

## VOYEURISM UNVEILED: LAW, PRIVACY & THE DIGITAL DILEMMA

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### **ABSTRACT**

Imagine how horrifying it would be to discover that your most intimate moments were secretly recorded or shared without your consent. The fear, betrayal, and loss of control over one's privacy can be devastating, leaving victims feeling vulnerable and helpless. More than just an invasion of space, voyeurism is a profound breach of dignity, made worse by technology, as social media and smartphones make it easier than ever for perpetrators to exploit their victims. Recognising this growing threat, Section 77 of the Bharatiya Nyaya Sanhita (BNS), 2023, criminalises voyeurism in India, reinforcing the fundamental right to privacy. However, enforcement struggles to keep pace with evolving digital threats, making legal measures alone insufficient. This paper examines the legal system, key court rulings, the lasting impact on victims, and the dual role of media and technology in both enabling and combating voyeurism. Tackling this issue requires more than laws- it demands stronger enforcement, greater public awareness, and a societal shift to protect privacy and dignity in an increasingly digital world.

**Keywords-** Voyeurism, Privacy, Section 77, Right to Privacy, Technology, Social Media, Enforcement, Legal System, Victim Impact.

### **INTRODUCTION**

*Imagine one day awakening to discover that your most intimate moments have been stolen, your dignity revealed to the world without your permission, and your trust broken. You never really trusted the locks you relied on, and the walls you believed to be protecting you were never really sturdy. In this day and age, where technology has made every gadget a possible monitoring tool, privacy invasion is not only a terrible possibility but a reality.*

The act of voyeurism is an act of violation, not merely of observation. It is about power, not curiosity. A person's most intimate moments are stolen, leaving them exposed, degraded, and

without dignity. Voyeurism has historically been connected to physical locations, such as snooping through keyholes, hiding behind drapes, or operating from obscure nooks. Such behaviour was frequently written off as mischievous and should not be taken seriously. However, voyeurism was never innocuous for the people who experienced it. The disturbing breach served as a warning that one's privacy could be violated at any time.

As society changed, so did our perceptions of personal space and privacy. Slowly but surely, the law came to acknowledge that voyeurism was a basic violation of human rights as well as

an invasion of privacy<sup>825</sup>. This insight resulted in the prohibition of voyeurism in India under [Section 77 of the Bhartiya Nyaya Sanhita \(BNS\), 2023](#)<sup>826</sup>, which replaced the Indian Penal Code (IPC)<sup>827</sup>. This law expressly makes it illegal for anybody to surreptitiously observe, record, or distribute pictures of a lady performing a private act without her permission. The clause recognises the serious emotional and psychological harm that victims endure and, as a deterrent, stipulates a maximum sentence of three years in prison and a fine. Although rules are in place, it is still unclear if they are sufficient in a world where technological advancements are outpacing the ability of legal institutions to keep up.

Hidden cameras in hotel rooms and dim alleys are no longer the only places where voyeurism occurs. It has become even more pernicious in the digital realm. Social media, cloud storage, and cell-phones have made it possible for voyeurs to access and remain anonymous like never before. Deepfake pornography, live-streaming of unwanted videos, hidden cameras in courtrooms, and revenge porn have all made the internet a weapon against privacy. The most unpleasant aspect? It is impossible to completely remove a private moment after it has been posted online. Even when the video is removed, the law intervenes, and time passes, the trauma persists. The victim's terror never goes away completely.

The more serious problem then arises: how can a criminal without a face be apprehended? It is very impossible to find offenders because many of them conceal themselves behind VPNs, encrypted platforms, and false identities. An additional complicating factor is the rise of AI-generated deepfakes, which produce destructive but misleading content that has the potential to destroy lives. The victim is frequently left with the burden of proof, making it difficult for them to regain their own truth.

The need to combat voyeurism is growing as technology develops. Is it really possible for laws to keep up with crimes that are changing so quickly? With privacy itself turning becoming a myth, can justice be done? In the battle against voyeurism, safeguarding the innocent is just as important as prosecuting the guilty. The goal is to establish a society in which no one must live in constant fear of being observed, captured on camera, or made public. Because privacy is a human right, not simply a legal one. And we have to consider how we can fight back before it's too late in a world where every moment can be taken.

