

MORAL POLICING IN INDIA: CHALLENGES, IMPACTS, AND RESISTANCE

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Abstract

Moral policing in India has become a highly controversial and even disruptive activity that involves either one person, a vigilante group, or even the state itself imposing their subjective morality on others in both public and private life. Moral policing is often carried out in the name of retaining the cultural norms, which involve acts such as controlling how women should dress, controlling the interaction between gendered bodies, censoring digital communication, and assaulting acts of affection expressed in the streets. These efforts often violate the most basic provisions mentioned in the constitution, such as the freedom of speech, the right to privacy, and the right to live with dignity. This research paper examines the roots of moral policing, how it has changed over the years, and the modern-day images of this practice in the Indian scenario. It puts into sharp focus the role of socio-religious conservatism, patriarchal customs and political expediency in aiding the normalcy of these practices. Along with that, the study brings to light how moral policing discriminates against youth, women, LGBTQ +, and other marginalised groups, limiting their agency and ability to contribute to democratic debate. Based on secondary sources, and employing legal and news stories and social movement analytics, the study also explores increasing opposition to moral policing by civil society figures. Whether it is organized protests as it was in the case of the Kiss of Love campaign, online movements on the form of a hashtag campaign, or as it can be seen through the use of Public Interest Litigations, there has been a clear opposition against moral policing by the youth organizations, feminists, and other human rights groups. What has been found is that moral policing is a problem that is not just legal and social, but it is posing a threat to the democratic and pluralistic nature of India. This paper recommends the immediate legal remodelling, civic awakening, judicial action, and accountability within institutions to control this behaviour beyond the law. The research also highlights this by encouraging cultural morality over authoritarianism, preserving the liberty of the individual in an otherwise fast-evolving society that is attaining social harmony.

Keywords

Moral policing, individual rights, youth freedom, civil society, gender equality, legal resistance, India, social norms, cultural control, digital protest

Objectives of the Study

1. To know the history of evolution and socio-cultural origins of moral policing in India.
2. To study how moral policing affects personal liberties, especially in young people and women.
3. To explore the effectiveness of the civil society movements and their legal actions against moral policing.

Introduction

To democratic societies, morality is mostly interpreted as an individual and subjective situation with cultural inclinations, individual convictions and codified by the then constitutional rights. The science of morality in India has, however, taken a step further beyond individual choice as evident through the occurrence of moral policing, which involves people, poses, or even the state imposing their understanding of what is socially acceptable to perform on other people (Sen, 2005). Such moral interventions often violate

some of the most sacred rights, right to free speech, right to privacy and individual autonomy, which are part and parcel of Articles 19 and 21 of the Indian Constitution (Baxi, 2012).

Moral policing usually focuses on the behavior that is perceived as the distortion of the conservative or traditional norms such as spending time together in the public view, wearing western clothes, engaging in relationships with people of other caste or religion, and using social media to display oneself (Foucault, 1977; Roy, 2016). All these behaviours, though legal, are termed as immoral by self-proclaimed guardians of society and can be socially shamed, beaten to death, or go through internet stalking. Case like the pub couple attack in Mangalore or the harassment of women based on clothes is a stark reminder of how moral policing has become an institutionalised and normalised part of the Indian society in certain places (Vohra, 2014).

