

STALKING: AN UNEXPLORED FORM OF VIOLENCE AGAINST WOMEN IN INDIA

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Abstract

Since the last two decades, developed nations have been discussing and exploring stalking and its detrimental effect on the life of victim. But despite getting a higher rate of violence against women, stalking is still a less studied phenomenon in India. Very few cases have been reported and published in newspapers that drew very little attention about its seriousness. However, the victim has to experience serious loss at the mental, social and financial level. Researches revealed that most of the sexual crimes or murders against women have been followed by stalking. Therefore, if stalking is prevented at the initial stage, the rate of violence against women can also be reduced. Ample of researches and government data is available describing the seriousness of violence against women, but there is a lamentable dearth of researches regarding stalking and its effect in Indian context. Therefore present research, work theoretical in nature, is an attempt to describe the nature and severity of stalking in the life of female victim by providing some cases published in print media. This will be further helpful to eliminate misconceptions and confusion about and brought the challenges of stalking into the light. Also, it is intended to draw the attention to social scientists, policymakers, legal and health professionals who deal with the stalking cases to prepare an adequate mechanism to curb the occurrence of stalking and to decline the incidence of violence against women.

Keywords: violence against women, stalking, effect of stalking, victims' life.

Introduction

Women have been facing an extreme level of violence for a long period. They are considered a soft target of men's aggression, frustration, and even inferior complexities which results in grave violence against them. Violence against women and girls (VAWG) is also known as Gender-based violence (GBV) that varies in nature like physical violence, sexual violence, emotional & psychological harassment, etc. United Nations (1993) defined violence against women as "Any act of gender-based violence that results in, or is likely to result in, physical, sexual, or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life." UN definition focuses on mainly three kinds of violence physical, sexual, and mental sufferings. Reasonably, The United Nations Declaration on the Elimination of VAW (1993) stated that "Violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that VAW is one of the crucial social

mechanisms by which women are forced into a subordinate position compared with men.” The Program of Action of the International Conference on Population and Development (ICPD, 1994) in Cairo acknowledged that Gender equality and equity, women empowerment, and the abolition of violent behavior against women are the main factors in the development of any nation. In terms of the ineffectiveness of security mechanisms for women, The Beijing Platform of Action (1995) pointed out that “The absence of adequate gender-disaggregated data and statistics on the incidence of violence makes the elaboration of programs and monitoring of changes difficult”.

Several reports provided data regarding different forms of violence against women such as W.H.O. report on Violence against Women (2013) showed that among the various form of violence intimate partner violence and sexual violence are more profound forms of violence that violates women's rights. It depicted that, around 35% of women population worldwide and every third woman has suffered from either physical and/or sexual intimate partner violence or non-partner sexual violence, 38% of murder of women have been committed by their former intimate partner, and 7% of female worldwide experienced sexual assaults by someone other than their male counterpart (World Bank, 2019). Data reveals that female who victimized physically or sexually by her intimate partner, also experience a higher level of depression, risks of abortion and HIV, compared to those females who have not experienced such violence (UNO IPV, 2013). A report was given by The United Nations (2015) revealed that irrespective of their socioeconomic status, females across the world have to face some sort of violence. For instance, in the North American region (7–32%); Latin America and Caribbean region (14-38%); in European countries (13–46%); in Africa (6–64%); in Asia (6–67%); and in Oceania (17–68%) women were being victimized of some sort of violence. In 2017 at a global level more than 30,000 were executed by their current or former intimate partner (UNDC, 2019). Violence against women affects not only female victims and their family member but also put a huge burden on the social and economic growth of a country. Some countries have to spend 3.7 % of their GDP on VAW which is two-fold of the GDP cost that they spend on education (World Bank, 2019).

Stalking is one of the forms of violence against women that has a detrimental effect on the life of victim. In western countries, stalking has been first come into focus in the late 1980s when high profile personalities were suffered by their stalkers (McGuire & Wraith, 2000). Since then western legal system came with a large no. of strict legislation against stalking. But in India, stalking was taken into consideration seriously after the death of Priyadarshini Mattoo. Even the term stalking and its legal description were discussed when the death of Priyadarshani Mattoo (1996) took place by her stalker. There was not any single definition of stalking in India before this case. Priyadarshni was a law student living in south Delhi was found dead in her parent’s bedroom, on 23 January 1996, by her stalker. It is reported that before a year of her death she had filed a complaint against the stalker. Later he was arrested and charges of rape and murder were registered against him. But due to the lack of evidence, he was released by the lower court. However, the High court in 2006 sentenced him to death (Jaishankar & Kosalai, 2007). This case has stirred up the legal system to make strict laws against stalking. Despite this, various cases of stalking have come into knowledge from different corners of India. And finally, after a long time, the term stalking has been added in IPC by The Criminal Law (Amendment) Act, 2013 considering stalking as a crime under section 354D (1) (1). This act described what constitutes stalking as “an act where any man repeatedly follows and contacts a woman so as to foster personal interaction despite a clear indication of interest by such woman.’ Further, it defines that “a man who is continuously monitoring the use of the internet, email or other forms of electronic communication by a woman, is effectively stalking her.” In this law stalking is a punishable offense

with imprisonment of three years and fine for first-time conviction, and five years imprisonment with a fine in case of frequent offense (Shalini, 2018).

