



Original Research Paper

Watching Without Consent: Ethical Boundaries and Criminal Voyeurism

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“To witness what should not be witnessed, to trespass on the private realm that each person keeps sacred”¹

Abstract

Voyeurism represents a serious violation of individual privacy, dignity, autonomy, and the fundamental expectation of being free from unauthorized observation or recording of private activities. The rapid advancement of digital technologies, including smartphones, concealed cameras, and image-sharing platforms, has further increased the potential for clandestine observation, recording, and dissemination of intimate content without consent. This paper critically examines voyeurism from legal, ethical, psychological, and comparative perspectives, with particular emphasis on the evolving Indian criminal-law framework. It traces the historical development of voyeurism as a criminal offence, from its traditional association with trespass and disorderly conduct to the emergence of specific legal provisions addressing clandestine observation and electronic voyeurism. The study examines the recommendations of the Justice Verma Committee and the subsequent incorporation of voyeurism under Section 354C of the Indian Penal Code, 1860 through the Criminal Law (Amendment) Act, 2013. It further analyses the contemporary framework under Section 77 of the Bharatiya Nyaya Sanhita, 2023, and the protection available under Section 66E of the Information Technology Act, 2000. Relevant judicial decisions, including *Aarti Tiwari v. State of Chhattisgarh* and *P. Gopalkrishnan v. State of Kerala*, are examined to understand the judicial approach towards unauthorized capturing and dissemination of private images. The paper also undertakes a comparative analysis of voyeurism laws in Canada, the United Kingdom, the United States, and Scotland. In addition to its criminal-law dimensions, the study considers voyeuristic disorder as a psychological condition and examines the relevance of rehabilitation and treatment while determining criminal responsibility and punishment. The paper identifies significant gaps in the Indian legal framework, particularly concerning manipulated or digitally altered intimate images, the gender-specific protection afforded to victims, the absence of voyeurism offences from the National Database on Sexual Offenders, and the limited consideration of underlying psychological disorders in sentencing. It proposes widening the statutory definition of voyeurism, making victim protection gender neutral, including convicted voyeurism offenders within appropriate offender-registration mechanisms, and adopting a balanced approach that combines deterrent punishment with rehabilitation where clinically justified. The paper concludes that an effective response to voyeurism requires an integrated framework that protects privacy and dignity while addressing the technological, legal, ethical, and psychological dimensions of the offence.

Keywords:

Voyeurism; Criminal Voyeurism; Right to Privacy; Sexual Offences; Consent; Privacy and Dignity; Bharatiya Nyaya Sanhita 2023; Section 77 BNS; Section 66E IT Act; Electronic Voyeurism; Cybercrime; Justice Verma Committee; Gender Neutrality; Voyeuristic Disorder; Digital Privacy; Sexual Offences Law; Criminal Justice; Rehabilitation; Image-Based Abuse; Comparative Criminal Law.

¹ Alicia Chudo, “Misanthropology, Continued: Disgust, Violence, and More on Voyeurism,” in *Prosaics and Other Provocations: Empathy, Open Time, and the Novel* (2017), available at: <https://www.jstor.org/stable/j.ctt1zxshvj.11> (last visited Apr. 28, 2026).

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1. INTRODUCTION

Voyeurism, a form of non-contact sexual offence, involves fulfilment of sexual gratification by observing private activities of others. The Voyeuristic behavior involves three core elements: the secretive nature of the observations, the private and intimate nature of what is being observed, and the quest for sexual gratification.² Certain voyeuristic behavior falls under the category of paraphilia disorder, marked by recurring patterns of involuntary sexual arousal and gratification triggered by atypical stimuli.³ This disorder stems from the deep-seated mental health issues and raises significant ethical and legal issues pertaining to individual's autonomy and consent. In most cases, voyeur acts are committed without the consent and the knowledge of the victim. Victims of voyeurism usually suffer from depression, reputation loss, troubled relationship with the spouse, neighbors and society at large.⁴ The inclusion of Voyeurism in the statutory criminal law books of Indian Penal Code and now the Bharatiya Nyaya Sanhita recognizes its societal impact. Though, the legal recognition of Voyeurism protects the privacy rights and serves as a deterrent against such acts. Nonetheless, to effectively address voyeurism there is a need to treat it as a psychological disorder and establish systems for rehabilitation and reform to ensure a safer, more respectful society. The aim of the research paper is to dive deep into the legal, psychological and ethical aspects of voyeurism and to bring forth the effective possible reforms that can be adopted to completely eradicate such acts from the society.

