

VOYEURISM: A SILHOUETTED FELONY IN INDIA

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ABSTRACT

In India, voyeurism is becoming venereal delinquency, and the use of technology in the commission of such felonies has aggravated the problem. Since the cyber-world expands, so do the risks of its abuse, as photographs might reach millions of people in a matter of seconds, tarnishing the reputation of the victim. Voyeurism wounds victims and their families with indelible scars. As technology has grown by leaps and bounds, India's laws should be sufficiently specific to prohibit such felonies against women. The government should take quick measures to eradicate voyeurism so that no more lives are damaged by these sex-obsessed psychopaths.

Introduction

As it is commonly stated that the law is dynamic, meaning that it does not remain static or that it evolves over time, it has been observed that the kind of a felony, counting the methods of perpetrating a felony and even the methods of perpetrating a single felony, is experiencing a perpetual commute, which is an issue of heinous scrutinise nowadays.

Imagine being in your private space and someone infringes on that area without your conscious, capturing activities like bathing, getting undressed, installing cameras in trial rooms or hotel rooms, etc., all such activities are counted as voyeurism whether in a publicised or private setting and anywhere there is a reasonable expectation of seclusion. Voyeurism is the act of observing another being while that being is involved in personal activity and anticipates not being viewed. The act of capturing a person's private moment and gaining sexual arousal from it is termed voyeurism and the person conducting the act or accused is called a voyeur. It may also be characterised as the practice of spying on individuals participating in typically considered private activities, such as venereal engagement or unclothe. In voyeurism, the being seen may have no relationship whatsoever with the observer. This compulsive conduct is sometimes referred to as stalking. This is the simplest definition and explanation of my research topic. This research paper covers in-depth knowledge about statutes dealing with voyeurism and the psychology of the accused and the aftermath of this felony on the victim. Further, we also discuss about the time of anti-rape laws in India with an understanding of upheaval in the norms and also how the amendment of 20123 anti-rape laws was a need of an hour for our country to become a safer place. Later, we also discuss the deficiency in current laws.

The idea to choose this as my research topic is to make people more aware and set a way forward to refer to this crime as gender sensitive to both binary and non-binary genders. The India Penal Code did not add voyeurism as gender-neutral delinquency. According to the IPC, such delinquency may only be perpetrated by males against females. In this paper, I will solely rely on secondary sources by studying several articles, books, journals, etc., which will be highlighted in the literature review given in the paper. The main focus is on analyzing the laws with older ones and highlighting the insufficiency of current norms with references to a few case laws.

Voyeurism is defined by Section 354C of the Indian Penal Code as follows: "*Any man who watches, or captures the image of, a woman engaging in a private act in circumstances where she would ordinarily have the expectation of not being observed either by the perpetrator or by any other individual at the perpetrator's behest, or who disseminates such image, shall be punished on first judgment with the detention of either description for a term which shall not be less than one year.*" Though voyeurism cannot cause bodily damage, it does cause emotional stress and strain on the victim. It is a significant breach of the Right to seclusion, which is a component of the Right to Life under article 21, and of fairness before the law and equal protection of the law under article 14. The private actions include a lady using the restroom, being undressed, engaging in venereal engagement, etc. After the Nirbhaya gang rape case, the Justice Verma Committee was formed, and the Criminal Law Amendment Bill of 2013 went into effect. Even in public areas, the right to seclusion is seen as a right to individual growth and autonomy in the committee's findings. The group acknowledged the need to reduce all types of venereal delinquencies and suggested that voyeurism be penalised by up to seven years in a detention center and stalking or persistent efforts to contact an individual by any means by up to three years in the detention center. Assaults with acid would be penalised with up to seven years in a detention center, while trafficking would be penalised with between seven and 10 years of RI. Several portions of the Indian Penal Code (IPC) were commuted, and the Code of Criminal Procedure (1973), the Indian Evidence Act (1872), and the Protection of Children from Venereal Offences Act was amended (2012). Numerous new laws and delinquencies, including acid attacks, venereal harassment, voyeurism, and stalking, have been added to the Indian Penal Code. We are now living in a digital age in which beings are intimately linked through the internet and cell phones. Large numbers of having easy access to the internet, particularly as a result of the proliferation of smartphones and low internet pricing. In addition, several digital revolutions occurred, such as Jio's data revolution, which made the internet available to everybody.

