

“Moral Policing in India: A Critical Analysis”

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PREFACE

This research paper is based on several factors which are responsible for establishing a firm ground for ‘Moral Policing’ in our country. We will discuss several factors such as ‘Subjective Belief’, ‘Social networking Platform’ and the ‘Role of Non-State actors’. We will substantiate our argument by discussing several case laws.

We will try to comprehend how these factors have aggravated the amount of Moral Policing in our Country through discussing the importance of fundamental rights of a prisoner and we will consequently discuss the significance of Article 14 and 21 of the Indian Constitution.

As we all know that this topic – “Moral Policing in India” is quite interesting because of its subjective nature, we will discuss real issues such as that of Mr. Pramod Mutalik, and then we will also discuss as to what constitute the subjective belief of an individual.

One of the most important section of the subjective belief is obviously section 110 of the “Bombay Police Act” as it discusses about “behaving indecently in public” but there is an absence of definition of “indecent” and it is left at the discretion of the police officer to decide as to what constitute an act/behavior to be decent/indecent.

Then we will discuss about the significance of ‘Convention on Elimination of all forms of Discrimination against women’ and see the basic rights of a women and try to do a comparative study of the same with that of honor killing in which these basic rights are gravely violated of both the sexes.

It has tried to cover almost all the branches of ‘Moral Policing’ and since it is a vast topic, the need was felt to do a comparative study of the same with recent case laws and with several important sections from the significant statutes like the ‘Indian Constitution, The Code of Criminal Procedure and the Indian Penal Code’.

Then we have also discussed about cow vigilantism and how it is affecting the minorities of our countries such as Dalits and Muslims, in conducting grave moral policing against them which are at times life threatening and in violation of basic human rights.

Introduction

Moral Policing in its broadest sense could mean a system where a strict vigil and restriction is imposed on those who violate the basic standards of our society. The basic standard of our society could be found in its cultures, age-old customs which are derived from the scriptures and ancient texts like Ramayana, Manusmriti, and other relevant texts. It is a situation where the moral character of an individual is questioned by those who advocate this phenomenon. It is significant to note that it is not only conducted upon human agency but it stretches upon other mediums like Cinema, theatrics, paintings, literature, and so on. This phenomenon is

basically conducted by several vigilante groups which are often politically motivated and their way of conducting moral policing is quite coercive and arbitrary in nature. Moreover, the reasons for which we witness moral policing are at many times unreasonable and the sole objective of such outfits have been to oppress the youths who are involved in acts “which are considered as contradictory to the Indian culture and is deemed as vile” by such outfits.

On the other hand, this phenomenon might arise collectively by the people of our society if the obscenity lies in certain painting, film, play or literature. The principal reason for the objection could be related to the obscene content which has been put up for a public display or it could either contain some blasphemous element which had been responsible for hurting the religious sentiments of the people of our society. Consequently, such article will be condemned by the outfits who are responsible for delivering hate speeches and acknowledging communal rift which ultimately leads to communal tension. Moral Policing, is a phenomenon which is regressive in nature and in many instances, it is in contravention of our fundamental rights. It is important to mark here that the primary objective of this phenomenon is to impose restriction and limitations upon such acts which are contradictory to our Indian culture, the imposition of restriction could either take place through legal orders which are officially given by the respective court or it could be done by the vigilante groups through unjustified acts which includes arsonist, stone-pelting and violent protest march. The ways through which a sign of disapproval is shown by such groups is in fact threatening to human life and is flagrant and overt in nature. The conception of this phenomenon contravenes the secular nature of our Country as well as its Constitution to some extent if we speculate and assess the outfits which are involved in promoting their conservative beliefs and ideologies. Moreover, the consolidation of such outfits is based on the strength of religion and it is an element of religion which is considerably and unequivocally liable for the promotion of moral policing.

With the transition of our society from a Conservative school to a Progressive school and through several stages of modernization, moral policing is still prevalent in our society because of the ardent believers of Conservative school. It is an anomaly because it is inviolate in our society irrespective of the contravention of the fundamental rights, which are essential for the liberty and safety of the people of our country. Generalization of gender-roles and stereotypical attitude towards a specific gender is an epidemic which aggravates the harmful conduct of moral policing.

How is our society compelled to conduct Moral policing?

Subjective belief

The factors which are liable for the conduct of moral policing is quite subjective in nature. More often it is observed that the propaganda which has been constituted for opposing the element which contradicts the basic tenets of our society is solely dependent on the subjective belief and faith of an individual who creates a storm in a teacup over mere conduct through rhetorical exhortations. Elements like Indian culture, traditions and customary rights which

are in existence are kept in mind and the significance of the same are reflected upon the social dynamics by the extremists who claim that the mere act which has been committed either through mode of painting, literature, film, or by two opposite genders are against the basic tenets of our Indian society and is in contravention of the same. The mere 'act' which has been committed is deemed as an offence against the society and it is to be assumed as an offence of the greatest degree by the people of our society because the same has been responsible for hurting the religious and sanctified elements of our society. The people of our society are given a 'benefit of doubt' by those groups who claim an act of mere affection or proximity to be obnoxious and immoral and in consequence of the doubt, a particular set of individuals belonging to one faith violates the fundamental rights of another group belonging to a different faith which ultimately leads to lynching, arson, and great loss of human lives. *So, the first factor which leads to moral policing is a "subjective belief" of our society which is solely responsible for aggravating moral policing.* In a general case, where a police officer arrests a couple on the ground that they were being affectionate in a public place is mainly calculated by the officer through his own subjective belief and outlook towards what is decent and what is indecent. It is a kind of a bane because there are no specified acts which are deemed as indecent in nature rather it has been left at the discretion of the police officer who has a specific right to arrest the individual on the pretext that he has violated the basic tenets of our society.

¹**Section 110 of the Bombay Police Act, 1951 states that:**

Behaving indecently in Public. – No person shall willfully and indecently expose his person ill any street or public place or within sight of, and in such manner as to be seen from any street or public place, whether from within any house or building or not, or use indecent language or behave indecently or riotously, or in a disorderly manner in a street or place of public resort or in any office station or station house.