2. MEANING OF VOYEURISM

The term 'Voyeurism' is derived from the French word 'voir' which means 'to see' and the one who looks is regarded as the 'voyeur'.⁵ It involves watching or looking at the other person whilst that person is indulged in private activity with a reasonable expectation that no one would be seeing her. The private act may range from act of undressing oneself,

using a lavatory, taking a bath to having been involved in a sexual conduct. The Diagnostic and Statistical Manual-V (*hereinafter* referred to as the DSM-V) of the American Psychiatric Association defines voyeurism as "a sexual interest in, or the act of, secretly observing individuals engaged in intimate activities, such as undressing, sexual acts, or other typically private behaviors."⁶ Justice Verma Committee has recommended inserting section 354C, wherein it defined and provided the penalty for the offence of 'voyeurism'. The report defines voyeurism as, "Whoever watches a woman engaging in a private act in circumstances where she would usually have the expectation of not being observed either by the perpetrator, or by any other person at the behest of the perpetrator."⁷ The committee further proposed adding explanations to the above said section demystifying the meaning and scope of private act. The private act as defined in the explanation goes as, "Private act', in the context of this provision, is an act carried out in a place which, in the circumstances, would reasonably be expected to provide privacy, and where the victim's genitals, buttocks or breasts are exposed or covered only in underwear; or the victim is using a lavatory; or the person is doing a sexual act that is not of a kind ordinarily done in public."⁸

3. HISTORY OF VOYEURISM

There's an historical incident associated with the legal journey of voyeurism. In around 11th century, there was Lord Leofric living in the English village of Coventry. Lady Govida, an Anglo-Saxon noblewoman was married to him. Owing to her sympathetic nature towards the subjects of her husband, who were heavily burdened with the taxes, she repeatedly requested him to relieve them of their taxation obligations.⁹ Lord Leofric put a condition in front of Lady Govida wherein the lady needed to ride naked on the horse through the middle of the town following which he would lift the taxes imposed on the subjects. The lady accepted the condition, and very next day rode her horse through the town naked covered only by her long

² Voyeurism as Criminal Offence: A Consultation Paper, *available at*: https://justice.gc.ca/eng/cons/voy/part1_context.html (last visited on April 28, 2026).

³ American Psychiatric Association, The Diagnostic and Statistical Manual-V 686-88 (5th ed. 2013).

⁴ Stuart P. Green, "To See and be Seen: Reconstructing the Law of Voyeurism and Exhibitionism" *American Criminal Law Review* 55 208-209 (2018).

⁵ Mohammad Looti, *Voyeurism*, Psychological Scales (2025), *available at*: <https://scales.arabpsychology.com/?p=36396> (last visited May 4, 2026).

⁶ American Psychiatric Association, The Diagnostic and Statistical Manual-V 686-88 (5th edn., 2013).

⁷ Justice Verma Committee, "Report of the Committee on Amendments to Criminal Law" (Government of India, 2013) 437, *available at*: <https://nlrd.org/wp-content/uploads/2013/01/121798698-Justice-Verma-Committee-report.pdf>.

⁸ *Ibid*.

