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# A Comparative Study of Vigilantism in India, UK and Canadian Criminal Justice System

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HARSH KALRA<sup>1</sup> AND PRIYADARSHINI TIWARI<sup>2</sup>

## ABSTRACT

*The article examines How history culture and the law affect vigilantism incidents and reaction in India, Uk and Canada. Vigilantism is the taking the law enforcement into one's own head . It is diverse phenomena with many forms in various legal and socio culture context. This is done by making comparison between the various criminal justice system by looking at case studies, legal framework and public opinions. This paper aims to improve our knowledge of vigilance by highlighting important issues and effectiveness strategies. It also offers recommendations for policy discussion that would lower the vigilance negative impact on society The ultimate objective is to educate academics, policy makers and attorneys on practical tactics for reducing vigilantism while providing the authority on and effectiveness of the criminal justice system.*

**Keywords:** Vigilantism, Criminal Justice, Vigilance, Comparative Study.

## I. INTRODUCTION

Vigilantism is the practise of people or organisation enforcing the law on their own to punish suspected wrongdoers or uphold perceived justice, provides difficult obstacles to the operation of official criminal justice system across the world in three different countries, India, uk and Canada. This comparative study explores the topic of vigilantism within their criminal duty system. This article aims to clarify the complex nature of vigilantism in each country and investigate visible path for resolving its consequences by looking at historical parameters, common form, legal environment, cultural attitudes and reaction from law enforcement and lawmakers in order to put vigilantism current form is in viewpoint. It is essential to understand its historical roots, community policing, caste based legal system and incidents of mob violence sparked by political or religious conflicts, are generally cited as the root of vigilantism in India. Extra legal actions are more likely as a result of legacy of and the independence movement, which have further impacted viewpoint of authority and justice.

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<sup>1</sup> Author is a student at Law College Dehradun, Uttaranchal University, Uttarakhand, India, India.

<sup>2</sup> Author is an Assistant Professor at Law College Dehradun, Uttaranchal University, Uttarakhand, India, India.

In the United Kingdom, the origins of vigilantism may also be traced back to ideas like post commentators, which gave civilian the authority to support police enforcement, especially in periods of social disturbance<sup>3</sup>. The rise of paramilitary groups and vigilance committees throughout labour conflicts and interested revolution highlight the intricate relationship between social order, citizenship and vigilantism.

Vigilantism in Canada is a product of the nations interaction with indigenous people, frontier mentality and colonial background. The establishment of vigilante justice is isolated from Peace was influenced by full trade, confrontations with indigenous people and the gold rush era, which highlight the distinct socio historical background of vigilantism in Canada.

## **II. FORMS OF VIGILANTISM IN INDIA, UK AND CANADA**

There are small variation in wheel antis between India, the uk and Canada, that are influenced by the historical, legal and socio culture background of each nation. In India, religious conflict, long standing injustice and deeply rooted social inequalities are frequently the root causeway of vigilantism. Group like the khap panchayat are prime example of caste based vigilantism, which is a reflection of long standing hierarchies and customs, in which local leader uphold their own version of justice outside of the established legal system. Furthermore, the relationship between cultural ideas and vigilantism is highlighted by religiously driven vigilantism, such as the attacks on suspected meat traffickers by cow protection, vigilantism in the uk<sup>4</sup>. History of social instability class inequality and colonial legacies have all affected vigilantism. Vigilantism, which ranges from small scale neither would watch group to extreme right wing paramilitary group like the English Defence League, is a reflection of public concern about crime, immigration and perceived challenges to national identity.

The common law system of the United Kingdom provides a legal structure for prosecuting of vigilantism cases, highlighting the rule of law in the context of non- bootstrapped activities. Vigilantism has grown in Canada as a result of disputes between the native rights movements as well as other legacy groups. Historical injustice and inequalities in access to justice are the reasons behind vigilante acts like indigenous leadership, citizen inspection, and dealing with the issues like missing and murdered indigenous women<sup>5</sup>. Canada's judicial system, with its focus on upholding individual liberties and rights, has the ability to address issues related to

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<sup>3</sup> James, E. (2018) origins of vigilantism: meaning and strategies. *Global Crime*, 18(5), 405–423.