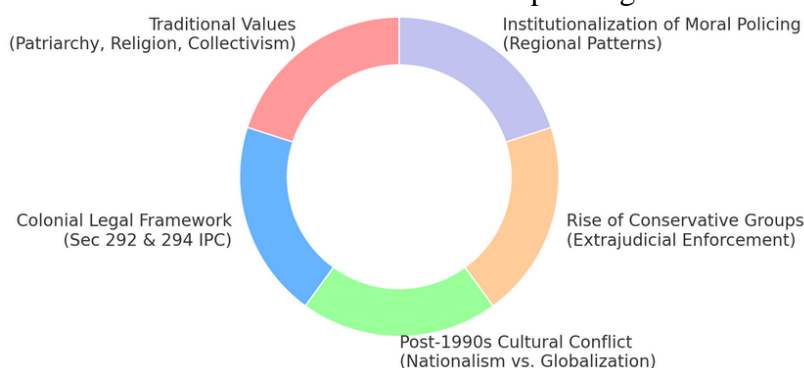
Moral policing is complicated by the fact that there are no real distinctions between the law and vigilantism. Whereas the Indian law contains the clauses specifying obscenity and decency in the Indian society (Sections 292-294 of the IPC), they are vaguely determined and easily abused in their content (Bhandari, 2020). Such ambiguity leaves room to be used by both the non-state and the state leaders to apply restraints, which infringe civil liberties. Furthermore, such interpretations are normally driven by patriarchal and caste-related norms at the expense of women and marginal groups (Nayar, 2011).

This research paper seeks to give a critical analysis of the historical development, social and legal legitimacy, and the forms of moral policing in India. It also tries to point out the new waves of resistance to such authoritarian control over personal life, such as legal interventions, up to digital activism. The paper identifies the existence of a dire need for a rights-based approach to reinforce constitutional morality against undefined social norms that prevail in society, in light of secondary data analysis, case studies, and legal decisions.

Historical and Cultural Roots of Moral Policing

The tradition where moral policing exists in India is built on moral values; these views are patriarchal, religious conservatism, and social collectivism. Since colonial times, the notions of honour and public decency were enshrined in legislation through the formulation of Sections 292 and 294 of the Indian Penal Code. Over time, these norms started being projected extrajudicially by different right-wing groups, religious authorities, and even state agencies.

Block Diagram: Historical and Cultural Roots of moral policing in India



Founded to a great extent on traditional norms, the conservatism of the Indian religion, and the laws of the colonial period, moral policing in India is rooted in the socio-cultural and legal history of the country. Moral policing is fundamental in the sense that it is the current conflict between collectivist social ideals and newfound individual rights. The Indian society, especially patriarchal societies, has a long tradition of dictating the individual

conduct, especially that of females, with the aid of honour, modesty, and dignity of their family (Chakrabarti & Chakraborty, 2021). These cultural controls are usually applied not only by using pressure on the family or community but also by scrutiny of the society and social judgment.

Some of the acts passed by the British colonial government also supported these values in the form of law. Remarkably, the Indian Penal (IPC) law has extirpated the sale and distribution of obscene material in Section 292, and obscene acts outdoors in Section 294. Although these laws were originally initiated within Victorian moral provisions, they were kept even after Independence and to date, they are still selectively regulated based on the majoritarian moral rules (Baxi, 2014). This led to the legal system becoming a valid means for conservative forces to control the behaviour of individuals in the name of upholding the good of society as regards personal decency and cultural order.

The post-liberalisation in the 1990s has had a significant change, socio-cultural drift. With India opening up to international markets and media, the urban youth were also becoming more and more westernised in their way of life as seen in their mode of dressing, dating phenomenon, affection, and in their online self-image creation. With such a cultural transition, it created doubts amongst the conservative and religious demographics who tend to view such changes as a threat to Indian culture (Mehta, 2017). Politically oriented Right-wing groups started assuming the responsibility of culture police, harassing people, especially women and interfaith couples, both in the street and online. Such forms of extrajudicial implementation were not a random act but a planned, systematic process, ideologically driven, and usually turned a blind eye or even implicit approval by state entities (Menon, 2020).

