

## PROMOTING STALKING BY THE INDUSTRY GIANTS BOLLYWOOD AND OTT'S PLATFORMS AND THE LAWS REGULATING STALKING IN INDIA

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### ABSTRACT

*In this research paper, I did research on Stalking in India. I have done research by collecting secondary data from various research papers, journals, articles, news articles, government websites, law books etc. The main aim of this research paper is to give a brief idea about Stalking and how it is being promoted by Bollywood through movies and web series. Previously Bollywood was involved in promoting stalking through movies which are somehow regulated by the censor board but the rise in the OTT Platforms without regulations promotes stalking in a vast way. I also talked about laws regulating stalking in India as well as international Law. Nowadays, stalking is a huge problem faced by most of the people in the society. In most cases stalkers are not strangers they are friends, neighbors, and our very close ones whom we trust and whom we believe. The word stalking is defined in different aspects by some scholars and nowadays even online keeping an eye on someone is considered as stalking.*

### INTRODUCTION: WHAT IS STALKING?

A crime is an act committed or omitted, in violation of a public law, either forbidding or commanding it; a breach or violation of some public right or duty due to a whole community, considered as a community. In its social aggregate capacity, as distinguished from a civil injury<sup>1</sup>. A crime is a deliberate act that causes physical or psychological harm, damage to or loss of property and is against the law. Crime is an act or omission which is against the law and those who commit the crime are liable for the punishment.

According to a report by Hindustan Times, “Whoever monitors the use by a person of the internet, email or any other form of electronic communication that results in a fear of violence, or interferes with the mental peace of such person, commits the offence of stalking.”<sup>2</sup>

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<sup>1</sup> CRIME Definition & Meaning - Black's Law Dictionary <<https://thelawdictionary.org/crime/>> accessed 12 August 2023.

<sup>2</sup> If You Are Being Stalked, Here's How You Can File Complaint Without Visiting Police Station,

The crime of stalking is not a standalone crime and is of a nature where many other offences in the law are interlinked. A woman who is stalked is not only being mentally harassed, she may be sexually harassed, eve teased and her modesty may also be outraged.<sup>3</sup>

Stalking has different effects on the person who is being stalked, but for many emotionally weak people, it is usually very bad and traumatic. Most of the victims have mental health problems that make them feel helpless, out of control, stressed, and anxious most of the time. They may also feel a loss of trust and long-term feelings from even close friends and family, which can lead to anxiety, bipolar disorders, etc., and make them angry and stressed all the time. Most of the time, the people who are being stalked change jobs, move, keep secret phone numbers, and start carrying guns or other weapons to protect themselves.

There are different types of stalkers such as rejected stalkers, heroic stalkers, resentful stalkers, predatory stalkers etc. These stalkers follow different ways to stalk a person such as by following them, sending unwanted letters and making phone calls, taking photographs, trying to communicate without consent, spreading rumors, stalking with the use of social media platforms, abusing parents and friends, threaten to physical assault and sexual assault mental assault, visited home for unnecessary purpose and stood inside home etc.

### STALKING IN BOLLYWOOD

Even though stalkers are common in India, you can't deny that many of them get their ideas from the movies we watch and the plots that drive Indian movies. In the name of *aashiqui*, or love, and possessiveness, a roadside stalker is made into a hero.<sup>4</sup> Even Bollywood glorifies these stalkers as the lead characters in the movies. They show them in such a way that what they are doing is justified.

Bollywood normalizes stalking by showing a good part of that character, and by seeing the audience convinced that what that so-called hero is doing is good. A person may be good at something like maybe he/she is a social reformer, savior, or something else but he might also be a stalker. Bollywood in their movies promotes the image of roadside '*Majnus*', who think

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(July 29,2021), IFORHER, <https://www.iforher.com/motivation/society-women/what-is-meaning-stalking-how-to-file-complaint-without-going-to-police-station/> accessed 12 august 2023.

