

**RECOMMENDATION TO AMEND CODE OF CRIMINAL
PROCEDURE**

TO DESIGNATE OFFENCE OF STALKING (s. 354D IPC)

AS NON-BAILABLE

**(with Ancillary Recommendation to amend the definition of Stalking in the
Indian Penal Code)**

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SUMMARY

This proposal recommends the amendment of the First Schedule of the Code of Criminal Procedure 1973 to make the offence of stalking under Section 354D of the Indian Penal Code 1860 (as regards first convictions), a non-bailable offence.

The proposal is being brought because the current designation of Section 354D as a bailable offence is deficient on two broad grounds:

1. It does not satisfy the requirement of criminal laws to deter the commission of an offence.
2. It does not account for the serious nature of the offence of stalking in itself, including the interference with the lives of victims it leads to, the fact that it is often a precursor to other offences against victims, and that it allows the accused in these cases the freedom to intimidate the victims and commit further offences against them.

As a result, the offence of stalking as it stands does not fulfil the objectives it was meant to when it was inserted into the Indian Penal Code, which are the fulfilment of the State's duty to protect women. Consequently, it needs further amendment, including an urgent change in designation to a non-bailable offence.

This proposal includes 23 case studies (with the language of the testimonies provided by the victims kept unchanged for the most part to maintain their voice) and an analysis of the statistical data on the offence as provided by the National Crime Records Bureau that demonstrates the weakness of the current statutory framework on stalking.

Our concluding recommendations acknowledge the concerns that were raised at the time of the introduction of stalking as a criminal offence, and therefore also suggest amendments to the definition of stalking in the Indian Penal Code, including making it gender neutral, to act as a check against potential misuse and address concerns with the definition as it stands.

The proposal was submitted to **Dr Shashi Tharoor**, MP for Thiruvananthapuram in the Lok Sabha, for introduction in the Winter Session of Parliament. Following his agreement and support for the proposal, we have subsequently assisted Dr Tharoor with the drafting of the Criminal Law (Amendment) Bill 2017, which will formally table this proposal to amend the IPC and CrPC provisions on stalking.

The Bill also proposes making unwanted sexual contact under Section 354A and voyeurism under Section 354C non-bailable offences given the serious nature of the crimes and the similar deficiencies in the legal framework surrounding these.

Prepared By:

The Quint in consultation with Ms Kamini Jaiswal (senior advocate)

REASONS FOR BRINGING THIS PROPOSAL

INTRODUCTION

The recent case involving the stalking and attempted kidnap of Varnika Kundu, a young woman in Chandigarh, was a timely reminder to the country of how vulnerable women still are in India, despite the outrage and the reforms brought about by the brutal gangrape and murder of ‘Nirbhaya’ in 2012.

It also drew attention to one of the significant flaws in the Criminal Law (Amendment) Act 2013 – the designation of stalking as a bailable offence (as regards first convictions) in the First Schedule to the Code of Criminal Procedure 1973 (the “CrPC”). The Chandigarh Police initially charged the perpetrators of the incident – Vikas Barala and Ashish Kumar – with stalking under Section 354D of the Indian Penal Code (the “IPC”) and wrongful restraint under Section 339 of the IPC, both of which are bailable offences.

As per the dictum laid out by Justice Krishna Iyer of the Supreme Court in *State of Rajasthan v Balchand*,¹ for such offences, the rule is “bail, not jail”, meaning the two accused walked out of custody a day after being arrested. As a result, even though the two had been accused of serious misconduct that had been a threat to Ms. Kundu’s life and safety, the criminal justice system instead considered what they had done to be as serious as insulting the modesty of a woman (s. 509, IPC, bailable) and less serious than insulting religious feelings (s. 295A, IPC, non-bailable).

The charges against Mr. Barala and Mr. Kumar have now been amended to include the non-bailable offence of attempt to abduct with intention to confine a person (s. 365 r/w s. 511, IPC), and their bail pleas on being rearrested have subsequently been rejected. When rejecting their bail pleas, judicial magistrate Barjinder Pal Singh noted the seriousness of the issue and the mental agony faced by the victim, as well as the lack of respect for womanhood demonstrated by the accused in the incident.

All these aspects of the crime would have been true even if the additional charge of attempt to abduct had not existed in this case, and thus it is clear that designating stalking as a bailable offence is at odds with considered judicial scrutiny of incidents of such character. And yet, as long as stalking was the offence the accused were charged with, they were being granted bail as a matter of right.

In the aftermath of this incident, online media portal The Quint has been running an online campaign called “Talking Stalking”, as part of which women have been invited to submit testimonies of stalking faced by them. This proposal’s analysis of the deficiencies in the current law on stalking uses these testimonies to highlight those deficiencies.

¹ AIR 1997 SC 2447.

PART I – REASONS FOR APPROACHING PARLIAMENT

Responsibility of the State to Ensure Women’s Safety

“The right to be protected from sexual harassment and sexual assault is, therefore, guaranteed by the Constitution, and is one of the pillars on which the very construct of gender justice stands.”

Justice JS Verma Committee²

This proposal is being presented to Parliament because it is the responsibility of the Indian State to ensure that women are protected from sexual harassment and assault.

Protection from sexual harassment and assault is a right guaranteed under the Constitution of India, specifically within the context of Article 21, the right to life and personal liberty. Key to this is the right to dignity, which has long been recognised as a crucial part of the Constitution of India, and whose importance was recently emphasised in the decision of the nine-judge bench of the Supreme Court in *Justice K.S. Puttaswamy vs Union of India*.³

In terms of protection of life and liberty under the Constitution, the Supreme Court of India in the case of *Vishakha v State of Rajasthan*⁴ held that the

“primary responsibility for ensuring such safety and dignity through suitable legislation, and the creation of a mechanism for its enforcement, is of the legislature and the executive.”

The Justice JS Verma Committee also noted that:

*“A fortiori, the duty of the State, therefore, is to provide a safe environment. At all times, for women who constitute half the nation’s population; and failure in discharging this public duty renders it accountable for the lapse.”*⁵

It is clear from the above that the executive and the legislature of the Union of India are duty-bound under the Constitution to enact or suitably amend legislation that effectively addresses any threat to women’s safety, and thereby their Constitutionally guaranteed rights of safety and dignity.

It is submitted that stalking in any form is an infringement of this fundamental right to live with dignity, as their personal physical and mental space is invaded by a stalker, harassing

² Justice JS Verma Committee, *Report of the Committee on Amendments to Criminal Law* dated 23 January 2013 (the “**Justice Verma Committee Report**”) at pg. 2.

³ W.P. (Civ) No. 494 of 2012, available at: http://supremecourtindia.nic.in/supremecourt/2012/35071/35071_2012_Judgement_24-Aug-2017.pdf.

⁴ AIR 1997 SC 3011.

⁵ *Supra* note 2 at pg. 3.

them and forcing them to live in fear and make adverse changes to daily life. This is notwithstanding the more direct violations of the right to life and personal liberty that stalking can entail.

In sum, therefore, the Union Government is obliged to ensure that any of its legislative provisions relating to stalking – in this case the provisions of the IPC and the CrPC relating to the substance and procedure of the offence – are effective in fulfilling the State’s duty to ensure a safe environment for women. Further, if these provisions are found to be ineffective, insufficient or otherwise failing in the fulfilment of this duty, then they need to be amended.

Importance of Deterrence in Framing of Criminal Law

When assessing the effectiveness of the criminal law provisions relating to the offence of stalking, one of the essential criteria for such assessment is whether the law as it stands is capable of deterring the offence.