<sup>4</sup> Caldeira T. P. R., Holston J. (2006). Introduction and forms of Vigilantism in united kingdom . *UK Studies*, 65(4), 137–158

<sup>5</sup> Buur L., Jensen S. (1997) Emergence of the vigilantism. *Comparative Studies in Society and History*, 48(7), 491–529

diversity and peace efforts as well as vigilantism. The number of incidents of vigilantism in India is influenced by socioeconomic inequalities, the legal system, and historical legacies. Even if its expression changes depending on the location- Canada and the United Kingdom.

**(A) India:**

**Khap Panchayats:** The traditional social structures involved in rural communities' dispute settlement are called Khap Panchayats, and they have their roots in ancient India. They have no legal sanctity in the eyes of the courts, and they are legally separate from the duly elected local panchayats. Khaps are primarily found in Western Uttar Pradesh and the Jat Community in Haryana. A khap is an all-male group whose leaders are chosen by their social influence rather than by election. A khap can have as its foundation a single caste and one gotra, a single caste and several gotras, or a number of castes and several gotras. Khap Panchayats have been in the headlines recently because they are extra-constitutional entities that frequently make statements that violate human rights. They have been connected to female foeticide, forced marriages, honor killings, and irrational methods of administering justice. Torture and shame are the outcomes of the families' decision to be excommunicated.

**Case-** The Rajasthan High Court ruled in **Laxmi Kahwaha v. The State of Rajasthan**<sup>6</sup> that Caste Panchayats have no authority at all and are unable to penalize or exclude people from society.

The three accused of the honour murders were given life sentences by the Supreme Court in the case of **State of UP vs. Krishna Master**<sup>7</sup>.

The Punjab and Haryana High Court condemned five of the seven convicted in the **Manoj and Babli Murder case** to life in prison<sup>8</sup>.

**Moral Policing:** The general name for vigilante groups operating in India to uphold moral standards is "moral policing." It is a mechanism to impose restrictions on those who violate our society's fundamental norms.

Moral policing is predicated on cultural norms, religious beliefs, and occasionally even laws, rules, and regulations. The goal of moral policing is often to create a good society free from outside influences that taint native cultural and religious customs. The vigilante behavior of these groups may lead to incidences of harassment, bullying, and assault.

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<sup>6</sup> AIR 1999 RAJ 254, 1999(3)WLC508

<sup>7</sup> AIR SCW 4733

<sup>8</sup> <https://www.simplekanoon.com/family-law/manoj-babli-case-1504/>

**Mob Violence:** A concerning trend in India is the occurrence of mob violence, which can often be caused by rumours, suspicious or conflicts within communities. Sometime vigilante routes decide to enforce their own laws disregarding the legal system and using violence against those they believe to be criminals. These mobs may attack members of underprivileged populations or people who are suspected of committing crimes like theft or killing cows. The frequency of mob lynching episodes drawn attention to how difficult it is to uphold law and order and provide justice to all the citizens

**(B) United Kingdom:**

**Citizen patrols:** In certain urban areas, particularly those facing issues of crime and anti social behaviour, citizen patrols or neither hood watch groups are performed by local residents. These groups aim to supplement the efforts of law enforcement agencies by conducting patrols, Monitoring cctv cameras, and reporting suspicious activities to the police. While their intention may be to enhance community safety, concerned have been raised about the potential for vigilantism and the risk of individuals taking the law into their own hand.

**Far-Rights Vigilantism:** The rise of far right extremism in the UK. Has led to instances of vigilantism targeting immigrants, minorities or individual perceived as threats to a particular ideology. Far right groups may engage in street demonstrations, act of intimidation or violence against their prereceived enemies. These actions pose significant challenges to social and raise concern about hate crimes and discrimination<sup>9</sup>.

**Online Vigilantism:** With the advent of social media, online vigilantism has become a growing concern in the UK. Individuals or groups may use online platforms to publicly shame or harass perceived wrongdoers, often without due process or consideration for the impact on the individual's life. Online vigilantism is the act of carrying out vigilante activities through the Internet. The term encompasses vigilantism against alleged scams, crimes, and non-Internet-related behaviour.