### **LEGAL FRAMEWORK ON VOYEURISM**

*“The walls have ears, the streets have eyes, and the internet has no mercy.” – A grim reality of the digital age.*

Once seen as an essential human right, privacy is now constantly in danger. While the digital revolution has brought about numerous benefits, it has also produced an atmosphere in which surveillance is easy and frequently unnoticed. A private moment can be taken, uploaded, and preserved in cyberspace with a single click. Victims might not even be aware that they were being watched until the harm is irreversible, as what was once a physical act of intrusion has now become a virtual crime scene. The law must change and serve as a living barrier against this widespread but quiet crime; it cannot only exist on paper. Privacy has become a myth due to technology, and people who take use of it are frequently nameless and hide behind encrypted displays and digital traces. As a last resort against this unseen intrusion, the law serves as a vital protector of individual dignity. As stated in [Section 77 of the Bhartiya Nyaya Sanhita \(BNS\), 2023](#)<sup>828</sup>, India is dedicated to protecting its people from this predatory crime.

Voyeurism has evolved from an immoral practice to a recognised criminal felony<sup>829</sup>. If someone witnesses, records, or disseminates

<sup>825</sup> Justice K.S. Puttaswamy v. Union of India, (2017) 10 S.C.C. 1 (India).

<sup>826</sup> Bharatiya Nyaya Sanhita, No. 45 of 2023, § 77 (India).

<sup>827</sup> Indian Penal Code, No. 45 of 1860, § 354C (India).

<sup>828</sup> Bharatiya Nyaya Sanhita, No. 45 of 2023, § 77 (India).

<sup>829</sup> K.D. Gaur, Criminal Law: Cases and Materials (9th ed. 2022)

pictures of a lady doing a private act without her permission, they will be severely punished under [Section 77](#). First-time offenders face a three-year prison term under the statute, while repeat offenders face a seven-year sentence. A law's presence alone, however, does not ensure safety; its implementation is the true test. With cell-phones capable of serving as covert monitoring tools and artificial intelligence capable of creating graphic visuals, the legal system is constantly up against new dangers. Perpetrators frequently plead ignorance or improper use of technology as a defence, making it challenging to establish intent in voyeuristic cases.

Voyeurism's most horrifying feature is the permanent harm it does to its victims. The trauma involves being exposed, objectified, and losing control over one's own body and dignity; it goes beyond simply being seen. Even if the criminal is apprehended, victims frequently wake up in a never-ending nightmare where the internet never forgets them. It is almost impossible to undo a stolen and shared intimate moment, leaving behind social and psychological damage that lasts a lifetime. Because being a victim carries a stigma, people are even less likely to disclose crimes of this nature, which permits offenders to go free.

On the other hand, digital voyeurism has blurred the lines between anonymity and legality, making it the real threat. These days, hidden cameras can be as tiny as a pinhole, and deepfake technology produced by AI makes it possible to create personal content that is both fake and lifelike. It is no longer necessary for perpetrators to have direct contact to the victim; a just altered image can ruin lives, jobs, and reputations. How to hold someone accountable for a crime that technology makes untraceable is a new dilemma that the legal system must now address. This problem is made even more difficult by the dark web and anonymous platforms, which give criminals a place to hide and distribute illegal content without worrying about the repercussions.

Together with BNS, India's Information Technology Act of 2000 addresses digital voyeurism. The [IT Act's Section 66E<sup>830</sup>](#) makes it illegal to take and send private photos without permission, highlighting how crucial digital privacy is. By making it illegal to publish pornographic material, [Sections 67 and 67A<sup>831</sup>](#) reinforce this even further. However, execution continues to be the largest obstacle in spite of these regulatory steps. Victims frequently feel helpless in a legal system that can't keep up with the rapid advancements in technology, and crimes occur more quickly than the law can react. The efficacy of these provisions is further undermined by a dearth of specialised cyber law enforcement and court processes.