⁹ Stuart P. Green, "To See and be Seen: Reconstructing the Law of Voyeurism and Exhibitionism" *American Criminal Law Review* 55 208-209 (2018).

hair open. One version of the incident stated that proclamation had been issued to the people of the town according to which they were to stay indoors and keep their windows and doors shut during her ride. While on the other hand, the other version stated that people out of their will as a mark of respect towards the lady stayed indoors. Consequently, Lord Leofric kept his promise and relieved all his subjects from tax burden.¹⁰

What had set the cat among the pigeons was that there was a young tailor named Tom, so full of lust that he made a hole in the shutter of the house in order to see the naked lady passing by. Overpowered by his uncontrollable sexual urge, he observed Lady Godiva. He was robbed of his vision and was publicly shamed as a part of the punishment. Since thereafter, the name of Tom has been associated with a particular type of deviant behavior and he is regarded as 'Peeping Tom.'¹¹

To punish Tom for his voyeuristic behavior, the state needed to prove two things: first that Tom did peep to obtain sexual gratification and second, by doing so he violated Godiva's legitimate expectation of privacy. Although, it may sound strange to expect privacy while riding naked through the town but if proclamation had been really passed, then the case against Tom becomes stronger.¹²

It was only in the early twentieth century that Anglo-American legislatures began enacting laws specifically aimed at addressing Peeping Toms.¹³

4. VOYEURISM AS A CRIMINAL OFFENCE

In the earlier times, voyeurism was not regarded as a separate crime in law. The acts of peeping were interpreted under the broader definition of offenses like trespass, breach of peace or disorderly conduct. It was only in 20th century that specific laws targeting Peeping Toms started to emerge. The initial statutes mandated certain pre-requisites, like trespass or loitering on another's property to intrude onto their private space, to be fulfilled before convicting the accused for the above said offence. Modern laws, however, focus on acts such as peeping into private

spaces instead of physical trespass and inculcate within it prohibition on employing devices for clandestine observations, called 'video voyeurism'.¹⁴

Different jurisdictions approach voyeurism from different perspectives. Some regard lascivious intent as one of the essential ingredients to be fulfilled for conviction while other jurisdictions like some of the states of US make the sole act of secretly intruding into other's privacy even without mens rea criminalized *per se*.¹⁵ These differences highlight varying approaches to protecting privacy and regulating behavior based on intent and context.

5. VOYEURISM IN INDIAN LAW: EVOLUTIONARY JOURNEY

*"Women in India experience much worse suffering, humiliation and slavery in all spheres than even the untouchables."*¹⁶

Owing to its patriarchal structure, India has been from long home to crime against women. In response, Indian legislature has enacted several laws for protecting women and ensuring their dignity at the same. Voyeurism, though prevalent in India for a long time, found mention in the legal texts as a separate criminal offence only in 2013.

5.1 Formation of Justice Verma Committee

The 2012 Delhi Gang rape and murder, commonly known as Nirbhaya rape case, shook the collective conscience of Indians. The horrific incident drew national attention towards crimes against women and their safety. Following this, government of India formed Justice Verma Committee to suggest changes in the criminal law pertaining to sexual offences on 23rd December, 2012. The Committee submitted its report on 23rd January, 2013.¹⁷ The Committee in its report proposed insertion of new offences like Voyeurism and Stalking etc. immediately after s.354 of Indian Penal Code, 1860 (*hereinafter* referred to as IPC). The proposed s.354C comprised definition and punishment of Voyeurism.¹⁸ The Committee did clarify in its report that the object of this proposed

¹⁰ Stuart P. Green, "To See and be Seen: Reconstructing the Law of Voyeurism and Exhibitionism" *American Criminal Law Review* 55 208-209 (2018).

¹¹ *Ibid.*

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ Zeeshan Munir, *Voyeurism Crime*, Jonathon Spire Law (April 4, 2026), *available at*: <https://jonathonspire-law.com/voyeurism-crime/> (last visited May 4, 2026).

¹⁵ *Ibid.*

¹⁶ Periyar, E. V. Ramasamy. *Why Were Women Enslaved?* (Pen Yen Adimai Aanāl?), trans. V. Geetha, Penguin Books, 2002.

¹⁷ Harsimran Kalra, *Justice Verma Committee Report Summary*, PRS Legislative Research (January 25, 2013), *available at*: <https://prsindia.org/policy/report-summaries/justice-verma-committee-report-summary> (last visited May 4, 2026).