The Law Commission of India had made this observation back in 1971, noting that:

*“Thus, we acknowledge that criminal law is the chief legal instrument to prevent anti-social acts of a serious character. **The object is sought to be achieved, in the first instance, by the legislative command embodying that aspect of punishment which is called “general deterrence”.** Once a crime – whether sexual or any other crime – has been committed, this aspect is, at least for the time being, exhausted in regard to that particular criminal act. The fact that the particular crime has been committed shows that the object of deterrence has failed to prevent the particular criminal act.”*⁶ (emphasis supplied)

The Justice Verma Committee Report also made a similar observation, noting that the Government has a responsibility to prevent the commission of crimes, and that crimes against women need to have strong punishments to act as a deterrent, noting that:

*“The State’s role is not merely reactive to apprehend and punish the culprits for their crimes; its duty is also to prevent the commission of any crime to the best of its ability. Crimes against women are an egregious violation of several human rights demanding strict punishment with deterrence to prevent similar crimes in future by the likeminded.”*⁷

In sum, if the provisions of the IPC and the CrPC on stalking are not capable of satisfying the general deterrence threshold, the Government has a duty to ensure that this is corrected.

⁶ Law Commission of India, 42nd Report on the Indian Penal Code, 1971, available at: <http://lawcommissionofindia.nic.in/1-50/report42.pdf>.

⁷ *Supra* note 2 at pg. 3.

PART II – DEFICIENCIES IN CURRENT LAW ON STALKING

Current Law on Stalking Failing to Act as Deterrent

Stalking as a separate offence did not exist in the Indian Penal Code till 2013. This necessarily affects any analysis of the statistics relating to stalking as an offence as there is not a lot of data available for analysis, as the National Crime Records Bureau (the “NCRB”) did not compile statistics for the offence for the year 2013, and statistics for the year 2016 are not yet available.

Regardless, the data is striking, and demonstrates the ineffectiveness of the current provisions. From 2014 to 2015, there was a **33%** rise in the number of cases reported (4,699⁸ to 6,266⁹). This is in stark contrast to the minimal decrease in the number of crimes against women (as a whole) reported over both years. Some of this increase may well be because women now know they have a right to complain about behaviour amounting to stalking, but that cannot explain the entire increase.

Moreover, that does not take away from the fact that despite the inclusion of stalking as an entirely separate offence, this is not deterring offenders from engaging in such conduct. The accused got bail 83% of the time in stalking cases pending investigation in 2015 (85% in 2014), and pendency rates are also extremely high at 84% in 2015 (91% in 2014). It is evident that the vast majority of accused in these crimes face no immediate consequences as they are able to get bail with ease, and nor do there appear to be long-term consequences, with conviction rates at an abysmal 26% in 2015, down from 35% in 2014.

This indicates a significant deficiency in the law on stalking as it currently stands, and requires correction by the Government in some appreciable way deter the commission of this crime.

Designating Stalking as a Bailable Offence Not Commensurate With Nature of Offence

The main distinction between offences being designated as bailable or non-bailable lies in the gravity of the crimes in question, and the danger of allowing the accused to be at large. The way this translates into law can be observed in the factors a court is required to assess when deciding whether a person accused of a non-bailable offence can be granted bail or not:

- i. The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence;

⁸ NCRB, Crime in India Statistics 2014, Table 5.5 at pg. 163.

⁹ NCRB, Crime in India Statistics 2015, Table 5.5 at pg. 165.

- ii. Reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;
- iii. *Prima facie* satisfaction of the Court in support of the charge.¹⁰

The Justice Verma Committee Report had expressly recognised stalking as a grave offence, noting the lasting effects it could have on a victim:

*“Rape, sexual assault, eve-teasing and **stalking** are matters of serious concern – not only because of the physical, emotional and psychological trauma which they engender in the victim, but also because these are practices which are being tolerated by a society ostensibly wedded to the rule of law.”* (emphasis supplied)¹¹

It was of course the Justice Verma Committee which had recommended the addition of a separate offence of stalking in the IPC, and their definition of the offence was the basis for Section 354D as it currently stands in the IPC. However, the Committee had specifically noted with concern that stalking was perceived as a minor offence, even though it is *“capable of depriving not only a girl child but frail children of their right to education and their freedom of expression and movement.”*¹²

Interference With Lives of Victims

An example of exactly the kind of consequences the Committee was concerned about can be found in **Case Study 1 in Annexure III** to this proposal at page 26. Several schoolgirls in Bijnor, Uttar Pradesh, have been, for all practical purposes, forced to drop out of school because of stalking and sexual harassment. This is a severe violation of the fundamental rights of these girls, even though it is private parties that have infringed on their freedoms – as established previously, it is the duty of the State to safeguard women and girls from such consequences.

Case Studies 1-6 in Annexure II also detail the day-to-day consequences that victims of stalking have to face, and demonstrate the violations of their right to live with dignity and fundamental freedoms, which the State is obliged to protect by enacting or amending legislation as required.

Case Studies 1-7 in Annexure IV detail the ways in which cyber-stalking (expressly recognised as a form of stalking in s. 354D, IPC), interfered with the lives of victims and caused them severe mental distress.

¹⁰ *Kalyan Chandra Sarkar v Rajesh Ranjan alias Pappu Yadav*, AIR 2005 SC 921, cited with approval in Law Commission of India, *Report No. 268: Amendments to Criminal Procedure Code, 1973 – Provisions Relating to Bail*, May 2017 at pg. 40. See also *Ram Govind Upadhyay v Sudarshan Singh and others* 2002 (3) SCC 598 and *Puran v Rambilas and another* 2001 (6) SCC 338.

¹¹ *Supra* note 2 at pg. 1.

¹² *Supra* note 2 at pg. 215.

Rarely an Offence in Isolation

The gravity of stalking as an offence can also be noted from the fact that stalking rarely remains an offence in isolation if not quelled effectively, instead acting as a precursor to additional offences and violence towards the victim. Annexure I to this proposal includes five case studies in which the victim was eventually murdered by her stalker. A common thread through each of these cases was that the police or the families of the victim did not consider stalking to be a serious enough offence, which prevented serious action from being taken against the accused.

Threats to Complainant if Accused is at Large

The accused in stalking cases are inherently more likely to be a threat to those who complain to the police about them. This is because a large number of stalking cases either arise from rejection of the stalker (which they refuse to accept), or because the stalker has mental health problems that cause them to fixate on their victim.

If such persons are then released on bail, as is their right within the current framework, the very reasons that have caused them to stalk their victims are also likely to cause them to attack their victims and otherwise threaten their safety.

Case Studies 1 and 2 in Annexure V to this proposal at page 36 detail how the release of stalking offenders can lead to severe consequences for the victim who complained to the police, as well as their families and friends.

Conclusion – Stalking Needs to be Considered a Non-Bailable Offence

It is therefore submitted that stalking is a crime with serious repercussions, and that the particular circumstances of stalking offences and the people who perpetrate them raise serious concerns of threats to the complainants. As the courts are expected to not grant bail in situations where both these conditions are met, it is inconsistent with the jurisprudence of the Supreme Court and the underlying logic of the dichotomy between bailable and non-bailable offences, for stalking to be a bailable offence.

The seriousness with which the Justice Verma Committee treated offences like stalking was further backed up by their designation of stalking as well as all the additional offences against women they recommended (including unwanted sexual contact under Section 354A and voyeurism under Section 354C of the IPC), as non-bailable offences.¹³ The 167th Report of the Parliamentary Standing Committee on Home Affairs (dated 1 March 2013)¹⁴ had also recommended designating all of these offences as non-bailable offences. The Standing Committee noted that in general legislative practice, an offence is designated as bailable

¹³ *Supra* note 2 at pg. 450.

¹⁴ Available at <http://sviproject.org/wp-content/uploads/2014/06/167th-Report-of-Standing-Committee-on-Home-Affairs-The-Criminal-Law-Amendment-Bill-2012.pdf>.

where the maximum punishment for the offence is less than three years – if the maximum punishment is three years or more, it is generally designated as cognisable and non-bailable.

Thus, the current designation of stalking as a bailable offence is in fact contrary to established legislative practice. Doing so means that the courts do not conduct a proper assessment of the conditions normally assessed when dealing with crimes of a serious nature, and this requires urgent correction by the Government so as to ensure effectiveness of the criminal provisions on stalking.

RECOMMENDATIONS

The previous section details how the State has a responsibility to protect women, which includes having effective criminal laws against offences such as stalking. It has also been submitted that the designation of stalking as a bailable offence denudes its effectiveness at fulfilling this Constitutional duty, because of the particular nature of stalking as well as the current framework's inability to deter the commission of the offence.

