

STALKING AS AN EMERGING SOCIAL MENACE IN INDIA

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Stalking is one of the most under-rated and under-reported crimes in India, and across the world. In 2014, the National Crime Records Bureau recorded 4,700 cases of stalking and 674 of voyeurism; only 1.6% of the total crimes committed against women that year. While considering the mental health of stalkers, it is important to remember that while most stalkers are NOT psychotic, all of them have some form of mental/emotional sickness: low self-esteem, depression bred out of loneliness, substance abuse problems, narcissism and bipolar disorder.

INTRODUCTION

Stalking generally means a harassing behavior which one person exhibits towards the other. The Oxford dictionary defines stalking as “pursuing stealthily”. Stalking may comprise of following a person, appearing at a person’s home or place of business, making harassing phone calls, leaving written messages or objects.

STALKING AS A FAST GROWING CRIME

After rape, Delhi get stag of India’s ‘stalking capital’^[1] as number of cases doubled in a year from 541 the previous year to 1,124, putting Delhi in second spot in the national Crime Record Bureau’s list of the State. But it took Parliament another 17 years and the gang rape of December 2012 to recognize stalking as crime and specifically incorporate the offence into the statute.

“According to data of National Crime Record Bureau (NCRB) for 2015”, Delhi is not just rape capital but also stalking capital.” According to NCRB, 835 women complained about being hounded by stalkers last year, while 4,435 women were sexually harassed. More than 90 women were victims of voyeurs. Legal experts say in most cases of stalking, the accused are released within a year. Even in cases of rape, most perpetrators are granted bail within two years.

The total number of crimes against the women across the country went up from 2,13,585 in 2010 to 3,27,394 in 2015. While crimes against women have been on the rise, conviction rates remain abysmally poor. Delhi saw the steepest rise in cases of stalking among states and Union territories in 2015 as compared to 2014, according to latest data from the National Crime Records Bureau (NCRB).

At least 1,124 stalking cases were registered in Delhi in 2015, up from 541 in 2014 or a 107% increase, NCRB said. After Delhi, Karnataka registered a 98% increase and Telangana saw a 79% rise in stalking cases in the same period.

Only states and UTs with at least 15 registered stalking cases, in both the years, have been considered for this analysis. Only four states - West Bengal, Himachal Pradesh, Goa and Uttar Pradesh - saw a decrease in the number of stalking cases in 2015 as compared to 2014.

The first high-profile case of stalking in India was reported from Delhi in 1996.

CASES THAT SHOOK DELHI^[2]

20 SEPTEMBER, 2016: Laxmi, a 28 year old mother of two, paid with her life for daring to stand up to her stalker. Accused was arrested 2 months ago in Laxmi’s complaint, and was out on bail. Was stalked her for 6 years. He stabbed himself to death after killing her.

29 Aug, 2016: A DU student was set afire by her stalker in Mukundpur after the girl refused to marry him. A dairy owner, who lived near her house, allegedly followed her everywhere. He went to the girl’s house one day and started beating her family members. When the girl retaliated, he allegedly poured kerosene on her and set her on fire.

18 July, 2015: A 19-year-old from Anand Parbat was stabbed to death allegedly by a man she had accused of stalking. She had filed a complaint against the accused in 2013 but nothing much came out of it. Police denied that such a complaint was filed.

11 May, 2012: Harassment by a stalker pushed a 19-year-old beautician from Vasant Kunj to suicide. Before killing herself, she told her sister that she had been humiliated in public.

8 March, 2011: March, 2011: A DU student was shot outside her college in South campus. The killer, identified as a mentally unstable man told police he knew the woman’s route to college, and was waiting near the bridge to kill her. His immediate provocation came three days before the crime when he tried to speak to her but she snubbed him. A labourer at a knitting unit, he bought a gun from Gurgaon to kill her.

23 Jan, 1996: Priyadarshini Mattoo case Law student, Priyadarshini Mattoo, was found dead on at her uncle’s house. Her senior, Santosh Kumar Singh, who had been stalking her for years, was the main accused. Later, it was revealed Santosh, the son of an IPS officer, strangled her

with a wire around her neck. He smacked her face many times with a helmet making her face unrecognisable. The Delhi HC on Oct 30, 2006 sentenced him to death. It was later changed to life term.