²The futility of section 110 of the Bombay Police Act is undoubtedly to a great extent because it is archaic and it needs to be repealed since it reflects upon those issues which are no more deemed as objectionable in our society. I would like to point out that the definition fails to elaborate the meaning of 'indecent' and it has been left at the discretion of the police officer. Firstly, the meaning of 'indecent' has been left for us to comprehend and it has become the duty of our so-called police officers to tie a tag of 'indecent behavior' to such acts which displays even a tiny amount of public affection. It has been contended that such regulation helps in maintaining peace and order in our society but it has a darker picture to show on the other side. Firstly, such kinds of moral policing impede the development of our society as a whole because it acknowledges in a very strict manner, the role of the different genders which ultimately promotes conservatism in our society. Secondly, it promotes gender biasness which makes it difficult for the women of our society to move freely and act independently. The major crux of this argument is that people are harassed on the pretext of

¹ Bombay Police Act, 1951

² Aamir Khan, "Section 110 of 1951 Act, moral policing stick Mumbai cops frequently use – How is indecency defined, and what law governs behavior in public?" The Indian Express, Aug. 17, 2015.

moral policing because their acts like ‘holding hands in public places’ or ‘hugging’ is objectionable to the extent that it leads a third person to commit an offence because he is incapable to have control over his emotions. It is often pointed out that the main objective behind moral policing is to keep the law and order intact in the state by imposing limitations on the basic rights of an individual like right to freedom of speech and expression and movement irrespective of their opposition. In other words, we could say that the freedom has been given to the police officer to interpret the meaning of ‘indecent’ according to their own whims. If an act is indecent in nature, it should be categorically stated and further justified as to how an act which is constituted is indecent. It cannot be simply generalized as it will make the situation adverse for the people of our society.

³Pramod Mutalik v The State of Goa & Ors.

In this case, the petitioner filed a petition challenging the orders passed by the District Magistrate of North Goa and South Goa, which banned the entry of petitioner in the State of Goa. The Petitioner substantiated his argument by stating that he is the leader of an organization called “Sri Ram Sene” and prior to the ban the petitioner had been to Goa for several days and during his stay he had visited several temples to seek blessings from the Almighty. He stated that he was involved in social activities in a peaceful manner which has irked certain individuals who cherished in tolerance towards the very right raising such issues. He consolidated his stand by claiming that no other criminal complaint or proceeding was pending against him in the state of Goa with reference to law and order.

The petitioner came to a conclusion that his opponent “Tousif Shaikh” who conducted Konkani Drama – “Aakantwadi Goent Naka” and the public advertisement of the same was a satire of Mutalik. The petitioner apprehended that his opponent was trying to malign his image through satirical drama by projecting him in a bad image. He pleaded that his organization “Sri Ram Sene” was not involved in any kind of unconstitutional activities, and it did not resort to any illegal or improper way of doing things. The petitioner pleaded that after having a conversation with the people of Goa during his visit he wished to visit the state again as it inspired him to pen down his own drama which was based on a social theme relating to inter-faith marriage and he asserted that in near future, local artists would come out from the state and enact the drama written by the petitioner. The petitioner asserted that he wanted to reply to his opponent in a constitutional manner and also promised that he would not take law and order in his hands.

The Petitioner from the aforementioned circumstances was trying to enforce and defend his legal right. He learnt from the newspaper that the orders banning his entry in the State of Goa was passed by the District Magistrate, South Goa and District Magistrate, North Goa. Thereafter the petitioner through his advocate submitted an application to both the District Magistrates to allow the petitioner an entry into the State of Goa for a particular period. The

³ Pramod Mutalik v The State of Goa and ors, available at - <http://onelawstreet.com/you-are-simply-doing-moral-policing-says-sc-as-it-upholds-no-entry-order-against-muthalik/>

request of the petitioner was turned down by both the District Magistrates. Subsequently, the orders issued by the District Magistrate, South Goa and North Goa were extended for 60 days and thereafter the ban was extended by the State Government for six months.

On behalf of the respondent no. 1, Shri Harish N. Adconkar, under Home Government of Goa filed his affidavit and has denied the contents of the petition and disclosed the grounds on which the District Magistrate have banned the entry of the petitioner in the State of Goa and subsequently the State government extended the ban up to six months.

Primarily, it is important to note that the order passed by the respondent no. 2 – District Magistrate of South Goa, and respondent no. 3 – District Magistrate of North Goa, under the provisions of the Section 144 of the Code of Criminal Procedure and extended by the respondent no. 1 – The State of Goa was legally proper and acceptable. Consequently, section 144 of the code of Criminal Procedure was challenged by the petitioner, so it became necessary to refer to the provisions of section 144 of the Code of Criminal Procedure.

⁴**Section 144 in the Code of Criminal Procedure, 1973**

Power to issue order in urgent cases of nuisance or apprehended danger:

- (1) In cases where, in the opinion of a District Magistrate, a Sub-Divisional Magistrate or any other Executive Magistrate specially empowered by the State Government in this behalf, there is sufficient ground for proceeding under this section and immediate prevention or speedy remedy is desirable, such Magistrate may, by a written order stating the material facts of the case and served in the manner provided by Section 134, direct any person to abstain from a certain act or to take certain order with respect to certain property in his possession or under his management, if such Magistrate considers that such direction is likely to prevent, or tends to prevent, obstruction, annoyance or injury to any person lawfully employed, or danger to human life, health or safety, or a disturbance of the public tranquility, or a riot, or an affray.**
- (2) An order under this section may, in cases of emergency or in cases where the circumstances do not admit of the serving in due time of a notice upon the person against whom the order is directed, be passed ex parte.**
- (3) An order under this section may be directed to a particular individual, or to persons residing in a particular place or area, or to the public generally when frequenting or visiting a particular place or area.**
- (4) No order under this section shall remain in force for more than two months from the making thereof:**

Provided that, if the State Government considers it necessary so to do for preventing danger to human life, health or safety or for preventing a riot or any affray, it may, by notification, direct that an order made by a Magistrate under this section shall remain in force for such further period not exceeding six

⁴ The Code of Criminal Procedure, 1973. Section 144

months from the date on which the order made by the Magistrate would have, but for such order, expired, as it may specify in the said notification.