History of voyeurism

The word Voyeurism has French origins. Voyeur translates to "*one who glances*" Through the Criminal Law (Amendment) Act of 2013, it was added to the Indian Penal Code, 1860, which refers to venereal delinquencies. 2012 gang rape in Delhi sparked national indignation, which

prompted the enactment of the amendment. Previously, there was no explicit delinquency under the IPC. Under the Information Technology Act of 2000, nonetheless, both males and females are to be penalised with up to three years in the detention center and/or an Rs. 2 lakh fine.

On Voyeurism, some study has been publicised. However, the term observer is socially acceptable to refer to an individual who spies on the inner lives of others, which may or may not include venereal material. Therefore, reality television broadcasts might be associated with voyeurism due to seeing of other people's private life. This contrasts with the historical connotations that characterise an individual. The contemporary version characterises the populace in general terms.

Need for law in India

The Criminal Law (Amendment) Bill, 2013 was presented to update current criminal law laws in order to increase women's protection. Following the 2012 gang rape event in Delhi, there was widespread indignation across the country. There was no specific definition and extension for 'inclusion into seclusion' before. The violation is often executed in conjunction with other types of persecution or violence and is not regarded as distinct delinquency. The terms of this section provide that the offender must intend to slander a female's modesty. It might or might not be an act that physically jeopardises an individual's safety, but it may produce emotional anguish and terror in the victim. It is a brazen invasion of an individual's seclusion in which the stalker attempts to build relationships with his target without his permission. An individual would think that a private location, such as his or her house, is a place where he or she is not being monitored or observed. A reasonable assumption of seclusion encompasses both general and private settings where it is reasonably assumed that the victim would not be seen engaging in private activities such as striping or venereal actions.

Landmark judgements

In para 6 point 6 it is mentioned, in addition, the recently enacted Section 354C of the IPC, which criminalises voyeurism, needs to be aggressively enforced against electronic media in order to forbid the telecasting of images of sex workers with their clients while pretending to document the rescue effort.

According to the para 16, statement that was recorded by the relevant police station on April 18, 2016, Act 13 of 2013 amended the Penal Code, 1860 with effect going back to February 3, 2013. Now, one of the delinquencies is to assault or use criminal force against a woman with the intent to violate her modesty. Other delinquencies include venereal harassment and the punishment for it (section 354A), assault or use of criminal force against a woman with the intent to disrobe (section 354B), voyeurism (section 354C), and stalking (section 354D). A woman's modesty may be offended by a number of behaviours. Today, one cannot assume that a statement was made and read as a fact when an investigation is ongoing.

In para 70 of Attorney General v. Satish concurrently, it is important to note that IPC was intended to be amended through the introduction of a Bill in 2012, which, for whatever reason, never saw the light of day; instead, the amendments were made through an Ordinance [Criminal Law (Amendment) Ordinance, No. 3 of 2013], which was subsequently replaced by a parliamentary Act. [Criminal Law (Amendment) Act of 2013 (Act No. 13)] These amendments increased the punishment for certain delinquencies (including Section 354) and introduced new delinquencies engrafted into IPC, including venereal harassment (Section 354-A), which is delinquency involving unwelcome venereal advances or physical contact, demand or request for venereal favors, a forceful exhibition of pornography to women, or making venereal tinged remarks; assault or use of criminal force to woman with intent to disrobe (Section 354-B), or aids or abet.

Limitations of the study

There are several limitations to research on the topic of voyeurism, including:

Conducting research on voyeurism raises ethical concerns about the potential harm to participants, as well as the privacy rights of those being observed without their consent.

Lack of standardised diagnostic criteria: There are currently no standardised diagnostic criteria for voyeurism, which can make it difficult to compare results across studies or to develop effective treatments for individuals who engage in voyeuristic behaviours.

Gender bias: Many studies on voyeurism have focused primarily on male perpetrators and female victims, which may not accurately reflect the diversity of experiences among individuals who engage in voyeuristic behaviours. This can limit our understanding of the full range of motivations and behaviours associated with voyeurism.

Conclusion

In India, voyeurism is becoming venereal delinquency, and the use of technology in the commission of such felonies has aggravated the problem. Since the cyber-world expands, so do the risks of its abuse, as photographs might reach millions of people in a matter of seconds, tarnishing the reputation of the victim. Voyeurism wounds victims and their families with indelible scars. As technology has grown by leaps and bounds, India's laws should be sufficiently specific to prohibit such felonies against women. The government should take quick measures to eradicate voyeurism so that no more lives are damaged by these sex-obsessed psychopaths.

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