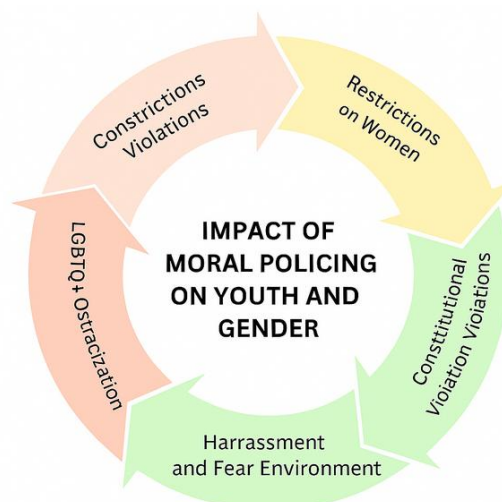
Moral policing has changed over time; what was a casual and temporary social response has now become an organised and institutionalised phenomenon in certain parts. When couples are attacked during Valentine's Day, when dressing a certain way earns harassment, and when art and Hollywood films are censored, it indicates an underlying urge to control the cultural manifestations (Kumar, 2022). Therefore, the origins of moral policing have been traced not just in the history of India but also in the history of its uprising alongside and against tradition and modernity, and the law and custom and collective effort and individual freedom.

Impact of Moral Policing on Youth and Gender

Youth, especially women, are the most targeted by the moral police. Discrimination against females plays out in the way they may be restricted in the way that they dress, date, go out in the evening, and online expression. Attacks on women who wear jeans, attacks on couples in the park and slut-shaming on social media are no longer something extraordinary.

This behavior does not only violate the Article 19 (freedom of expression) and the Article 21 (right to life and personal liberty) of the Indian Constitution but it also makes an atmosphere of fear and repression. Instead of encouraging the students, the educational institutions tend to strengthen the codes of morality by having discriminatory hostel curfews or codes governing behaviours.

BLOCK DIAGRAM 2: IMPACT OF MORAL POLICING ON YOUTH AND GENDER



Furthermore, LGBTQ + communities are most prone to pressure because they can be marginalised, morally corrected with the use of state power, or even criminalised. Moral policing, therefore, turns out to be a form of repression dressed up as cultural protection.

Restrictions on Women

Moral policing in India victimises women mainly by regulating their dressing, manners and personal liberty. Women have to endure public shaming and violence related to wearing Western clothes or appearing in the street with male friends or orienting themselves to sexuality. Cases like beating women in bars or bullying couples in parks are usual. These acts are justified by the argument that Indian culture has to be safeguarded, or morality should be maintained. The reality is that this is an act of patriarchal ideologies whose aim is to limit the ability of females to make their own choices. Women do not have control over their own choices and bodies. The same attitude is seen in the way rules such as dress code or curfews in hostels are discriminatory in institutions such as schools and colleges. It is especially tough on the unmarried women and those who are living together in the urban centres. These social controls, over time, restrict the role of women in social life and strengthen gender inequality in the name of a moral code.

Constitutional Violations

The act of moral policing infringes the rights of the Indian Constitution directly, especially Article 19, which grants freedom of speech and expression, as well as Article 21, right to life and liberty. Activities such as bullying couples, compelling women to dress decently, and censoring online materials have a tendency of being undertaken without any basis under the law, and hence are unconstitutional. Those constitute extrajudicial application of subjective moral rules, when citizens are not judged by the court but by individuals or government servants who are outside the law. The Constitution announces the provision of personal freedom as long as it does not inflict any harm on other citizens and breach the public order. But in the pretext of culture and morality, this freedom is usually brought down. Indeed, such infringements not only affect personal freedoms but also weaken the rule of law. Authority actions, as well as those of vigilante groups, when taken out of accountability, compromise the confidence people have in the application of law and entrench retrogressive norms against democratic rights.

Harassment and Fear Environment

Moral policing creates an atmosphere of intimidation and mental torture, particularly for youth and women. By publicly harassing people, internet trolling, or publicly shaming an

individual by a member of the community or the police, a message is sent that personal freedom is not absolute. Many people do not risk speaking their mind, by means of fashion, relationships, or opinions, because they are afraid of being photographed, shamed, or assaulted. This culminates in self-censorship in conservative institutions or societies. Young people do not go to the street late, they do not write down on social networks or are afraid to have friends of the opposite sex. Such harassment destroys confidence, autonomy and mental well-being with time. Recent fears are not cursory, but they become institutionalised through silence or complicity on the part of institutions. Moral codes may be imposed by educational facilities, the workplace, and families, which promotes the notion that deviance within the acceptable display of norms is also punishable. Therefore, harassment becomes an instrument and the result of moral policing.

