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# Moral Policing in India

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**Abstract** *The roots of moral policing were laid down in the very essence of the idea that the Indian culture needs to be 'protected' from falling prey to the vices of the western culture. The paper emphasises upon how the vigilantes or the so called 'culture warriors' exploited the intention of the Indian legislators by interpreting the word 'obscenity' in their own favour. Cultural groups have proved it time and again that democracy and the fundamental rights of the citizens of India do not stand a chance when a certain act does not fit the ideals of their cultural values. The 'knights of Indian culture' do not fear the law nor do they blink before wreaking havoc on the innocent and unassuming citizens, wrapped up in Greens and Saffrons, they leave behind them a trail of Crimson Red, is it what protecting 'cultural dignity' means? Wearing what you want to wear in a country which fought for its freedom for a good part of two hundred years is going to open the gates for the hypocrites of the 21<sup>st</sup> century to barge in and beat you black and blue without any qualms or regret of the violation of your own privacy or the very basic of the human rights.*

**KEYWORDS:** *Moral policing, Fundamental rights, Cultural groups, Human rights, Indian culture, Indian penal code, Personal liberty.*

## Introduction

India has a few vigilante groups that claim to secure the so called Indian culture. They oppose and restrict social ideas that they regard to have been foreign made from the Western culture. They vandalise public places such as clubs, bars, parks etc and have assaulted people. There have been various cases where in a fairly aggressive group of vigilantes have force shut many art exhibitions, where they believed that their 'culture' was depicted in an indecent light. They have issued diktats against western clothing. A few individuals from the media have also conspired with such gatherings and supported their actions. A few government officials have bolstered such perspectives and incidentally such activities.

## The Present Laws

In India, the Sections 292 to 294 of the IPC (Indian Penal Code), 1860 utilized to manage obscenity. The greater part of these laws goes back to 1860. The Section 292 of the Indian Penal Code deals with sale and distribution of obscene books and other material. It

criminalizes materials like books and sketches in the event that it is esteemed to be "lascivious or appeals to the prurient interest" The Section 292 was revised in 1969 to exclude materials that are for public good (like condom advertisements, scientific material, art and religious figures). Police likewise utilize Section 292 of the IPC to record cases against film posters and advertisement hoardings that are deemed to be "indecent". The Section 293 deals with the sale of obscene material to individuals under 20. The Section 294 of the Indian Penal Code deals with "obscene acts and songs" and it expresses that:

*Whoever, to the annoyance of others*

- (a) Does any obscene act in any public place, or*
- (b) Sings, recites or utters any obscene song, ballad or words, in or near any public place,*

*Shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.*

## Obscenity – The Assumptions and the Reality

The ambit covered by the word Public ‘obscenity’ is not as clear as we would have wanted it to be. And this becomes the major reason as to why a lot is left to the imagination and assumptions. And what happens when it is left on the society to interpret a law or an idea on their own? Chaos ensues, it falls on the terms of ‘To each his own’. India is known for its structure of ‘unity in diversity’ which also means multiple cultures coming together, multiple ideals and beliefs co-existing. In such a set up each group interprets ‘public indecency’ ‘public obscenity’ and ‘Morality, through their own Moral compass hence its more than obvious that an act is going to end up offending one or the other section of the society.

“Section 292, Indian Penal Code, manifestly embodies such a restriction because the law against obscenity, of course, correctly understood and applied, seeks no more than to promote public decency and morality.”

The words ‘correctly understood and applied’ are the ones that make all the difference for the society’s vigilantes, in their case and according to their Moral compass, they decide what is wrong and what is right for the society, what is moral and what lies in the light of immorality. This is where section 292, leaves it to one’s imagination to use the word ‘obscenity’ in their own sense. Public Obscenity is not defined clearly under section 294 of the IPC, the word ‘Obscene Act’ is all that the forces rely upon with no clear lines drawn around it.

But, we cannot blame it all on the absence of the specific meaning of a word in a legislation, though it is a major contributing factor in promoting the vigilante activities. But, it’s also the sheer ignorance of the factual clarity given by the judiciary time after time, as to when an act does not fall under the purview of section 294 IPC and people cannot be held under this proviso.

As in a case in the Bombay high court, wherein 13 men were arrested on the charges of ‘public obscenity’, the high court observed that, A flat is a private premises and it cannot be pulled under the ambit of a ‘public place’ as

the public has no right of free entry in such a premises, any act or ‘obscene act’ that is being committed in such a private premises cannot evoke section 294 of the IPC.

And still we read almost every now and then as to how young couples are raided out of their own houses and flats and taken out on the roads by not just the police authorities but also by the ‘protectors of the culture’ who then resolve to assaulting these alleged ‘criminals’ who are destroying the moral fabric of the society, and sometimes even going to the extent of rubbing black ink on their faces.

Is this how they seek to restore the moral balance in the society? Blurring the lines between what is real and what is based on the mere assumptions and ideologies of multiple cultural and religious groups, due to the absence of a clear cut meaning of a word in an age old legislation, moral policing breaths freely, growing each day.

## Recent cases relating to moral policing in India

1. The Delhi High Court has stayed criminal proceedings against a couple who were caught roaming on a public place allegedly kissing each other, on the basis of their marital status. The Delhi high court stated that “how the expression of love by a married couple falls under the purview of public obscenity”.

Justice S Muralidhar stayed an FIR lodged against a person and his wife who were caught by the Dwarka police station officers for allegedly kissing each other while sitting under the local Metro station.

According to the Hon’ble court the FIR doesn’t make a case for offence under Section 294 read along with 34 IPC.