PRIMARY RECOMMENDATION

On this basis, this proposal strongly recommends that the Government of India amend the First Schedule to the Code of Criminal Procedure 1973 to designate the offence of stalking under Section 354D of the Indian Penal Code 1860 (as regards first convictions) as non-bailable.

ANCILLARY RECOMMENDATION

It is also noted that when the Criminal Law (Amendment) Act 2013 was debated, a conscious decision was made to designate stalking as a bailable offence, in large part due to the objections raised by opposition parties in Parliament at the time. These objections were centred on potential misuse of complaints of stalking to harass innocent boys/men.¹⁵

Such objections are likely to be raised once again in response to this proposal, though it is hoped that the Union Government, which has declared its commitment to women's empowerment, will disregard such objections.

In the event that such objections need to be addressed, we note that concerns regarding misuse of Section 354D arose in relation to the text for this provision which was prepared in the first draft of the Criminal Law (Amendment) Bill, which had made changes to draft provision prepared in the Justice Verma Committee Report. The Justice Verma Committee had sought to address concerns of misuse by including the following additional wording in the definition of stalking:

¹⁵ See for example: <https://economictimes.indiatimes.com/news/politics-and-nation/first-stalking-offence-made-bailable-in-criminal-law-amendment-bill-2012/articleshow/59962032.cms>; <http://www.huffingtonpost.in/2017/08/08/how-vikas-barala-accused-of-stalking-varnika-kundu-got-bail-fr-a-23069674/>; <http://www.livemint.com/Politics/XSSJQZ7aNSn0A2vKDXRrGO/Lok-Sabha-clears-antirape-Bill.html>; and <http://indiatoday.intoday.in/story/cabinet-clears-bill-to-tackle-crimes-against-women/1/257909.html>

“... or watches or spies on a person in a manner that results in a fear of violence or serious alarm or distress in the mind of such person, or interferes with the mental peace of such person ...” (emphasis supplied)¹⁶

The emphasised wording would have ensured that the complainants in cases of stalking would have to establish that the actions of the accused actually caused some distress to them, an additional threshold both when filing an FIR and when considering whether a *prima facie* case was made out when deciding a bail plea.¹⁷ In any case, concerns over misuse are technically already covered by the Proviso to Section 354D which excepts conduct which was reasonable and justified in the particular circumstances.

The additional wording was removed from the Criminal Law (Amendment) Bill without explanation or any debate. The Bill also failed to implement the suggestion of the 167th Report of the Parliamentary Standing Committee on Home Affairs dated 1 March 2013, which had recommended that stalking be defined in gender-neutral terms.

Given its potential to lay to rest any concerns over the misuse of a non-bailable offence of stalking and make sure that the law on stalking helps protect all those who suffer as a result of it (including men), it is further recommended that the Government of India amend Section 354D of the Indian Penal Code 1860 to read as follows:

Section 354D – Stalking

(1) Whoever

- (i) follows a person and contacts, or attempts to contact such person to foster personal interaction repeatedly, despite a clear indication of disinterest by such person, or
- (ii) whoever monitors the use by a person of the internet, email or any other form of electronic communication,
- (iii) or watches or spies on a person

in a manner that results in a fear of violence or serious alarm or distress in the mind of such person, commits the offence of stalking.

Provided that such conduct shall not amount to stalking if the person who pursued it proves that—

- (i) 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 and detection of crime by the State; or

¹⁶ *Supra* note 5 at pg. 437.

¹⁷ See factor iii. to be considered by a court when granting bail for a non-bailable offence at pg. 7 of this proposal.

- (ii) it was pursued under any law or to comply with any condition or requirement imposed by any person under any law; or
- (iii) in the particular circumstances such conduct was reasonable and justified.

(2) Whoever commits the offence of stalking shall be punished on first conviction with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and be punished on a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

ADDITIONAL PROPOSALS IN DR THAROOR'S CRIMINAL LAW (AMENDMENT) BILL 2017

The Bill being proposed by Dr Tharoor also asks for the amendment of the First Schedule of the Code of Criminal Procedure 1973 to designate the following offences as non-bailable:

1. **Section 354A, Indian Penal Code 1860** – Sexual harassment of the nature of unwelcome physical contact and advances or a demand or request for sexual favours.
NB: This does not affect the bailable status of other aspects of Section 354A, ie, sexual harassment “of the nature of making sexually coloured remark or showing pornography or any other unwelcome physical, verbal or non-verbal conduct of sexual nature.”
2. **Section 354C, Indian Penal Code 1860** – Voyeurism.¹⁸

We are in agreement that these offences should also be designated as non-bailable, given the serious nature of the offences, and the general legislative practice when designating offences as bailable or non-bailable (as noted in the 167th Report of the Parliamentary Standing Committee on Home Affairs dated 1 March 2013).

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¹⁸ Under this provision a man commits the offence of voyeurism if he “*watches, or captures the image of a woman engaging in a private act in circumstances where she would usually have the expectation of not being observed either by the perpetrator or by any other person at the behest of the perpetrator or disseminates such image*”.

ANNEXURE I

CASE STUDIES WHERE STALKING LED TO DEATH OF VICTIM

Case study 1 - A man killed a 24-year-old working for Infosys, the incident was witnessed by onlookers and it was learned that the man attacked the victim with a sickle after a heated argument.

A 24-year-old woman working for software giant Infosys was hacked to death on 24 June 2016, on a railway platform in Chennai, allegedly by a man who had stalked her for months.

Police said the incident happened around 6:30 am at the Nungambakkam railway station and was witnessed by other people on the platform. The victim, identified as S Swathi, was employed with Infosys' branch at Mahindra World City at Singaperumalkoil, around 60 km from Chennai.

Reports quoting eyewitnesses said a man in a green shirt and black trousers attacked Swathi with a sickle after a heated argument. She received deep cuts in her face and neck before collapsing in a pool of blood.

Case Study 2 - A 22-year-old schoolteacher was murdered by a man, whose marriage proposal she rejected, who stabbed her more than 20 times on a busy road in north Delhi's Burari on 22 September 2016.

A recording of the incident captured on closed-circuit television camera showed the woman, identified as Karuna by the police, walking on the side of a road when the assailant, Surender Singh, approaches and stabs her.

As she falls to the ground and tries to get away from him, Singh is seen kicking and stabbing her multiple times and many people walking by with a few attempting to intervene but failing.

Police said Singh claimed to be in love with Karuna for more than a year and had given marriage proposals several times, but was turned down. The rejections enraged Singh, who began to stalk and even threatened to kill her.

A few months before the murder, Karuna had approached local police after Singh started harassing her by repeatedly calling her on the phone, sources said. She also informed her parents and brother about the harassment.

Police said both Karuna and Singh were called to the police station, and advised to "compromise" as her family members did not want to file a case. Singh reportedly promised to mend his ways.

Case Study 3 - Meenakshi, a New Delhi teenager, was stabbed to death by Jai Prakash, a man she had accused of stalking and harassing her in 2013. Delhi Police denies that any complaint was filed.

Her family claimed that she had filed a complaint against the accused in 2013 itself but nothing much came out of it. Delhi Police on its part has denied that such a complaint was filed. According to reports, Jai Prakash and his brother Ajay have been arrested by the police. Meenakshi's family claims that Jai Prakash would often follow her, pass lewd remarks and even throw stones at her. The manner in which she was attacked was equally brazen. She was returning from the market in the evening and was chased through the lanes of Panjabi Basti in Anand Parbat, Delhi.

Case Study 4 - A 20-year-old woman was stabbed to death by her boyfriend in Thiruvannamalai district, after she refused to marry him.

M Monika, the deceased, had been in a relationship with Gokulnath for the last six years, said the police. "Gokulnath had approached her parents about two years ago to get married to her but her parents had refused. But they still continued the relationship. Recently, he asked Monika if she would marry him and she refused. So, he murdered her using a small knife," said a police official from Arani.

