

CRIMINAL OFFENCES ARRIVING OUT OF MORAL POLICING
A Legal and Empirical Analysis of Vigilante Constitutional Infringements, Statutory Deficiencies, and Penal Accountability

by

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ABSTRACT

Moral policing represents a pervasive socio-legal pathology wherein non-state actors, self-appointed vigilantes, and cultural groups extra-judicially enforce perceived moral, cultural, or religious norms upon individuals. This research analytical essay critically investigates the spectrum of criminal offences arising out of moral policing, ranging from physical assault, wrongful confinement, and extortion to gender-based violence, cyber-stalking, and mob lynching. Evaluating statutory criminal law provisions alongside constitutional guarantees of personal liberty, privacy, and bodily autonomy, this paper demonstrates how moral policing subverts the rule of law and infringes fundamental rights. It further scrutinizes police inaction, structural complicity, and the judicial guidelines issued to curb mob vigilantism, concluding with comprehensive legislative and administrative reform proposals.

Keywords: Moral Policing, Vigilantism, Personal Liberty, Criminal Offences, Mob Lynching, Rule of Law.

I. INTRODUCTION AND CONCEPTUAL FRAMEWORK

The institutional integrity of any democratic constitutional order rests fundamentally upon the state's exclusive monopoly over the legitimate use of coercive force and the administration of penal justice. When non-state actors, community groups, or organized extra-judicial factions arrogate unto themselves the authority to dictate, monitor, and punish individual conduct based on orthodox socio-cultural mandates, the state's sovereign legal framework suffers systemic fragmentation. This phenomenon—commonly designated as "moral policing"—occupies a contentious intersection between sociological majoritarianism, criminal jurisprudence, and constitutional rights theory.¹

1. See Stanley Cohen, *Folk Devils and Moral Panics: The Creation of the Mods and Rockers* 9-14 (3d ed. 2002).

Moral policing refers to extra-legal acts of surveillance, intimidation, physical coercion, and public humiliation executed by self-appointed guardians of social morality against individuals whose behavior deviates from prevailing traditional, religious, or majoritarian norms. While its proponents often couch their actions in the vocabulary of cultural preservation, public decency, or communal harmony, the operational reality of moral policing consistently manifests through well-defined statutory criminal offences. These range from minor misdemeanor coercion to severe felony infractions, including aggravated assault, extortion, illegal restraint, gendered violence, cyber-stalking, and, in its most extreme iterations, mob lynching.²

The persistence of moral policing poses a structural threat to fundamental constitutional guarantees. By establishing parallel structures of moral adjudication, vigilante groups systematically undermine the principles of due process, equal protection under the law, and individual autonomy. This essay employs a research-analytical methodology to dissect the criminal dimensions of moral policing. It systematically categorizes the statutory offences generated by vigilante acts, evaluates the underlying constitutional infractions, analyzes judicial responses, and highlights systemic policing deficiencies that perpetuate extra-judicial law enforcement.