2. Act of vandalism and hooliganism by the vigilante groups is not an uncommon phenomena, A very recent event throws a clear light upon this statement. The Sangh Parivar members attacked and wrecked havoc on an exhibition portraying the works

of a fine arts student Chandramohan, of M.S University. He was first physically manhandled and injured by the vigilante group and later was arrested by the police; the charge framed against the artist was that he had hurt religious sentiments. Again giving way to the burning question as to how far can one ignoring the law and taking it in their own hands, just to satisfy their personal vendetta in the name of protecting a certain sentiment?

3. Sometimes even when the government tries to take a new step with a revolutionary idea to bring a change in the society it ends up being washed down to an excuse to harass and coerce the innocent. As was seen in the case of Uttar Pradesh, where in with the advent of the new government, orders were passed to form an 'anti-Romeo squad' to curb down the cases of eve teasing and crime against women, due to the large number of complaints filed by women of Uttar Pradesh with CM's office. But, after a few initial days the whole movement changed its face and became one of the most controversial government decision of recent times as instead of targeting eve teasers the police started storming into public parks, colleges, roadsides and even coaching centres at times. The floodgates of interrogation opened upon unsuspecting young couples, who if caught walking side by side were pulled over by policemen and coerced to provide their parent's contact detail while being subjected to humiliation. Suddenly it was no more about safeguarding the modesty of the women in Uttar Pradesh but like its predecessor 'Operation Majnu' in 2005, Anti Romeo squad too crossed the thin line between being the protector and becoming the predator.

### **Moral Policing in Educational Institutions**

A country which is praised and lauded for its education system worldwide is also known for supporting and employing Moral vigilante

groups inside the campus of their educational institutions to keep a check on the activities of their students or more so for maintaining the gauge of the 'moral compass.' Some colleges have gone to the extent of trying to dictate what kind of clothes that can be worn by the female students on the campus, sometimes putting a stop on skirts and jeans too. India is a democracy but it is the events like these which make us question the whole framework of the society and its limited understanding of the changing times. It crosses all the limits when these colleges appointed moral police resorts to aggression to prove their point, beating up children, or scaring them and coercing them, even extorting money at times.

In year 2016, May 14<sup>th</sup>, The Delhi cultural minister, Mr. Kapil Mishra called out The Hindu College authorities on their regressive, discriminatory and dictatorial rules and regulations for Girls hostel, right from the difference in the amount of the hostel fee to its permissible Timings. Given the girls had to pay double the amount paid by the boys for the hostel accommodations, the minister rightly stated that it was outright discriminatory in nature and would create the felling of resentment between the students.

In another incident the officials of a Private educational institution in Uttar Pradesh, pulled out two students sitting in the college cafeteria on the grounds that they were found in a 'compromising position' and were then publicly humiliated by the college Chief Proctor where as the witnesses later divulged that the position which was slapped 'compromising' by the authorities was nothing but the boy trying to console the sobbing girl by patting her back lightly, which is a natural human reaction to handle someone in grief.

These are just a few incidents from a thousand which take place every day. The question being that who gave them the Right and authority to play dictators to the students who have come to be a part of the institution to gain knowledge and education in lieu of the fee they pay?

## **Difference between Social Responsibility and Rights**

Social Responsibility is a moral hypothesis, in which people are responsible for fulfilling their civic obligation; the activities of an individual must profit the entire society. In this way, there must be a harmony between economic development and the welfare of society and nature. If this equilibrium is maintained, then social responsibility is accomplished.

There is hardly a day when we don't get to read about one or the other act of aggression which was taken out on an unsuspecting citizen because they unknowingly ended up hurting someone's religious or moral sentiments. It might have been a piece of art, or a write up, or two unmarried couples holding hands strolling on the side of the road. The idea of merging social responsibility with morality is what has led to the perpetration of these moral crimes.

## **Ways to overcome Moral Policing**

### **1. Spreading Education**

Spreading education can be a great mode to educate people about such issues and telling them about their rights in cases where such vigilantes try to harass them by calling their parents and even sometimes beating them to death. One must understand that Moral Policing is against the law.

### **2. Training of Police Officials**

Training of police officials plays a very important role in regulating such activities in society. If such officials who are responsible for keeping a check over states law and order do not clearly understand the law of land, then how can we expect them to help the common citizen in state of such an event where they are being harassed by vigilantes?

The Kerala State Police Chief Loknath Behera on called upon the police to act stern against all moral policing attempts and stop playing the role of local vigilante in the name of enforcement. Addressing a State-level representatives' meet of the Kerala Police

Officers Association (KPOA), Mr. Behera said the police cannot ask anyone to cut their hair or remove a wristband. He insisted that individual freedom guaranteed by the Indian Constitution should not be denied to anyone in the name of law enforcement.

Mr. Behera said, "Though the majority of police officers were well behaved, the laxity on the part of a few was spoiling the image of the department. People in the force should be able to handle provocations intelligently".

### **3. Educating Students, Not to be fooled by Such Groups:**

Education begins at home. Our children need to understand that such group of people do not come from a well educated background and they do not have a proper understand of the real law. Children cannot be fooled by such groups, instead they should take help of the local police.

Such groups majorly threaten to call the parents of the couple where one must understand that doing so will only help them. Parents also need to understand that such groups do not have an educated background and such activity do not guarantees that their children were at fault. In such a case a parent should take help of local police and he shall himself reach to the place in help of their child.

### **4. Spreading the facts and concept of mob psychology:**

To comprehend their energy, one must comprehend their mindset. Hindu outfits, and without a doubt most such outfits upheld by a comparable belief system anyplace on the planet, are gangs of bullies. Independently, they are powerless and regrettable. However, joined for a typical reason, they are solid, and this aggregated quality permits them a inflated feeling of importance. Obviously, they take cover behind a political, religious, or good agendum. In any case, at their extremely centre, they are little individuals who are in it for the kicks. So how would they go from little time hooligans to big time power brokers?