Polity & Governance · GS - II

Discuss the constitutional and legal considerations involved in the withdrawal of criminal cases arising from public protests. How can governments balance democratic dissent with the rule of law?

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 19/11/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
15	~250 words

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Answer Hint

Freedom of speech and expression, right to peaceful assembly, Articles 19(1)(a) and 19(1)(b), reasonable restrictions, Section 360 BNSS, prosecutorial independence, judicial consent, public interest, political misuse, rule of law, proportionality.

Model Answer

Introduction

Public protests are an important feature of democratic participation. However, demonstrations over land, water and linguistic rights sometimes result in criminal proceedings. Withdrawal of such cases requires balancing democratic freedoms with accountability under the rule of law.

Constitutional and Legal Framework

- **Article 19:** Citizens enjoy freedom of speech and expression under Article 19(1)(a) and the right to assemble peacefully under Article 19(1)(b), subject to reasonable restrictions.
- **Prosecution withdrawal:** Section 360 of the Bharatiya Nagarik Suraksha Sanhita, 2023, provides for withdrawal from prosecution with the court's consent.

- **Judicial oversight:** The court examines whether withdrawal serves public justice rather than political convenience.

Need for a Balanced Approach

- **Democratic reconciliation:** Withdrawal of cases involving peaceful and non-violent protests can help address long-standing grievances.
- **Protection of civil liberties:** It prevents disproportionate criminalisation of legitimate democratic dissent.
- **Public accountability:** Serious offences involving violence, destruction of property or threats to public safety should not receive blanket immunity.
- **Institutional safeguards:** Decisions should be evidence-based, transparent and subject to independent prosecutorial assessment.

Conclusion

Withdrawal of protest-related cases can promote democratic reconciliation when exercised judiciously. A transparent, offence-specific approach with judicial scrutiny is essential to protect dissent without weakening the rule of law.

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