Monika was a third-year student in English Literature at Auxilium College in Katpadi and was living in the college hostel. She had come home to Arani for the weekend, and left for college on Monday morning. Trying to contact her on Tuesday, her father Mathiyazhan called the college hostel but was told that Monika never arrived at the hostel on Monday.

Following this, Mathiyazhan filed a complaint at the Arani Taluk police station on Tuesday. Monika's body was found in Ariyapadi village in Thiruvannamalai district on Tuesday. Police sent the body to the government hospital for post-mortem.

According to the police, Gokulnath was working as a daily wage labourer, and would often drop Monika to college. "He used to often drop her to college and on Tuesday also he told her that he would drop her to college, but stabbed her," said a police officer.

After the incident, Gokulnath surrendered at the Polur police station and was later taken to Arani Taluk police station. Some media reports had stated that Gokulnath had attempted to kill himself in the station. However the police denied this.

"He lied to us that he tried to commit suicide by stabbing himself. But it was actually a small wound that he got while stabbing the girl," said the official.

A case of murder was filed at the Arani Taluk police station and Gokulnath was remanded to Vellore Central jail.

Case Study 5 - Chennai Woman Dies After Stalker Sets Her and Her Family on Fire (news report carried by The Quint)

In a shocking incident of a stalker who went on a killing spree, a man in Chennai set the family of a woman – whom he was obsessing over – on fire. Aakash, who used to study with Indhuja, an engineering graduate, had been stalking her for over a month, claiming he was in love with her. When she didn't reciprocate, Aakash went to her house on Monday night and set her and her family on fire.

The incident happened at Chennai's Adambakkam AGS Colony, in Saraswathi Nagar, between 8:45 pm and 9 pm on Monday night. The accused, Aakash, absconded right after, but was caught on Tuesday morning.

According to reports, Aakash, who lives in the neighbourhood, landed up outside Indhuja's residence on Monday night. Indhuja and her family were initially reluctant to open the door, but Aakash persisted, claiming he only wanted to speak to Indhuja for a few minutes.

There are two versions of what happened at this point.

According to some reports, when they opened the door, he took the can of petrol in his hand and poured it on Indhuja.

Her mother Renuka and her sister Nivedha, who were nearby, also got doused in petrol. Scared, Indhuja then ran into her bedroom to escape from Aakash.

According to other reports, he came in and there was an argument. An angry Aakash then went outside the house and found the can of petrol, and emptied it on Indhuja.

During the altercation, a neighbour who heard the commotion came to intervene. Speaking to Puthiya Thalaimurai, he said:

“He was pouring it on them, and by the time I took the can away from his hand and started asking what was happening, he lit the fire and ran away.”

“At that point, everyone started running as they caught fire. First, the boy ran away, then the mother who was on fire was running behind him, and I was behind them. I, too, suffered burns in the incident,” the neighbour says. “I wasn't able to find out what happened to the two people who were inside,” he told Puthiya Thalaimurai.

Indhuja succumbed to her injuries on Tuesday morning at the Kilpauk Medical College (KMC) hospital in the city. Her mother Renuka has 49 percent burns, and sister Nivedha has 23 percent burns. Both of them are critical and getting treatment at KMC.

“We received two burns cases last night with history saying that there were burnt in their premises. Renuka, 43 years, has 49 percent burns and Nivedha who is 20 years old has 23 percent burns. Both of them are in critical state. We have all facilities to provide treatment and we can't say about mental status of patient. Both of them are in critical condition. They are conscious right now. We can tell about their chances of survival only after 48 hours,” said Dr Vasantha Mani, Dean KMC Medical College, to The Quint.

Though the family refuted any claims of the girl sharing a rapport with the man, the man allegedly claims they were in a relationship and were planning to get married.

An engineering graduate, Indhuja was reportedly working in a company for the last few months. However, she hasn't been going to work in the last one month, allegedly because of Aakash's stalking.

Indhuja's uncle told media persons, "He's been stalking her for a month. My brother went abroad for some work. Perhaps knowing this, this man came home last night. They didn't open the door. But he said he just wants to talk to her. He then poured the petrol on the girl and the mother and burned them and ran away."

ANNEXURE II

CASE STUDIES WHERE STALKING LED TO PHYSICAL ASSAULT AND HARASSMENT

Case Study 1 - While travelling alone through Himachal Pradesh, a girl was inappropriately touched by the bus conductor.

I can't tell, how often walking through the streets we got to [sic] check our dupatta or the t-shirt's neck.

Be it Delhi, Kolkata, Bihar, UP or Himachal! You are the same piece of flesh, the crowd tends to tell us.

This particular incident isn't about stalking — nobody followed me around, but it still shows how unsafe public places are in this country.

What 'They' Say To Us

“We the crowd, will look at your boobs, we'll pass lewd comments, we'll size you up, we'll try to touch you, we'll try to peek into your clothes, we'll bother you every time you try to be yourself. We the crowd can't see you smoking or drinking, but we can do all of this anytime we wish. We'll make sure that you stay submissive and fearful. We the crowd shall make sure that we take away even your last pinch of freedom!”

My Tryst With Harassment:

I have been a solo traveller since I was 19. There have been many instances when I felt unsafe, vulnerable. There have been times when I have switched buses at night and it has not been a pleasant switch.

On my way back from my recent visit to Spiti Valley, an elderly bus conductor who gave me the tickets for the bus from Manali to Delhi, said the only seat available was the one next to him. I thought for a moment and then sat next to him. Slyly, he tried moving in close. I protested and said I want another seat. He instead had the guts to say: “I have given you this seat because I care for you.”

I protested violently, but, he didn't seem to listen and didn't let me come out of the seat. He then lit a cigarette and said, "Tum toh seher ki ladki ho, ye lo pee lo sharmao mat (You're a city girl, come, smoke a cigarette with me, don't feel shy!).”

I was livid! I screamed and asked him to move. He moved only because I was loud and people heard me.

There are many girls who want to go out of their houses, live their lives, travel, love, party but, they don't because of people like the bus conductor. Their entire life is decided by their fathers and brothers and eventually by their husbands.

How many parents tell their sons to not to be late as they could be a danger to someone's daughters?

Who is responsible for it?

Patriarchal rules, unequal laws and different sets of instructions for boys and girls are the trend-setters for an unequal society. What a sad reality this is!

Case Study 2 - An Indian student in Vancouver, Canada was contoniously mocked by a fellow colleague while interning at a reputed organisation, who then turned up outside her dorm room one day uninvited.

I'm a computer engineering student at University of British Columbia, UBC. I'm an international student hailing from Mumbai. I did an internship in a reputed organisation. There I ran into another computer engineering student who was my junior, and who I had never met before.

He worked in a different department and we only ran into each other at lunch time. Whenever I met him during lunch, he would often make sexist, derogatory, and insulting remarks.

One day, having had dealt with enough sexism (as I'm always only one or few of the girls in a male-dominated field), I confronted him by asking if he knew the meaning of the word "needler", proceeding which I read it out and said it matches his behaviour.

He stood tall and in a legitimately intimidating way, said, "I'm bullying you", and then talked about how his grades were stellar, as if that pardons his meanness.

Something in me snapped and I stopped going to the lunch room to avoid him and making a scene. I had been humiliated enough. I proceeded to perform excellently at my job, and my supervisor expressed to my co-op coordinator about how he would love to have me back after graduation.

Once I returned to complete my education at UBC, I got the shock of my life when I spotted this junior sitting outside my dorm on a regular basis.

I didn't give him my address or my number, and I'm clueless as to how he gained this information. He sat next to the door that is the entrance to the tower where I was staying, so I had no choice but to pass him while he sat there.

I remember when I told the front desk people, the man at the time told me that I had no reason to get worried, whereas the women immediately understood my plight and told me that they'd keep a watch on him.

I even had to report this behaviour to the residence life manager. Either ways, the universe did me a favour and a huge poster on consent was hung on the wall, right in front of where that person used to sit.

He stopped coming eventually, but it affected me in ways I can't really communicate. You feel horrified and shocked that someone can be capable of taking such steps to intimidate you.

