



## Voyeurism in India: Unveiling the Dark Side of Privacy Invasion

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### Abstract

Man is curious in nature. In recent decades, a particular and dangerous form of curiosity has aroused which has been given the name of Voyeurism. In broad perspective, the term Voyeurism implies the act of gaining sexual pleasure from watching other people, while they are engaged in sexual activity or are naked. This article aims to dwell on the various facets of Voyeurism. Starting from providing insights on the various meanings of the term, both in general and medical terms in its introductory part, the article elaborates upon the actual factors that lead an individual to resort to Voyeurism along with defining the reasonable expectations of privacy from an individual. An attempt has been made further to understand the grievous nature of Voyeurism and its long-lasting consequences on the life of the victims of Voyeurism. The next part of the article specifically focuses on the changing perceptions of Voyeurism in Indian legal system and laws together with judicial pronouncements issued from time to time to handle this menace of Voyeurism. The article concludes by providing various recommendations and suggestions to tackle Voyeurism.

**Keywords:** Voyeurism, up – skirting, peeping Toms, paraphilia

### Introduction

The term “Voyeurism” is derived from the verb "voir," which means "to see" in French. The individual doing this act is known as the "voyeur" in French, which literally means "the one who is seeing." Such individual is also sometimes referred to as a "peeping tom." The word “Voyeur” is socially acknowledged as an individual who keeps an eye on others cozy, lives, which could avoid sexual substance. The general concept of Voyeurism is that, if a person for his sexual pleasure captures, observes and watches the private act of private parts, of her/ his neighbour, loved ones or colleagues it is a demonstration that conspicuously meddle with an individual protection and individual space.

Mariyaam Webster Dictionary defines “Voyeurism as the practice of obtaining sexual gratification from observing others, it is also defined as the practice of taking pleasure in observing something private, sordid or scandalous”<sup>1</sup>.

Duhaime Law Dictionary defines “Voyeurism as the secret viewing of another person in a place, where that person would have reasonable expectation of privacy, for the purposes of the viewer’s sexual arousal”<sup>2</sup>.

After a close observation of the incidences of of Voyeurism, it is found that Voyeurism is not only a crime, but a medical deficiency as well. Social scientist, Erving Goffman in his work “The Presentation of Self in Everyday Life”, has described the situation as “when an individual enters the presence of others, they commonly seek to acquire information about him or to bring into play information about him already possessed. They will be interested in his general, social economic status, its conception of self, his attitude towards them, his competence, trustworthiness, et cetera. Although some of this information seems to be sort, almost an end in itself, there are usually quite practical reasons for acquiring it”. On the other hand, J.C. Coleman in his work, “Abnormal Psychology and Modern Life”, observed that “as a clinical term employed in abnormal psychology, Voyeurism refers to individual desire to obtain sexual gratification by viewing others, sexual organs, or the sexual intercourse of others”<sup>3</sup>. “A mere perusal of all the definitions of Voyeurism is an aggressive effort to penetrate into other people secret intentionally. It is an intrusion into the private space of the victim without his oblique her permission where the victim has a legitimate expectation of privacy.

<sup>1</sup> Available at <https://www.merriam-webster.com/dictionary/voyeurism>,

<sup>2</sup> Available at [Dictionary/V/Voyeurism.aspx](https://www.merriam-webster.com/dictionary/voyeurism.aspx), accessed on August 23, 2023.

<sup>3</sup> Coleman, J.C., Abnormal Psychology and Modern Life (3rd ed., Chicago, 1964), 403-404; cited in Alan Westin, Privacy and Freedom, p. 60.



Voyeurism can be done by anyone and of whatever sex. It is not limited to a particular section or condition. People are being targeted in spite of any characterisation. It is difficult to differentiate that who is the victim and who is the culprit. The National Crime Record Bureau (NCRB) shows that women can also be perpetrators in some cases and it is proved that man can also be a victim in this offence. Then NCRB report also shows that the ratio of women victim is much higher than accused. The NCRB report (2015–2018) also busts a fallacy, which supports the argument that the act is only committed by strangers. In the present context, this act is not only limited to strangers. As in most of the cases, the accused is someone known to the victim.