LGBTQ+ Ostracization

In India, LGBTQ + people are one of the most vulnerable to the moral police. Homosexuality can be otherwise legalised (as of the 2018 Supreme Court verdict in Navtej Singh Johar v. Union of India), is socially unconstructive. Much of the queer youth is alienated by their families, their local communities, and the institutions. In many cases, people question their identity, and they tend to be taken to religious authorities or therapists to get corrected or even beaten up. Same sex same sex encounters are treated as outrageous, even when they are legal. Moral claims are also a reason that transgender people are discriminated against and abused. These acts are based on heteronormative moral values that aim at depriving the existence various identities of. Many members of the LGBTQ + community have to conceal their identities due to the fear of being reported, persecuted, and even violated. Moral policing, therefore, further isolates them by restricting their access to education, employment, and medical facilities as well as continuing the stigma and social seclusion.

Constrictions and Violations

Moral policing usually acts as a precursor to formal constrictions in the form of institutional regulations and social conventions, as it is normalised. As an example, there may be gendered curfews in universities and employers may discourage certain forms of clothing, and landlords may refuse to house couples unwed. They are the rules which are not in the form of law, are induced into social pressure and institutional control. Over time, these informal norms get laid down to become structural barriers to freedom. The individual events of shaming or harassment turn into the framework of the system of control. Such violations of the system influence not only individuals but also predetermine societal standards of what is acceptable in their conduct. The youth are particularly affected, where they are in their developing years of identity, relationships and expression and everything they do is monitored. The net result of the combination is a loss of a sense of autonomy and equal opportunity. Moral policing is a rather effective rewriting of social freedoms because it embeds cultural morality in the everyday structures to limit constitutional freedoms without any legal basis.

Resistance and Civil Society Movements Against Moral Policing

Although moral policing continues in India, a strong, diversified counter-force has been raised by civil society, youth activism, law or legal organisation and digital media. Among the most prominent protests against homophobia came the Kiss of Love initiative, which was initiated in Kerala in 2014. The campaign started as a reaction to vandalism of a cafe by right-wingers who did not want people to express their affection in public, and the kissing became a form of protest against moralism in Chinese culture (Bhan, 2015). This trend soon expanded to other cities, and it indicated how the youth were willing to reclaim the streets

and fight the regressive standards. The same type of resistance was observed in most university campuses as students, particularly women, revolted against sexist dress codes and sexist hostel curfews. The slogan of these protesters was also the right to bodily autonomy and gender equality as non-privileges but rights.

Legal advocacy groups and civil society organisations are also on board in efforts towards opposing moral policing. NGOs and human rights lawyers have moved against arbitrary arrests and social control in personal choices, through the Public Interest Litigations (PILs). In *S. Khushboo v.*, a landmark case comes to light. Kanniammal (2010) where the Supreme Court continued to believe that having a personal opinion on pre-marital sex was not an act of obscenity or defamation and the right to freedom of a speech was still ensured under Article 19(1) (a) of the Indian Constitution (Supreme Court of India, 2010). Such legal triumphs have brought great precedents in the protection of personal liberty and freedom of thought.

Social media has become an important place of protest and expression. There are hashtags like #MyLifeMyChoice, #StopMoralPolicing, and #PinjraTod, which have organised online groups and made nationally-known local instances of gender-based curfewing and moral policing (Dey, 2018). Such platforms give young people the strength to record abuse, exchange resources, and organise live protest events. They are also at the forefront as watchdogs in the accountability of institutions and individuals, as a result of the public scrutiny.

People like the People's Union of Civil Liberties (PUCL), Alternative Law Forum and Media Watch frequently report instances of moral policing and offer legal support to the victims. In extreme cases, the National Human Rights Commission (NHRC) has stepped forward to seek explanations on the incidents from the state agencies. Civil society has found a way to dig an important hole in the form of counter-narratives to moral policing by using law, media, and online activism.