- (5) Any Magistrate may, either on his own motion or on the application of any person aggrieved, rescind or alter any order made under this section, by himself or any Magistrate subordinate to him or by his predecessor-in-office.**
- (6) The State Government may, either on its own motion or on the application of any person aggrieved, rescind or alter any order made by it under the proviso to sub-section (4).**
- (7) Where an application under sub-section (5), or sub-section (6) is received, the Magistrate, or the State Government, as the case may be, shall afford to the applicant an early opportunity of appearing before him or it, either in person or by pleader and showing cause against the order, and if the Magistrate or the State Government, as the case may be, rejects the application wholly or in part, he or it shall record in writing the reasons for so doing.**

⁵The provisions of the above section empower the respondent no. 2 and respondent no. 3 to issue preventive order by way of speedy remedy directing any individual to abstain from a certain act. They can pass ex parte order in cases of emergency or in cases where the circumstances do not admit of the serving in due time of a notice upon the person against whom the order is directed. It is important to note that as per the Clause (4) of Section 144 of the Code of Criminal Procedure, the State Government is empowered to extend such order for a period not exceeding than six months from the date of the order passed by the District Magistrate. The basic comprehension of this section justifies that both the District Magistrates have power to make a certain order which impose limitations upon certain activities of any individual whereas the State Government has authority to extend its period up to six months.

The Petitioner's plea was counteracted by the respondents on the basis of past criminal records against the petitioner which are still not cleared. However, the petitioner argued that the orders which were passed by the respondents were arbitrary and illegal in nature since it barred the entry of petitioner in the State of Goa. The respondents substantiated their plea by stating that they barred the entry of the petitioner in order to maintain public tranquility and order in the society, that which is in the larger interest of the society. The learned Public Prosecutor argued that the respondent's decision to bar the entry of the petitioner is well reasoned and is based upon the evidence by way of the report of the Superintendent of Police. Consequently, according to the respondents, the orders which were issued against the petitioner do not violate his fundamental rights under Articles 14, 19, 21 and 25 of the Constitution of India and they are not absolute rights but are subject to law, particularly, maintenance of a public order.

⁵ Pramod Mutalik v The State of Goa and ors, available at - <http://onelawstreet.com/you-are-simply-doing-moral-policing-says-sc-as-it-upholds-no-entry-order-against-muthalik/>

⁶Whereas the affidavit further discloses that the petitioner is a founder of the organization called “Sri Ram Sene” and it is on record that he has been actively involved in giving provocative and inflammatory speeches which obviously incites hatred between religious groups causing breach of peace and order in society at large. It is stated that the petitioner operates from the State of Karnataka and there are incidents of moral policing which have been reported since the year 2000. From the reports, it is further revealed that there are several FIR’s registered against the petitioner in the State of Karnataka particularly under Section 153A of the Indian Penal Code for promoting hostility between different groups on the ground of religion, race, etc. and under section 295 and 296A for the offences relating to religion. Moreover, it discloses that in the year 2009, the petitioner along with his group members entered into a pub named “Amnesia – the Lounge” at Mangalore and beat up young men and women on the pretext that the women were violating the culture and traditions of our society, against which an FIR was registered under sections 143, 147, 323, 444, 504, 354, 506, 341, 342, 10 (b) read with Section 149 of the Indian Penal Code at Bangalore Bander Police station (Karnataka) which is still pending. The reports further claim that there are around 48 criminal cases pending against the petitioner in the State of Karnataka, and his entry was banned as well in Mangalore District for attacking political party workers.

So, keeping in view all the criminal records of the petitioner and his illegal activities in the State of Karnataka, his criminal writ petition was dismissed on the ground that he was responsible for creating hostility between different groups on the ground of religion, race, etc. The report submitted by the Superintendent of Police, North Goa and South Goa as well as CID special branch expressed their concern over the entry of the petitioner in the State of Goa as he was earlier responsible for creating communal tension and conducting moral policing in the State of Karnataka. The affidavit also showed that the petitioner called his opponent “Tousif Shaikh” and threatened him not to stage his Konkani Drama. Consequently, the opponent lodged a complaint at the Margao town Police station. These were the grounds which were taken into consideration while banning the entry of petitioner in the State of Goa. The respondents were absolutely justified in preventing his entry and they did not violate any of his fundamental rights because the rights as well are subject to certain exceptions keeping in view the public tranquility and peace and order.

The Petitioner filed a Criminal Special Leave petition to Appeal before the Supreme Court of India and he argued that the repetitive orders which were passed by the Government of Goa and District Magistrates of South Goa and North Goa are “illegal and without jurisdiction”. The matter was heard by a bench of Chief Justice of India HL Dattu and Justice Amitava Roy. The bench rejected the appeal by stating that the petitioner’s act is likely to create a breach of public tranquility and that the petitioner is conducting Moral policing. Consequently, the bench requested the petitioner to come after six months.

⁶ Pramod Mutalik v The State of Goa and ors, available at - <http://onelawstreet.com/you-are-simply-doing-moral-policing-says-sc-as-it-upholds-no-entry-order-against-muthalik/>

Coming back to the notion of Subjective Belief

From the above case we can infer that the Petitioner was solely responsible for his acts as he was primarily dependent on his subjective belief for conducting ‘moral policing’ and he reinforced his same subjective belief on his organization members which created a lot of problem between the people who professed different religion. However, it is significant to note that our System works efficiently in cases where there is a minutest possibility of disorder in the State. The Code of Criminal Procedure as well as the Indian Penal Code is drafted with a lot of precision and it makes it easy to deal with the offenders of our society. The Constitution of India grants us the Fundamental rights but they are always meant to be exercised subject to law as they are not absolute in nature because it has to maintain peace and order in the society.

Social networking platform – A catalyst towards moral policing

We may argue that social networking platforms have much to do with but it has a dark side too. In recent times, cases of mob lynching have been reported in states like Assam, Uttar Pradesh and Rajasthan. A mob lynching occurs when people are usually misled by the false information of any individual through mediums like ‘Whatsapp’ and ‘Facebook’ and they are usually portrayed as a kidnapper, child abductor; So under a great apprehension, the people of our society gather and mercilessly beat the innocent person about whom the information had been shared. Lynching is a collective hate crime. However, there are other factors responsible for the occurrence of mob lynching apart from the sharing of fake rumor on social networking platforms, these could be the immobility and inactive attitude of the politicians, police officers and so on.