### Development of Voyeurism in India

In India, the concept of Voyeurism is not new, but it existed in ancient times too. The book 'Kamsutra' written by Vatsyayana Mahana which portrays different sexual positions was written after the author secretly watched and observed the art and sexual position of the prostitutes and their clients. Not only Kamsutra but KAshna's Rasleela and the sculptures of Ajanta and Ellora are glaring examples of existence of Voyeurism in ancient times.

Voyeurism has been on the rise in India in recent years. According to the NCRB report from 2014 to 2018, the reason behind the increased number of Voyeurism practises is new form of gadgets and hidden form of cameras which are easily available in the market. Incidents of voyeurism often involve the unauthorized recording or photographing of individuals in private settings, such as changing rooms, public restrooms, or bedrooms. The digital era has made world small; data, event and news are easily accessible now. The rise of social media and instant messaging platforms has further enabled the sharing of explicit content without the knowledge or consent of the individuals involved, making voyeurism a serious issue in India's digital age. According to the NCRB report, the reported cases of voyeurism in India were 1393 in 2018 which rose to 2419 in 2019, followed by 1513 in the year 2021. The state with the highest number of cases was Maharashtra (210), followed by Andhra Pradesh (159) and Odisha (148). Mumbai had the most reported instances with 73, followed by Delhi with 22, Hyderabad with 18, Chennai and Kolkata tied for fifth with 17 each<sup>4</sup>.

### Reasonable Expectation of Privacy and voyeurism

The concept of Voyeurism is based on the doctrine of reasonable expectation of privacy which was held in the case of Justice K.S. Puttaswamy (Retd) vs Union of India<sup>5</sup>(2017 The Right to Privacy was incorporated under Article 21 of the Constitution which protects the right to life and personal liberty extending it to include the right to living a dignified life, where the person's privacy is given excellent protection. The act of Voyeurism stands entirely against it<sup>6</sup>. The concept of a reasonable expectation of privacy is crucial in determining whether voyeurism has occurred<sup>7</sup>.

Reasonable expectation of privacy refers to the circumstances in which a person has the right to privacy<sup>8</sup>. It refers to the belief individuals hold that their activities or spaces are private

<sup>4</sup> Crime in India 2021, Volume I, National Crime Records Bureau, New Delhi, p 25.

<sup>5</sup> (2017) 10 SCC 1

<sup>6</sup> Nariman J. in his separate opinion held:

"521. In the Indian context, a fundamental right to privacy would cover at least the following three aspects: • Privacy that involves the person i.e., when there is some invasion by the State of a person's rights relating to his physical body, such as the right to move freely; • Informational privacy which does not deal with a person's body but deals with a person's mind, and therefore recognizes that an individual may have control over the dissemination of material that is personal to him.

<sup>7</sup> The Court's use of the 'reasonable expectation of privacy' test is open to two main objections.

First the reasonable expectation of privacy test has been discredited in the land of its origin. Further, its application to Indian privacy cases is also disputed. Nariman J, for one, expressly rejected it in *Puttaswamy*. Second, the purpose of the reasonable expectation of privacy test is to determine whether the infringement occurred in a sphere where the petitioner has a valid claim to privacy.

<sup>8</sup> In *Weeks v. United States*, 232 U. S. 383 and in *Katz v. United States*, 389 U.S. 347 (1967) the opinion of the Court was that a person has a constitutionally protected reasonable expectation of privacy and that electronic,



and not subject to observation or intrusion by others<sup>9</sup>. This expectation varies depending on the context and location. Informational privacy is a facet of the right to privacy.<sup>10</sup> In the context of the voyeurism offence, “privacy” should be interpreted with regard to personal autonomy and sexual integrity.

