
VOYEURISM

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ABSTRACT

I asked my friends that if they would witness an attractive person undressing or two attractive individuals having sex in order to ascertain whether or not "normal" people would indulge in voyeurism. The likelihood of being discovered was changed to 0.10%, or 20%. friends stated that if they wouldn't be caught, they would be willing to watch someone attractive undress, more male friends than female friends said that they would be willing to see sexual behavior if the conditions were right. The findings were seen as providing credence to social constructivist theories of voyeurism and social learning. It is stressed how important it is to conduct studies on voyeuristic inclinations using normal people and experimental techniques.

Keywords: Voyeurism, Attractive, Sexual Behavior

INTRODUCTION

In the twenty-first century, when people have access to a wide range of rights and liberties, women's modesty in India still has to be protected. The legislature has passed numerous laws and provisions to shield women against sexual harassment¹, assault, rape², and molestation³ various forms of domestic abuse⁴. These rights should be made known to women so they can use the legal system to defend themselves. Every citizen has an obligation to treat women with respect and behave appropriately.

However, a lot of people continue to attempt to break those rules. Under Indian Penal Code 1860 laws have been passed in India to protect women's rights, ¹including Section 304 (punishment for culpable homicide that does not amount to murder), Sections 312 and 313 (causing miscarriage without the consent of the woman), Section 314 (death caused by act done with intent to cause

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¹Section 354A of Indian Penal Code

²Section 375 of Indian Penal Code

³Section 354 of India Penal Code

⁴Section 498A of Indian Penal Code

miscarriage), Section 354 (assault or criminal force to woman with intent to outrage her modesty), and The Indian Penal Code, 1860 contains numerous provisions, including Section 354A (sexual harassment and punishment for sexual harassment), Section 354B (Assault or use of criminal force against woman with intent to disrobe), Section 354C (voyeurism), Section 354D (stalking), Section 494 (Remarrying while spouse is still alive), Section 498 (Enticing or taking away or detaining with criminal intent a married woman), Section 498A (Cruelty), and Section 509 (Word, gesture or act intended to insult the modesty of a woman). Regarding outraging a woman's modesty through the use of illegal force or assault,

Section 354 of Indian Penal Code, Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years or with fine, or with both

PUNISHMENT: - Imprisonment for 2 years, or fine, or both—Cognizable—Non-bailable

Triable by any Magistrate—Non-compoundable.

Case Law : S.P.S.Rathore vs C.B.I & Anr⁵

Judgement: The court under the Chief Magistrate found the applicant charged with IPC U/S 354 guilty and sentenced him to 6 months imprisonment and a fine of 1,000 rupees. • After the prosecutor filed an appeal to increase the penalty for IPC U/S 354 crimes, the additional session judge increased it to 1.5 years in prison with the same fine. • The Supreme Court upheld the former DGP Haryana S.Rathore's conviction in Ruchika's molestation case but reduced his 18-month prison sentence by approximately 6 months. • He was detained, which was an exceptional case because² of the age factor taking into consideration his advanced age, and for better justice, the Supreme Court reduced the applicant's sentence to the time he has already lived.⁶

⁵ AIR 2016 SC4486

⁶ file:///C:/Users/DIWAKER/Downloads/SPS+Rathore+v.+Central+Bureau+of+Investigation+(.pdfVoyeurism.docx

⁷ <https://www.legalserviceindia.com/legal/article-1788-nirbhaya-case-history-and-present.html>Voyeurism.docx