But despite various rules, regulations and, legislation we as a civil society still witness heinous crime against women like acid attack, abduction, rape, gang rape and of course stalking. There are various forms of crimes against women like abduction, dowry death, honor killing, rape, acid attack and eve-teasing, molestation, etc. but there is a very little effort in the field of research about the crime “Stalking” which is very heinous and common behavior experienced by most of the women worldwide but in India people still are not much aware of its severity.

As describing the nature of stalking, it is a pattern of various kinds of repeated behavior expressed mostly by a male perpetrator. It is a new term labeled on old behavior which is experienced by most of the women more or less in her life for long. It is a criminal behavior expressed by a person (mostly by man) to harass or threaten the target one (mostly a woman) by doing several repeated behavioral patterns. It consists of a series of obsessive behavior such as following the target, repeated phone calls, staring at, giving unwanted gifts, tries to communicate with, loitering around and keep her under surveillance on the places where she lives, works and visits with the intention to induce apprehension or fear in her. Despite clear unwillingness from the target’s side the perpetrator forces her to create a communication or relation with her. Most of the time this behavior is considered to be the expression of commitment in love by the perpetrators but when they get an unexpected rejection from the target, it soon turns into a heinous crime against victims such as rape, acid attack, murder, and stalking.

Stalking can be described in two ways that consist of certain characteristics. First, it should consist of a series of repeated acts against victims rather than a single incident and secondly, by the effect of this behavior on the victim (NCVC, 2004). Various definitions of stalking have been given by many organizations but pertain to a similar meaning. Such as U.S. Department of Justice Office for Victims of Crime (OVC) defined “Stalking refers to repeated harassing or threatening behavior by an individual, such as following a person, appearing at a person’s home or place of business, making harassing phone calls, leaving written messages or objects, or vandalizing a person’s property”. Similarly, Meloy and Gothards’ (1995) defined ‘The willful, malicious, and repeated following and harassing of another person that threatens his or her safety’. Hence, In general, we can say that to call any behavior as stalking, it must consist of certain features like the repetition of act, intention to induce fear and or apprehension in victim, and victims’ feeling as threatening. Although, there is not any single definition of stalking to be agreed among various stakeholders, because stalking lies on a continuum from very mild or negligible and even some time may be pleasurable for the targets to the more violent and threatening to them. Therefore, what stalking is should be considered from the target’s perspective which may seem very subjective to make a globally accepted objective definition about stalking.

People are usually confused stalking with eve-teasing. However, stalking has more serious repercussions in the life of victims and their family members than eve-teasing. Thomson Reuters Foundation (2018) surveyed and found India as the world’s most unsafe country for women. Still, there are very few research works available on stalking that drew very little attention of the general population about its severity. The report of NCRB (2020) shows that 9438 cases of stalking were registered in 2018 as compared to 8145 in 2017, 7190 in 2016, 6266 in 2015, and 4699 in 2014. These statistics are showing that reported cases of stalking have doubled from the reported cases in 2014. However, this data is showing only

reported cases of stalking not the actual number of occurrence of stalking cases. So the genuine picture of stalking crime is still unexplored.

Severe consequences of stalking for victims have been studied by various researchers. In National Violence against Women (NVAW) Survey, it has been identified by Tjaden and Thoennes (1998) that women who participated in this survey reported more stalking victimization in comparison to male participants. Studies also revealed that the rate of physical violence increases 19-56% in stalking (Baum et al., 2009; Mohandie, Meloy, Green-McGowan, & Williams, 2006; McEwan, Mullen, & MacKenzie, 2009; Rosenfeld, & Harmon, 2002; Blaauw et al., 2002), including 1.6-5.0% chances of sexual assault (Baum et al., 2009; Mohandie et al., 2006). Researchers investigated that the methods adopted by the stalker such as threats, following, and surveillance are significantly associated with the provocation of anxious behaviour in the victim (Nicastro, Cousins, Spitzberg 2002). Victims have to suffer from incapability and frustration in their life (Logan, & Walker 2017).