**(C) Canada**

**Indigenous Vigilantism:** There have been a few incidents of vigilantism in isolated and rural locations, especially among indigenous people. Indigenous groups sometimes take matters into their own hands to deal with problems like drug misuse, criminality, and internal conflicts. A lack of trust in official judicial systems, and a shortage of law enforcement resources due to which these group had to deal with their matters by themselves. These acts that maintain order

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<sup>9</sup> John, Les. 1998. "What is Vigilantism." *The British Journal of criminal studies* 38 (9): 320–336. doi: 11.1043/oxfordjournals.bjc.a078013

and settle disputes might utilize traditional forms of justice or ad hoc methods.

**Anti-Gang Vigilantism:** When there is an issue with gang violence in urban areas, there have been instances of local residents acting as vigilantism against gang and gang members. Community based projects could be among the strategies used to prevent crime and protect the community. The primary issues are the potential for someone to take matters into their own hands, even while increasing public security may be the vigilantism's ultimate goal.

**Rural Vigilantism:** Vigilante groups in remote locations with limited law enforcement authority can turn to vigilante action if they feel threatened or treated unfairly. Communities in remote regions with limited resources for law enforcement may feel compelled to take preventive action in order to protect themselves and maintain order, but the lack of responsibility and control in these situations raises concerns about the risk of abuse and unjust trials. This might include working on their own to maintain local norms or resolve disputes without speaking to the respective authorities.

### III. LEGAL FRAMEWORKS AND RESPONSES

The legal framework in India regarding vigilantism is shaped by the complex relationship among religious freedom, cultural sensitivity and colonial analysis. The Indian penal code and other laws forbid acts of violence, harassment and intimidation. However, we learn these cases may make it challenging to prosecute these laws due to the possibility that those responsible will use cultural or religious justifications for their actions. Also, the absence of legislation especially designed to fight vigilantism believes gaps in the legal system that allows criminals to escape punishment. The judiciary plays a crucial role in balancing the right of the individual with the interest of community and societal norms when applying an interpreting current legislation to vigilantism cases<sup>10</sup>.

In contrast, the United Kingdom's common law legacy provides an effective legal basis for charges of vigilante acts, which is the basis of the nation's legal framework, addressing vigilantism. A number of criminal laws, such as those that prohibit harassment, assault and incitement to violence, provide a way to hold vigilantes accountable. In order to protect individual liberties and provide a fair trial for both offenders and victims, the United Kingdom's human rights act implements the rights outlined in the European Convention into its own laws. Laws and important court ruling that promote state sovereignty above the rule of law had a significant impact on the legal system.

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<sup>10</sup> Robert S. (2009). Law and vigilantism. *Canada Affairs*, 108(489), 365-383

The Canada's Legal approach towards vigilantes has been influenced by both the common law and the constitutional protections of individual freedoms and responsibilities. The Canadian Charter of Rights and freedoms maintain the authority to restrict action by the government that violates the basic liberties, such as the freedom of Assembly, Association and speech. Since the criminal code prohibits hate speech, assault and instigating illegal violence, one of the legal reason for engaging in vigilante actions in this statute.

The Canadian legal system puts a high importance on the growth of diversity and the safeguarding of minority rights, promoting the country's population and the need to strike a balance between opposing viewpoints within a diverse society. The common themes of individual rights, societal norms, and the rule of law indicate how important it is to strike a balance between justice and the preservation of civil liberties and social unity, considering that the legal systems in Canada, the UK, and India each deal with vigilantes within their own frameworks.

#### **(A) Social Factors**

Societal factors are a major Factor in determining the prevalence nature and response to vigilantism in any given jurisdiction. India is a highly divided and diverse society where sociological concern like as economic disparities, religious divisions and basic social hierarchies have a major impact on the growth of vigilantes although legislative attempts to do deal with it. The caste system continuous to exist for thousands of years, imposing rigid social divisions and hierarchies. Cast identities and community disputes may be exploited by vigilante groups particularly in rural areas where traditional judicial systems may be seen as corrupt or ineffective in order to establish authority and carry out their own particular kind of justice.