¹⁸ Indian Penal Code, 1869, s. 354C; s.354C reads as, "Whoever watches a woman engaging in a private act in circumstances where she would usually have the expectation of not being observed either by the perpetrator, or by any other person at the behest of the perpetrator shall, be punished on first conviction with imprisonment of either description for a term which shall not be less than one year, but may extend to three years, and with fine, and be punished on a second or subsequent conviction, with imprisonment

provision was not only to punish the offenders but also to deter them from doing this offence. The report thus resulted in the passing of the Criminal Law (Amendment) Act, 2013.

5.2 The Criminal Law (Amendment) Act, 2013 and its effect on Indian Penal Code, 1860:

The Criminal Law (Amendment) Act, 2013¹⁹ (*hereinafter* referred to as CLA, 2013) was passed by the Parliament and received assent of the President on April 2, 2013. The CLA, 2013 had been given retrospective effect from February 3, 2013. The amendment added offence of Voyeurism in the IPC, 1860 under s. 354C but with some change. Justice Verma Committee recommended that the offence of voyeurism should be gender neutral with respect to accused but CLA, 2013 didn't propose the same and rather made the offence gender specific. Thus, in IPC, 1860 only man could be made liable for voyeurism under s.354C.²⁰

of either description for a term which shall not be less than three years, but may extend to seven years, and also with fine.

Explanation 1: 'Private act', in the context of this provision, is an act carried out in a place which, in the circumstances, would reasonably be expected to provide privacy, and where the victim's genitals, buttocks or breasts are exposed or covered only in underwear; or the victim is using a lavatory; or the person is doing a sexual act that is not of a kind ordinarily done in public."

Explanation 2: If the victim consented to capture of the images or other material, but not to their dissemination to third persons, such dissemination shall be considered an offence within this section.

¹⁹ Act No. 13 of 2013.

²⁰ Indian Penal Code, Act 45 of 1860, s.354C, reads as:

Any man who watches, or captures the image of a woman engaging in a private act in circumstances where she would usually have the expectation of not being observed either by the perpetrator or by any other person at the behest of the perpetrator or disseminates such image shall be punished on first conviction with imprisonment of either description for a term which shall not be less than one year, but which may extend to three years, and shall also be liable to fine, and be punished on a second or subsequent conviction, with imprisonment of either description for a term which shall not be less than three years, but which may extend to seven years, and shall also be liable to fine.

Explanation 1.— For the purpose of this section, "private act" includes an act of watching carried out in a place which, in the circumstances, would reasonably be expected to provide privacy and where

5.3 Enactment of the Bharatiya Nyaya Sanhita, 2023

The Bharatiya Nyaya Sanhita, 2023²¹ (*hereinafter* referred to as the BNS, 2023) has replaced the IPC, 1860. It is noteworthy to mention that approach adopted by BNS, 2023 has been more inclined towards definition provided by Justice Verma Committee report. The BNS, 2023 replaced the words 'any man' with the word 'whoever', making the offence gender neutral in respect of accused. Hence, as of now under BNS both male and female as well as a transgender can be made liable.²² The above stated provision is in operation from July 1, 2024.

5.3 Electronic Voyeurism under Information Technology Act, 2000

With the rapid advancement in technology, various audio, video and image capturing mechanisms have developed which have made it easier to capture, view or record the private acts of the individuals,

the victim's genitals, posterior or breasts are exposed or covered only in underwear; or the victim is using a lavatory; or the victim is doing a sexual act that is not of a kind ordinarily done in public.

Explanation 2.— Where the victim consents to the capture of the images or any act, but not to their dissemination to third persons and where such image or act is disseminated, such dissemination shall be considered an offence under this section.

²¹ Act No. 45 of 2023.