The majority of stalking victims reported that they have experienced a large number of psychological disturbance in their life due to continuous exposure to stalking such as they experienced disturbed quality of life, serious mental health problems such as depression, anxiety, suicidal ideation, post-traumatic stress disorder and feelings of life threats, helplessness, distress, anger, and distrust, even after the disappearance of stalker from their life (Pathé and Mullen, 1997; Brewster, 1998; Finch, 2001; Sheridan, 2001; Sheridan et al., 2001; Davis et al., 2002; Dressing et al., 2005; Purcell et al., 2005; Melton, 2007; Logan and Walker, 2010). In case of stalking, to avoid the pursuit of perpetrator, most of the time victims start changing their social and personal life schedules. They change their telephone numbers, job, and even sometimes they change their looks and names also and leave the places where they usually visit. (Pathé and Mullen, 1997; Tjaden and Thoennes, 1998; Sheridan et al., 2001; Purcell et al., 2002; Dressing et al., 2005; Melton, 2007; Baum et al., 2009). As a result, they have to bear financial loss in changing residence, repairing of property damaged by stalker, taking mental health treatment, safety measures and police protection (Brewster, 1998; Kamphuis and Emmelkamp, 2001; Logan et al., 2006). Sometime when stalker does not directly harm the target but the relatives of the target, it also disturbs victims' social relationships (Spitzberg and Cupach, 2007). Therefore, most of the time victims become more concerned about their relatives to protect them.

Researches also proved that life of target's relatives such as current partner, family members, friends, and colleagues are also threatened by the stalker (Sheridan et al., 2001; Logan and Walker, 2010). Consequently, targets often start avoiding their social gathering and reduce friends' circles just to secure their relatives (Spitzberg, 2002; Logan et al., 2009). Resulting they have to face social isolation, alienation and low self-worth (Brewster, 2003; Logan et al., 2009). Researches show that most of the targets experience horrified, confusion, lack of belief, anger and annoyance during stalking (Sheridan, 2001). Since at this time millions of people are using electronic sources for interaction, it also makes the situation grave for stalking victimization. Computer-mediated communication has been integrated into our daily life interaction that easily provides a way for stalker to stalk their targets. Research reveals that technology provides stalkers easy access to the victims by using different sites of social media, and, e-mail etc. which is come under the category of 'cyberstalking' (Goldstein, 1998).

Sufficient research work on stalking is available in developed countries that are enough to explain stalking and its detrimental effect on the life of victim. However, despite progressive legislative measures taken by the Indian

Government, there is still a huge lack of understanding about stalking particularly in the researches field. Hence, to depict the seriousness of stalking, few cases drawn from the reports of newspapers have been discussed here.

Cases of Stalking

1. A 24-year young lady named Swathi, working in Infosys in Chennai was brutally killed by her stalker Ram Kumar, a 24-year-old Mechanical Engineering student living near Swathi's residence when she was waiting for train at a railway station.
2. 22-year girl Sreepriya's cheek was slit by her stalker Rohit Kumar who stopped her when she was on the way to church and demanded her to express love for him. When she refused, he took a razor and slashed it across her face.
3. This case happened in Chandigarh when a DJ Varnika Kundu, was chased around on the roads by two guys in an SUV. They repeatedly chased her car's way and were enjoying harassing a lone girl at midnight. She realized the danger and called the police but the situation could have turned grave. One of the accused named Vikas Barala is the son of Haryana BJP chief.
4. A 35 year old woman was stalked by a stalker when she was on her way at 8.30 A.M in Pune. The stalker came on a motorcycle and tried to axe her. The lady was seriously injured.
5. A working woman in Mumbai had to leave the city due to a stalker who was following her everywhere. To save her life she had to shift in Delhi but the situation became so grave when stalker followed her in Delhi too. Then an FIR was lodged against the stalker.
6. A college going girl was brutally stabbed to death in a broad daylight in Maharashtra by her stalker when she was on the way of collage. The stalker, Deva Gabhne, was a married man, stalking her for a long. Despite a formal complaint earlier, no action was taken and he killed the girl very brutally.
7. A serious crime took place at Khamhariya village in Uttar Pradesh, where a young lady was set ablaze by her infatuated stalker Meraj when he came to know that she is going to marry another man. He brutally stabbed her mother and grandmother also. The woman saved her life by locking herself in a room and her mother and grandmother succumbed to their injuries.
8. A 21 year young air hostess was stabbed to death outside in her home in public in East Delhi. It was reported that the murderer had proposed her by drawing a knife. No one took it seriously then, and he ended up murdering her later.
9. A 21-year-old lady was shot dead by a jilted lover when she rejected his marriage proposal just a few days before. This crime took place at Mewati Pura locality of Jhansi in Uttar Pradesh, where after murdering the lady the stalker himself shot dead also.
10. A 17 year old school going girl was killed brutally by her stalker named Prince in UP's Ballia district. Stalker repeatedly slashed her throat on a busy road. The girl's father alleged that the murderer had been stalking his daughter for the past several months.
11. (8 March, 2011): Radhika Talwar a second year student at Delhi University was shot dead by her stalker Vijay alias Ram Singh. Before the murder, Radhika was approached by Vijay for conversation several times. But not only she refused his proposal but also she got him beaten up by the people. This angered him and he decided to revenge. He arranged a country made gun and shot her dead.

