



Right To Protest In A Free Society

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The article is based on **“The right to protest in a free society”** that was published in The Hindu on 22nd January. It talks about the Right to protest in a free society.

Recently, parliament passed the Citizenship Amendment Act (CAA) which gave rise to the massive protests by the people across states and students across universities. Public protests are the hallmark of a free, democratic society, whose logic demands that the voice of the people should be heard by those in power and decisions be reached after proper discussion and consultation. In order to participate in public protest, the right to freedom of speech & expression, association and peaceful assembly are necessary.

Right to Free Speech and Peaceful Assembly

- The Right to free speech and expression transforms into the right to freely express an opinion on the conduct of the government.
- The Right to association is required to form associations for political purposes — for instance, to collectively challenge government decisions and to even aim, peacefully and legally, to displace the government, to not merely check abuse of power but to wrest power.
- The Right to peaceably assemble allows political parties and citizenship bodies such as university-based student groups to question and object to acts of the government by demonstrations, agitations and public meetings, to launch sustained protest movements.
- Democracies everywhere are founded on two core political rights.
 - The first, the right of every citizen to freely elect their government and when dissatisfied with its performance, to vote it out of power in a legitimately held election (Article 326).
 - Any form of public action to challenge the government’s proposals or decisions is also constitutionally legitimate, as long as it is done peacefully, Any arbitrary restraint on the exercise of such rights — for instance, imposing Section 144 — shows the inability of the government to tolerate dissent.

Right to Protest: Constitutional Provisions

- The Right to protest peacefully is enshrined in the Indian Constitution— **Article 19(1) (a)** guarantees the freedom of speech and expression; **Article 19(1)(b)** assures citizens the right to assemble peaceably and without arms.
- **Article 19(2)** imposes reasonable restrictions on the right to assemble peaceably and without arms.

These reasonable restrictions are imposed in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence.
- In **Ramlila Maidan Incident v. Home Secretary, Union Of India & Ors.** case (2012), the Supreme Court had stated, “Citizens have a **fundamental right to assembly and peaceful protest** which cannot be taken away by an arbitrary executive or legislative action.”

Public Protest in India: Historical Context

- The background of the Indian Constitution is formed by its anti-colonial struggle, within which the seeds of a political public sphere and democratic Constitution were sown.
 - The Indian people fought hard and long to publicly express their views on colonial policies and laws, to dissent from them, to shape minds and form public opinion against them, to speak to and against the government, to challenge it.
 - People not only signed writ petitions but staged dharnas, held large public meetings, peaceful protests and demonstrations and even, for instance in Gandhi’s satyagraha, launched civil disobedience movements.
- Protests have also offered points of inclusion and participation to the voices that are not part of the mainstream as seen in the protests for creation of Andhra or the Chipko movement.

Protests: Making Public as the Watchdog of the Government

- People act as watchdogs and constantly monitor governments' acts, which provides feedback to the governments about their policies and actions after which the concerned government, through consultation, meetings and discussion, recognise and rectify its mistakes.
- However, resorting to violence during the protest is a violation of a key fundamental duty of citizens. Enumerated in **Article 51A**, the Constitution makes it a **fundamental duty** of every citizen **“to safeguard public property and to abjure violence”**.

Conclusion

- The Right of citizens to protest and gather peacefully without arms is a fundamental aspect of India's democracy. While it is also the obligation of the government to protect civilians from violent protests, certain essential principles need to be kept in mind.
- The Right to protest is one of the core principles on which democracy survives and thrives. However, when a protest turns violent, as seen in some places in recent protests, it defeats the very purpose of the protest. While enjoying the rights, one must adhere to one's duties and responsibilities in a democratic society.

Drishti Mains Question

Explain the significance of the right to protest in a democracy.