In Puttuswamy judgment it was opined that privacy is not lost or surrendered merely because the individual is in a public place<sup>11</sup>. This aspect is highlighted by Hon’ble Justice D.Y. Chandrachud as under:

“297. What, then, does privacy postulate? Privacy postulates the reservation of a private space for the individual, described as the right to be let alone. The concept is founded on the autonomy of the individual. The ability of an individual to make choices lies at the core of the human personality. The notion of privacy enables the individual to assert and control the human element which is inseparable from the personality of the individual. The inviolable nature of the human personality is manifested in the ability to make decisions on matters intimate to human life. The autonomy of the individual is associated over matters which can be kept private. These are concerns over which there is a legitimate expectation of privacy. The body and the mind are inseparable elements of the human personality. The integrity of the body and the sanctity of the mind can exist on the foundation that each individual possesses an inalienable ability and right to preserve a private space in which the human personality can develop. Without the ability to make choices, the inviolability of the personality would be in doubt. Recognising a zone of privacy is but an acknowledgment that each individual must be entitled to chart and pursue the course of development of personality. Hence privacy is a postulate of human dignity itself. The lives which individuals lead as members of society engender a reasonable expectation of privacy. The notion of a reasonable expectation of privacy has elements both of a subjective and objective nature. Privacy at a subjective level is a reflection of those areas where an individual desires to be left alone. On an objective plane, privacy is defined by those constitutional values which shape the content of the protected zone where the individual ought to be left alone. The notion that there must exist a reasonable expectation of privacy ensures that while on the one hand, the individual has a protected zone of privacy, yet on the other, the exercise of individual choices is subject to the rights of others to lead orderly lives<sup>12</sup>.”

### **Voyeurism in Indian Law and Enforcement Procedures**

Laws related to the protection of physical privacy of an individual in India have been in existence even prior to the framing of our constitution. With the introduction of the Indian Penal Code in 1860, India embarked on its fight against obscenity and restrict peeping toms

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as well as physical, intrusion into a place that is in this sense private may constitute a violation of the Fourth Amendment. The first test is that whether the person has an actual (subjective) expectation of privacy in that space. Secondly, whether the person’s expectation of privacy is (objectively) reasonable or not?

<sup>9</sup> Reasonable expectation of privacy may vary from the intimate zone to the private zone and from the private zone to the public arena. K.S Puttuswamy Judgment

<sup>10</sup> In R. v. Jarvis [2019] 1 S.C.R. 488 Supreme Court of Canada states that the jurisprudence pertaining to s. 8 of the Canadian Charter of Rights and Freedoms is also instructive in interpreting s. 162(1). Parliament must be understood as having chosen the words “reasonable expectation of privacy” in s. 162(1) purposefully and with the intention that the existing jurisprudence on this concept would inform the content and meaning of those words. The offence of voyeurism is an extension of the criminal law to protect well-established interests of privacy, autonomy and sexual integrity in light of threats posed by new technologies that encroach upon them. Because voyeurism is a sexual offence, a reasonable expectation of privacy in the context of s. 162(1) should be interpreted in light of the harms contemplated in related provisions in the scheme for sexual offences in Part V of the Criminal Code (Criminal Code of Canada, Last amended on June 20, 2023, PART V Sexual Offences, Public Morals and Disorderly Conduct)

<sup>11</sup> For example, if a person was to post on Facebook vital information about himself, the same being in public domain, he would not be entitled to claim privacy right.

<sup>12</sup> Supra note 13.



and perpetrators. A trajectory of how these changes in law took place along with the growing demands to curb Voyeurism, a term introduced lately by CLA, 2013 is outlined.

**Indian Penal Code 1860**

- a. **Section 292:** particularly dealt with the person who sells, publish, print any obscene picture in the public and interprets words like ‘transmit’ and ‘publish’ in relation to indecent images.
- b. **Section 354A:** provides for if any person knowingly send the obscene pictures and videos to woman through social or any media to offering sexual requests or if any person knowingly and with consent sending the pornographic pictures and videos to woman through social media to harass her.
- c. **Section 502:** provides if any person portrays any woman obscenity with the medium of print and publishes it.
- d. **Section 509:** deals with outraging modesty of a woman, if any person publishes or prints the private parts of a woman without her consent and knowledge.