The culture of complicity surrounding voyeurism is more alarming. Since voyeuristic content is frequently viewed as entertainment, it is much more difficult to stop its spread. Therefore, society at large bears some of the obligation in addition to law enforcement. To guarantee prompt and efficient justice, stricter sanctions, fast-track courts for digital offences, and increased accountability for social media companies are necessary. To inform people about their rights and the legal repercussions of participating in or disseminating voyeuristic content, public awareness efforts are also required.

In addition to being a legal issue, combating voyeurism is a social and technological one. Since privacy is becoming a more-scarce resource, it is essential to rethink digital ethics and call for more extensive legal changes that keep up with technological advancements. Additionally, artificial intelligence needs to be used for good, with tools created to identify and stop the sharing of images without consent. In 1984, George Orwell issued a warning: "*Big Brother is watching you.*" However, the entire digital world is affected these days, not just Big Brother. What can we do to combat this before privacy disappears? A mix of technology

<sup>830</sup> Information Technology Act, No. 21 of 2000, § 66E (India).

<sup>831</sup> Information Technology Act, No. 21 of 2000, §§ 67, 67A (India).

innovation, societal accountability, and innovative law holds the key to the solution. It is imperative that we all take responsibility for protecting the fundamental right to privacy<sup>832</sup>.

### CASE LAWS

1. Justice Susheel Bala Dagar acknowledged the unpleasant reality of voyeurism in the 2019 case of *State v. Shailesh*<sup>833</sup>, noting that it is not just an invasion of privacy but also a very distressing experience for women. She underlined that although some men would write it off as harmless entertainment, it can cause long-lasting trauma for women, making them feel frightened even in settings where they should feel safe. The Supreme Court reiterated that the right to privacy<sup>834</sup> encompasses more than just personal space; it also involves the fundamental right to be left alone, citing its 1995 decision in *Rajagopal v. State of Tamil Nadu*<sup>835</sup>.

2. In a recent incident at the Sanjay Gandhi Institute of Trauma and Orthopaedics, a male nurse was booked under [Section 354C](#)<sup>836</sup> of the Indian Penal Code after he was caught secretly recording videos of his fellow nurses while they were changing in the locker room before heading into surgery. This disturbing act not only violated their privacy but also left them feeling vulnerable in a space meant to be safe and secure.

3. In *Rahul v. State (2020)*<sup>837</sup>, the accused appealed his conviction after the trial court found him guilty under [Sections 376\(2\)\(n\), 354C, and 506 of the Indian Penal Code, 1860](#)<sup>838</sup>. However, the High Court upheld the trial court's decision, confirming his conviction. The court found that the accused had not only committed rape but had also filmed the act and taken

nude photographs of the victim, further violating her dignity and privacy.

### SHATTERED PRIVACY, LASTING SCARS

A person's life can be permanently altered by a single infraction. A wound that never fully heals is caused by the knowledge that someone has invaded the most personal parts of their lives by observing, documenting, and occasionally even sharing those moments without permission. Those who are voyeuristic frequently find themselves caught in a never-ending cycle of helplessness, embarrassment, and terror. A person who has their privacy violated loses not only a moment but also their confidence, sense of security, and occasionally even their will to trust others. Due to the constant fear that someone, somewhere, is still observing, many victims avoid social situations. They are wrongly shamed by society, which only makes it more difficult for them to talk about their suffering or to seek justice.

Voyeurism is becoming more pervasive and persistent than ever thanks to technology. Safe areas are turned into traps by hidden cameras in public facilities, hotel rooms, and trial rooms. It's easy to record someone without them knowing thanks to smartphones. The harm spreads like wildfire as soon as a picture or video is posted online. Social media, which is supposed to be a platform for connection, turns into a weapon for harm, where victims live through an endless nightmare while leaked content receives clicks and shares. The damage cannot be undone, even if platforms take down the content. Even worse, whole internet communities profit from violations of privacy, viewing them as amusement rather than actual human misery. The ease with which these crimes can be committed emphasises how urgently tougher legislation, digital responsibility, and a change in public perception are needed.

There are laws to prevent voyeurism, but enforcing them is still quite difficult. When content is posted anonymously or stored on overseas servers, it might be difficult for law

<sup>832</sup> INDIA CONST. art. 21; Justice K.S. Puttaswamy v. Union of India, (2017) 10 S.C.C. 1 (India).