⁷Such horrendous acts of sharing fake news are mainly done by those perpetrators who aim to develop enmity between different groups on the grounds of religion, race, etc. The amount of information and data which are uploaded on everyday basis is more likely to overload the platforms such as Youtube, Facebook and Whatsapp with junk. For instance, a video was shared on Youtube with a title “A hindu girl burnt alive for attending Church Prayer meeting”, the same video could be found on Facebook too. When I researched for the same video, I came to a conclusion that it was an incident recorded in Guatemala, where a woman was burnt alive because she was alleged to have shot a taxi driver. Consequently, it was reported later on news portal that it is fake.

⁸Karbi Anglong lynching 2018

It was a violent mob lynching case which took place in Karbi Anglong, Assam. On 8th June, a mob of around 250 people mercilessly beat two youth on the pretext that they were child

⁷ FAKE ALERT: Video from Guatemala shared claiming Hindu girl was burnt alive in Madhya Pradesh, available at: <https://timesofindia.indiatimes.com/news/fake-alert-video-from-guatemala-shared-claiming-hindu-girl-was-burnt-alive-in-madhya-pradesh/articleshow/67122502.cms> (Last updated: December 17, 2018)

⁸Two men beaten to death in Assam, available at: <https://www.thehindu.com/news/national/other-states/two-men-lynched-on-suspicion-of-being-child-lifters-in-assam/article24122413.ece> (Last Updated: June 09, 2018)

abductors. The mob was misled by the information which was shared through Whatsapp. The incident took place in the backdrop of widespread fake rumors regarding the child abductors. The victims Nilotpal Das an audio engineer and Abhijeet Nath, a digital artist stopped in Karbi Anglong district of Assam to ask for directions. Consequently, they were identified as outsiders and kidnappers. The mob in inebriated state took the lives of the duo. Crowds stood around while they were mercilessly beaten, photographed an act that was objectionable and uploaded the video on social media.

Events like these suggests that the police should be accessible to the common public and that there should be an intention among the masses to facilitate the investigation of the presupposed offender through the executive officers rather than losing patience in the heat of the moment and committing an offence of culpable homicide. More often it is observed that acts such as mob lynching are committed with a common intention and a subjective belief, it is a generalized perception of the masses against the presumed offender which multiplies the amount of harm given to the offender without proper trial and dispensation of justice becomes a dream for the victim and his family. The execution of the presupposed offender takes place without due process of law which is largely responsible for the violation of human rights. Mob lynching needs to be dealt with special attention since it is an offence which can be easily executed by the offenders, and there needs to be a law which imposes strict punishment upon the mob subject to certain limitations, and most importantly there needs to be a strict vigil on the social media platforms on which several fake news are distributed on a daily basis, which are responsible for misleading the people of our society.

⁹Cow Vigilantism – Another form of Moral Policing

¹⁰It is a form of collective violence which is perpetrated by the majoritarian towards the minority on the presumption that the minorities are in regular consumption of bovine meat. In a Hindu religion, cows are worshipped and they are seen as a symbol of life and thus they are revered and worshipped. Cows are often associated with Hindu gods like Lord Krishna. The amount of violence which is perpetrated by this kind of moral policing is indeed conspicuous and it threatens the lives of minorities in India such as Muslim and Dalits. The reports further point out that this kind of moral policing is on the high rise. The Hindus have made their grounds firm and have recklessly violated the human rights by lynching the minorities, i.e., Muslims on the pretext that they are regular consumer of beef or they are involved in slaughtering Cows. Several cases have been registered where the vigilant groups have been misled by the false information which have consequently led to the loss of lives of the minorities.

⁹ Kimberley Winston, “The Splainer: What makes the cow sacred to Hindus”, The Washington Post, Nov.5, 2015.

¹⁰ Opinion “Making sense of the Lynchings in India” by Asgar Qadri, available at - <https://www.trtworld.com/opinion/essay-making-sense-of-the-lynchings-in-india-10261>

¹¹The phenomenon of Cow vigilantism became firm from the moment our Government imposed a ban on the sale and purchase of cattle for slaughter at animal markets across India, under Prevention of Cruelty to Animals statutes. The primary concern with this kind of moral policing is that it is very much correlative with religious sentiments of the vigilantes who take law and order in their own hands on the pretended reason that cow slaughtering hurts their religious sentiments in consequence of which they kill the people who profess Islam or on the basis of any kind of evidence which points out that the individual had been involved in slaughtering of bovine or consumption of its flesh. The situation deteriorates further when politics is associated with religion, where political outfits claim through their rhetorical exhortations that they will not tolerate cow slaughter and that they will take revenge for the same. Consequently, such kinds of claims are made in front of the people of the society who in return worship such political outfits so as to portray that they are ardent followers of Hindu religion and the same is reinforced by them which further leads to polarization. It is significant to note that such polarization is in contravention of the secular aspects of our Country which creates communal tension between the majority and the minority. Any kind of association which strengthens one religion on the one hand and weakens the other religion on another hand give rise to communal tension and is in violation of the communal harmony.

¹²The violence against the Muslim community was initiated when Mohammad Akhlaq was killed in Dadri District of Uttar Pradesh in 2015 on the suspicion that he had butchered a calf that had gone missing. Consequently, he was mercilessly beaten to death and his son Danish and grandmother were assaulted. The fact is disappointing that till date none of the accused had been punished. Other events took place which led to the brutal murders of the Muslims, and there was an attack on Dalits as well in Una in 2016 on the excuse that they were transporting cows. It is disappointing to note that the ministers of the Government have not criticized these horrendous acts of violence. By looking at such incidents, we could infer that the mob lynching has become a common offence since it hardly affects our government and immobile police officers, who are ignorant of the successful criminals who harm fellow citizens.

¹³Cultural terrorism and Moral Policing

In recent times, we have witnessed violence being increasingly inflicted by actors such as Cow vigilantes, Anti Romeo Squads and Hindu Yuva Vahini. Violence had always been caused by political outfits such as Vishwa Hindu Parishad, Bajrang Dal and Ram Sena. These are extra constitutional actors aiming to impose their subjective belief through use of physical violence. Under the current Political condition of BJP regime, these groups have become more consolidated. The violent action of these Non state actors has been followed. These actors are more coercive and arbitrary in nature since they impose cultures upon the youths of

¹¹ <https://www.civilserviceindia.com/current-affairs/articles/rising-mob-violence-in-india.html>

¹² Lead. "A Spate of lynchings" by Neera Chandhoke, The Hindu, June 16, 2018.