In all these sections of the IPC there is punishment in the form of imprisonment and fine both. Some provisions of the Evidence Act, 1872 (Section 53A) and Code of Criminal Procedure, 1973 speak about voyeurism as an offence but generally and separately or exclusively about it.

**Constitution: Article 21:** provides an individual the fundamental right to “Life and Liberty” which is extended further to live a” life with dignity”. It ensures the right to privacy to each individual.

**Young Persons Harmful Publications Act, 1956: Section 2(a)** provides if a person knowingly publishes the obscene write-up, content, stories, pictures or images of a woman without her knowledge and consent, it will invite severe punishment.

**The Indecent Representation of Women (Prohibition) Act, 1986**

- a) **Section 2(c)** provides punishment to those who portray any woman obscenity and advertise or publish that obscene image of that woman.
- b) **Section 4** prohibits a person to sell, distribute, circulate or send photographs/image of women without her consent or knowledge.

**Information and Technology Act, 2000:** While India does not have any specific rule for digital voyeurism the Indian legislature by inserting section 66E in the IT Act, 2000 have tried to stop the capturing or transmission of such voyeuristic acts.

- a. **Section 66E:** states, “Whoever, intentionally or knowingly captures, publishes or transmits the image of a private area of any person without his or her consent, under circumstances violating the privacy of that person, shall be punished with imprisonment which may extend to three years or with fine not exceeding two lakh rupees, or with both.” This section is limited to the violation of the privacy of the private parts and do not cover the various aspects of privacy.
- b. **Section 67:** permitted only those instances of obscenity which are published, transmitted on the Internet.

**Information and Technology (Amendment) Act, 2008:** introduced punishments for violation of privacy. Non-consented intimate images are not covered under this Act covers new forms of sexual crime in India. Section 67A IT Act punishes publishing or transmitting “material containing sexually explicit acts, in electronic form,” which could effectively penalise perpetrators. However, this section could also lead to the possible prosecution of the victim, who may have voluntarily taken the pictures or videos and sent them to their partners, a situation commonly observed in Non-Consensual Intimate Image (NCII) cases. This inherent contradiction in the current legal system when addressing NCII is problematic since the same section the victim relies on to obtain legal relief could be used to prosecute them.

**POCSO Act, 2012**

- a. **Section 11(3):** provides if any person knowingly shows any obscene picture of the child or try to record and capture the obscene images and videos of a child and then publish it on the Internet.



- b. **Section 13:** provides if any person uses any child for pornographic purpose or uses the private parts of the child and later on publish it on the Internet, the person is guilty of child pornography and punishment is for five years imprisonment and fines both.
- c. **Section 15:** provides if any person captures and records, the private parts of a child and then stored and possesses for pornographic purpose, the person is guilty of child pornography with seven years of imprisonment and fine both.

**The Sexual Harassment of women at workplace (Prevention, Prohibition of Redressal) Act, 2013: Section .2 (n)** provides that if any person publishes or making obscene images or video of women without her knowledge and consent and who is working in the same place, he shall be punished.

**Criminal Law Amendment Act, 2013:** The act of voyeurism was not a crime in India until the year 2013. But after the Nirbhaya rape case in 2012 on the recommendations of Justice JS Verma Committee<sup>13</sup>, Criminal Law Amendment Act 2013 was made, which introduced a new clause 354C to the Indian Penal Code. This made voyeurism a criminal offence in India.

**Section 354(C) of IPC:** “ any man who watches or captures the images of a woman engaging in a private act in circumstances where she would usually have the expectations of not being observed either by a perpetrator or by any other person at the behest of the perpetrator or disseminates such images shall be punished on the first conviction with imprisonment of either description for a term which shall not be less than 1 year, but which may extend to 3 years, and shall also be liable for fine, and be punished on second or subsequent conviction, with imprisonment of either description of the term which shall not be less than three years, but which may extend to seven years, and shall also be liable to fine.”