I understood his intention was to apologise for his prior behaviour towards me but bulldozing someone into accepting apology by showing up at their dorm room –uninvited – was just the limit. I didn't feel like it was a conducive atmosphere to make peace or deal with a situation as I was shell shocked to find that he felt the need to ambush me like that.

I put so much energy into maintaining a strong face because I was absolutely sure about the fact that I could not let him have the upper hand by showing my fear, or just the sheer shock. It affected me deeply in other parts of my life, like my schoolwork and just the general activities I indulged in. It made me feel very conscious, very naked and exposed. Moreover, it made me feel violated emotionally and mentally, even though I never actually touched this person.

This can happen to any woman, irrespective of how beautiful or intelligent she is deemed by society. Honestly people need to wake up and realise this is not acceptable. This shouldn't be normal or expected to deal with. I can talk about it more freely now, but for months, I still carried that deep-seated fear.

I'm not ashamed of anything that went downhill after my interactions with that person because it was tough for me and I got myself through a difficult situation stronger and better. I guess I just empathise with anyone who's been through something like this.

Case Study 3 - A survivor in her teens was stared upon at her tuition center by a man and his friends. They dropped unsolicited phone numbers in the her scooter's basket. One of the men tried to corner her on the staircase in the dark. Later, a couple of men followed her and drove parallel to her scooty and kept catcalling.

I was stalked when I was in grade 10.

I went for my tuition classes to this one complex in my hometown. I started noticing a man on the floor under my tuition center. He would stand in a particular corner and smile at me. At the first few instances, I let it be.

Usually, I was with a friend so it was easier to ignore. However, on days when I was late or early or without company, it was unsettling. He started calling his friends there. And they just waited there at 4:30ish when my classes began and around 6/7 when I left.

Then the unsolicited phone numbers started pouring into my scooter's carry basket. At first, as is anyone's instinct, I ignored thinking someone would have accidentally left them. But when they continued coming in, I figured it was on purpose.

One day, a 25-year old, short heighted, moustached man tried to corner me on the staircase in the dark. He could only manage to whisper, "Baat karni hai, I want to talk." I ran as fast as I

could! Panting, lost. My friends and teachers checked up on me. What could I have said? I was at a loss of words!

In the following week, while driving back home, a couple of men followed me. They drove parallel to my scotty and kept catcalling. They followed me till my house was 2-3 kms away.

I didn't know what to do. I kept on driving, they kept on following. I knew if I stopped it would be a risk. I lost them right in front of my house, thanks to a weekly market.

I remember reaching home, shivering and scared. And I remember being a mess in front of my aunt, my mother and grandfather. Thankfully, they were as patient as their anger could allow them. They asked me to stay strong and inform my tuition teacher about it. I did and thankfully, my teacher was that man's boss and in strong terms warned him against any further misdemeanour.

Nothing happened after that. But for the longest time, I was unsettled and I still feel uneasy when I think about it. There were incidents after that, groping, eve-teasing, unfortunately, one gets used to it.

The most troubling part was when he followed me up to my home, and I wondered all along — how could he figure out where I lived? How long had he been following me? Since when? I didn't feel safe in my own home. Street safety is not our strongest fear [sic] anyway.

I don't have a problem with someone else taking a stand for me — I am rather thankful that, as a fairly scared young person, I got someone to hear me out. I would, however, want people to learn how to deal with a situation like that. And the woman must never feel like a 'victim' and as someone who 'asked for it'.

Case Study 4 - Aman* received phone calls from unknown numbers and messages on Facebook, the man revealed his name and professed love for her. He followed her everywhere on a bike with a friend and threw notes at her.

In 2011, Aman's* parents gifted her a mobile phone and scooter when she entered Class XI. She was going for coaching classes which would run till late evening. As both her parents were working, the scooter would help her get around and the mobile phone will help to keep in touch.

However, the phone and the scooter, while making her less reliant on her parents, also left her more vulnerable than before.

While the scooter gave her freedom, it also had repercussions.

A few weeks in, Aman began receiving phone calls from unknown numbers. At first, the caller did not speak. Later, he began to profess his undying love for her, and even revealed his name. He began messaging her incessantly on Facebook, and upon being blocked, returned with fake accounts.

Aman found ignoring the calls and the messages easy, but once he started following her from the coaching classes, things took a serious turn.

“He would follow me around everywhere on his bike, almost always accompanied by a friend. When I stopped responding to calls from unknown numbers or to Facebook messages from one of his several accounts, he resorted to throwing notes at me. He knew where I lived, and it was very, very scary. What frightened me even more was his belief that he was a good guy, and was perfect for me,” she said.

Aman was initially very reluctant to inform her parents as she was scared they would scold her, as blaming the victim is common practice. When attempts at cajoling her failed, the stalker moved on to outright threats and dropping names of gangsters who he claimed he was associated with.

When the gravity of the situation dawned on her, Aman told her parents. Their intervention proved futile in the beginning, but they were gradually able to fend off the man who had tormented their daughter.

Case Study 5 - A 16-year-old was stalked by a boy from a neighbouring school who followed her everywhere. He would sit outside her home and her tuition classes. He apparently wanted to befriend her and showed up at her home posing as a friend in front of the survivor’s mother.

I was 16 years old. My class 10 board results were out and I was excited to go back to school after almost 3 months. I fought with my parents to ensure that they discontinued my school bus (I wanted some more time to hang out with my friends). I loved my newfound freedom and was really looking forward to the last two years of school – but with freedom comes responsibility and sooner or later I had to realise that.

Since my school wasn't that far, I usually took a rickshaw to get back home, but sometimes I preferred to walk. It was on such a day that I noticed him staring at me while I was looking for my ride. He studied in the school next to mine.

Although it did creep me out, I didn't pay much attention. After all, I was told to stay away from strangers. I quietly moved away, started walking and searched for the rickshaw. I managed to escape his prying eyes (or so I thought).

I loved that I did not have to take the school bus anymore.

The next day, I found him waiting for me. Although he was with his friends, his eyes were stuck on me. That day he followed me.

Maintaining a good distance of 50 metres from me, and walking along with his friend, he started shadowing me. Yet again, I dismissed my wariness, found a rickshaw and escaped his sight.

This went on for some days. By this time, he found out my name, the exact time when I got done with classes and at what time I crossed his school.

Thankfully, he did not know where I lived. Yet.

I was scared to reveal this to my parents. I was afraid that they might just ask me not to go to school. For the sake of my independence, I kept quiet and grew accustomed to the stalker and his ways.

I think he somehow sensed this.

One day, while I was crossing his school, I saw a car following me. Since the car had tinted windows, I could not see who was inside but it maintained its pace and ensured that it matched the speed of my rickshaw.

A car was following me when I was going back home.

As I tried to see who was following me, I saw a face. It was him. This made my heart lurch in fear.

I wanted to reach home and never get out. I was scared that all this was happening in broad daylight.

He followed me to my home. Now, he knew where I lived.

He was everywhere.

I saw his car when I went to my balcony and even when I went for tuition. He followed me everywhere and I was scared to step outside my house.

One day, he decided to talk to me. He told me he likes me and wants to be my friend. After creeping me out of my wits, he wanted to befriend me. I refused, and asked him to stop following me. He pleaded, I ignored him and walked away.

For the next few days, I did not see him. I was glad that he understood that I wasn't interested and stopped following me, until...

One fine evening, he decided to come to my place. Posing as my friend, he asked my mom if I was home. I was seething in anger as I went to the door and asked him to get out of my house. I shut the door on his face and never saw him again. After almost a month of being stalked, I finally heaved a sigh of relief.

Case Study 6 - A pervert and a repeat offender obstructed the path of a woman in Delhi on 7 August who was returning home late from her office on her scooter.

A woman, who was returning home to Rajiv Chowk from her office late on 7 August on her scooter, was stalked by two men in a car for around four kilometres.

In a complaint filed at Gurugram's Sector 14 police station, the woman, who works in an MNC, said the men tried to obstruct her path before she managed to lose them near Atul

Katarya Chowk. The woman refused to speak to the media and her parents said she was extremely traumatised.