¹³ Essay "Non-State Actors and Moral Policing" by T. Navin, available at - https://www.academia.edu/36892643/Non_State_Actors_and_Moral_Policing

the nation to follow irrespective of their faith and belief. They work towards changing equations at the level of culture. What they are trying to establish is not Indian Nationalism but Hindu Nationalism, in the name of establishing Hindu Rashtra they are committing offence on wide scale in our nation. The Indian culture according to them is the one which is specially crafted under the supervision of Manu Smriti. They basically have a duty to define as to dietary habits, restriction on eating, relations between two opposite genders and who should worship whom and the celebration of several festivals are part of their curriculum as a cultural terrorist.

Every ordinary citizen which are part of such groups often have a motivation of a common specific belief about how a world should look like and how it should naturally be. The 'common belief' acts as an organizing principle which culminates into collective violence in furtherance of the common intention. The members of these groups pose themselves as Moral Police and they reckon morality on the basis of Code of Manu. They promote hierarchy, in a sociological term – a varna system, which promotes hierarchy of an individual through specifically putting them either in the lower bottom caste of Shudra or in the Upper caste called 'brahman'. The main objective is to bring such hierarchy back into our society. A democratic and progressive culture promotes the progressive schools in our society which encourages the development of our society and consequently a democratic nation impede the anti-democratic culture. Hence, these groups aim to attack the democratic norms on the pretext of 'preserving Indian culture, morality, Indian ethos and religious sentiments.'

¹⁴Anti-Romeo Squads is one of the Non state actors. These Squads have been constituted in order to keep a check on Eve-teasing, stalking, harassment of women and checking of love jihad. However, it is to be taken into consideration that such acts shall be done by the police officers through Patrol but it is in evidence that many instances have taken place where actors from Hindu Yuva Vahini have come out in order to prevent certain acts in the name of Anti-Romeo squad which have further led to the harassment of the deemed victims, they have been falsely accused of behaving indecently in the society. Instances have been witnessed where young couples are harassed in public places and in some cases, limitations are imposed on the movement and freedom of women in the society in the name of moral policing which has further led to several protests. These Non state actors have undoubtedly created a legitimate space for themselves in our society which has made them inviolate and their behavior is being encouraged by none other than the people of our own society. It is a kind of blemish on the Secular aspect of our nation. The increasing activities of these groups are an attack on a liberal, democratic and progressive nature of our Indian society. It is our duty to expose the harmful activities of such Non state actors.

Honor Killing and Rape – Another form of moral policing

“Violence against women is perhaps the most shameful human rights violation, and it is perhaps the most pervasive. It knows no boundaries of geography, culture or wealth. As

¹⁴ Sharanya Gopinathan, “Despite their History of Moral Policing, Could you trust Cops to help ‘Opposed Couples’?” available at - <http://theladiesfinger.com/honour-killings-police-committee-runaway-couples/>

long as it continues, we cannot claim to be making real progress towards equality, development and peace.” – Kofi Annan

The offence of rape and honor killing also comes under the branch of moral policing because such kinds of offence are mainly committed by the society and families due to societal morality and pressure which leads to the lynching of an innocent person. These types of offence are gender specific since it impedes the freedom of women in our society. Although it is important to note that in some cases of honor killing where the offence takes place because of the betrothal of two individuals belonging to different castes, race, or ethnicity, in such instances, both the parties are lynched by the society on this pretext that they both have violated the tenets of our society. Honor killing is one of the most disdainful offence because it is psychologically complex and sociologically intricate and also it is one of the morally distressing violent crimes against the humanity. It is a direct violation of human rights since it involves the execution of those innocents who have an intention of simply getting into wedlock and starting their new lives. Honor killing is one of the horrendous crimes because it sets up a precedent for our own society that the act of committing murder is justified where the innocent had violated the basic tenets of our society. It is more likely to justify honor killing, where those who are involved in killing their sons and daughters escape the due process of law by pleading through lies and misleading statements.

¹⁵Effective solution to eliminate Discrimination of Women and the Significance of CEDAW

All kinds of Gender based violence, ‘honor killings’, is responsible for depriving the women of our society right to life, liberty and security, the right to be free from all kinds of cruelty and torture, inhuman or callous treatment and punishment, right to equality as well as equal opportunities in the family and the right to best attainable standard of physical and mental health. The kind of patriarchal principles which are coercively imposed upon the women of our society by our Panchayats as well as ancestors needs to be tackled by our Country since it is a state party and being a state party, it is the duty of our country to ensure that all kinds of discrimination against women in matters relating to marriage and family relations are eliminated, we need to provide them with the same right to enter into marriage and to freely chose a spouse and let them marry their partner only with their free and full consent. We also have to make sure that the informal bodies like Khap panchayats, which unnecessarily interferes in the personal matters pertaining to choose a spouse or the decision of marrying a partner shall not take place and such bodies shall refrain from interfering in the lives of the women of our society. The right to choose a spouse shall be left at the discretion of the women of our society.

Since India is a state party to the CEDAW (Convention on the Elimination of All Forms of Discrimination against Women), it is legally bound to remove discrimination against women by any person, organization or enterprise, as mentioned in section 2(e).

¹⁵ <https://indialawyers.wordpress.com/tag/honour-killings/>

¹⁶Article 2(e) of CEDAW – States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake: to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise.

¹⁷India being a part of this convention, it is legally responsible to take relevant measures to abolish prejudices and customary practices such as ‘honor killing’ since it is life threatening and opposed to rationality, the idea of honor killing is based on the superiority or inferiority of either of the genders, as it has been mentioned in Article 2 (e) of the CEDAW. Whereas **Article 2(f) of CEDAW** talks about the modification or repeal of certain existing laws, customs and practices which are responsible for discrimination against women. The framing and constitution of statutes that criminalizes the different types of acts which fall within the domain of ‘Honor Killing’ is certainly not adequate if there is absence of systematic procedure for implementation and enforcement of the statutes. The role of Active prosecution is significant because through this medium we can realize the elimination of discriminatory and arbitrary rules such as “Honor Killing”, and in order to ensure that the state parties meet their duties to take all relevant and appropriate measures through which they can eliminate discrimination against women. We can also take some of the effective preventive measures to promote gender equality and through organizing gender sensitization programs and workshops in the rural as well as urban areas. This can also be done through several initiatives such as that of peaceful procession in which we can raise our voice against dull patriarchal conception and demand the elimination of the same so as to remove discrimination against women.