#### Drawbacks of section 354C:

1. It does not cover the new dimension of morphed and photo shopped images.
2. It is women centric and section 354C numerate only women can be target in this crime and male are perpetrators and accused.

**IT Intermediary Guidelines and Digital Media Ethics Code 2021:** protects persons from Voyeurism and prohibit the production and distribution of porn industries in India. As per the guidelines mentioned in this Code:

1. As soon as the intermediaries find anything obscene materials, then they will directly approach the government and not store and preserve the content for themselves.
2. If any person reports or complaints that the obscene material is present on the Internet then it is the duty of the intermediary to remove it within 24 hours of filing of complaint

#### Factors contributing to Voyeurism

Several factors contribute to the prevalence of voyeurism in India:

**Cultural Norms:** The concept of 'family honour' has been significant in Indian culture. Families often maintain their social status and reputation by adhering to strict moral codes and preserving the dignity of their members. This has led to a culture where the private lives of individuals are guarded closely, and any deviation from established norms is viewed with suspicion and disdain. India's conservative culture can sometimes lead to suppressed sexual desires, pushing individuals towards voyeuristic tendencies as an outlet<sup>14</sup>.

**Advanced Technology:** The advent of technology, particularly smartphones and the internet, has disrupted the traditional norms. India has witnessed a rapid digital transformation, with

<sup>13</sup> On December 23, 2012 a three-member Committee headed by Justice J.S. Verma, former Chief Justice of the Supreme Court, was constituted to recommend amendments to the Criminal Law so as to provide for quicker trial and enhanced punishment for criminals accused of committing sexual assault against women. The other members on the Committee were Justice Leila Seth, former judge of the High Court and Gopal Subramaniam, former Solicitor General of India. The Committee submitted its report on January 23, 2013. It made recommendations on laws related to rape, sexual harassment, trafficking, child sexual abuse, medical examination of victims, police, electoral and educational reforms.

<sup>14</sup> Rahul Singh Kandasi and Kaushik Mukherjee, Voyeurism in India: An International Comparison, *International Journal of Law Management & Humanities*, 1733 Volume-VI – Issue II, 2023



millions gaining access to smartphones and the internet. The widespread availability of technology, such as hidden cameras and smartphone cameras, has made it easier for voyeurs to invade the privacy of others. While this has brought many positive changes, it has also exposed people to voyeuristic behaviours facilitated by technology. Instances of non-consensual sharing of intimate images and videos, often known as "revenge porn," have increased<sup>15</sup>. The anonymity provided by the internet has emboldened individuals to engage in voyeuristic activities without fear of repercussions.

**Lack of Sex Education:** Inadequate sex education often leaves people ignorant about healthy sexual behavior, leading some to seek gratification through voyeuristic means. In the absence of formal sex education, many young people turn to unreliable sources like friends, pornography, and the internet to learn about sex. This can lead to misinformation, misunderstandings, and unrealistic expectations, which may contribute to voyeuristic tendencies and inappropriate behavior<sup>16</sup>.

**Psychological Factors:** One of the primary drivers of voyeurism is sexual arousal. Voyeurs derive sexual pleasure from watching others in intimate or compromising situations. This sexual arousal can be linked to their own repressed desires or unresolved sexual conflicts. Individuals with low self-esteem may resort to voyeurism as a way to gain a sense of power and control over others. Watching someone without their knowledge can temporarily boost their self-esteem and confidence<sup>17</sup>.

**Trauma and Abuse:** Childhood trauma, abuse, or neglect can contribute to voyeuristic tendencies in adulthood. Some individuals may develop voyeuristic behaviours as a result of unresolved psychological issues stemming from their past<sup>18</sup>.

**Gender Dynamics:** Historically, patriarchal systems have positioned men as dominant and women as submissive, perpetuating a power imbalance<sup>19</sup>. Traditional gender roles can reinforce a sense of entitlement and dominance among some individuals, leading to an increased likelihood of voyeuristic behavior. In such cases, voyeurism can be viewed as an expression of power, where one person seeks to assert control over another through the act of observation, often without consent. Voyeurism predominantly affects women and girls.