She also said in her complaint that there were no police postings on the entire stretch of the road. She allegedly tried to call the '100' helpline too, but in vain.

When The Quint retraced the route that the woman took, we found no police posts or personnel on the the entire four-km stretch. The only police post on it was not even manned.

“We have registered a case and have put two teams in place to look for the accused. We are also looking through CCTV footage of the area to identify them,” said Sandeep Khirwar, Commissioner of Police, Gurugram.

Video link: <https://www.thequint.com/news/retracing-gurugram-stalking-route>

The stalker of the above mentioned woman is a repeat offender. Here's the back story:

This is not the first time that Nitesh Sharma, the 36-year-old techie who was arrested for allegedly stalking a Mumbai designer, has been accused of such an offence.

Sharma's first wife had lodged a similar complaint against him with the Pune police a few years ago, accusing him of harassing her despite several warnings. She also slapped him with a restraining order.

After news of the Mumbai incident came to light, a woman, who identified herself as Sharma's second wife, took to Facebook to urge the designer, Aditi Naugpal, to take the matter to the police.

A source, who is a close relative of Sharma's second wife, told The Quint on condition of anonymity that Sharma had refused to see her ever since the couple welcomed a baby girl four months ago.

“She's too depressed and too scared to come out, and voice these things. That's why, she's asking us to speak for her,” said the source.

“He is an extreme pervert. His second wife gave birth to a girl only four months ago. He visited her once, and has blocked her since. There had been no contact with him for the past month, and now, we have learnt of this (the designer's case).”

“He just wouldn't take her to the doctor – not even when she suffered burns, a knee fracture, and more recently, serious complications in her pregnancy,” the source said.

The relative said that the woman, who lives in Bhatinda with her parents, will approach the police to file a complaint, alleging cruelty and unnatural sex. The woman's family also plans to approach the Amboli police in Mumbai – who had arrested Sharma this week – to see if an FIR (First Information Report) can be registered in Mumbai, and transferred to Bhatinda or Noida, where the couple lived after they tied the knot.

The source said that Sharma met his second wife through a matrimonial website in early 2014. Her family shortlisted his profile for prospective grooms, but the woman turned him

down after calling him overweight. One year later, he shed weight and begged her to reconsider the proposal. The woman agreed and the couple tied the knot in March 2015.

During their time as a married couple, Sharma lost his job at a Noida firm, following which he found employment in Hyderabad, only to be sacked from there within a month. Meanwhile, his wife developed complications in her pregnancy, and Sharma asked her to move in with her parents.

Later, when she was feeling better, he refused to take her back, citing excuses. Four months ago, she gave birth to a baby girl.

“After her delivery, we tried calling him, messaging him, but he just hasn’t responded, except for his five-minute visit to his daughter,” the relative said.

The source said that Sharma’s first marriage, to a Pune-based woman, took place around a decade ago. The woman had a son soon after, following which Sharma allegedly abandoned her. The relative said that even after the divorce, Sharma would keep stalking her, after which the woman was compelled to file a police complaint against him, and also availed a restraining order against him.

The relative said:

“After his second wife delivered the baby girl, Sharma started calling and messaging his first wife again. He suddenly had this surge of love for his son, and wished to get to know him, while simultaneously refusing to visit his newborn daughter.”

Bharat Gaikwad, senior inspector, Amboli police, who arrested Sharma in Nagpaul's case, told The Quint that the police have taken cognisance of the Facebook post by Sharma's second wife. The matter will be forwarded to the concerned police station for further action, Gaikwad said. “As for the complaint filed against him by his first wife in Pune, we shall probe all past cases registered against him,” he said.

The Quint reached out to Sharma’s lawyer and his family, but they remained unavailable for comment.

“His parents have changed their numbers or blocked us. We even visited their home in Mansa, Punjab a couple of times, but it was locked,” said the source.

When asked about Sharma’s parents’ claim that the techie was “mentally unstable,” the source said: “There is nothing wrong with him. Whatever he does, he does it deliberately. All these claims are his family’s attempts to protect him. He is a pervert without regrets. Even when the cops asked him about the designer, he reportedly said ‘I liked her, so I followed her.’”

Sharma’s second wife also approached Nagpaul via Facebook, stating that the man was a “bloody sperm donor,” who plays with women’s lives, marries them, has kids, and abandons them. The second wife egged Nagpaul to file an FIR against him, and ensure that he wasn’t let off the hook easily. “A habitual stalker,” said Nagpaul.

Story link: <https://www.thequint.com/news/india/mumbai-stalking-case-second-wife-speaks-up>

ANNEXURE III

CASE STUDIES WHERE STALKING FORCED VICTIMS TO LEAVE SCHOOL/ COLLEGE/ PLACE OF RESIDENCE

Case Study 1 - Girls in Bijnor are dropping out of school because of being stalked.

The Quint's Aaqib Raza Khan and Muskan Sharma went to the riot-hit district of Bijnor to investigate if there are any apparent trends of sexual harassment and girls' education. The most intriguing point was when girls confessed to episodes of stalking and harassment by the local police officers. The girls are, therefore, scared to step out on the streets, and also to report the crimes. The obvious escape being dropping out of school.

The boys and the men of Bijnor have a certain image for the 'ideal woman'. If a girl talks to many boys they don't approve of it. If a girl is going out, even with a single boy, they consider it a good enough reason to stalk and tease her, even if it leads to a fight.

And this could be a story of not just Bijnor, but practically any region in our country. A girl in India knows what difficulty one has to face, say, when you take a public transport, even in broad daylight. There are creepy uncles loitering around.

Story link: <https://www.thequint.com/videos/india-bijnore-women-school-dropout-because-of-sexual-harassment-video>

Case Study 2 – Girl stalked and harassed by friend from school who threatened suicide, followed her and continuously messaged her, as a result of which she eventually left the country.

I was about 16 or 15. I was an avid reader, good at my studies and extra curricular activities; had a lot of friends; popular with teachers. There was a guy in my class who also happened to be my good friend. He always had a crush on me which I never responded to. After two years at that school I changed to a different school and started getting calls from my common friends saying how that guy was so in love with me and how I should reciprocate. I declined again.

Five years later I had started my career with one of the best hotels in the country through college placements. One day, I suddenly got a call from a lady who was the sister of the said guy. She was hysterical and screaming at me saying the guy had overdosed on drugs and was only calling for me.

I lived in Mumbai at the time and I found that he was in Haryana. She accused me of having led him on for all these years and of being the cause of this condition. I was scared and confused, and confided to my family about this, who also ended up blaming me. My family felt I had probably led him on, given that I had many male friends.

After a few months, on my birthday, the doorbell rang. The same guy stood there in a drug-induced state. He barged into my house and, in the presence of my parents, started professing his love and blaming me on how I had ruined his life. Somehow, my parents managed to drive him out of the house and he left with an accusing look in his eyes.

Meanwhile, I was working at the hotel, doing night shifts and many odd hours. I was scared of travelling alone and one day when I came out of the hotel after my shift, there he was standing in a corner of the empty street. I was shocked and ran back into the hotel. I stayed there until the morning till I could find someone to travel with.

This continued for several days. He would follow me on the train and constantly message me and call me, threatening suicide if I didn't accept his love. This went on for days until the time my entire family was scared of stepping out as they would find him under my building in a drunken state.

We went to the police station one day to register a complaint. The officers there simply dismissed me and my parents saying that he was a young boy and 'these things happen'. Also, since I worked at a hotel they straightaway labelled me promiscuous and said that my parents should have 'taken care of me when they could'.

This went on for more than 3 months. I was in severe depression and lived in constant fear.

Finally, I saved myself by running away. I changed my job, my phone number, my country, and myself too.

In all of this, I realised that no matter how modern the society gets, at the end of the day, nobody ever questions the guy or his upbringing or even his psychotic behaviour. It was all my fault.