Legal Framework and Recommendations

The legal framework of India supposedly allows individual freedom and freedom of expression through Articles 19 and 21 of the Constitution. There are, however, obscure and colonial-era terms, such as obscenity, public decency, and morality, mostly drawn from Sections 292, 293 and 294 of the Indian Penal Code (IPC), which are still being misused to gain moral policing. Such uncertainties in law permit the police and far-right vigilante activists, and even schools, to punish allegedly immoral behaviour, which has not been violated (Roy, 2021). As an example, expressing consent to being seen displaying affection or nonconforming dressing is most of the time criminalised, even though they do not result in any harm to the citizens.

The courts have sometimes come up to curtail this abuse. Ruling As the Supreme Court held in *S. Khushboo v.* The Supreme Court was defending the right to have personal views when it comes to sexuality (Kanniammal 2010). In *Navtej Singh Johar v.*, more recently. In a decision given in the Union of India (2018), the Court pointed out that constitutional morality had to take precedence over the morality of the people. Nevertheless, even today, law enforcement still chooses to apply morality provisions selectively, most disproportionately against women and LGBTQ + people (Pathak & Sinha, 2022). Therefore, there must be a multi-pronged strategy.

Key Recommendations:

1. **Legislative Clarification:** General words such as obscene, indecent should be well explained in the IPC and IT laws to prevent the arbitrary application (Rajan, 2020).

2. **Law Enforcement Sensitisation:** New training programs should be added to the curriculum of police and magistrates, including gender modules, digital rights and privacy (Deshpande, 2022).
3. **Mandatory Human Rights Education:** Schools and college curricula ought to incorporate the tenets of the constitutional rights, equality, and gender and sexual autonomy (Sharma & Thomas, 2023).
4. **Victim Protection Framework:** Victims of moral vigilantism have to be provided with compensation, police protection, and psychological counselling (Ali & Fernandez, 2021).
5. **Regulation of Digital Platforms:** The social media firms must be held responsible for putting up content of moral shaming and gender-based harassment (Menon, 2023).
6. **Judicial Oversight Mechanisms:** Review boards are required to evaluate the abuse of moral provisions at a district level and submit a suggestion for action (Tripathi, 2021).
7. **Community Dialogues:** At the grassroots level, campaigns should implement sexuality, consent and cultural diversity discussions (Kapoor & Verma, 2022).
8. **Independent Media Councils:** Sensationalism in moral issues can be limited by strengthening the media self-regulation agencies (Banerjee, 2019).
9. **Reform Obscenity Law:** Bring objectionable materials and laws on obscenity in line with accepted international human rights laws such as the ICCPR (UNHRC, 2020).
10. **Empower Local Legal Aid Clinics:** Victims of moral policing require proper assistance by NGOs and state-run legal services (Kale & Joshi, 2023).

Conclusion

Moral policing in India is much more a manifestation of a conflict within society as a whole between rights proclaimed in the constitution and retrogressive cultural values. Although it may be more often than not justified as a tool to defend Indian culture, it often does indeed violate the basic few rights as guaranteed by Articles 19 and 21 of the Constitution. Moral policing instead of promoting democratic principles represses individual liberty and freedom to thrive, particularly of women, LGBTQ+, and youth, by putting forth randomised moral specifications. Such practices destroy the principles of the rule of law and foster fear, discrimination and inequality in society.

Resistance is, however, growing. A young-led protest against the police, feminist waves, legal action, and online campaigns have also started questioning the validity of such policing. Protests such as the one labelled the Kiss of Love, court rulings in support of the freedom of speech, and the creation of hashtags, such as My Life My Choice, demonstrate that civil society is ready to fight back against these incursions. This opposition is an indicator of the transition towards a more open, rights-based identity of Indians.

However, to switch this change to be sustainable, there has to be an overall shift in the mentality, that is, a resistant reaction to society that follows the old customs blindly to one that entails constitutionalism, the idea of human rights and the honour of a person. The future of India cannot be focused on moral policing, but within the form of law, where citizens can be capable of making their ethical judgments.

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