



F48 Recent Legal Measures Against Stalking in India

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Learning Overview: After attending this presentation, attendees will have learned the latest legal measures against stalking in India. Stalking is a widely prevalent problem and an attempt will be made to present a comparative aspect of laws in different parts of the world, giving attendees an insight into the strengths and weaknesses of legal measures against stalking in different jurisdictions.

Impact on the Forensic Science Community: This presentation will impact the forensic science community by stimulating further inquiry and research into the specific sexual behavior of stalking. Attendees will be educated about the problem of stalking in India and the recent legal measures that have been taken against this practice. The impact of this new law on the practice of stalking will be discussed.

Background: Stalking refers to a constellation of repeated and persistent behaviors to impose unwanted communication or contact on another person. Communication can be via emails, graffiti writings, letters, paper notes, telephone calls, or texts. Unwanted contact can be appearing in places the victim is expected, approaching the victim, following the victim, maintaining surveillance, and visiting the victim's home, family, or friends. Additional behaviors may include ordering goods or canceling appointments on the victim's behalf or initiating bogus legal actions. Physical assaults, property damage, and threats may accompany stalking. Approximately 80% of stalking is done by men.

Content: The Government of India has now introduced a new section, s354 D, in the India Penal Code, which is far more strict than that prevalent in many other parts of the world. On the first conviction, there is imprisonment (simple or rigorous) of up to three years and a fine (any amount.) On the second or subsequent conviction, there is imprisonment (simple or rigorous) of up to five years and a fine (any amount). The law against stalking in India and some recent case studies will be discussed. This law will be compared and contrasted with those in other parts of the world. Sometimes stalking is followed by rape, sexual assault, and/or murder. If these crimes are committed, more sections of law are attracted, and the entire crime becomes more complex. In India, it is seen that victim responses, although quite normal, may inadvertently elevate risk. A victim may respond aggressively or disrespectfully to an obsessional follower out of frustration or fear, unintentionally wounding the subject's fragile ego. Victims may fail to take the safety suggestions of law enforcement and demonstrate a lack of security consciousness. Forensic counselors are now advising victims of stalking not to respond aggressively or disrespectfully. This is one of the measures suggested to attendees, so they can provide this type of counseling in their own countries.

Abnormal Sexuality, Stalking, Sex Crimes