After a young Delhi University law student, Priyadarshini Mattoo, Radhika Tanwar, Anand Parbat's Meenakshi, the attack took place after the man was released from jail on bail. This is a disturbing fact, especially in light of the National Crime Records Bureau's revelation that Delhi reported the highest number of stalking cases last year.

Bollywood stars have to barter their personal life in exchange for all the limelight they get. But at times, their open lives are mistaken as public property. Call it the dark side of fame, but these celebs find themselves at the receiving end of unwanted attention too. Not only the daily girls but also the bollywood actresses are great victim of the stalking by their mad and Crazy fans like Sushmita Sen, Katrina Kaif, Vidhya Balan, Kangana Ranaut, Minissha Lamba, Asin, Dia Mirza, Priyanka Chopra[3].

TYPES OF STALKERS

REJECTED STALKER

This type of stalker begins to stalk after their partner (romantic or close friendship) has ended their relationship or indicates that they intend to end the relations. This type of stalker wants to be in a relationship with the survivor again or seek revenge on the survivor. The stalker's goals may vary, depending on the responses of the survivor. This type of stalker is typically the most resistant to efforts aimed at ending their stalking behavior.[4]

RESENTFUL STALKER

This stalker wants to frighten or distress their survivor and often stalks their survivor to get revenge against someone who has upset them. This type of stalker views their survivor as being similar to those who have oppressed or humiliated them in the past and may view themselves as a survivor striking back against an oppressor. This type of stalker is likely to stop stalking if confronted with legal sanctions early on. The longer the stalking continues, the less effective legal sanctions are likely to be.[5]

PREDATORY STALKER

This type of stalker stalks their survivor as part of a plan to attack them, usually sexually, and is motivated by the promise of sexual gratification and power over the

survivor. This type of stalker may stalk for a shorter period of time than other types of stalkers and has a higher potential to become physically violent with the survivor.[6]

INTIMACY SEEKER

This type of stalker seeks to establish an intimate, loving relationship with the survivor and may believe that the survivor is in love with them. This is a delusion. The stalker believes that the survivor may be the only person who can satisfy their desires and sees the survivor as an ideal partner. The stalker may interpret any kind of response from the survivor, even negative responses, as encouragement and may believe the survivor owes them love because of all they have invested in stalking the survivor. This type of stalker is very resistant to changing their beliefs about the survivor's love for them. This type of stalker is among the most persistent type of stalker, harassing longer than any type except the rejected stalker. The stalker is usually unresponsive to legal sanctions because they view them as challenges to overcome that demonstrate their love for the survivor.[7]

INCOMPETENT SUITOR

This type of stalker is motivated by a desire to start a romantic relationship with the survivor and is impaired in his social skills. This type of stalker stalks for shorter periods, on average, than any other type of stalker and has likely stalked others in the past. This stalker will usually quickly stop stalking if confronted with legal action or after seeking counseling.[8]

EROTOMANIA AND MORBIDLY INFATUATED

This type of stalker believes that they are loved by the survivor even though the survivor has done nothing to suggest this is true and may have made statements that they do not and never will love the stalker. The stalker reinterprets what the survivor says and does to support their belief that the survivor loves them and makes the imagined romance with the survivor the most important part of their life. This type of stalker may sometimes respond well to psychological treatment and is typically unresponsive to threats of legal action short of time behind bars. Without psychological treatment, they are likely to continue stalking the survivor after they are released.[9]

STALKING AND THE TECHNOLOGY

Cyber Stalking can be defined as the repeated acts harassment or threatening behavior of the cyber criminal towards the victim by using internet services. In India According to the 2016 Norton Security Report, over 62%

of Indian teenagers are at the risk of being cyber-bullied or stalked on online social media platforms. A little over half of Indian adults believe that their kids could come to harm online[10].

As the numbers of Indians on the internet increases, NCRB data shows that incidences of cyber stalking are also on the rise. From 99 cases registered under the IT Act in 2007, the number arose to 105 in 2008. The next year, the number of crime was at 139. The figure have only spiked with 758 cases registered in 2014. According to the latest NCRB data 98% of all those accused of cyber stalking are men under the age of 30 years. A major chunk of people who are arrested for stalking fall under the 18-30 age-group. In 2014 about 62% and in 2015 about 59% people arrested for stalking fell under this group. It also notes that revenge, emotional motives such as anger and wanting control, and outraging a woman's modesty accounted for 1,734 of the 7,003 cyber crimes cases in 2015.