There are several articles in the Constitution of India which guarantees to its citizen, the right to equality, liberty and so on. These are the articles which forms the very basic structure of the constitution. We shall discuss the most basic provisions in our constitution pertaining to them:

¹⁸Article 14 – The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

¹⁹Article 15 (1) – The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

²⁰Article 15 (3) – Nothing in this article shall prevent the State from making any special provision for women and children.

²¹Article 21 – No person shall be deprived of his life or personal liberty except according to procedure established by law.

¹⁶ <https://www.un.org/womenwatch/daw/cedaw/>

¹⁷ <https://indialawyers.wordpress.com/tag/honour-killings/>

¹⁸ The Constitution of India, art. 14

¹⁹ The Constitution of India, art. 15(1)

²⁰ The Constitution of India, art. 15(3)

Consequently, the above-mentioned articles are some of the national commitments of our country. It safeguards us to a great extent and we as a citizen are also bound by these articles and it is upon us to check whether our rights are being violated by any other person or authority. We have to keep a regular check on whether our rights are safeguarded or not so as to maintain stability and order in our society being a subject of the state, also it is inherent to keep in mind that any law which has a loophole is subject to several limitations which can curtail our freedom and rights. The major objective of our constitution is to collectively accommodate people belonging to different faiths and regions and promote unity in diversity. It is our sole responsibility to abide by our constitution at all times.

22²²International Covenant on Civil and Political Rights

Since Union of India is a member to this covenant, it is mandatory for the country to provide to all its citizens the rights guaranteed under the following articles:

Article 26 – All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 23 – (1) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

(2) The right of men and women of marriageable age to marry and to found a family shall be recognized.

(3) No marriage shall be entered into without the free and full consent of the intending spouses.

(4) States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

Article 17 – (1) No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honor and reputation.

(2) Everyone has the right to the protection of the law against such interference or attacks.

In relation to the above-mentioned articles, it is evident that all of these articles are very much opposed to any kind of moral policing in our society, which means that none of them actually promotes or acknowledge any kind of moral policing but simply tries to eliminate

²¹ The constitution of India, art. 21

²² International Covenant on Civil and Political Rights

them. Article 23 (1) states that a family is the fundamental group unit of society and is entitled to protection by society but here in our country these relevant section seems to have no impact on the people of our society because they have their own notions of morality and good conscience, they have their own definition of what is just and what is unjust, they have their honor & pride above head which persuades them to commit offences which violates the basic human rights and our Indian Constitution as well. The major reason behind such grave violation of human rights in the name of moral policing is the so-called customary practices and association of religion with politics which makes it even more difficult for the State to attain that Secular status and be able to accommodate people belonging to different faiths together and live peacefully. These laws have been drafted keeping in view the statistics of such violence as these types of violence are committed throughout the world.

The grave violation of human rights which takes place through moral policing in instances of Honor Killing is abominable and unacceptable. The innocent lives are taken away because it is felt that they have brought dishonor upon the name of the family, women are the worst sufferers of moral policing since it is really difficult for them to seek assistance especially in rural areas due to lack of law and order, corrupt practices and lack of safety and security. India being a member of the “Universal Declaration of Human Rights”, has a duty to protect the lives, rights and liberty of individuals and protect them from grave and heinous crimes.

²³The Universal Declaration of Human Rights under Article 16 guarantees the following provisions:

- (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.**
- (2) Marriage shall be entered into only with the free and full consent of the intending spouses.**
- (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.**

²⁴Jamshed and Another VS State of Uttar Pradesh and others

For this situation, Gulshan Jahan wedded Jamshed within the sight of observers and she asserted that she was major. In outcome of her marriage, her dad got irate and documented a FIR expressing that she was a minor and had been purposely abducted by Jamshed. Presently it was an obligation of the High Court to set up keeping in view the debated marriage concerning whether she was with her significant other of her own will or she was coercively hijacked by Jamshed. The Therapeutic reports of Gulshan uncovered that she was a noteworthy and henceforth her detainment was illicit. Keeping in view the reports, the court held that since Gulshan expressed that she had hitched Jamshed of her own will and that the guardianship of her dad had finished the day she achieved the age of majority, i.e., 18 years

²³ The Universal Declaration of Human rights, art. 16

²⁴ <https://indialawyers.wordpress.com/tag/honour-killings/>

old, and since then two of them attained the age of majority the law couldn't restrict their relationship of a couple. The court likewise referenced their entitlement to security and assurance of life, and individual freedom under the Indian Constitution.

The objective behind stating this case law is that two major partners have a right to marry each other and the same can take place in the eye of law. Any kind of moral policing which impedes the procedure of marriage shall be in violation of the basic rights of an individual. However, it is important to note that under Hindu Marriage Act, 1955 – several kinds of relation are prohibited which comes under the Prohibited degrees of relationship and any form of marriage where the participants are related to the ancestors of each other through blood are also prohibited. The grounds of caste, creed and religion cannot be exercised by the offender to justify his grave acts of honor killing and if the same excuse takes place then it will be a severe violation of human rights. Such acts will promote more enmity and create polarization between people belonging to different castes and religion.

Jyoti Alias Jannat and Another VS State of Uttar Pradesh and Others

The Indian Majority Act, 1875 states that a person who attains the age of 18 years is a major vide Section 3 of the Act. In the eye of law, it is considered that those individuals who have attained the age of majority is well aware of his/her welfare. Therefore, he/she who has attained the age of majority can go anywhere and live with anybody. Our country is a free and democratic country and it is well known that even the interference of parents which violates the basic rights of a mature individual is unacceptable. Once an individual attains the age of majority his movement cannot be restricted so as to impede him/her from going anywhere and live with anybody. This right has been guaranteed under Article 21 of the Indian Constitution and it holds a highest place in the constitution.