A. Defining Moral Policing and Extra-Judicial Vigilantism

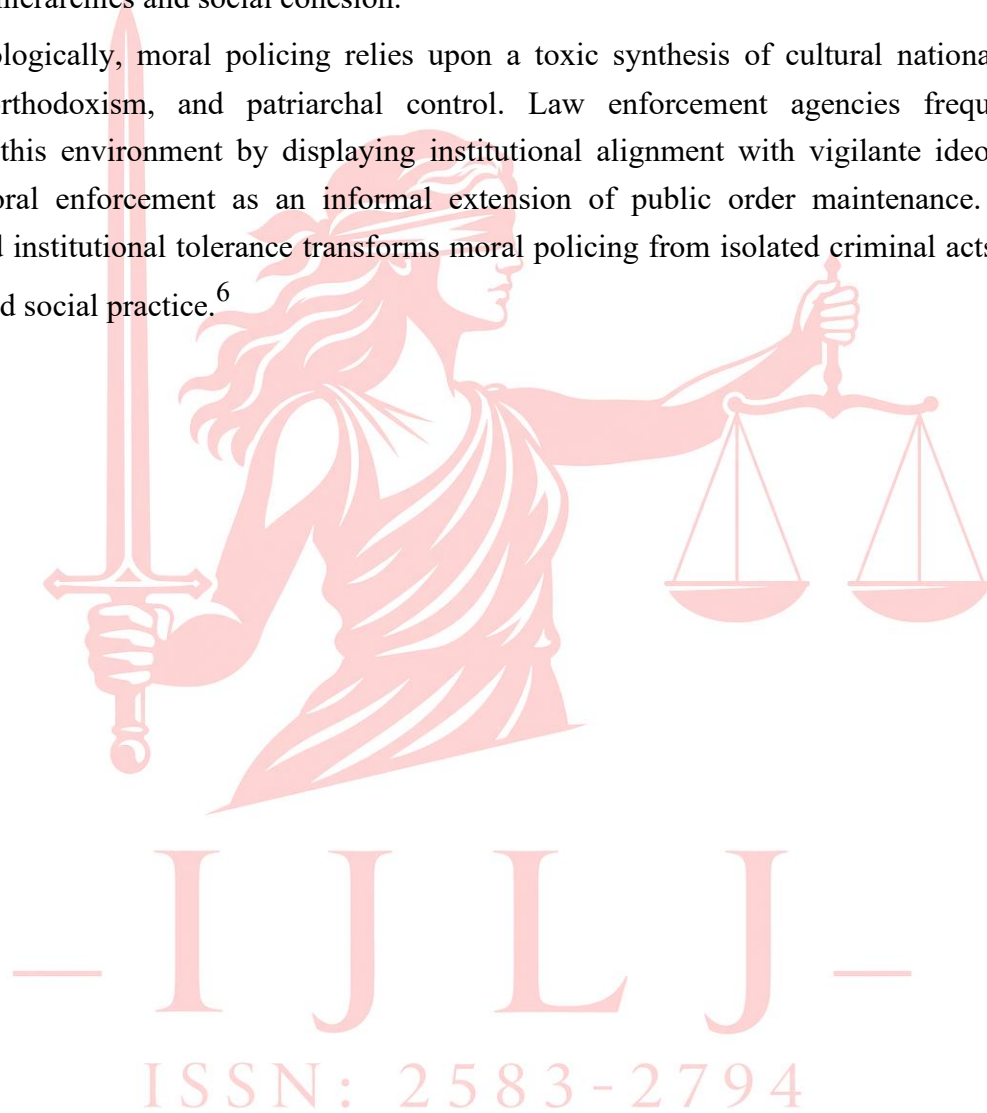
From an analytical perspective, moral policing must be distinguished from legitimate civic expression and lawful community participation. True civic engagement operates within statutory boundaries, respecting procedural due process and state oversight. Conversely, moral policing is intrinsically extra-judicial; it relies upon the unauthorized enforcement of subjective moral codes through the threat or application of physical, psychological, or social coercion.³

Vigilante groups frequently target inter-caste and inter-religious couples, women wearing non-traditional attire, individuals celebrating Western holidays, consumers of alcohol or specific foods, and members of LGBTQ+ communities. The defining characteristic of moral policing is the total absence of legal authorization. Vigilantes construct a parallel legal framework wherein perceived moral transgressions are treated as actionable wrongs, and summary punishment is administered without investigation, defense, or trial.⁴

B. Socio-Legal Genesis and Ideological Drivers

The socio-legal genesis of moral policing in post-colonial societies stems from deep-seated anxieties surrounding rapid modernization, urbanization, shifting gender roles, and individual self-determination. Majoritarian groups often perceive rising individual autonomy—particularly among women and marginalized communities—as a direct threat to traditional patriarchal hierarchies and social cohesion.⁵

Ideologically, moral policing relies upon a toxic synthesis of cultural nationalism, religious orthodoxism, and patriarchal control. Law enforcement agencies frequently exacerbate this environment by displaying institutional alignment with vigilante ideology, treating moral enforcement as an informal extension of public order maintenance. This societal and institutional tolerance transforms moral policing from isolated criminal acts into a normalized social practice.⁶



2. See Flavia Agnes, *Law, Justice, and Gender: Family Law and Constitutional Claims in India*, 28 Oxford U. Press 112, 115-18 (2018).

