Stalking - a crime indeed

What is the issue?

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- The recent incident of a woman being pursued at night by men in a car in Chandigarh has brought up the issue of stalking to the fore.
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- Oppositions are getting stronger that the perpetrators should not have been let out on bail without due verification and interrogation.
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What is the legislation with stalking in India?

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- Section 354D of the Indian Penal Code, which pertains to stalking, is a bailable offence.
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- As of now, the **first offence of stalking is "bailable"**, implying that the accused need not be produced before a court for seeking bail but can be relieved from a police station itself.
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- Any **subsequent offence of stalking is 'non-bailable'**, meaning court will have the discretion to grant bail to an accused.
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- The Justice Verma Committee, set up in 2012, had recommended that stalking be introduced as a non-bailable offence with one to three years in jail as punishment.
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- A Criminal Law Amendment Ordinance wanted every offence of stalking be considered as non-bailable. It however did not come into force due to opposition.
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What are the problems in this regard?

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- There is an almost 50% rise in stalking cases but conviction rate is abysmally low.
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- The duration it takes for the police to file charge sheet for the offence that is bailable could lead to complainants losing the resolve to continue.
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- There are also instances of complainants being pressured into withdrawing the case.
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- Stalking is far too often dismissed as harmless. However, it is important to understand how traumatic and inhibiting it is for a woman to be pursued with uncalled-for interest.
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- Stalking, at times, contains the seeds for a bigger, often violent crime including murder and acid attack.
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What is desired?

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- Law makers and the society should start understanding stalking as indeed a crime that requires swift punishment. Time-bound trial can help in more convictions.
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- However, the notion that expanding the rigour and scope of penal laws would bring down crimes against women has unfortunately not worked.
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- Evidently, the change is now needed in social attitude towards considering stalking as a mere annoyance.
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- It has to go to the level of respecting and valuing the honour and dignity of women and their choices.
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Source: The Hindu

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