²⁵Joginder Kumar V State of Uttar Pradesh AIR 1994 SC 1349

In this case, the Supreme Court laid down the guiding rules on the law of arrest. It stated very clearly as to on what grounds the arrest of a person shall take place. The act of noting down the specific reasons for making an arrest of the deemed offender in the case diary by the police officer is desirable because it reflects the officer's conformity and clarity in being compliant with the specified guidelines of arrest. These guidelines are in conformity with the basic rights of an individual such as that of personal liberty mentioned in our constitution. No arrest shall be made on the ground that it is lawful for the police officer to do so. The power to arrest any individual is one thing and it cannot be without any lawful justification. It is the obligation of the police officer to justify the arrest of a person apart from his powers. Arrest of an individual without any justified grounds can cause indiscriminate amount of harm to his/her reputation as well as self-esteem. It is unacceptable that a routine arrest of an individual is made on any kinds of false allegation that he/she is responsible for any kind of commission of an offence. It would be a prudent act of the police officer that he makes an arrest after considerable amount of investigation and reach a conclusion that the deemed

²⁵ <https://indialawyers.wordpress.com/tag/honour-killings/>

offender is solely responsible for the offence committed. It is also in the interests of the society as a whole that the deemed offender's constitutional rights be kept in mind while coming to a conclusion and making an arrest. If a police officer denies an individual his/her personal liberty without any lawful justification, such acts are considered abominable. A person cannot be arrested merely on the ground of suspicion of complicity in an offence. It has been evident quite often that the recommendations made by the police commission turn out to become a constitutional accident which inevitably violates the basic rights of an individual. There needs to be a reasonable justification on the part of the police officer that he takes a step and make an arrest. Any kind of arrest which is made on the whims of the police officer is objectionable and unacceptable. However, it is essential to note that in circumstances of cognizable offence like murder, rape, dacoity, an arrest made is justified on the grounds that the degree was too high of an offence, the accused is likely to escape and avoid punishments and that he might commit further offences, that there is a need to restrain his/her violent behavior, that he is a habitual offender.

26 What moral policing is all about?

It is a kind of a social as well as a political act which coercively imposes cultural values upon the people of our society without their consent. The basic duty of a moral police is to uphold their cultural values wherever they feel it is in danger by the existence of an alternative culture, and they especially presume even if it is not that the alternative culture tries to violate and destroy the existing Indian culture. In other words, most of the Non state actors which are involved in conducting moral police, they view the 'western culture' as a threat to the 'Indian culture' which further creates a problem for the people of our society. These actors claim that the Indian culture is pure and sanctified in relation to the western culture which is supposedly deemed as immoral and impure by them. Like we have discussed above how Anti-Romeo Squads were constituted by the UP Government to harass young couples. There is a blatant allegation by these moral police that the people of our society are involved in 'immoral behavior'. Consequently, such kind of moral policing is an act of 'conformity' which makes it really difficult for the alternate culture to coexist with the Indian culture and often it is deemed as a dangerous situation because it leaves not even a tiny space for difference and toleration to exist which leads to altercation and conflicts in the society. It has become a stereotype because we often relate modernity with "western culture" and morality with "traditional Indian values" which gives a strange meaning to first, modernity and second, morality. It is wrong to make such presumptions and presupposition.

²⁷Moral Policing is a vast conception since it accommodates different issues on which moral policing takes place. A moral policing can be conducted over a petty issue such as slightest

²⁶ Essay "Non-State Actors and Moral Policing" by T. Navin, available at - https://www.academia.edu/36892643/Non_State_Actors_and_Moral_Policing

²⁷ Essay, "Moral Policing and Concerns regarding Sexuality in India", by Baishali Bhattacharya, available at - https://www.academia.edu/12847658/MORAL_POLICING_AND_CONCERNS_REGARDING_SEXUALITY_IN_INDIA

amount of obscenity in paintings, or a painting which humiliates the religious sentiments of the people, and in cases of films, where the character is depicted with a modern approach, that can create enough hue and cry in the society. The severity of moral policing in certain cases is so high that it leads to a grave violation of the human rights, ‘crimes of honor’ is of such nature that it often leads to disdainful violation of laws, where the innocents are lynched on the basis of caste and religion. More often it has been contended that such kinds of regulation and maintenance conducted by those indulging in conducting policing on their own ‘subjective belief’ leads to problematic situation and the participation by politics in such policing deteriorates the situation further for us since it consolidates the ground for the offenders. We have often associated religion with dietary practices which has further consolidated the polarization in our society. If we relate bovine flesh with Islam, then it is apparent that it would create a considerable amount of threat to the lives of the minorities, i.e., the Muslims in cases where even rumors are spread, such rumors could lead to communal tensions and riots. It is for the executive officers to use reasonable amount of force upon the offenders but we as a society have always failed to understand the same and the people of our society have always taken law and order in their own hands in the name of religion and in the heat of the moment we have taken great number of lives as well as given from our side. It is the duty of our law and executive officers to use the amount of force necessary for retributive purpose. Moral policing has been hastened recently due to fake rumors which are usually spread on the social networking platforms. Last year, it led to the grave situation, which caused the death of two youngsters in Assam.

28 Does it curtail the freedom and sexuality of an Individual?

Moral policing is an act which is too much involved in emphasizing the relevance of cultures and traditions. In the name of conservative theories, they try to control the movement and freedom of an individual and see desires as western imports. An act where a man along with his co-workers enter a pub and beat up young adults and tries to instill fear in them in the name of tradition is an act which is indirectly trying to curtail the freedom of youths of this nation. An instance of honor killing tries to do the same where a group of villagers tries to get hold of a couple by strangulating them first and secondly, beating them mercilessly which leads to the death of the innocents. At some point of time, it may appear that few people standing and witnessing an act of honor killing becomes so grave in a flick of time that the number from few multiplies into hundreds and all those shall be convicted for culpable homicide because they had participated willfully in an unjustified act of honor killing.

Moreover, when moral policing is conducted on women, it is solely done with the intention of limiting their movement as well as sexuality in the society and they are the ones who bear the brunt of harassment in public in the name of “culture and tradition”. The whole concept of sexuality is associated with ‘silence’ as well as ‘privacy’ and is divorced from public

²⁸ Essay, “Moral Policing and Concerns regarding Sexuality in India”, by Baishali Bhattacharya, available at - https://www.academia.edu/12847658/MORAL_POLICING_AND_CONCERNS_REGARDING_SEXUALITY_IN_INDIA

expression, that is to say, it is a subject on which women should not talk about openly and express their thoughts on it, rather they should silence their thoughts and desires on the same. An extrovert girl is often associated with ‘promiscuity’ and is deemed as western in nature since our traditions and moral values disapprove of the same. The notion of moral policing revolves around only one idea that one cannot bring in those ideals of western countries which promote sexual freedom. The Indian culture is to be blamed for it sees a woman as absolutely chaste, a woman who could even sacrifice her own likes and desires, and as a pure form of human being. We have promoted gender biasness through religious affairs and have put so much of burden on the women of our society. We have evoked such notions where we see women who fight for themselves and questions our culture as ‘harmful’ for the society and we have often raised strange question against their freedom because we have always seen them as a captive.