3. See David Johnston, *Philosophy of Law: An Introduction to Jurisprudence* 88-92 (2011).

4. See Upendra Baxi, *The Crisis of the Indian Legal System* 45-52 (1982).

5. See Martha C. Nussbaum, *Sex and Social Justice* 34-40 (1999).

6. See Human Rights Watch, *Broken System: Dysfunction, Abuse, and Impunity in Indian Police* 22-30 (2009).

II. CATALOGUE OF CRIMINAL OFFENCES ARISING FROM MORAL POLICING

Far from constituting benign social regulation, moral policing routinely escalates into grave penal infractions punishable under statutory criminal codes. Under the Indian Penal Code, 1860 (IPC) and its modern successor, the Bharatiya Nyaya Sanhita, 2023 (BNS), acts of moral policing map directly onto multiple distinct heads of criminal liability.

A. Crimes Against Human Body and Personal Liberty

The primary vector through which moral vigilantes assert dominance is direct physical aggression against targeted individuals, directly infringing statutory provisions protecting bodily integrity and personal liberty.

1. Assault, Criminal Force, and Grievous Hurt

When vigilantes confront individuals in public spaces—such as parks, restaurants, or transport hubs—their actions routinely involve unlawful force. Under IPC Section 351 (BNS Section 130), launching physical attacks or displaying threatening gestures constitutes actionable assault. When physical contact is initiated without consent to cause fear or injury, it escalates to criminal force under IPC Section 350 (BNS Section 129).⁷

Furthermore, moral policing attacks frequently result in severe bodily harm, attracting liability for voluntariness in causing hurt or grievous hurt under IPC Sections 323 and 325 (BNS Sections 115 and 117). Where weapons or dangerous means are utilized during moral raids, charges under IPC Section 324/326 (BNS Section 118) apply. In cases like *State of Karnataka v. B.S. Prasad*, courts explicitly recognized that physical attacks disguised as cultural preservation constitute aggravated criminal offences requiring stringent penal sentencing.⁸

2. Wrongful Restraint, Confinement, and Kidnapping

A core tactic of moral vigilantes is surrounding consenting adult couples, preventing their movement, or detaining them in public or private spaces until relatives or police arrive. Under IPC Section 339 (BNS Section 126), obstructively preventing any person from proceeding in any direction in which that person has a right to proceed constitutes wrongful restraint.⁹

7. Indian Penal Code, 1860, §§ 350-351; Bharatiya Nyaya Sanhita, 2023, §§ 129-130.

8. *State of Karnataka v. B.S. Prasad*, (2012) 3 K.L.J. 412 (India).

9. Indian Penal Code, 1860, § 339; Bharatiya Nyaya Sanhita, 2023, § 126.

If vigilantes lock targeted individuals inside rooms, vehicle enclosures, or community spaces, the offence escalates to wrongful confinement under IPC Section 340 (BNS Section 127). Where young adults or minors are forcibly removed from public areas under the guise of "rescuing" them from immoral influences, vigilantes commit kidnapping or abduction under IPC Sections 359–362 (BNS Sections 137–140), punishable with severe custodial sentences.¹⁰

B. Gendered Violence, Public Harassment, and Cyber-Stalking

Moral policing displays a pronounced gendered character. Women are disproportionately targeted for alleged violations of dress codes, social interactions, or occupational choices, giving rise to specific statutory sexual and gender-based offences.

1. Outraging Modesty and Public Intimidation

Vigilante attacks on women in public venues frequently involve verbal degradation, stripping, or physical molestation. These acts fall squarely under IPC Section 354 (BNS Section 74), which penalizes assault or criminal force against a woman with intent to outrage her modesty, and IPC Section 354B (BNS Section 76), which specifically criminalizes assault or use of criminal force with intent to disrobe.¹¹

Furthermore, public harassment, catcalling, and uttering obscene words or gestures targeted at women constitute offences under IPC Section 509 (BNS Section 79). In *Rupan Deol Bajaj v. K.P.S. Gill*, the Supreme Court held that any act committed in public that infringes upon a woman's dignity and bodily privacy satisfies the penal threshold for outraging modesty, irrespective of the offender's claimed moral motives.¹²