²² Act No. 45 of 2023, s.77 reads as "Voyeurism.— Whoever watches, or captures the image of a woman engaging in a private act in circumstances where she would usually have the expectation of not being observed either by the perpetrator or by any other person at the behest of the perpetrator or disseminates such image shall be punished on first conviction with imprisonment of either description for a term which shall not be less than one year, but which may extend to three years, and shall also be liable to fine, and be punished on a second or subsequent conviction, with imprisonment of either description for a term which shall not be less than three years, but which may extend to seven years, and shall also be liable to fine. Explanation 1.—For the purposes of this section, "private act" includes an act of watching carried out in a place which, in the circumstances, would reasonably be expected to provide privacy and where the lavatory; or the victim is doing a sexual act that is not of a kind ordinarily done in public. Explanation 2.—Where the victim consents to the capture of the images or any act, but not to their dissemination to third persons and where such image or act is disseminated, such dissemination shall be considered an offence under this section."

thereby violating their privacy. To curb the menace of electronic voyeurism in India, the Legislature through an amendment²³ in 2008 introduced s.66E in the Information Technology Act, 2000. Section 66E reads as: -

“66E. Punishment for violation of privacy. -

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.”²⁴

It is significant to note that as against the provision under the IPC 1860, s.66E of the IT Act, 2000 provides for a gender-neutral law in relation to both the parties i.e. the victim and the accused. But one major shortcoming of this provision is that it doesn't specify a minimum punishment for the offender.

5.4 Role of Judiciary

In the case of *Aarti Tiwari v. State of Chhattisgarh*²⁵, indecent photos of a patient's private parts were taken when he visited the doctor's clinic for checkup. The petitioner, doctor, prayed for the quashing of FIR on him on the ground that there had been no evidence on record to prove his involvement in the commission of offence. The court in this case held that as far as involvement of doctor in the pertinent case is involved, it was a matter to be decided in the course of trial. However, one thing was clear in itself that the photos had been captured in the doctor's clinic only, wherein the patient expects reasonable level of privacy while disrobing oneself. This case clearly comes under the ambit of “circumstances violating privacy” and hence a charge under s.66E was attracted.

The case of *P. Gopalkrishnan v. State of Kerala & Others*²⁶, depicts the intention of judiciary to punish the offenders who commit voyeurism. In this case, the victim was raped and while she was being

raped, her video was recorded. The case didn't fall under s.354C of the IPC, 1860 since it has a restricted scope dealing only with voyeurism through capturing of an image. The court referred to the meaning of capture as provided under Explanation (b) to s.66E of the IT Act, 2000 which stated capture can refer to a videotape or recording by any means and held the offender liable under s.66E of the IT Act, 2000 for the act of voyeurism besides other charges.

6. INTERNATIONAL PERSPECTIVE

Voyeurism is a crime which is not particularly existent in India, but jurisdictions across world have faced this problem. Varied approaches have been adopted by them in dealing with this issue.

6.1 Canada

Like India, Voyeurism has not been in law books of Canada initially. It was in 2005 that Canada introduced the offence of voyeurism under *Section 162 of the Criminal Code*²⁷ to safeguard privacy and dignity of the individuals. The offence is gender neutral in respect to accused. Punishment can be up to five years' imprisonment (indictment) or up to two years less a day (summary conviction), and offenders are mandatorily listed on the National Sex Offender Registry.

6.2 United Kingdom

*The Sexual Offences Act, 2003*²⁸ deals with voyeurism in United Kingdom. The Act provides an inclusive definition of voyeurism. The offence includes observing or recording a person indulged in a private act without consent for purpose of sexual gratification. Penalties range from fines or 6 months' imprisonment (summary) to up to 2 years (indictment). *The Criminal Justice and Courts Act, 2015* addressed “revenge pornography,”²⁹ though relevant provisions have now been replaced by *the Online Safety Act, 2023*.³⁰

6.3 United States

(e)“under circumstances violating privacy” means circumstances in which a person can have a reasonable expectation that;-(i)he or she could disrobe in privacy, without being concerned that an image of his private area was being captured; or(ii)any part of his or her private area would not be visible to the public, regardless of whether that person is in a public or private place.”

²⁵ 2014 CriLJ 4777.