Moral policing is an act which does not simply impose limitations upon the freedom of women but men as well. Through such acts, the Non state actors make an attempt to maintain that patriarchal principles through arbitrary means which have been responsible since its inception for the violence against women. It is significant to note that such principles are ardently associated with castes, religions and community, which in grave circumstances leads to honor crimes where an individual goes against the age-old patriarchal principles for his own desires and welfare and ultimately gets lynched by the mob. Since a long time, we have been articulating different methods through which we could preserve the sexuality of the women of our society and moral policing comes out to be one such method through which the basic freedom and rights of an individual are limited and in certain circumstances violated to a great extent. The elements of Culture and morality cannot be divorced from development, so we need to work collectively for the progress of the women as well as men of our society. Every human being has a right to sexual as well as artistic expression and it shall not be curtailed to such degree that it violates a basic human right.

Conclusion

Through this study, I have been able to conclude that “Moral Policing” is a vast notion since it includes different issues prevalent in our society. As we discussed in the beginning as to what compels an individual or a Non state actor to conduct moral policing and consequently, we discussed about several issues which have been occurred recently in our society. The code of Criminal Procedure plays an important role in impeding the harmful activities of an individual in a State through Section 144. The most important part which I have learned through this research paper is how a State plays a pivotal role in averting harmful activities of an individual which is likely to hasten the process of communal tension in the society. As we deliberated in the beginning that how Mutalik’s criminal writ petition was rejected on the ground of his infamous previous records in the State of Karnataka. That his criminal records were not cleared and several FIR’s were registered against him for conducting grave moral policing. I took up this case because I was able to relate it with the notion of ‘Subjective belief’. It was through this case, that I was able to explain that how subjective belief worked

where the members of “Sri Ram Sena” gave provocative speeches to the mass and tried to create Polarization in the society by inciting hatred among people who belonged to different groups.

It is really difficult to comprehend this subject from one point of view since it is a very vast topic and it accommodates not one but different types of offences. Mob lynching became a part of this topic and as we have seen that the process of execution of the victim had been solely hastened by the social media platforms and how a role of social media is violating the basic human rights of the innocents. The case of Nilotpal Das and Abhijeet Nath was indeed a very horrendous case of mob lynching where they were beaten to death mercilessly and also this disgusting act of the mob was recorded and shared on the social media platforms such as Facebook and Youtube. We need to have a better Executive force which can handle this type of situation with vigor and firmness. Other factors which I deem as liable for the occurrence of mob lynching is the lack of confidence on the part of the police officers and lack of effective cyber crime laws. In order to overcome these situations, we need to have a better agenda towards tackling the fake rumors which spreads pervasively on the social media platform and we need to have separate laws which works with a standard operating procedure to tackle such grave violence.

I have counted ‘rape’ and ‘honor killing’ under moral policing since it is an offence which are often committed on the pretext of preserving the chastity of women and the latter offence is committed so as to get rid of ‘Dishonor’ in the family. This categorically does more harm to women because it is done with the objective of limiting the freedom and sexuality of the women of our society. Honor killing is another kind of an offence which is established on the grounds of preconceived notions of our society such as that of caste, religion and community. It is a form of moral policing because it is committed largely on the grounds of Subjective belief and in some cases, it is merely committed to limit the movements of women in our society. This category needs special attention since it targets the vulnerable groups in our society such as minorities, Dalits, and the suppressed classes. International commitments have been made in relation to the Discrimination against women in Universal Declaration of Human Rights (UDHR) as well as in the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), which proposes to provide equality between both the genders in matters pertaining to marriage. UDHR has stated very clearly in Article 16 that every individual irrespective of caste, creed, race, religion, etc. has the right to marry and found a family. So, this article is clearly providing us with the right to marry with free consent and that the family is subject to protection by the members of the society. We have to implement these articles in every state and district of this country for its optimum result and benefit so as to remove any kind of those state actors which are creating a lot of ruckus through their notions of morality and patriarchal principles.

Another important aspect which we deliberated upon was ‘International Covenant on Civil and Political Rights’ which guarantees its citizen the effective protection against any kind of discrimination based on race, religion, color, etc., it states that every individual has a right to access protection under the law. This further state that the State parties, who are the members

of this Covenant has to ensure through proper legislations that these parties are benefiting with equality at all time such as during marriage, after marriage and at its dissolution. It also provides a clause regarding the custody of child after separation. We see that such international legislations have been made but it is hardly implemented in our country especially in rural areas due to several factors such as backwardness, illiteracy and several superstitions and notions regarding morality and culture.

Afterwards we discussed about the laws of arrest in the case of Joginder Kumar Vs State of Uttar Pradesh. As we have mentioned so many times that any act which is committed by the police officer on a note of subjective belief, it leads to moral policing. This case law especially stated the grounds on which a police officer could make an arrest. It stated that while making an arrest, it is very essential for a police officer to note down the reasons for the same in the case diary since it creates a reasonability. A lawful justification on the part of the police officer is crucial because it further justifies his acts and does not violate the constitutional provisions pertaining to personal liberty stated under Article 21 of the Indian Constitution. It also justifies the arrest in cases of cognizable offence on the part of the offender under certain circumstances.

One of the crucial aspects which justifies the act of an individual and helps the legal fraternities to judge him/her acts as reasonable is the age of majority. When a child attains the age of majority, he becomes lawfully justified in choosing his/her life partner. Such decisions cannot be counteracted and subsequently annulled by the parent of a child. In Jamshed and another vs state of Uttar Pradesh, the respondent was justified in marrying her partner since she had already attained the age of majority, and the girl's detention was held to be illegal. It was held that she was lawfully justified in marrying on her own will and that her decision was totally acceptable in the eye of law.

We can overcome the predicaments which are caused by moral policing by promoting education and literacy in our society. It is a kind of social epidemic because it is polluting our society rapidly and we need to curb such acute problems before it does much greater harm to our society by introducing awareness programs and schemes which are beneficial to the men as well as women of our society.