2. Digital Vigilantism, Doxxing, and Cyber-Mobbing

In the digital age, moral policing has increasingly migrated online. "Digital vigilantism" involves surreptitiously recording individuals in private or public settings, editing videos to highlight alleged moral depravity, and publishing them on digital platforms alongside personal identifying information (doxxing).¹³

These actions trigger prosecution under Section 66E of the Information Technology Act, 2000 (violation of privacy by capturing or transmitting images of private body parts), Section 67 (publishing obscene material in electronic form), and IPC Section 354D (BNS Section 78) for cyber-stalking.¹⁴ Digital mobbing and online death/rape threats directed at

10. See *S. Varadarajan v. State of Madras*, A.I.R. 1965 S.C. 942 (India).

11. Indian Penal Code, 1860, §§ 354, 354B; Bharatiya Nyaya Sanhita, 2023, §§ 74, 76.

12. *Rupan Deol Bajaj v. K.P.S. Gill*, (1995) 6 S.C.C. 194 (India).

13. See Daniel J. Solove, *The Future of Reputation: Gossip, Rumor, and Privacy on the Internet* 78-85 (2007).

individuals who express non-conformist views additionally attract liability for criminal intimidation under IPC Section 503/506 (BNS Section 351).

C. Mob Violence, Lynching, and Hate Speech Offences

When moral policing scales up to group action, it frequently manifests as mob violence, communal riots, and extra-judicial killings, targeting marginalized castes or minority communities under the pretext of protecting religious or cultural sentiments.

Group-based vigilante raids constitute unlawful assemblies under IPC Section 141 (BNS Section 189) when five or more persons assemble with the common object of enforcing a supposed right through criminal force. Once force or violence is deployed by an unlawful assembly, every member becomes liable for rioting under IPC Section 146/147 (BNS Section 191).¹⁵

Where mob vigilantism results in fatal violence—such as cow vigilantism or lynchings triggered by inter-faith relationships—offenders attract charges for culpable homicide and murder under IPC Sections 299 and 300 (BNS Sections 100 and 101), alongside joint liability doctrines under IPC Section 149 (BNS Section 190). Moreover, speeches delivered during moral enforcement drives that promote enmity between different groups on grounds of religion, race, or caste attract penal liability under IPC Section 153A (BNS Section 196).¹⁶



14. Information Technology Act, 2000, §§ 66E, 67; Indian Penal Code, 1860, § 354D; Bharatiya Nyaya Sanhita, 2023, § 78.

15. Indian Penal Code, 1860, §§ 141, 146-147; Bharatiya Nyaya Sanhita, 2023, §§ 189, 191.

16. See *Tehseen S. Poonawalla v. Union of India*, (2018) 9 S.C.C. 501 (India).

III. CONSTITUTIONAL AND JURISPRUDENTIAL CONTRADICTIONS

The commission of criminal offences under the guise of moral policing represents a fundamental challenge to the constitutional order. The legal system cannot tolerate parallel systems of moral enforcement without undermining core constitutional guarantees.

A. Violation of Fundamental Rights: Privacy, Autonomy, and Liberty

In Indian constitutional jurisprudence, Article 21 guarantees that "no person shall be deprived of his life or personal liberty except according to procedure established by law."¹⁷ In the seminal nine-judge bench decision in *Justice K.S. Puttaswamy (Retd.) v. Union of India*, the Supreme Court unequivocally declared that the right to privacy is an intrinsic part of the right to life and personal liberty.¹⁸

The Court articulated that privacy encompasses decisional autonomy, bodily integrity, and personal intimacy. Moral policing directly assaults all three dimensions. When vigilantes dictate who an individual may associate with, marry, love, or dress like, they violate the core zone of personal autonomy protected under Article 21. As Justice Chandrachud observed in *Shafin Jahan v. Asokan K.M.* (the Hadiya case), the right to marry or form intimate relationships with a person of one's choice is an essential facet of personal liberty that neither the state nor non-state majoritarian groups can curtail.¹⁹

Furthermore, moral vigilante attacks violate Article 19(1)(a) (freedom of speech and expression) and Article 19(1)(d) (freedom of movement). The freedom of expression includes the right to express identity, choice of lifestyle, and sartorial preference. By restricting public movement and intimidating individuals into silence, moral vigilantes enforce an unconstitutional culture of conformity.²⁰

B. Subversion of the Rule of Law and Judicial Monopolization

The Rule of Law, recognized as a basic structure feature of constitutionalism, mandates that all individuals are subject to equal legal standards and that disputes must be resolved through impartial, statutory judicial mechanisms.²¹ Moral policing replaces the Rule of Law with the "Rule of the Mob."