²⁶ AIR 2020 SC 1.

²⁷ Criminal Code R.S.C., 1985, c. C-46, s. 162.

²⁸ The Sexual Offence Act, 2003, s.67(1).

²⁹ The Criminal Justice and Courts Act 2015, s.33.

³⁰ 2023 c. 50.

²³ The Information Technology (Amendment) Act, 2008 (Act No. 10 of 2009).

²⁴ The Information Technology Act, 2000 (Act 21 of 2000), s. 66E Explanation reads as “For the purposes of this section-

(a)“transmit” means to electronically send a visual image with the intent that it be viewed by a person or persons;

(b)“capture”, with respect to an image, means to videotape, photograph, film or record by any means;

(c)“private area” means the naked or undergarment clad genitals, public area, buttocks or female breast;

(d)“publishes” means reproduction in the printed or electronic form and making it available for public;

In United States, Voyeurism laws vary by state. For instance, the *Mississippi Code*³¹ penalizes “peeping” or recording individuals in private spaces without consent is punishable by up to five years in prison. The federal *Video Voyeurism Prevention Act, 2004*³² penalizes capturing private images without consent, with up to one year’s imprisonment or a fine.

6.4 Scotland

*The Abusive Behavior and Sexual Harm Act, 2016*³³ criminalizes recording private acts without consent for sexual gratification, distress, or reputational harm. It also uniquely punishes the distribution of such material even with the victim’s consent.

7. VOYEURISM AS A DISORDER

Sometimes, the voyeuristic behavior is a result of voyeuristic disorder. According to the DSM-V, voyeurism is considered as a disorder only if a person acts on strong uncontrollable sexual urges involving a non-consenting person or if these impulses or illusions cause serious anguish or difficulties in their social, work, or other important spheres of life.³⁴

Voyeuristic disorder is a common paraphilia, impacting men much more often than women, with a male-to-female ratio of about 2:1.³⁵ Many of the subjects of voyeuristic disorder also wrestle with hypersexuality or other mental health problems like exhibitionistic disorder, depression, conduct disorder, or antisocial personality disorder. When voyeurism becomes psychological disorder, individuals engage themselves finding opportunities to watch others, repeatedly failing to address their obligations and other significant aspects of their lives. Severe psycho-sexual disorders are noted to potentially dilute accountability, but ascertaining this entails an evaluation of the offender's nature, location, actions and behavior.³⁶ Many nations acknowledge this disorder and diminish the liability accordingly. For instance, German law permits suspension of sentence for individuals having exhibitionists disorder³⁷ if medical treatment is necessary to prevent their

behavior. Likewise, the *UK Mental Health Bill*³⁸ identifies sexual deviance as a mental disorder and makes provision for reduced accountability in such cases. The legal systems of these jurisdictions view certain sexual disorders as a form of mental illness and concentrate on rehabilitation. In the case of *R v. IP*³⁹, the court took into notice the good character of the accused, his voluntary admission of the guilt and the circumstances that his conditions could be treated medically. Taking into consideration these factors, the court punished the accused with community service as a rehabilitative measure. Similarly, in *Public Prosecutor v. Chong Hou En*⁴⁰, the court treated voyeurism as a psychiatric disorder and chose rehabilitation as the appropriate response.

The question that arose in the case of *Regina v. B*⁴¹, was whether the person suffering from voyeuristic disorder could be held guilty of the offence of voyeurism resulting in the insertion of his name in the Sexual Offender Registry or he needs to be sent to rehabilitation center. The Court in the pertinent case ordered the offender to be sent to rehabilitation home. The court gave this order despite the fact that the installation of cameras into shower hole and thereafter recording and capturing the images was a deliberate act. The bench had given due consideration to the age of the accused who was just 23 years old and had been suffering from disorder.

Thus, the foreign laws and courts have recognized that treatable psychiatric disorders can mitigate accountability. Courts often consider the involuntary nature of such behaviors and external factors to reduce accountability on a case-by-case basis.