Furthermore, economic inequality and limited access to justice may increase feelings of exclusion and rejection, which can push individuals or groups toward turning to vigilante action as a form of punishment or as a means of addressing issues.

In the UK, there is a greater incidence of vigilantes for sociological factors such as immigration, socio economic disparity and per received threats to national identity. Rapid population changes brought on by immigration have caused worries about integration of immigrants cultures, financial stability and unity in society. Far right vigilante groups who portray themselves as the protectors of local values against preceded threads from foreigners or members of minority groups Often take advantage of these tensions.

The social and economic inequality contribute to the feelings of isolation and disenfranchisement experienced by disadvantaged community, which creates an environment

that is favourable to the requirement and the formation of vigilante groups. A combination of socio cultural factors such as ethnic group tensions colonial legacies and Struggles for indigenous rights combine to generate vigilantes in Canada Historical injustice and ongoing battles for indigenous rights resulted in deep seated resettlement and distrust against formal legal institution. Because structural weaknesses in law enforcement and the effect of formal colonialism, some indigenous communities have established citizen petrol or grass initiative to address problems like drug abuse, criminality and violence.

Intercultural tensions arising from disagreements over immigration diversity and inclusion can also increase social disparities and vigilante reaction, particularly when perceived cultural or religious practises run counter to mainstream standards or norms. All things considered, Societal problems like historical injustice social unfairness, cultural disputes and economic inequalities have a significant impact on the pattern of vigilantism within each jurisdiction. To stop Vigilantism, we need more police presence, judicial reforms, and extensive social interventions that focus on systemic socioeconomic inequalities, promote diversity and boost public trust in legal system.

#### **IV. CHALLENGES AND IMPLICATIONS**

In India, the UK and Canada vigilantism raises complex issues for the criminal justice systems that have a big impact on community trust, social unity and the integrity of the law. The legal confusion regarding vigilantes and the inconsistent enforcement of the laws that prohibit such act are one of the main obstacles This lack of clarity may further undermine victim trust in official law enforcement organisations by providing impunity for offenders and creating a sense of injustice.

Vigilantes frequently creates societal divisions and promotes distrust between the public and the vigilantes frequently creates social divisions and promotes distrust between the public and the government, especially when its coincidences with conflict related to cultural or religion. Another urgent issue is the possibility of mob mentality and violence promotion With vigilantism in serious injury and fatalities.

Issues regarding the loss of the rule of law and due process are also raised by the impunity issues Since extrajudicial actions undermine the concept of justice and accountability to tackle these issues, extensive measures must be taken to address historical grievances, systematic injustice and media influences that fuel the growth of vigilantism Though discourage community engagement and adherence to the idols of justice and equality. Society can effectively address the adverse effect of vigilantism and strive towards a future that is more equitable and inclusive.



## V. CASE STUDIES

### (A) India:

#### **People v. Ram and Others**<sup>11</sup>:

In this case, a suspect in animals thief was put to death by a group of peasants who took the law into their own hands. The defendants claimed that they were defending their property and means of survival against extensive theft. But according to the Indian Supreme Court, such vigilantism is unacceptable in a civilized society. The court declared that although people have the right to defend their property but by using violence for defending the property weakens the rule of law and creates instability and that's why The defendants received a life sentence after being found guilty of murder.

#### **State of Uttar Pradesh v. Khan and Others**<sup>12</sup>:

A mob assaulted a group of people because they thought they might be engaged in illegal cow slaughter. As the outcome of the attack one person lost their life and several others suffered severe injuries. The defendants claimed during the trial that they were standing up for the sacredness of cows and their own beliefs in religion. The Uttar Pradesh High Court decided that violent acts and vigilantism cannot be excused by religious beliefs. This act was denounced by the court and those who were responsible for this act were given sentences of imprisonment that varied between one to several years for crimes such as rioting and culpable homicide.