<sup>833</sup> *State v. Shailesh*, (2019) (Delhi District Court).

<sup>834</sup> INDIA CONST. art. 21.

<sup>835</sup> *R. Rajagopal v. State of Tamil Nadu*, (1994) 6 S.C.C. 632 (India).

<sup>836</sup> Indian Penal Code, No. 45 of 1860, § 354C (India).

<sup>837</sup> *Rahul v. State*, (2020) (Delhi High Court).

<sup>838</sup> Indian Penal Code, No. 45 of 1860, §§ 376(2)(n) (repeated rape), 354C (voyeurism), 506 (criminal intimidation) (India).

authorities to find the criminals. Offenders can take advantage of gaps in cyber legislation because investigating officials' lack of digital knowledge further impedes prompt action. As a result of victim blaming, social stigma, or fear of reprisals, many cases remain unreported, leaving survivors with little chance for justice. Prolonged trials and light punishments are ineffective deterrents, even when legal action is taken, since they encourage repeat offenders.

A social failure that represents the unsettling normalisation of privacy infractions in the digital era, voyeurism is more than just an individual's crime. An environment where privacy is becoming more and more precarious is created by the psychological anguish that victims endure, the unrestrained dissemination of illegal content via media and technology, and the shortcomings in law enforcement. In the absence of strict legal changes, digital responsibility, and social transformation, voyeurism will persist, leaving more people with scars from an invasion they never agreed to.

### **REFORMS AND RECOMMENDATION**

*"Privacy is not something that I'm merely entitled to, it's an absolute prerequisite." – Marlon Brando.*

Suppose that a young lady is shopping in a trial room without realising that a covert camera is watching her every action. Or a student whose tranquility is destroyed overnight due to the online release of their private images. These are not isolated events; they are human rights abuses that require immediate attention. Since voyeurism is becoming more prevalent online, we need to bolster our legal framework, increase public awareness, and use technology to safeguard individual privacy.

To address new concerns like deepfakes and covert spy cameras, existing regulations, such as [Section 77 of the BNS](#), need to be expanded and enforced more strictly. To guarantee prompt justice, fast-track courts ought to be set up, and law enforcement personnel need to be prepared to handle these situations delicately.

Legal action by itself is insufficient; awareness is essential. Fear or ignorance of their rights cause many victims to suffer in silence. Education about privacy protection and reporting procedures must be provided in schools, colleges, and businesses. Social media companies should be in charge of improving privacy safeguards, and victims should have easy access to legal assistance and psychological support so they can pursue justice without fear.

Cyber laws need to be reinforced since digital voyeurism is becoming more prevalent. Making and sharing non-consensual intimate content should be expressly illegal under the IT Act. AI-driven technologies must be used by IT businesses to identify and eliminate such information right once, and law enforcement organisations require sophisticated forensic tools to find criminals.

Privacy is a basic human right, not a privilege. By enforcing stricter regulations, increasing awareness, and adopting ethical technology, we can make it possible for no one to live in constant fear of being observed or taken advantage of. The battle against voyeurism is a battle for justice, safety, and dignity.

### **CONCLUSION**

Voyeurism is a profound loss of privacy, dignity, and trust, and it goes beyond simply being a criminal. Legal protections by themselves are insufficient because exploitation techniques change along with technology. Although voyeurism is illegal under [Section 77 of the BNS, 2023](#), law enforcement finds it difficult to combat the anonymous offenders of the internet era. Deepfake pornography, hidden cameras, and anonymous online breaches make privacy a myth, trapping victims in pain that lasts a lifetime.

In addition to legislation, the fight against voyeurism calls for quick justice, more stringent cyber rules, and a change in the way we see privacy in general. Society must reject the normalisation of voyeuristic content, and social

media be held accountable. Innovation, responsibility, and awareness must coexist.

Privacy is an entitlement, not a privilege. In addition to penalising offenders, the fight must be waged to ensure that no one has to live in constant fear of being observed, captured on camera, or made public. Acting now will prevent privacy from becoming obsolete.

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