Stalking has become a problem to women and children on a larger part in comparison to men. Women are threatened, vandalized, assaulted when it comes to real world but the same things happen when cyber stalking takes place. Obscenity also adds up with the, threatens and harassment. No doubt men also become the prey of the same but its lower when it comes to females. Children also undergo the same trauma by adult predators and pedophiles. The victim is normally a person who is less thorough regarding internet services and its applications. The stalker is generally a person who is a paranoid with no self-esteem.

STALKING AND THE LEGAL FRAME WORK

However, after the December, 2012 Delhi gang rape incidence, the Indian government had taken several initiatives to review the existing criminal laws. A special committee under Justice Verma was formed for this purpose and basing upon the report of the committee, several new laws were introduced. In this course, anti-stalking law was also introduced. The Criminal Law Amendment Ordinance, 2013 added S.354D to the Indian Penal Code to define and punish the act of stalking[11]. This law is as follows:

Section 354D of the Indian Penal Code (as has been added by the The Criminal Law Amendment Ordinance, 2013) [12]

Provided that the course of conduct will not amount to stalking if the person who pursued it shows that it was pursued for the purpose of preventing or detecting crime and the person accused of stalking had been entrusted with the responsibility of prevention or detention of

crime by the State , or that it was pursued under any enactment or rule of law, or to comply with any condition or requirement imposed by any person under any enactment, or, that in the particular circumstances, the pursuit of the course of conduct was reasonable.

Whoever commits the offence described in S.354D (1) shall be punished with imprisonment of either description for a term which shall not be less than one year but shall extend to three years and shall also be liable to fine[13].

The Information Technology Act, 2000 did not contain any provisions regarding this heinous crime but the amended Act in 2008 made it possible by recognizing cyber stalking via Section 66A. Though on paper it's a recognized crime, half of the society is still unaware about it. In the following article an effort has been made to confer about cyber stalking in relevance criminal law and the legislative provisions.

CONCLUSION AND SUGGESTION

In mid-2015, police launched Operation Sishtachar to teach harassers of women a lesson, and in just 20 days of August that year, arrested 370 and detained more than 2,350 people. South Delhi topped the list with as many as 831 men detained for harassing women. However, the drive came to a stop when the police regime changed in February this year.[14]

Investigators admit it is not easy to predict when a stalker or a spurned lover will turned violent, making it almost impossible to prevent such incidents.

The law enforcement machinery has to be made accountable to the people. Most important, the political class has to priorities violence against women as a top concern. Unfortunately, the tendency of the executive and the legislature so far has been to ignore gender-based crimes, unless and until they lead to massive public outcry. Without a sea-change in our collective, national mindsets, India will never be able to truly ensure gender justice in all spheres of life.

SUGGESTIONS

If India's women are to be protected from predators, the apathy of the police and justice machinery must change. In many cases no FIR is lodged because the girl's family thinks about the social prestige and problem, so legal awareness should be provided to the family so that the culprits can be sent behind the bars.

A proper physical training to fight with the crime should be provided to the girls like judo, karate, or other defense tactic so that they can help themselves.

A very strict surveillance against the eve-teaser and stalkers should also be recommended by the government. Laws are made but lacuna is it's their implementation, so the laws should be implemented at its fullest to curb such type of evil against the women.

[1] The Times of India' August 31, 2016.

[2] 'Delhi, India's rape capital, ranks 2nd in stalking cases'- Hindustan Times 21 September, 2016.

[3] www.indiatimes.com › entertainment › bollywood.

[4] <https://sapac.umich.edu/article/320>.

[5] Ibid

[6] <https://sapac.umich.edu/article/320>

[7] ibid

[8] <https://sapac.umich.edu/article/320>

[9] ibid

[10] <https://victimsofcrime.org/our.../stalking.../stalking.../the-use-of-technology-to-stalk>.

[11] www.haltabuse.org.

[12] 'Whoever follows a person or contacts or attempts to contact such person to foster personal interaction repeatedly despite a clear indication of disinterest by such person or whoever monitors the use by a person of the internet, email or any other form of electronic communication or watches or spies a person in a manner that results in fear of violence or serious alarm or distress, in the mind of such person or interferes with the mental peace of such person, commits the offence of stalking'.

[13] <http://www.haltabuse.org>.

[14] 'In 'stalking capital', policing not easy task' The Times of India, September 21, 2016.