation, patriarchy, and access to justice.

Research Questions:

1. What is the nature and extent of cyber stalking in Mehsana and Ahmedabad?
2. How does reporting behaviour differ between a semi-urban and a metropolitan city?
3. How aware are victims of the legal remedies under the BNS and the IT Act?
4. What reforms are needed for effective prevention and prosecution?

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Hypothesis:

H1: Ahmedabad will have a higher incidence due to higher digital exposure.

H2: Mehsana will have lower reporting due to socio-cultural barriers.

H3: Legal awareness will be higher in Ahmedabad but will not translate into higher conviction or satisfaction.

2. LITERATURE REVIEW

Existing literature on cyber stalking in India is largely metro-centric. Halder and Jaishankar (2011), in their pioneering work on cyber crime against women in India, found that victims were mostly young women aged 18-28, and stalkers were mostly known persons - ex-boyfriends, classmates, or colleagues. They argued that Indian women face double victimisation - first by the stalker, then by family and police.

The National Crime Records Bureau (NCRB) data shows a steady rise. In 2022, India recorded 1,542 cases of stalking under Section 354D IPC, of which a large proportion involved electronic means. Gujarat recorded 143 cases, but researchers agree that this is a gross undercount due to non-reporting.

Dube (2020) studied Ahmedabad's youth and found that 70% of college girls had faced unwanted messages, friend requests from fake accounts, or threats to leak photos. However, Mehsana and other tier-2 cities remain understudied. This gap is significant because the socio-cultural context of Mehsana - where a girl's reputation is closely tied to family honour - creates a different dynamic of silence.

International literature, particularly the work of Reyns et al. (2012) in the US, shows that cyber stalking victims suffer from anxiety, depression, loss of confidence, and withdrawal from online spaces, which in turn affects education and employment. This study confirms similar psychological impacts in both cities, but with different coping mechanisms.

3. LEGAL FRAMEWORK IN INDIA

3.1 Bharatiya Nyaya Sanhita, 2023 - Section 78

Section 78 BNS defines stalking as: A man who follows a woman and contacts, or attempts to contact her to foster personal interaction repeatedly despite a clear indication of disinterest, or

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monitors the use by a woman of the internet, email or any other form of electronic communication, commits stalking.

Punishment: Imprisonment up to 3 years and a fine for first offence, up to 5 years and a fine for subsequent offence. The offence is cognizable and bailable for the first offence, non-bailable for repeat offence.

Critique: The provision is gender-specific - only a man can be an offender and only a woman a victim. This excludes male victims, LGBTQ victims, and female stalkers. It also does not define "monitoring" clearly in the digital context - does viewing Instagram stories repeatedly count? Courts are still interpreting this.

3.2 Information Technology Act, 2000

- Section 66C: Identity theft - using another person's password, OTP, or identity - up to 3 years.
- Section 66D: Cheating by personation using computer resource - creating a fake profile to cheat up to 3 years.
- Section 67: Publishing obscene material in electronic form - relevant for morphed photos, obscene messages.
- Section 67A: Publishing sexually explicit material.
- Section 66E: Violation of privacy - capturing and transmitting images of private areas without consent.

3.3 Other Laws

- Section 79 BNS: Voyeurism - watching or capturing images of a woman engaging in a private act.
- Section 75 BNS: Sexual harassment - includes showing pornography, making sexually coloured remarks.
- Section 351 BNS: Criminal intimidation - threat to leak photos.
- Protection of Children from Sexual Offences (POCSO) Act, 2012: If the victim is below 18, POCSO applies, with much stricter punishment.
- Indian Evidence Act / Bharatiya Sakshya Adhiniyam, 2023: Section 63 BSA deals with admissibility of electronic records. Victims must preserve screenshots with metadata, not just forwarded images, for admissibility.

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3.4 Institutional Framework

Gujarat has a State Cyber Cell in Gandhinagar, and Cyber Crime Police Stations in Ahmedabad (Cyber Crime Cell, Shahibaug) and Mehsana (District Cyber Cell). The National Cyber Crime Reporting Portal (cybercrime.gov.in) allows anonymous reporting for women. Despite this, accessibility remains low in Mehsana.

4. RESEARCH METHODOLOGY

This study uses a mixed-method approach.

A. Doctrinal: Analysis of statutes, case law, NCRB data, and secondary literature.

B. Empirical: Sample:200 respondents, 100 from Mehsana city (including Visnagar Road, Radhanpur Road, GIDC area) and 100 from Ahmedabad city (including Vastrapur, Navrangpura, Maninagar, Bopal, Chandkheda). Age 16-35. 78% female, 22% male in both cities, to capture male victims' perspectives.

Tool: Structured questionnaire with 25 questions - Google Form + offline paper form in Gujarati and English.

Interviews: 12 semi-structured interviews - 6 victims (3 per city, anonymised), 3 police officers (2 from Ahmedabad Cyber Cell, 1 from Mehsana), 3 advocates practising in cyber matters.

Period: July to October 2026.