17. India Const. art. 21.

18. *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 S.C.C. 1 (India).

19. *Shafin Jahan v. Asokan K.M.*, (2018) 16 S.C.C. 368 (India).

20. See *Navtej Singh Johar v. Union of India*, (2018) 10 S.C.C. 1 (India).

21. See *Indira Nehru Gandhi v. Raj Narain*, A.I.R. 1975 S.C. 2299 (India).

When vigilante groups assault citizens, conduct illegal searches of hotel rooms, or harass couples in public parks, they arrogate to themselves the tripartite functions of legislature, police, and judiciary. They unilaterally declare an act illegal (without statutory backing), execute arrests (without legal authority), and inflict physical or psychological punishment (without procedural trial). This total collapse of legal process degrades public confidence in state institutions and fosters an environment of lawlessness.²²



22. See A.V. Dicey, Introduction to the Study of the Law of the Constitution 183-205 (10th ed. 1959).

IV. JUDICIAL PRECEDENTS AND PROCEDURAL RESPONSES

In response to rising vigilante violence and moral enforcement drives, constitutional courts have issued binding directions to enforce penal law and protect citizen autonomy.

A. Directives Against Vigilantism: Tehseen Poonawalla Framework

The landmark Supreme Court judgment in *Tehseen S. Poonawalla v. Union of India* (2018) represents the definitive judicial response to mob violence and moral vigilantism.²³ Chief Justice Dipak Misra, writing for the Court, declared that mobocracy and vigilantism cannot be permitted to become the norm in a constitutional democracy.

The Court formulated a tripartite framework comprising preventive, remedial, and punitive measures:

1. Preventive Measures: State governments must designate a senior police officer (Nodal Officer) in each district to take active steps to prevent mob violence and vigilante gathering; law enforcement must maintain intelligence pipelines regarding potential vigilante groups.

2. Remedial Measures: First Information Reports (FIRs) under relevant IPC/BNS provisions must be registered immediately against vigilante perpetrators; cases must be investigated by specialized units and tried in Fast Track Courts on a day-to-day basis.

3. Punitive Measures: Strict disciplinary action must be initiated against police or administrative officials who fail to prevent, investigate, or prosecute vigilante violence, treating such failure as deliberate dereliction of duty.²⁴

B. Protection of Inter-Caste and Inter-Religious Couples

Moral policing frequently targets inter-caste and inter-faith marriages under the pretext of preventing "cultural contamination" or unlawful conversions. In *Lata Singh v. State of U.P.*, the Supreme Court directed administration and police authorities across the country to protect inter-caste and inter-religious couples from harassment, threats, and violence perpetrated by family members or vigilante Khap Panchayats.²⁵

This jurisprudence was reinforced in *Shakti Vahini v. Union of India*, where the Court declared extra-judicial honor crimes and Khap Panchayat interventions entirely illegal,

23. *Tehseen S. Poonawalla v. Union of India*, (2018) 9 S.C.C. 501 (India).

24. *Id.* at 540-48.

25. *Lata Singh v. State of U.P.*, (2006) 5 S.C.C. 475 (India).

directing states to set up safe houses and dedicated protective cells for threatened couples.²⁶ Similarly, in *S. Khushboo v. Kanniammal*, the Supreme Court upheld that consensual adult pre-marital sex and cohabitation are legally protected activities, striking down frivolous criminal prosecutions initiated by moral vigilantes against public figures expressing progressive social views.²⁷



26. *Shakti Vahini v. Union of India*, (2018) 7 S.C.C. 192 (India).

27. *S. Khushboo v. Kanniammal*, (2010) 5 S.C.C. 600 (India).

V. STATUTORY GAPS, POLICE COMPLICITY, AND SYSTEMIC CHALLENGES

Despite robust judicial pronouncements, moral policing remains widespread due to statutory ambiguities, police complicity, and systemic procedural defects in the criminal justice system.

