Polity & Governance · GS - II

“The right to protest is an essential feature of democracy, but its exercise must remain consistent with public order and the rights of others.” Critically examine.

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 26/11/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
15	~250 words

Answer Hint

Article 19, peaceful assembly, reasonable restrictions, public order, proportionality, democratic dissent, public spaces, judicial review

Model Answer

Peaceful protest enables citizens to express dissent, question government decisions and participate in democratic processes beyond periodic elections. The Indian Constitution recognises this freedom while allowing reasonable restrictions to protect competing public interests.

Constitutional Foundations

1. **Article 19(1)(a):** Protects freedom of speech and expression, including the expression of political disagreement.
2. **Article 19(1)(b):** Guarantees the right to assemble peaceably and without arms.
3. **Article 19(3):** Permits reasonable restrictions on peaceful assembly in the interests of sovereignty and integrity of India or public order.

Balancing Democratic Rights and Public Order

1. **Legitimate regulation:** Prior permissions, designated locations and proportionate conditions may help manage traffic, security and public safety.

2. **Rights of others:** Protests should not indefinitely obstruct essential services, emergency access or the ordinary movement and livelihood of other citizens.
3. **Risk of excessive restrictions:** Arbitrary denial of permission, disproportionate police action or blanket prohibitions can weaken democratic participation.
4. **Equal application:** Protest regulations must apply without discrimination based on political affiliation or the viewpoint being expressed.

Judicial Perspective

In *Mazdoor Kisan Shakti Sangathan v. Union of India (2018)*, the Supreme Court recognised the need to balance protest rights with the rights of residents and the public. In *Amit Sahni v. Commissioner of Police (2020)*, it emphasised that public ways cannot be occupied indefinitely through protests.

Conclusion

A democratic state must facilitate peaceful dissent while maintaining public order through clear, transparent and proportionate procedures. Regulation should enable the exercise of constitutional freedoms rather than unnecessarily suppress them.

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