



Right to Protest

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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”.

Source: IE