<sup>3</sup> #MeToo: How the law protects you against Stalking, Bar and Bench - Indian Legal news <https://www.barandbench.com/columns/me-too-law-protects-you-stalking> accessed 12 august 2023

<sup>4</sup> Kumari Purvi, How Bollywood glorifies stalking through the movies, She The People, February 2022, <https://www.google.com/amp/s/www.shethepeople.tv/top-stories/opinion/how-bollywood-glorifies-stalking-through-the-movies/amp/> accessed 12 august 2023

that it is normal to blow a whistle while passing aside a girl, sing songs while seeing a girl, follow a girl without her consent, etc. Bollywood is proud of making movies where the main character does things like this, even though they should be discouraging. There are many movies like Kabir Singh, *Ranjhana*, *Think of Darr*, *Toilet: Ek Prem Katha*, *Anjaam* and many more.

In the movie '*Ranjhana*' which was released in 2013, the school girl stalked by a boy in the city of Banaras and after being neglected by the girl, that boy threatens to cut his veins with the blade by saying "*Keh do tumhe pyaar hai warna abhi Kalai kaat denge*". By seeing this scene in cinema halls people whistle and enjoy a lot. This was portrayed as an achievement for the boy and doing this with women normalized.

In the movie named "Kabir Singh" which was released in 2019, it was portrayed that initially the boy stalked a girl in a college, disrupted his studies without any objection from the girl, and even stalked in the girl's hostel which is considered to be a safe place for students. The movie has a number of scenes that show how that boy stalks a girl, but what movie directors do is that normalize this stalking in the name of romanticism and at last glorify that boy. The audience after seeing this believes that what he did was part of his love journey, and nothing wrong with that.

The journey behind the glorification of stalking by Bollywood starts way back in the 1990s when dialogues like "*Tu haan kar ya na kar, tu hai to meri kiran*", etc. catches the eyes of people in the theatres. The careless way stalking is frequently presented on TV creates troubling issues. In a sensational case from Australia in 2015, an Indian man, Sandesh Baliga, accused of stalking two women in Tasmania, successfully argued that he believed the patient pursuit of a woman would make her fall in love with him since that's what he'd seen in Bollywood films.<sup>5</sup>

According to the report by The Economic Times, approximately 35% of the total cine viewers today fall in the age group of 10-24 years.<sup>6</sup> According to the report published by Live Mint, Youngsters between the ages of 15-24 years make up the majority of film-going audiences in India, says a report by Interactive TV. A new report titled 'At a Theatre near You' by

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<sup>5</sup> Ben child, Security guard avoids jail by blaming bollywood for stalking habit, The Guardian, <https://www.theguardian.com/film/2015/jan/29/security-guard-avoids-jail-by-blaming-bollywood-for-stalking-habit> accessed 12 august 2023.

<sup>6</sup> Meena Iyer, The Economic Times, Bollywood owes business to 10-24 age group, 13 April 2008.

Interactive TV, the cinema advertising unit of media agency GroupM, says 53% of the people visiting movie theatres today are women.<sup>7</sup>

Think of it that, in the country youths below the age of 24 are 35% of the total viewers and according to some new report articles they crossed to 50%. 10-24 is the age group where youngsters' mind shapes to become the future gold of the country, and in this agegroup after seeing these types of movies who promotes stalking has a bad impact on the youngsters as well as on society.

## LAWS FOR STALKING IN INDIA

**In India, to deal with stalking following laws are available:**

**Section 354D of the Indian Penal Code:** According to this section, any man who follows a woman communicates with her for personal interaction, repeatedly tries to get in touch with her despite a clear indication of apathy, or monitors the woman via the internet or any other form of electronic communication is guilty of stalking. Such a deed may be considered stalking, a criminal offense. The crime of stalking is punished by a maximum three-year jail sentence as well as a fine.

**Section 66D of the Information and Technology Act 2000:** It deals with the crime of impersonation, in which a person intentionally misleads someone else using a laptop or other communication tool. This clause can be used to punish those who create several false identities in an effort to stalk someone online. This offense carries a maximum three-year jail sentence as well as a fine that can reach one lakh rupees.

