Polity & Governance · GS - II

The regulation of public protests requires a balance between the protection of fundamental rights and the maintenance of public order. Discuss the constitutional safeguards governing peaceful protests and preventive police action in India. (150 words, 10 marks)

EXAM YEAR	PAPER	SUBJECT
Daily Practice 11/10/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
10	~150 words

Answer Hint

Discuss Articles 19 and 21, reasonable restrictions, lawful preventive action, procedural safeguards, judicial oversight, proportionality, public order and protection against arbitrary detention.

Model Answer

Peaceful protests are an essential feature of democratic governance, enabling citizens to express dissent, question authorities and demand accountability. However, the State must also maintain public order and protect public safety.

Constitutional framework: Article 19(1)(a) guarantees freedom of speech and expression, while Article 19(1)(b) protects peaceful assembly without arms. These rights are subject to reasonable restrictions under Articles 19(2) and 19(3), respectively. Article 21 protects life and personal liberty.

Challenges: Preventive police action may help avert anticipated disturbances, but arbitrary detention, disproportionate restrictions and inadequate procedural safeguards can undermine civil liberties. Conversely, violent demonstrations and serious public disorder may threaten the rights of others.

Way Forward: Authorities should establish a clear legal basis for restrictions, assess risks objectively and adopt the least restrictive effective measures. Timely communication, access to legal remedies, judicial oversight and

accountability for unlawful action are essential.

Conclusion: A constitutional democracy must protect peaceful dissent while maintaining public order through lawful, necessary and proportionate measures.

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