Polity & Governance · GS - II

Examine the constitutional balance between the right to peaceful protest and the State's responsibility to maintain public order, particularly in regions with special governance arrangements.

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 21/11/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
15	~250 words

Answer Hint

Article 19(1)(a), Article 19(1)(b), Article 19(2), Article 19(3), public order, Section 163 BNSS, proportionality, preventive restrictions, Ladakh's governance framework, democratic participation, judicial review.

Model Answer

Introduction

Peaceful protest is an essential feature of democratic participation. At the same time, the State has a responsibility to maintain public order and protect life and property. Balancing these interests requires constitutional safeguards and proportionate restrictions.

Constitutional Framework

1. **Freedom of expression:** Article 19(1)(a) protects the right to express opinions and dissent.
2. **Right to assemble:** Article 19(1)(b) guarantees peaceful assembly without arms, subject to reasonable restrictions under Article 19(3).
3. **Public order:** Public order is a State List subject, enabling states to take preventive and administrative measures.

4. **Preventive powers:** Section 163 of BNSS, 2023 empowers Executive Magistrates to issue urgent preventive orders where there is sufficient ground to prevent obstruction, danger or disturbance of public tranquillity.

Challenges in Special Governance Regions

- Limited institutional representation can intensify demands for political participation.
- Restrictions on movement and assembly may create concerns regarding civil liberties.
- Security considerations and local aspirations may require sensitive administrative handling.
- Unclear communication of prohibitory orders can increase public distrust.

Way Forward

- Apply restrictions only when necessary, proportionate and time-bound.
- Provide clear reasons and accessible remedies against restrictive orders.
- Encourage dialogue between local communities, elected representatives and administrators.
- Strengthen democratic institutions and transparent law-and-order procedures.
- Ensure independent judicial scrutiny of arbitrary restrictions.

Conclusion

Public order and civil liberties should reinforce rather than undermine each other. A democratic administration must protect peaceful dissent while addressing genuine security concerns through lawful, proportionate and accountable measures.