

Govt doesn't consider stalking, stripping as sex crimes; excludes it from proposed legislation

TAGS: Delhi gangrape | Delhi gangrape case | Stalking | Stripping | Women safety issues | Rape | gangrape | Priyadarshini Matoo | Criminal Law Amendment Bill 2012 | Krishna Tirath | Crime against women



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The Union government may have been forced to make the right kind of noises in the wake of outrage over a 23-year-old girl's gangrape in Delhi, but its stance on stalking and stripping doesn't square up with its new-found zeal on issues related to [women's safety](#) .

For the Home Ministry, stalking and stripping aren't grave enough to be deemed as sex crimes.

The anti-stalking helpline of Delhi Police – 1096 – received around 25,000 complaints from women in 2012, out of which around four cases were formally registered by the crime branch. “The anti-stalking complaints are dealt by police officers over phone and many a time the stalker is called to the police station, after which most of them refrain from the crime,” a senior police officer said.

Even though the acts leave the victim a miserable mental wreck, the government has justified their exclusion from the Criminal Law Amendment Bill 2012 on the ground that these offences are difficult to prove in the court of law. Recent instances have shown how stalkers can go on to rape and even murder the victims. Priyadarshini Matoo was stalked for a long time before being raped and killed by Santosh Singh.

The [Home Ministry's](#) reasons for not making stalking a separate criminal offence and not defining additional sexual offences such as stripping, parading naked and tonsuring of hair in the amendment Bill are mentioned in its response to a detailed critique of the Criminal Law Amendment Bill 2012 that over 200

women's groups and activists had submitted to the government and the National Advisory Council headed by Sonia Gandhi.

The Criminal Law Amendment Bill 2012 was introduced in Parliament during the Winter Session, but it couldn't come up for discussion. "Stalking etc., was discussed by the HPC (high powered committee) and it was opined that it will be difficult to prove the offence of stalking and hence was not covered (read in the new Criminal Law Amendment Bill 2012)," states the ministry's reply to the critique, a copy of which is with Mail Today.

<p>Whoever said stalking is difficult to prove is callous & ignorant of harassment & threats women face</p>  <p>— Vrinda Grover, lawyer</p>	<p>We wanted the govt to also define acts such as tonsuring, stripping and parading naked as additional sexual offences</p>  <p>— Madhu Mehra, activist</p>	<p>Stalking not grave enough a crime for the Centre.</p> <p>The ministry's response rejects the suggestion despite overwhelming evidence of increasing instances and the fact that the National Commission for Women and the Women and Child Development Ministry had called for a new provision under</p>
<p>I will once again try to make a case for stalking to be treated as a separate offence under the Indian Penal Code</p>  <p>— Krishna Tirath, WCD minister</p>	<p>Whether an offence can be proved in a court cannot be decided by the ministry. It is for the courts to decide</p>  <p>— Meenakshi Lekhi, lawyer</p>	

the Indian Penal Code (IPC) to make this menace a criminal offence. The Planning Commission's working group on women empowerment had also advocated for the same in its report last year.

Stalking can be defined as repeated following, watching or harassing of another person. Calling someone on the phone incessantly, sending gifts, emailing and SMSing can also amount to stalking when repeated frequently overtime. Currently complaints of stalking are dealt with under sections 506 (punishment for criminal intimidation) and 509 (outraging the modesty of a woman through word, gesture or act) of the IPC.

But while the Indian government finds stalking difficult to prove, countries such as the United Kingdom have recently made it a specific criminal offence in England and Wales in a move to improve victims' safety. The new law in England and Wales carries a maximum six-month sentence and stalking involving a fear of violence or serious distress carries a maximum five years in prison.

Women and Child Development Minister, Krishna Tirath told Mail Today that she will once again approach the Home Ministry to make a case for treating stalking as a separate offence.

"Whoever in the ministry said that stalking is difficult to prove is completely callous and ignorant

of the kind of threats and harassment women face. A long trail of evidence can be created against a man who has been stalking a woman for a while," Vrinda Grover, a lawyer and women's rights activist, said.

"Last year, when we (civil society members and activists) wanted the government to talk to us before making changes to the Criminal Law Amendment Bill the doors were shut on us and now they are inviting suggestions to strengthen laws for women's safety," she added.



Lawyers and activists protest outside the Saket Dist Court where the chargesheet was filed in the Delhi gangrape case.

"We also wanted the government to grade sexual offences depending on the nature of sexual assault and also define acts such as tonsuring, stripping and parading naked as additional sexual offences as they are done with the intention of humiliating women," said Madhu Mehra, director at Partners for Law in Development and one of the signatories to the critique.

The Home Ministry rejected this demand as well on the ground that these offences are related and can be dealt with under section 354 (assault or criminal force to woman with intent to outrage her modesty) and 509 (word, gesture or act intended to insult the modesty of a woman).

LINK: <http://indiatoday.intoday.in/story/women-safety-issues-stalking-stripping-sex-crimes-govt-legislation/1/240681.html>