Case Study 3¹⁹ - Girl forced to leave school and country out of fear of stalker

Those who ask me why I moved to Pakistan after my whole life abroad are greeted with: "Oh, the higher education was awful back there," followed by a nonchalant shrug.

I had to move because I was being stalked. For years. I couldn't tell anyone because I was afraid I'd be blamed for it in some way. The fact that the incident took place in Saudi Arabia made it harder for me to resort to any help due to extremism, sexism and misogyny. I was in 8th grade when I started getting strangely popular in school, especially in the boys' section segregated from the girls.

And there was this one guy who took his obsession to another level. While I dealt with his cyber-stalking by blocking him, he had the nerve to spread rumors about me being his girlfriend and having sex with him. It spread throughout the girls' section as well. It wasn't

¹⁹ This case study was sent to us by a foreign citizen relating to stalking abroad, but has been included because it resonates with other Indian testimonies sent to us that were requested to be maintained privately.

until a friend of mine told me did it dawn on the 13-year-old me how dire the situation was. It was horrifying, as then I finally understood what sex was.

I'd never talked to a guy in my life. After having to take matters into my own hands and sneaking into the boys' section to humiliate him, in front of the school by beating him up (running away quickly so that I wasn't identifiable) and alerting the admin later with proof, I was faced with an even bigger issue. With the rumors stopping came the actual stalking from a friend of his who wanted revenge for his humiliation.

It was scary. He wasn't even from the school I went to. I blocked him on social media so that he couldn't contact me further. But then he started to come to my school and stand by the exit gate and watch me as I got into my car, then drive after me all the way home and watch me disappear into my building to get to my apartment.

This went on for the rest of 8th grade followed by more than a few physical assaults outside my school until I was too afraid to even step out for anything.

I couldn't even talk to the guy who spread the rumours to ask him to stop. So I changed my school for 9th grade, but never really went.

The school wasn't all that great and I was never taught anything, so I schooled myself at home and rarely went there save for a few times. I went only if I got lonely and wanted to hang out with my friends in class because the teachers were hardly around.

The guy still stalked me from morning to afternoon, but I only ever saw him around my building and never at school if I ever went.

My mental and physical health deteriorated from all the stress — I hadn't good teachers to prepare me for my O levels, I felt unsafe in my own house, and the pressure to do well was high in ways I do not wish to reveal, but there was a lot of emotional blackmail involved.

Skipping two years forward, my AS level exams were a few months away when the teacher finally announced that they'd prepare us for the lab exams. I had to go, but I should've listened to my mother when she felt something was off and needed me to stay home. I went against her will.

When I got to the school and was crossing the street to get to the building, a car sped around the corner and hit me, sending me slipping and flying back a little. I managed to get up, but was horrified to have recognised the guy behind the wheel. My dad was there to see everything happen and he immediately took me home where I had to stay in bed with scratches, wounds, and a few bruises.

Two months later, we were on a flight to Pakistan where my dad said I could repeat my AS studies and give the exams next year. We were moving away permanently. I think he found out what was happening somehow. I still don't know the guy's name.

He could still be stalking me on social media. I was always freaked out whenever I went back to Saudi. He must've found out that I moved away. I don't want him coming all the way to

where I am now by tracking me down in any way. I keep well away from guys and girls who don't personally know me.

I'm almost 19 now. It's been 2.5 years since I moved and I've been okay, and I hope it stays this way. It's nice to not live in constant fear of being watched, and not being assaulted every now and then.

ANNEXURE IV

CASE STUDIES WHERE CYBER STALKING CAUSED SEVERE MENTAL DISTRESS TO VICTIMS

Case Study 1 - A girl travelling by a shared cab was messaged on various social media platforms by the stalker who took her contact details from the cab owner.

Stalking is scary. It's like having someone tracing your entire digital footprint. And now, with the amount of information trail we leave behind, it can get rather frightening. I've been stalked a lot – both in the real and virtual world. Recently, someone I once shared a cab with (Ola Share), found me on Twitter, tweeted about how bummed he was that he missed out on a chance to speak with me.

I sent a generic response out as a courtesy. The next thing you know, he had taken my number from the driver, looked me up on Truecaller (which is how he got my email id and hence Twitter) and then he WhatsApped me late at night. I was furious at someone having my number without my consent. It was scary because he even knew where I lived.

But the most frightening bit was when I politely explained it to him and blocked him, he kept emailing me about how he didn't understand why I was angry. He even went to the extent of “advising” me to not use my actual number to book cabs, saying that drivers can often misuse such information. In reality, it was him, my apparently well educated co-passenger, who was misusing this information, and clearly did not understand the concept of consent or stalking.

When I contacted the police, they asked me for specific details, which I obviously didn't have. They took down whatever details I had and asked me to intimate them if he gets in touch with me again.

Case Study 2 - A 24-year-old journalist, Saniya Pasricha, was being stalked on Facebook since she was in the 12th standard, but wasn't aware of it. It was only four years ago that she found out that there were fake Facebook profiles in her name.

Why is cyber crime still dealt with casually by the police in India? Every other day a case of cyber crime is reported, but how many of these are actually solved? The reason why cyber crime is recurring is because of lack of awareness not just on the part of the public, but also the police.

The incident shocked her and she searched for her name on different social media platforms. She got the impostor's contact details from the guy whom she was talking to. The impostor's sim card is no longer in use.

Story Link: <https://www.thequint.com/videos/ican-the-cyber-crime-cell-find-the-impostor-saniya-pasricha-ministry-of-women-and-child-development-instagram-fb>

Case Study 3 - A 17-year-old from Udaipur was sent obscene pictures of her by an anonymous person who threatened to make them viral.

It's a perfectly normal day and you are going through your social media feed when you receive an obscene message from an unknown person. You choose not to respond? All well and good — till he begins to bully and threaten you to talk to him.

So what do you do? Block him? Report him and forget about him?

You could, but does that solve the problem? No.

Something similar, but far more horrendous happened to 17-year-old Rana (name changed to protect privacy) in Udaipur, when an anonymous person sent her a picture of her face morphed on a naked body on Instagram, and then threatened to put it on Facebook if she didn't respond.

Like any 17-year-old, she was scared and upset for a few days, but eventually told her family about it.

Her father took matters in his own hands, and went to the nearest police station to file an FIR.

But not only were the police unhelpful (they told the family “all these petty cases keep on happening”) – they also sought to victim shame her:

“Aap Bohra logo ko parents se bahut azadi mili hui hai isliye ap logo ke sath ye bahut hota hai. (Bohras have given their children a lot of freedom and this is why it happens). Why do you post pictures on social media? You should delete your social media accounts to be safe.”

When the family attempted to approach the cyber cell next, they were told that it would take at least 25 days to get a lead in the case.

It was only after Rana's sister, Saleha Paatwala, posted about the incident on her social media accounts – seeking help from the Ministry of Women and Child Development – that things were escalated.

Eight days later, an FIR was finally registered.

Case study 4 - A girl was stalked by a person who had all her personal details somehow and forced her to sex chat with him on WhatsApp.

I was cyber stalked by someone whose identity the police is yet to uncover. He knew where I worked and somehow even had my then boyfriend's number. He used to send me WhatsApp messages asking for a sex chat.

He would threaten me saying that he would send my videos and pictures to my family members and/or publish them on social media. I asked him to go ahead with whatever videos he has of me, because he can't force me to sex chat with him.

He kept saying that he would send my videos to my colleagues, and at one point of time, he even said that he has already done that. But he did not send anything. He messaged my now ex-boyfriend and even forwarded their chat to me. It is there in the screenshots.

I don't know from where he got my number or my mom's number, or even my bf's number.

The police asked me if I actually had any nude pics of me. I replied no, and added that even if I did, no one has the right to threaten me like this.

I was stalked for 10 days. I registered an FIR on the 6th or 7th of June at the cyber crime cell of the Mandir Marg police station. I went there again a day or two later to check the proceedings, because the police had asked me to come again and sit with the technical team. But, when I reached there, they refused to do anything stating that I was late (I reached there at 6pm).