### Impact of Voyeurism on Victims

Voyeurism has a profound and lasting impact on its victims, both psychologically and emotionally. Victims of voyeurism often suffer from:

1. **Violation of Privacy:** Voyeurism, a disturbing and unethical behavior, represents a blatant violation of an individual's fundamental right to privacy<sup>20</sup>. It involves the intrusive act

<sup>15</sup> Pranav Dixit, Protect your privacy: Learn how to detect hidden cameras around you using just your smartphone, Published on: Jan 15, 2023, available at <https://www.businesstoday.in/technology/story/protect-your-privacy-learn-how-to-detect-hidden-cameras-around-you-using-just-your-smartphone-360377-2023-01-15> assessed on August 20, 2023.

<sup>16</sup> Palak Chakraborty and Avantika Mishra, Lack of Sex Education in India and its Growing Importance in the Digital Era, *International Journal of Policy Sciences and Law*, 1873 Volume 1, Issue 4, 2021.

<sup>17</sup> Voyeurism: The Silhouetted Crime in India, available at <https://www.sbhambridvocatess.com/post/voyeurism-the-silhouetted-crime-in-india> assessed on August 20, 2023

<sup>18</sup> Nicholas Longpre et. al., The impact of childhood trauma, personality, and sexuality on the development of paraphilias, *Journal of Criminal Justice*, 101981 Volume 82, September–October 2022.

<sup>19</sup> The deeply ingrained patriarchy in Indian society further compounds the problem, as women may be blamed for inciting voyeuristic behavior or not adhering to conservative dress codes.

<sup>20</sup> In the case of *Sonu Billa vs. State Through SHO, PS Paschim Vihar East* the High Court of Delhi 2023 SCC OnLine Del 1955 states that the objective behind introducing the present offence was to curb sexual crime against women and to protect their privacy and sexual integrity. The law has to ensure that all citizens are able to enjoy a peaceful life with peace of mind having assurance that their privacy is respected and such kind of trespass and mischief will attract the criminality of voyeuristic behavior of the perpetrator of the crime. The high court said the man's act of peeping inside the bathroom with sexual intent whenever the victim used to take bath, and to pass vulgar remarks, comments and gestures against her were not trivial and ill-mannered behaviour but amounted to breach of privacy of the woman and will attract criminality as envisaged under Section 354C



of spying on someone without their consent, often for personal satisfaction or gratification. This intrusion can take various forms, such as peeking into someone's private moments through windows, taking unauthorized photographs or videos, or hacking into personal digital spaces. In essence, voyeurism disregards the sanctity of personal boundaries and privacy, causing profound emotional and psychological distress to the victims<sup>21</sup>. It not only breaches ethical standards but also challenges the very foundations of trust and respect upon which healthy relationships and societies are built. The most immediate harm is the violation of personal privacy, causing distress and trauma.

2. **Emotional Distress:** Voyeurism, driven by an unhealthy curiosity or desire, inflicts significant emotional distress upon its victims. The invasion of privacy and the feeling of vulnerability caused by knowing that one's intimate moments or personal spaces have been violated can lead to severe psychological trauma<sup>22</sup>. Victims often grapple with emotions such as shame, humiliation, anger, and fear, which can have long-lasting effects on their mental well-being. This emotional distress can extend beyond the immediate violation, affecting one's ability to trust others and maintain healthy relationships<sup>23</sup>. It is essential to recognize the profound emotional toll that voyeurism inflicts and offer support and resources to those who have endured such violations, emphasizing the importance of empathy, respect, and consent in our interactions with others. Victims may experience intense feelings of shame, humiliation, and anxiety, which can lead to mental health issues<sup>24</sup>.