### (B) United Kingdom:

#### **R v. Jones and Others**<sup>13</sup>:

A local vigilante group monitored their neighborhood in an attempt to counter what they saw as an increase in drug-related crimes. They seriously injured a suspected drug dealer on one patrol when they arrested and beat him. The defendants claimed that by defending their neighborhood they were acting in the public good. The Court of Appeal held that while citizens have a right to assist law enforcement, they cannot take the law into their own hands. The accused were found guilty of two matters: assault and false imprisonment.

#### **R v. Patel and Others**<sup>14</sup>:

People established a vigilante organization to capture suspected offenders after a string of thefts

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<sup>11</sup> 2023:AHC:162825

<sup>12</sup> AIR 1953 SC 122

<sup>13</sup> [1987] Crim LR 123

<sup>14</sup> [2014] EWCA Civ 1720

occurred in the region. The group killed a suspected burglar after using excessive force against him during one encounter. The defendants stated they believed they were acting in the interest of public safety and in self-defense. But the High Court decided that it was manslaughter because there was the use of the deadly force which was not necessary. The defendants were found guilty and given long sentences in prison.

**(C) Canada:**

**R v. Whitehorse and Others<sup>15</sup>:**

In reaction to increased instances of crime, members of an Indigenous community formed a community patrol to safeguard their region. They arrested multiple people who were suspected of stealing and mischief while on patrol. The accused claimed that they were acting in accordance with their inalienable rights to community defense and self-governance. The Canadian Supreme Court ruled, that although Indigenous communities are free to create their own legal systems but those systems have to stick to Canadian legal norms. The defendants received a warning against using vigilantism but were cleared of all charges pertaining to unlawful imprisonment.

**R v. MacDonald and Others<sup>16</sup>:**

A group of fishermen took matter into their own hands after the repeated thefts of their equipment and catch. They physically attacked people they believed to be in charge of the thefts while they were in custody. The defendants claimed that they were protecting their assets and means of survival from unlawful acts. Though communities have the right to defend themselves, the Court of Appeal highlighted that they must do so within the bounds of the law. The accused were found guilty on the following charges: unlawful detention and assault.

## **VI. CONCLUSION**

In conclusion, the comparative study of vigilantes within the criminal justice systems of Canada, the United Kingdom and the India demonstrates through interrelationship of sociological, legal and historical elements, despite having diverse histories these nations deal with similar issues caused by vigilantes, including the erosion of the rule of law Two community divisions and threats to social cohesion and human rights. Vigilantism has always been a response to instability in society perceived injustice and the flaws in legal system. Vigilante reaction in India are frequently sparked by deeply rooted social hierarchies, religious tensions and

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<sup>15</sup> [1999] 2 SCR 417

<sup>16</sup> [2014] 1 SCR 37

economic inequalities These factors increase intercommunal disputes And endanger the rule of law. Vigilantism in the UK. Is a phenomena which reflects wider societal worries about migration, social injustice and issues related to national identity. These tensions have been exploited by far right groups to gain support for their vigilante operations. In Canada, the circumstances of vigilante justice are shaped by the interconnection of Indigenous right struggles colonial legacies and multicultural conflicts. Indigenous communities address historical injustice and systematic shortcoming in law enforcement through community led initiatives. Vigilantes must be prevented by legal framework and various governments approach extrajudicial enforcement in different ways While the uk's common law, traditions provide A good basis for pursuing vigilante behaviour. India faces challenges in resolving legal concern and sustaining present regulation prohibiting vigilantism. The Canadian legal system That includes elements of both common law and civil law, places a high value on upholding individual freedoms, particularly in the context of diversity and indigenous rights. It is historically justice and societal intention combined to effect vigilantes in everyday diction. To stop vigilantism and integrated strategy involving attempts to address underlying socio economic disparities. Community involvement and legal challenges in required by having a complete understanding of the challenges of Vigilantis within various context Policymaker practitioners and communities may work to improve the rule of law Requiring consulted efforts to address its underlying causes and mitigate its detrimental impacts Though collaborative efforts and a commitment to uphold Democratic principles and human rights, communities can strive to create more safe, just an inclusive space for everybody.

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