12. (5 August, 2012): Geetika Sharma a young aspiring air hostess of age 17 only was found hanging from the ceiling in her room after prolonged stalking and harassment by a politician Gopal Kanda and his aide Aruna Chada. The situation started when Geetika was appointed in Kanda's MDLR Airline where she started to grow very soon even she was promoted as the director of the company. But soon she realized it threatening for herself and tried to keep a distance from Kanda. But the situation became grave for her and even she was followed in Dubai when she changed her job and settled there. After her suicide, Kanda was arrested under the charges of rape, abetment to suicide, and criminal conspiracy. After some time Geetika's mother also committed suicide in the same flat.
13. (6 July, 2017): Riya Gautam a young girl was stabbed seven times and killed by her stalker named Adil who was a cab driver with whom she traveled. Riya had a friendly relationship with Adil but when she came to know about his criminal background, she started distancing him. Adil proposed to her for marriage but she rejected it. He started stalking her. Riya's family filed a police complaint against Adil but he ran away from Delhi. After some time he came back and killed Riya very brutally.
14. (2 September, 2016): Karuna a 21 year old teacher was stabbed by a pair of seizure in a bright daylight in an open public area by her stalker Surrender Singh, a 34 year old divorcee man, was a computer course trainer. Before the incident took place, karuna's parent filed a complaint but Surrender resolved it very amicably. After that Surrender kept karuna under his surveillance until he killed her.
15. (2016): A high school going girl of 15 was allegedly raped and set ablaze by stalker at her residence at Gautam Buddh Nagar in Uttar Pradesh, nearby New Delhi. Her parents uttered that she has to drop out of school one year ago because she failed to combat this situation.
16. (January, 2020): A young lady of 19 was allegedly killed by her stalker at her residence in Karakonam, Kerala. On the same day, another case of stalking took place when a teen of 17 was constantly stabbed by her stalker on her way returning from workplace because she has refused to accept his proposal.

Discussion

The cases of stalking in this article are however very less to generalize but enough to describe its severity in the life of victims and their family members. A research conducted on the population of USA by Fritz (1995) illustrated that 200,000 people in the USA indulge in stalking someone, and among them about one third of all female killings are done by former or current spouses or boyfriends, and about 90% of victims were stalked before their death. Though this research is conducted on the USA population, such kind of research conduct in India, similar results can also be assumed over here. NCRB report discloses that conviction rate is very low in stalking crime (Raman, 2020). In an article on stalking written by Raman (2020) Ranjana Kumari, (Director at the Centre for Social Research) gives reason behind that police as well as society does not take stalking seriously. Therefore, women don't feel comfort and comfortable to file a report of being stalked. Similarly, in the same article, Tara Narula, a Delhi-based lawyer and woman rights activist also said that stalking victims find very difficult to report the cases because most of the time police give various reason to nullify the cases, and even mostly stalking cases are sorted out by the police whether FIR is being lodged or not (Raman, 2020). This kind of narrative gives impetus to perpetrators to stalk their target fearlessly.

Conclusion

Reported cases of stalking and researches related to its detrimental impact on the life of victims and their family members describe stalking as a very serious crime against women in India. It contributes to accelerating the rate of crime against women. Not only the victim but their family members also have to suffer from the repeated offensive behaviour done by stalkers. Though, lack of awareness, unavailability of adequate data and empirical researches about stalking hinder to the preparation of affective measures and mechanisms to identify, and to prevent the possibilities of occurrence of this crime. Therefore, this article provides a justification to conduct scientific researches, and to develop effective measures to identify stalking in India, so that the rate of violence against women can be reduced and make India worth living for women also.

Implications

1. The authors have developed, standardized and submitted a scale for publication to measure the level of stalking experience.
2. An empirical study is being planned to generalize and quantify the severity of stalker behavior.
3. The possible determinants along with personal demographic characteristics of stalkers have been identified in this piece of research and will be used as predictors and moderators to develop the causal models.
4. Law enforcing agencies needs to be sensitized to consider the stalking behavior as serious conduct and precursor of an unfortunate incident.
5. Behavioral modification programs at varied government levels need to be organized to sensitize the stalkee and how to deal with such occurrences.
6. The women's needs to be trained to deal with as stalking may escalate into other types of violent crime.

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