Limitations: Self-reported data, convenience sampling, and fear of disclosure in Mehsana may lead to under-reporting even in the survey. The study does not claim to be representative of all of Gujarat, only indicative of trends.

5. FINDINGS

The present study reveals a distinct paradox in the manifestation of cyber stalking in Gujarat. While Ahmedabad records a higher incidence of cyber stalking, Mehsana records a higher intensity of harm and a substantially lower rate of reporting. The findings are analysed under the following heads:

Legal Awareness is Critically Low in Both Cities, Particularly in Mehsana*

Legal awareness was found to be inadequate in both cities, but critically deficient in Mehsana. Only 28% of respondents in Mehsana knew that stalking is a criminal offence under the BNS, compared with 54% in Ahmedabad. Awareness of the Information Technology Act, 2000 stood at 12% in Mehsana and 31% in Ahmedabad. Awareness of the National Cyber Crime Reporting

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Portal was 9% in Mehsana and 27% in Ahmedabad.

Most alarmingly, only 7% of respondents in Mehsana and 19% in Ahmedabad knew how to preserve digital evidence correctly, that is, by retaining screenshots with URL, date, time and profile ID. The majority of victims deleted messages in panic, thereby destroying the primary evidence. Police officers interviewed in both cities confirmed that investigation becomes impossible in the absence of such evidence, as tracing of IP addresses and fake accounts cannot proceed without it.

Institutional Response is Unequal and Inadequate

The institutional infrastructure is unequally distributed. The Ahmedabad Cyber Crime Cell at Shahibaug possesses a dedicated team, a women helpdesk, and access to the 1930 helpline, with an average first hearing within 5 to 7 days. The Mehsana District Cyber Cell, in contrast, functions with only 2 to 3 officers handling all categories of cybercrime, including financial fraud, which receives priority. Victims in Mehsana reported a waiting period of 2 to 3 weeks for the first hearing.

Both cities, however, face a common structural bottleneck. Tracing fake accounts requires cooperation from intermediaries such as Meta and Google, which ordinarily takes 2 to 4 months. By the time such information is received, victims have often lost interest in pursuing the case. This confirms Hypothesis H3, that higher legal awareness in Ahmedabad does not translate into higher conviction or victim satisfaction.

Synthesis

In synthesis, the study concludes that the difference between Mehsana and Ahmedabad is not technological but socio-institutional. Ahmedabad presents a model of high incidence and moderate reporting. Mehsana presents a model of under-reported incidence, high social cost, and institutional invisibility. The legal framework under Section 78 BNS and the IT Act, 2000 is adequate in text but fails in implementation due to low digital literacy, absence of victim-centric infrastructure, and lack of a standardised digital evidence protocol.

6. COMPARATIVE ANALYSIS: REPORTING BEHAVIOUR AND LEGAL AWARENESS

Reporting Behaviour: A Tale of Silence versus Distrust

The study reveals a pronounced divergence in reporting behaviour between the two cities. In Mehsana, only 12% of victims approached the police or cyber cell, as against 34% in

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Ahmedabad. Formal FIRs under Section 78 of the Bharatiya Nyaya Sanhita, 2023 were registered in merely 4% of cases in Mehsana and 11% in Ahmedabad. A majority of victims in Mehsana, 56%, took no action beyond blocking the stalker, as compared to 38% in Ahmedabad. Similarly, only 18% of victims in Mehsana reported the offending account on the platform itself, as against 41% in Ahmedabad. This data demonstrates that non-reporting is the norm in both cities, but its underlying logic is fundamentally different. In Mehsana, non-reporting is driven by social compulsion. In Ahmedabad, it is driven by institutional disillusionment.

Mehsana: Non-Reporting as a Social Survival Strategy

In Mehsana, the primary reason for non-reporting was fear of loss of family honour and victim-blaming, reported by 68% of respondents. This was followed by lack of knowledge that cyber stalking constitutes a criminal offence, reported by 61%, and fear that the police would inform parents or the community, reported by 52%. The interviews illuminate this pattern. One victim from Mehsana, aged 22, stated that upon disclosing a fake profile created in her name, her mother instructed her to delete Instagram and abstain from college for a week, while her brother insinuated that she must have encouraged the stalker. The victim thereafter ceased disclosing further incidents.

This indicates that in a semi-urban, closely-knit social ecology, reporting is perceived not as seeking justice, but as inviting social sanction. The victim undertakes a rational cost-benefit analysis: the social cost of reporting - damage to reputation, restriction on mobility, and jeopardy to marriage prospects - outweighs the uncertain legal benefit. Silence, therefore, becomes a survival strategy, not a sign of apathy.

Ahmedabad: Non-Reporting as a Consequence of Institutional Failure

In Ahmedabad, the reasons for non-reporting were markedly different. The dominant reason was distrust in the police process, cited by 58% of respondents, who stated that the police would not take any effective action. This was followed by perception of a lengthy and cumbersome procedure requiring repeated visits to the police station, cited by 49%, and fear of retaliation by the stalker, cited by 38%.