**Section 354C of the Indian Penal Code:** According to this clause, a male commits voyeurism if he sees or takes pictures of a woman performing an act that is private in an environment where she reasonably expects no one to be watching or taking notes. On the first conviction, this offense has a mandatory minimum sentence of one year, with the possibility of an additional three years, as well as a fine. On a second or subsequent conviction, the mandatory minimum sentence increases to three years, with the possibility of an additional seven years, along with a fine.

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<sup>7</sup> Lata Jha, 53% of the people visiting movie theatres today are women, Live mint, 14 July 2017, <https://www.google.com/amp/s/www.livemint.com/Consumer/vZLg4o2tnmsNQTVP0vNInN/53-of-people-visiting-movie-theatres-today-are-women-repor.html%3ffacet=amp> accessed 13 august 2023.

**Section 66E of the IT Act 2000:** This section outlines the penalties for knowingly taking, publishing and sending private photos of any person without that person's agreement, which constitutes a violation of privacy. This is illegal, and violators may be sentenced to a period of a maximum of three years in prison, a fine of up to two lakh rupees, or a combination of the two. Any individual, whether a man or a woman, can be held accountable for this offense under the terms of this Act since this provision is gender-neutral.

**Section 507 of the Indian Penal Code:** This section discusses the use of anonymous correspondence as criminal intimidation. Any individual who threatens another person while keeping his identity a secret and knowingly engages in criminal intimidation through frequent contact is guilty of the offense and is subject to a sentence of up to two years in prison.

**Section 509 of the Indian Penal Code:** Any words, gestures, or actions that violate a woman's privacy or are intended to offend her modesty are prohibited by this section and are subject to a maximum one-year sentence of simple imprisonment, a fine, or a combination of the two.

**Section 67A of the IT Act 2000:** The offense of disseminating any "sexually explicit" content in digital format is punishable in accordance with this clause, which refers to a subset of cyberstalking crime.

**Section 67B of IT Act 2000:** The provision addresses stalkers who target children and post such content when such minors participate in any type of sexual activity with the intention of posing a threat.

**Schedule 1 of the Code of Criminal Procedure:** This clause states that a stalking offense is punishable by up to three years in prison and a fine. A first-time conviction for stalking is cognizable and subject to bail, but if the same individual commits the same crime again, the sentence can be extended to five years and the offense is no longer subject to bail.

## **COURT JUDGEMENTS IN RELATION TO STALKING**

**Kalandi Charan Lenkan v. State of Orissa, 2017:** The Honorable Orissa High Court declared in this matter that when cases are filed, Section 354-D of the IPC combined with the provisions of the IT Act must be used to record the offense of internet stalking<sup>8</sup>.

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<sup>8</sup> *Kalandi Charan Lenka v. State of Odisha [2017] BLAPL No. 7596*

**Shri Deu Badoke v State of Maharashtra 2016:** In this instance, the woman alleged, prior to his passing, that the accused's ongoing harassment and stalking were to blame for her suicide. The woman said that the defendant would constantly pursue them while they were at work and insisted on getting married. In addition to the accusation of preventing suicide, the Honorable Bombay High Court ruled that charges under Section 354-D had also been recorded<sup>9</sup>.

**Inspector General of Police v S. Samuthiram, 2013:** The Honorable Supreme Court established eight rules in its ruling in this case to prevent eve teasing. The Court discussed the significance of investigating accusations of eve teasing in public spaces such as public transportation, educational facilities, movie theaters, etc. made by victims and spectators<sup>10</sup>.

## CONCLUSION

Stalking is very common in India. It can happen in person or through electronic means, as described above, and is a crime that can get you locked up for at least three years. In India, women who work, go to school, or stay at home, as well as many other women, are often stalked without their knowledge. This happens to both women and men. To prevent stalking there needs to be a regulation on Bollywood and also encouraging women to file complaints about stalking. Stalking laws should be made gender neutral so that there is no bias in the law and whoever the victim is instead of their gender gets justice in a proper way.

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<sup>9</sup> *Shri Deu Badoke v The State of Maharashtra* (2016) SCC 15454.

<sup>10</sup> *Inspector General of Police v. S. Samuthiram*, (2013) AIR 2013 SC 14