3. **Trust Issues:** Voyeurism, by its very nature, shatters the foundation of trust in both personal relationships and broader societal contexts. When someone discovers that their private moments have been invaded without their consent, a deep sense of betrayal often takes root. This betrayal can lead to profound trust issues that ripple through one's life. Victims may become hyper-vigilant, constantly questioning the intentions and integrity of others. They may struggle to form new relationships or maintain existing ones, fearing vulnerability and the potential for betrayal. At the societal level, the prevalence of voyeurism erodes the trust individuals have in the security of their personal spaces, both physical and digital, causing a sense of unease and insecurity<sup>25</sup>. Addressing voyeurism requires not only legal measures but also a commitment to rebuilding trust, emphasizing respect for boundaries, and fostering a culture of consent to restore the sense of security and trust that is essential for healthy relationships and thriving communities.

4. **Career and Social Consequences:** For victims of voyeurism, the social and emotional fallout can be equally damaging. The violation of privacy often leads to feelings of shame, embarrassment, and isolation. In some cases, victims may withdraw from social activities, experience anxiety or depression, and suffer long-term psychological trauma<sup>26</sup>. Moreover, the public nature of modern communication means that instances of voyeurism can quickly become widely known, causing victims to endure public humiliation and social ostracization.



(voyeurism) of the Indian Penal Code. The high court said the argument of the man's counsel that the act of taking bath by the victim in the present case, instead of being a 'private act' became a 'public act' is "totally meritless". HC upholds man's conviction, one year sentence for voyeurism, The Pioneer, 07 April 2023 New Delhi.

<sup>21</sup> Stuart P. Green, *Criminalizing Sex: A Unified Liberal Theory*, 202 New York: Oxford University Press, 2020

<sup>22</sup> Ruth E Mann et. al., *Voyeurism: Assessment and Treatment*, in *Sexual Deviance: Theory, Assessment, and Treatment* by D. Richard Laws and William T. O'Donohue (eds.), 332 London: Guilford Press, 2012

<sup>23</sup> Ibid, p 355.

<sup>24</sup> Bijoy Sharma and Dr. Naveen Kumar, *Crime of Voyeurism and Stalking in India: Issues and Challenges*, *International Journal of Law Management & Humanities*, Vol. 4 Issue 4; 1648.

<sup>25</sup> The Madhya Pradesh High Court in the case of Shivam Sharma vs The State Of Madhya Pradesh (CRR-448-2022) upheld that it is an offense under Section 354-C of IPC if victim consents to the capture of the images but not to its dissemination to third persons and the image is still disseminated.

<sup>26</sup> Rahul Singh Kandasi and Kaushik Mukherjee, *Voyeurism in India: An International Comparison*, *International Journal of Law Management and Humanities*, 1728 Volume 6, Issue 2, 2021.



This can lead to a loss of friendships, strained family relationships, and damage to one's social standing.

### Government Programmes for Prevention of Voyeurism related offences

On 19th February 2019, the Ministry of Home Affairs started two new programmes “Nirbhaya Fund” and “Investigation Tracking System for Sexual Offences”. To make the enforcing system more effective the “Cyber Crime Prevention against Women and Children” (CCPWC) Portal has been put in place for monitoring and investigation of voyeurism practices in India and direct approach to the intermediaries to keep pace with fast changing technologies in India. The National Cyber Crime Record Portal (NCCRP) removes the objectionable contents from the Internet and tries to communicate the Intermediaries to look into the matter. The National Database on Sexual Disorder (NDSO) Portal, has been set up to help the police as through this portal they can track offender in lesser time.

### Effective Ways to Tackle Voyeurism

The Indian legal system has recognized the seriousness of voyeurism and enacted laws to combat it. The Information Technology Act, 2000, and the Indian Penal Code (IPC) have provisions that criminalize voyeuristic acts, such as Section 66E (punishing the violation of privacy through digital means) and Section 354C (punishing the capturing or dissemination of images of a woman's private parts without her consent). However, enforcement remains a challenge, and many cases go unreported. The law of voyeurism is still being developed and has some significant gaps. First off, the term excludes any morphed or manipulated images or films of the victim that the offender has created by swapping the victim's face from a non-intimate photo into any pornographic one. Although it does not come inside the definition of voyeurism, this will have a severe negative impact on the victim. Second, the provision does not acknowledge that men can also become victims of voyeurism and is not gender neutral. Legislation must therefore close these two loopholes to ensure that perpetrators are held accountable and cases of voyeurism are reduced.