8. SUGGESTIONS

There are significant gaps in the Indian legislative framework pertaining to voyeurism. A range of well-planned policies can be employed to effectively deal with this offense.

8.1 Widening the scope of the offense

³¹ The Mississippi Code, 1972, s.97-29-61(1)(a).

³² The Video Voyeurism Prevention Act, 2004, s.1801.

³³ The Abusive Behaviour and Sexual Harm Act, 2016, s.2.

³⁴ American Psychiatric Association, The Diagnostic and Statistical Manual-V 686–88 (5th edn., 2013).

³⁵ George R. Brown, *Voyeuristic Disorder*, MSD Manuals (Modified Jan 2026), available at: <https://www.msdmanuals.com/home/mental-health-disorders/paraphilias-and-paraphilic-disorders/voyeuristic-disorder> (last visited May 4, 2026).

³⁶ *Ibid.*

³⁷ German Criminal Code, § 183 (Exhibitionism).

Exhibitionistic disorder is a clinical condition in psychiatry where a person has recurrent and intense sexual arousal from exposing their genitals to an unsuspecting person, often without consent.

³⁸ *Mental Health Bill 2025*, Department of Health and Social Care, GOV.UK (November 7, 2024), available at:

<https://www.gov.uk/government/collections/mental-health-bill-2025> (last visited May 4, 2026).

³⁹ (2005) 1 Cr. App. R. (S.) 102 (Eng. C.A.).

⁴⁰ (2015) SGHC 69.

⁴¹ (RCJS) London, WC2A2LL.

It is noteworthy to mention here that definition of voyeurism under Indian law does not include within it modified or manipulated images and videos edited by the offenders, such as placing over the face of a victim taken from a non-intimate photo onto an intimate photo. Though, this doesn't typically fall under the definition of voyeurism, but the effect it has on the victim can be equally devastating. Therefore, this aspect too needs to be incorporated in the definition of voyeurism and appropriate punishment needs to be inflicted on the accused which shall be half of punishment for the actual offense.

8.2 Making offense gender neutral in relation to victim as well

Though the offense has been made gender neutral in respect to accused in BNS, 2023 but the offense is still gender specific in relation to victims. It is still a women centric provision as it does not recognize males as potential victims. In today's times, males have also been the subject to sexual offenses. Thus, to ensure equality and safety of both males and females the offense should be made gender neutral in respect of victims as well.

8.3 Inclusion of names of offenders of voyeurism in National Database on Sexual Offenders

The National Database on Sexual Offenders, India's sex offender registry set up in 2018 by Indian government, registers names of persons convicted of offences like rape, eve teasing, stalking, child abuse but does not cover the names of offenders convicted of voyeurism. Considering the seriousness of the offense, a provision should be made with regard to entry of such names in offender's registry.

8.4 Voyeuristic disorder to be taken into consideration while determining punishment

Young boys and girls often engage in voyeuristic acts due to the sensitive and rarely discussed nature of the issue, which also makes them vulnerable targets for such behavior at a tender age. Therefore, the offender's circumstances including any underlying voyeuristic disorder should be taken into account when determining the appropriate punishment for the offense.

9. CONCLUSION

The exponential rise of digital technologies has paved the way for serious violation of individual's personal space. The recording, capturing and viewing of private acts of individuals have become effortless. Voyeurism involves clandestinely observing someone in private settings, like while undressing, bathing, using the restroom, or indulging in sexual activity, without their knowledge or consent. This behavior, a form of non-contact sexual offense, is driven by the observer's desire for sexual gratification. Voyeurism has been made an offence in most of the jurisdictions punishable by law. However, certain voyeuristic

behavior occurs because of the psychological disorder wherein an individual is driven by uncontrollable sexual impulses to watch others involved in private acts. To effectively eradicate such acts from the society require rehabilitation and treatment of the people suffering from voyeuristic or exhibitionistic disorder, while at the same time ensuring stringent punishments for those who deliberately indulge in such activities. Only when the viewing and dissemination of content relating to individuals' private acts without their consent are stopped can the dignity of the individual be ensured.