A. Abuse of Vagueness: Public Nuisance and Obscenity Provisions

A major systemic driver of moral policing is the presence of vague, subjective statutory provisions within penal codes that police officers and vigilantes weaponize against citizens. The primary instrument of state-sanctioned moral policing is IPC Section 294 (BNS Section 296), which penalizes "obscene acts in public" or singing obscene songs to the annoyance of others.²⁸

Because the statutory definition of "obscenity" remains notoriously elastic, police personnel frequently interpret public displays of affection—such as holding hands, hugging, or sitting together in parks—as obscene acts. Instead of protecting citizens from vigilantes, police officers often arrest consenting adults under Section 294 or public nuisance provisions (IPC Section 268/290), effectively acting as moral vigilantes in uniform.²⁹ This statutory ambiguity creates a dangerous convergence between formal state power and informal majoritarian moralizing.

B. Institutional Complicity and Failure of Prosecutorial Will

Systemic police bias represents a primary obstacle to penalizing moral policing. In many jurisdictions, police officers share the cultural and religious biases of vigilante groups. Consequently, when victims report vigilante harassment or assault, police officers frequently refuse to register FIRs, pressure victims into informal compromises, or notify the victims' parents/relatives.³⁰

Furthermore, local political patronage shields vigilante outfits from prosecution. Prosecutors often fail to press aggravated charges, leading to low conviction rates and generating an atmosphere of total legal impunity for moral vigilantes. This institutional failure deters victims from seeking formal legal remedies, driving moral policing incidents out of official crime statistics.

28. Indian Penal Code, 1860, § 294; Bharatiya Nyaya Sanhita, 2023, § 296.

29. See *Aveer Mitra v. State of Maharashtra*, 2016 IndLaw MUM 412 (India).

30. See Commonwealth Human Rights Initiative, *Police Accountability in India: Too Important to Fail, Too Big to Ignore* 45-52 (2015).

VI. RECOMMENDATIONS AND LEGISLATIVE REFORMS

Eradicating the criminal offences arising out of moral policing requires structural legislative changes, police reform, and stringent judicial enforcement.

1. Enactment of Specific Anti-Vigilantism and Anti-Lynching Legislation: State and central legislatures must enact dedicated statutes explicitly defining and criminalizing moral policing, vigilantism, and mob violence. These statutes should mandate statutory minimum sentences, create special courts, and establish strict liability for police officers who fail to protect victims.

2. Legislative Clarity on Obscenity and Public Nuisance: Amend IPC Section 294 / BNS Section 296 to explicitly exclude consensual non-sexual behavior between adults in public spaces from the definition of "obscenity," removing police discretion to harass couples.

3. Strict Enforcement of the Tehseen Poonawalla Directives: High Courts must actively monitor the implementation of the *Tehseen Poonawalla* framework across all districts, initiating contempt proceedings against District Magistrates and Superintendents of Police where vigilante violence occurs due to administrative neglect.

4. Sensitization and Gender Training for Law Enforcement: Mandatory, structured training programs must be instituted across state police academies to deconstruct majoritarian moral biases and align police conduct with constitutional values of individual privacy, bodily autonomy, and secular governance.

5. Establishment of Victim Protection and Support Cells: States must operationalize 24/7 helplines, safe houses, and legal aid units specifically dedicated to assisting couples, women, and marginalized individuals facing threats from moral vigilantes or Khap Panchayats.

VII. CONCLUSION

Moral policing represents an illegal, unconstitutional usurpation of state power that breeds a wide spectrum of severe penal offences. By substituting statutory law with orthodox cultural enforcement, moral vigilantes violate fundamental constitutional rights to personal liberty, privacy, equality, and human dignity. The criminal justice system cannot treat moral policing as minor social friction or cultural zealotry; it must be recognized and prosecuted as organized criminal vigilantism that threatens the democratic rule of law.

Undermining the Rule of Law in favor of mob sentiment risks dissolving the constitutional social contract. Reclaiming public spaces for individual freedom demands resolute judicial oversight, comprehensive statutory reform, and an uncompromising prosecutorial commitment to holding moral vigilantes—and complicit state actors—fully accountable under the penal law of the land.



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