



Right to Protest

Why in News

The Supreme Court said **farmers had the right to protest**, but **roads cannot be blocked indefinitely** (impeding the **right of citizens to commute without hindrance**).

Key Points

▪ Right to Protest:

- Although the Right to Protest is **not an explicit right under the Fundamental rights**, it **can be derived from the Right to Freedom of Speech and Expression under Article 19**.
 - **Article 19(1)(a)**: The Right to free speech and expression transforms into the right to freely express an opinion on the conduct of the government.
 - **Article 19(1)(b)**: The Right to association is required to form associations for political purposes.
 - These can be formed to collectively challenge government decisions.
 - **Article 19(1)(c)**: The Right to peaceably assemble allows people to question and object to acts of the government by demonstrations, agitations and public meetings, to launch sustained protest movements.
 - These rights, in cohesion, enable every citizen to assemble peacefully and protest against action or inaction of the State.
- Right to Protest ensures that **people can act as watchdogs** and constantly monitor governments' acts.
 - It provides feedback to the governments about their policies and actions after which the concerned government, through consultation, meetings and discussion, recognizes and rectifies its mistakes.

▪ Restriction on Right to Protest:

- **Article 19(2)** imposes reasonable restrictions on the right to freedom of speech and expression. These reasonable restrictions are imposed in the interests of the following:
 - Sovereignty and integrity of India,
 - Security of the State,
 - Friendly relations with foreign States,
 - Public order,
 - Decency or morality
 - Contempt of court,
 - Defamation
 - Incitement to an offence.
- Further, 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”**.

▪ **Related Supreme Court’s Judgements:**

- The Supreme Court hearing the plea regarding **Shaheen Bagh Protests in 2019**, upheld the right to peaceful protest against the law but also cleared that public ways and public spaces cannot be occupied and that too indefinitely.
- SC referred to its **2018 judgment in the Mazdoor Kisan Shakti Sangathan vs Union of India and Another case**, which dealt with demonstrations at Delhi’s Jantar Mantar.
 - The judgment **tried to balance the interests of local residents with those of protesters** to hold demonstrations and directed the police to devise a proper mechanism for limited use of the area for peaceful protests and demonstrations and to lay down parameters for this.
- 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”.

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