Unlike Mehsana, victims in Ahmedabad were more likely to disclose the incident to family or friends, 52% as against 32% in Mehsana, and to receive familial support. One victim from Ahmedabad, aged 24, stated that her employer's HR department assisted her in approaching the cyber cell, where her complaint was recorded, but she was informed that tracing the IP address would take three months. She reported feeling less blamed, but equally unsafe. This

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suggests that in Ahmedabad, the barrier is not social stigma but procedural fatigue. The victim is willing to report, but the system fails to inspire confidence through timely and visible action.

Legal Awareness: Low in Ahmedabad, Critically Low in Mehsana

Legal awareness was found to be deficient in both cities, but the deficit was significantly more acute in Mehsana. Only 28% of respondents in Mehsana were aware that stalking is a criminal offence under the BNS, as against 54% in Ahmedabad. Awareness of the provisions of the Information Technology Act, 2000 was 12% in Mehsana and 31% in Ahmedabad. Awareness of the National Cyber Crime Reporting Portal (cybercrime.gov.in) was 9% in Mehsana and 27% in Ahmedabad.

The most critical gap relates to evidence preservation. Only 7% of respondents in Mehsana and 19% in Ahmedabad knew the correct method of preserving digital evidence, namely, retaining screenshots with URL, date, time and profile ID, and not deleting the original messages. The majority of victims, in a state of panic, deleted the offending messages, thereby destroying the foundation of the case. A police officer from the Mehsana Cyber Cell confirmed during an interview: "Victims come after deleting everything. We have no IP, no screenshot, no URL. We cannot trace."

This finding establishes that legal illiteracy is not merely theoretical. It has a direct evidentiary consequence. Without proper preservation, even a strong substantive law under Section 78 BNS and Sections 66C, 66D and 67 of the IT Act becomes unenforceable.

Police Response and Institutional Capacity: Unequal Infrastructure

The institutional response mirrors the disparity in reporting. The Ahmedabad Cyber Crime Cell at Shahibaug is equipped with a dedicated team, a women helpdesk, and access to the national helpline 1930, with an average first hearing within 5 to 7 days. The Mehsana District Cyber Cell, by contrast, operates with only 2 to 3 officers handling all categories of cybercrime, including financial fraud, which is accorded priority. Victims in Mehsana reported a waiting period of 2 to 3 weeks for the first hearing.

Furthermore, 44% of respondents in Mehsana cited the absence of a woman officer and lack of privacy at the local police station as a deterrent to reporting. In a context where the victim is already apprehensive about social exposure, the absence of a gender-sensitive reporting environment further discourages formal complaints.

However, both cities share a common structural bottleneck. Tracing fake accounts requires cooperation from intermediaries such as Meta and Google, which ordinarily takes 2 to 4

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months. During this period, victims lose hope and withdraw from proceedings. This explains why, despite higher legal awareness and better infrastructure in Ahmedabad, the rate of FIRs remains low at 11% and convictions remain negligible.

7. RECOMMENDATIONS

1. Prevention - Digital Literacy in Schools and Colleges: Gujarat government should mandate a 2-hour module on cyber stalking, evidence preservation, and safe social media use in all colleges in Mehsana and Ahmedabad. The module should be in Gujarati, not only English. Peer educators - especially girls - should be trained.

2. Protection - Women-Only Cyber Helpdesk at District Level: Every district, including Mehsana, should have a women-only cyber helpdesk with a female officer, a counsellor, and a private room. Victims should be able to report via WhatsApp (9484-xxxx) without visiting the station. Ahmedabad model should be replicated in Mehsana.

3. Prosecution - Fast-Track Digital Evidence Protocol: Police should be trained to issue Section 94 BNSS notices to Meta / Google within 48 hours, and to preserve evidence even if the victim deletes messages. A standard checklist - screenshot with URL, date, time, profile ID - should be given to victims at first contact.

4. Legal Reform: Section 78 BNS should be made gender-neutral. The definition of "monitoring" should be expanded to include tracking via location, spyware, and fake accounts. Punishment for morphed photo stalking should be enhanced.

5. Platform Accountability: Instagram, WhatsApp and Facebook should provide a one-click "Stalking Report" that preserves evidence and sends it to the cyber cell with victim consent, instead of only blocking.

6. Victim Support: A state-level victim compensation and counselling fund for cyber stalking victims, on the lines of the Nirbhaya Fund, should be created. Victims should get free legal aid and psychological counselling.

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8. CONCLUSION

Cyber stalking is not a "small" crime. It is a violation of privacy, dignity, and freedom under Articles 19 and 21 of the Constitution. This comparative study shows that while Ahmedabad has a higher incidence, Mehsana has greater silence. The difference is not technological, but social and institutional.

The solution is not more punishment alone, but a holistic approach - prevention through education, protection through accessible helpdesks, and prosecution through better investigation. If a girl in Mehsana feels as safe to report as a girl in Ahmedabad, the law will have succeeded. The digital space must be as safe as the physical space. Until then, the promise of Digital India will remain incomplete for half its population.

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