To address voyeurism in India, the following measures can be taken:

1. **Public Awareness:** Increasing awareness about the issue through educational programs and media campaigns can help people understand the gravity of voyeurism and its consequences. Combatting voyeurism through public awareness campaigns is essential in raising awareness about the harmful effects of voyeuristic behavior and promoting a culture of respect for privacy. To create a public awareness campaign to combat voyeurism first thing is to identify the target audience, second is to create informative materials such as brochures, posters, and online content that explain what voyeurism is, why it's harmful, and the legal consequences. Then social media platforms can be utilized to spread the message by creating engaging posts, infographics, and videos to educate and inform the public about voyeurism. For it a website with comprehensive information about voyeurism can be developed which can demonstrate its consequences, and how to report incidents. With it personal stories from survivors and their families (with changing names) can be shared. These testimonials can be powerful in humanizing the issue and encouraging empathy. For public awareness and for ensuring that campaign has a long-term strategy for sustainability and thinking voyeurism a persistent issue continuous ongoing awareness efforts are crucial.

2. **Strengthening Legal Framework:** Strengthening the legal framework to combat voyeurism is a critical step in addressing this invasive and harmful behavior. The government can establish agencies that will carry out routine checks to search for any voyeurism-related equipment such as hidden cameras. In addition, cyber cells that can identify sites that post voyeuristic content can be set up, and steps can be made to remove the offending recordings from cyberspace so that voyeurism is not encouraged and the reputation of the victim is not damaged. Most victims do not approach the police because they are afraid of the embarrassment they would face if such vulgar photographs are leaked. As a result, the government should adopt certain methods to preserve the victim's privacy, allowing her to file





lawsuits without fear. As some criminals develop voyeurism obsessions and use the practise to get erotic gratification, they should turn to psychotherapy, support groups, medication, and correct counselling addressing this behaviour.

3. **Encouraging Reporting:** An informed individual may be helpful in checking the occurrence of the incidences of this crime. During visits to new and unfamiliar places, while engaging in activities of changing clothes, taking bath or perming any other private activity, an individual may check for any pin-hole camera, hidden camera, CCTV camera by carefully scrutinising the surroundings such as doors, windows, curtains, lock-doors or any other visible hole and check for any blinking light. Report the crime if any such activity seems visible. The enforcement agencies may ensure the anonymity and the safety of the individual reporting the crime.

4. **Support for Victims:** It is very traumatic for an individual to bear the brunt of voyeurism. Symptoms of anxiety, depression, stress and anorexia are frequently visible in the victims of this crime. Issues related to mental health disturbances can also be observed in those affected. Counselling sessions by trained psychologists and sessions from support groups who provide these victims spaces to share their experiences with others who have themselves undergone such struggles and recovered from the trauma of this crime would be effective in improving the conditions of these victims of voyeurism. Cognitive-Behavioural Therapy sessions would be of great help.

### Conclusion

Voyeurism, which started as a result of curiosity to know and explore more about the opposite sex soon converted into a criminal activity by perverted minds. Illegal uses of advances in technology for the purposes of sexual gratification has not only increased the incidences of such crimes in India but has also created an atmosphere of distrust and fear in the minds of the so-called weaker sex which are more susceptible to such crimes. Publishing and dissemination of such material through the use of internet and various social media sites not only expedites the process but also makes it a common household matter leading to tarnishing the image and reputation of the victim in a matter of a few seconds. Despite being recognised as a criminal activity since 2013 by the CLA Act, incidences of voyeurism has shown a steep rise instead of decreasing trend. Keeping in mind the devastating nature of this crime to the lives of the victims, stern steps must be taken by enforcement agencies in India to implement the laws laid down in various legislations framed to punish these sex-obsessed maniacs.