Polity & Governance · GS - II

“The right to protest is the lifeblood of a democracy, yet it cannot be exercised at the cost of public order.” In the light of recent judicial interventions in protests in the national capital, examine the role of the Supreme Court in balancing the right to dissent with the State’s duty to maintain law and order.

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

MARKS	WORD LIMIT
15	~250 words

Answer Hint

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Discuss Articles 19(1)(a), 19(1)(b) and 19(3). Cite the Ramlila Maidan, Mazdoor Kisan Shakti Sangathan and Shaheen Bagh judgments, and the Court's recent probes and Article 142 relief. Conclude with proportionality and protest-management guidelines.

Model Answer

The right to protest is not expressly named in the Constitution. It flows from Article 19(1)(a) and Article 19(1)(b), which guarantee freedom of expression and the right to assemble peaceably and without arms. Recent protests in Delhi by a youth-led movement, first over exam paper leaks and later over electoral roll revision, have again placed the Supreme Court at the centre of the balance between dissent and order.

Constitutional framework: Article 19(3) permits reasonable restrictions in the interests of sovereignty, integrity and public order. Section 163 of the BNSS empowers prohibitory orders. The State’s power, however, is to regulate, not to extinguish.

Judicial principles: Himat Lal K. Shah (1973) held that the State must provide space for public meetings. The Ramlila Maidan case (2012) recognised a positive duty to facilitate peaceful protest and condemned excessive force. Mazdoor Kisan Shakti Sangathan (2018) struck down a blanket ban on protests at Jantar Mantar. Amit Sahni (2020) held that public roads cannot be blocked indefinitely.

The Court's role in the present episode:

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- Accountability: it set up an independent probe into alleged police excess and protester violence.
- Protection of protesters: it barred coercive action against students and called for a protocol on crowd-control weapons.
- Complete justice: it quashed cases under Article 142 to restore normalcy.
- Restraint: it refused to presume violence and left law and order to the executive in the first instance.
- Responsiveness: it held special sittings to hear urgent pleas on curbs.

Concerns: Case-by-case judicial firefighting risks overreach and inconsistency. Routine permission denials, barricading and internet shutdowns can hollow out the right, while violence by some protesters erodes public sympathy.

Way forward: Parliament or states could frame clear protest-management guidelines covering designated sites, time-bound permissions, proportionate force and independent oversight. Such a framework would let dissent and order coexist, which is the essence of a constitutional democracy.