The next day I had to leave for Israel for a month, so I asked my friend to visit the police station with my letter on my behalf. He went there after a couple of days and the police refused to update him. Instead they asked him to tell me to talk to the Indian embassy in Israel. I thought it is all rubbish because the incident had happened in India and not in Israel.

After 10 days, he stopped messaging me. After a month when I came back to India, I got a call from the police asking me if I wish to proceed. I said yes. They called me twice. Both the times I answered in affirmative. Yet, three months have passed and they have not been able to identify the stalker.

Case Study 5 - Boss' son at an advertising agency bombarded the survivor with numerous texts and mails in a day. Showed up at her workplace and threatened that he would go over to her place.

Five years ago, I started working for a small ad agency. I was fresh out of college and elated to have been offered a full-time copy writing job with the agency where I had interned before.

Among my colleagues was my boss' son. He was many years older than me and very friendly too. We hit it off right away and he soon became a big brother to me, guiding me through the exciting but bewildering world of advertising.

However, it turned into something else.

After he'd moved on to another agency, he sent me an email "confessing" that he had developed feelings for me. I was quick to shut it down, saying I never thought of him that way. Besides, I was already in a relationship.

What followed was the most harrowing period of my professional life. I was bombarded with emails and texts, sometimes up to a hundred mails and as many texts in a day. He would call me relentlessly, I never picked up.

He knew where I worked, where I lived. He threatened to come to my house and “see to it” that I changed my mind. Once, he showed up at the office and said he’d be waiting for me outside. I was terrified.

When I gathered the courage to approach my boss about it, he told me that he was aware of the issue, and that his son had a mental illness. He took medication and saw a psychiatrist regularly, and tended to become obsessed.

Nobody had ever mentioned this to me.

Soon after, I quit my job. I changed my number and email address for good measure. I was told that he had “made his peace with it” and wouldn't bother me again.

But by that point, I'd had enough.

Case study 6 - An anonymous message on an app called Sarahah which read, “I’ll rape you and you’ll like it” left a girl disturbed for a prolonged period of time.

Anonymity is a powerful weapon on the Internet. In times where every stray thought can be immortalised online – building a digital image of you – imagine being able to share your darkest ideas with no face attached to be publicly shamed for it.

Sarahah is one such app, borne out of millennials’ seemingly unquenchable thirst for validation. To be fair, I am one such millennial afflicted with this thirst, and I defend it.

Everyone wants to hear nice things about themselves. The premise of the app was simple; anyone with a profile has an open inbox (with a custom url) and people send you messages.

However, there was an additional feature that most people considered a deal breaker – the sender’s identity would remain anonymous.

I joined the app late one night at the silly insistence of a friend, who claimed the messages he received were from old friends and full of nostalgia, inside jokes and general compliments.

I signed up and shared the link on my social media profiles, with self-deprecating comments but excited nevertheless.

It was exhilarating. People sent in lovely messages. Old jokes were referenced. I got lots of love for my cats, and even some hate for, of all things, uneven eyeliner. It was all positive and sunshine and rainbows.

I sent my friends lovely messages too, and for a change, the warmth on my Facebook feed was almost sickening.

Three days later, I received this on Sarahah:

“I’ll rape you and you’ll like it.”

‘Who did I upset?’

It took 20 minutes for me to stop crying in panic that afternoon. I was shattered and scared. My mind didn’t stop obsessing over my recent behaviour online. What did I do to warrant it?

Did I pick a fight with someone on Twitter? Did I disagree with someone on a Facebook post? Who would want to send these horrific words to another human being?

And then followed the even greater disgust at thinking I deserved this in anyway.

Twitter trolls had a field day when I shared a screenshot of this message. I should’ve expected it, they chided me, when I signed up on a platform made for vacuous people.

“You’re far too sensitive,” some mocked me, “it’s just silly words!” I tried to engage with these people and patiently explain my experience, but their nonchalance is another thing I apparently should have expected.

Who writes these rules for women on the internet, I wondered? Is there a code to this?

My parents have begun to call me more frequently. My friends check-in on me more often. The person who sent me this message probably took two minutes to do it.

A simple sentence, attached to nothing, but it has generated a fear that is all consuming. A friend of mine put this collective reaction brutally in perspective - “If it was real threat, it wouldn’t be on Sarahah.” I’m sad to say that made me feel better.

Anyway, I deactivated my Sarahah profile. The nasty messages have stopped. So have the nice ones.

Case Study 7 - A man sneakily got the number of the survivor from her documents. Kept following her everywhere and called several times in the day.

Standing in the middle of my neighbourhood market, I found myself observing faces, trying to measure the goodness and wickedness in people by their facial attributes, their expressions. I was driven to this daily exercise by a certain phone call one evening.

My stalker did not have a face, I did not know who he was. He did have many phone numbers and used them to call me at different times of the day.

How It Began

It began at the time of demonetisation. The lines were long, the bank crowded, and the process tedious. I had my documents ready in my hands, eager to get to the exchange counter. The only thing I was paying attention to were my aching feet and back.

Long queues outside banks and ATMs became a daily affair during demonisation.

Returning home from the bank, I felt accomplished. I had managed to procure some new and shiny 2,000 rupee notes. What I didn't realise at the time was that somehow I had also managed to procure a stalker.

He called me that evening and told me that he had noted my number from the documents that I had in my hands. He was smug about it.

In the days that followed, he called me several times, always from a different number. He followed me everywhere because he knew where I had been throughout the day. He would call and ask if I liked a particular cuisine because he had seen me outside a certain restaurant.

I repeatedly asked him to stop the nonsense, to not call me anymore. I warned him that I will report him. The latter seemed like an empty threat, even to myself, because how was I going to report a nameless and faceless person.

When he started calling me at night, I knew I had to do something, anything. So, I called the stalking helpline number. A woman picked up after a series of recorded messages asking me to choose the manner of my complaint.

The woman asked me if I knew the man, I said no. She asked me how he had got my number, I explained it to her. She yawned. She asked me for the number he was calling from, I told her all the numbers that I had noted so far. She said my complaint was registered.

Nothing happened. He called again the next day and the next. In the end, I had to change my number. Even now, months later, I am scared to pick up calls from unknown numbers.

You know what the worst part is? Even though this is the worst stalking incident I have faced, this is not the only time I was stalked. Stalking is more common than we actually accept, because when it happens we either ignore it or change our own paths to dodge it.

ANNEXURE V

CASE STUDIES WHERE STALKER WAS RELEASED ON BAIL AND SUBSEQUENTLY ATTACKED VICTIM OR A FAMILY MEMBER

Case Study 1 - Bal Karan Yadav was arrested for stalking Kushiram's daughter. After being released from jail, on having an argument with Kushiram he stabbed him with a 13-inch-long knife till he collapsed.

Khusiram, a 50-year-old street food vendor, was stabbed close to 20 times before he died, in full public view, at the slum near Amar Colony in New Delhi.

A 24-year-old man, identified as Bal Karan Yadav, has been arrested. Yadav had been stalking Khusiram's daughter and a case of sexual harassment had been filed against him. He spent a year in jail for this.

Yadav and Khusiram are neighbours. Yadav was troubling a female member of Khusiram's family and the latter approached the police. The accused had been nursing a grudge since then and wanted to take revenge.

Since he was released from prison, Yadav had not only been planning to settle scores, but also continued to harass Khusiram's daughter, reported Hindustan Times. Yadav's family had also been putting pressure on Khusiram's family to withdraw the complaint, the daily reported.

On Thursday night, Yadav picked an argument with Khusiram about the complaint. When Khusiram refused to withdraw the complaint, Yadav stabbed him with a 13-inch-long knife till he collapsed.

"Yadav was arrested from near Modi Mill flyover while he was trying to flee after stabbing the victim with a knife," said the police officer.

Case Study 2 - A woman was stabbed in broad daylight in East Delhi by her stalker. The minute the stalker was out on bail, he sought to avenge her complaint.

The woman was in a crowded marketplace when the stalker stabbed her once. The woman ran back to her house with a bleeding body only to be stopped by him and was stabbed multiple times to death. The stalker is still at large.