The Nirbhaya Case⁷ rocked all of India in 2012, sparking several rallies and outcry. At that point, the justice Verma body was established as a special body to look into laws pertaining to women. The Criminal Law (Amendment) Bill, 2013 was introduced to change the current provisions in criminal law with reference to improving the safety of women, according to the committee's findings. Various amendments were made in section 354 of Indian Penal Code, The Criminal Amendment Act, 2013, no doubt emerged as a revolutionary amendment when it came to the protection of women, as it provides various safeguards to women in case of acid attacks⁸ and sexual offences. Section 354 of the Indian Penal Code was already there in the original Indian Penal Code, 1860. But the nature of offence has changed after criminal law amendments. The ambit of Section 354 has been expanded with the Amendment of 2013 with the insertion of Sections 354A⁹, 354B¹⁰, 354C¹¹ and 354D¹². People are now highly connected via mobile phones and the internet, as we live in a digital age. Many more people may now easily use the internet, especially with the popularity of smartphones and low-cost internet plans. Numerous digital revolutions also occurred, such as Jio's data revolution that democratized internet access. The IT (Information and Technology) Act, 2000,¹³ which addresses a variety of cybercrimes¹⁴, came into effect as a result of these quick revisions. This act also applies to electronic voyeurism. Section 1801 of the Video Voyeurism Prevention Act of 2004¹⁵, a Federal Law of the United States of America pertaining to the felonious act of video voyeurism, had an influence on the introduction of a separate section in the IT Act, 2000 by the Information Technology Amendment Act, 2008. Indulging in casual voyeurism can pose a problem if one violates someone else's privacy or if the interest is uncontrollable for the individual. Some voyeuristic thoughts, cravings, and behaviors are indicative of paraphilia, a condition affecting sexual preferences. The patient must be older than 18 and have symptoms for more than six months in order to be diagnosed with voyeuristic disorder.

Voyeuristic Disorder: If someone engages in actions that infringe on someone else's privacy or if their interests are uncontrollable, then casual voyeurism may become troublesome. Concern should be expressed if someone: infringes upon someone's right to privacy in their home, a locker room, or a similar setting; observes someone having sex without their consent; starts recording or taking pictures of another person without their consent; enters an area illegally with the intention of observing people's frustration or stress when they are unable to³ engage in these behaviors.

⁸ Section 326A of Indian Penal Code

⁹ <https://devgan.in/ipc/section/354A/Voyeurism.docx>

experience shame after doing these offenses cannot resist voyeuristic actions, even when they are harmful to their wellbeing, and cannot get sexually aroused without seeing others. For this type of Voyeuristic disease, a mental health professional's diagnosis is necessary. Before reaching a diagnosis, they will check for specific symptoms, such as: feeling that these desires interfere with their social or professional lives; having frequent, strong urges to watch people, including those who are nude, undressed, or engaging in sexual activity—without their consent Due to puberty and the ensuing age appropriate sexual curiosity and activity, voyeuristic disorder is extremely rare in females; the least age at which an individual can be diagnosed with the illness is 18. As a result, it's critical to examine the diagnostic standards and contributory variables, which may alter with age or with time. Moreover, hypersexuality, alcohol abuse, and early sexual abuse have all been implicated as risk factors.

CONCLUSION:

The number of instances involving women (such as rape, outraging a woman's modesty, sexual harassment, dowry deaths, etc.) is rapidly increasing despite the many legal procedures put in place to penalize those who commit crimes against women. India is ranked 133 out of 167 countries and is not thought to be a safe place for women, according to the second report published by Georgetown University's Institute for Women, Peace and Security (GIWPS) in 2019. The report looks at inclusion, justice, and safety of women as three main factors along with 11 sub indicators. People's security also heavily depends on their right to privacy and the confidentiality of their personal information. The fact that stalking, acid attacks, and voyeurism are now crimes offers residents some assurance that their right to privacy is being protected. The most fundamental right, the right to privacy, is a component of everyone's fundamental right to life. According to the guidelines outlined in Section 66E of the IT Amended Act, 2008, sending an MMS that photographs someone's intimate area and violates that person's privacy will henceforth be subject to legal penalties, including possible jail time. Some persons develop a habit of engaging in

¹⁰ <https://devgan.in/ipc/index.php?q=354B&a=1Voyeurism.docx>

¹¹ <https://devgan.in/ipc/index.php?q=354c&a=1Voyeurism.docx>

¹² <https://devgan.in/ipc/index.php?q=354d&a=1Voyeurism.docx>

¹³ <https://www.indiacode.nic.in/handle/123456789/1999Voyeurism.docx>

¹⁴ Indian Penal Code, 1860, section 411,. Information and Technology Act, Section 66B, Indian Penal Code, Section 379

¹⁵ <https://privacy.wv.gov/tips/Pages/VideoVoyeurismPreventionAct.aspxVoyeurism.docx>

voyeurism even if they are aware that it is wrong (paraphilia). These individuals require a diagnosis made under medical supervision. More rigorous and tough rules must be created in order to deter anyone planning to carry out such atrocities and make them lose the guts to do so. Women's safety in our society can be strengthened by the addition of voyeurism as an offense under section 354C of the Indian Penal Code, 1860, as well as by certain information technology advancements.

