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Constitutional Rights in Action: An Analysis of Public Protests and Their Impact on Law and Governance

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ABSTRACT

Protest is an essential component of a democratic society and plays a significant part in securing the meaningful participation of citizens in the governance of the country. In India the right to express dissent and to assemble peaceably provides citizens with an important means of communicating grievances, questioning governmental policy and demanding accountability. The constitutional recognition of freedom of speech and expression under Article 19(1)(a) and of the right to assemble peaceably and without arms under Article 19(1)(b) reflects the importance accorded to public participation and dissent within the democratic framework. Protest enables individuals and groups, particularly those whose concerns may not be adequately represented through conventional political institutions, to bring social, economic, political and constitutional questions to the attention of the State, and peaceful demonstration has historically contributed to social awareness, changes of policy, the protection of rights and governmental accountability. Protest therefore functions not merely as an expression of opposition but as an instrument through which citizens participate in democratic governance. The right is nonetheless not absolute, since the Constitution permits reasonable restriction in the interests of public order and other legitimate State interests, and the difficulty lies in maintaining a constitutional balance between the right to dissent and the preservation of public order, security and the rights of others. This article examines the place of protest in Indian democracy and analyses its role in strengthening participatory governance, accountability and constitutional values, and it argues that peaceful protest exercised responsibly within the constitutional framework strengthens rather than weakens democracy.

Keywords: *Article 19(1)(b), Right to peaceful assembly, Fundamental rights, Constitutional democracy, Individual freedom, Governmental interest*

I. INTRODUCTION

Protest is an essential feature of a democratic society and an important means by which citizens express their opinions, grievances, demands and opposition to governmental policy. In a

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democracy, governance is not confined to the exercise of authority by the State; it involves a continuing interaction between the government and the people. Protests give citizens a collective platform on which to communicate their concerns and to demand accountability, transparency, justice and reform of policy. Protest may therefore be regarded as an instrument of democratic participation and of public opinion.¹

The Constitution recognises the significance of peaceful collective expression through Article 19(1)(a), which guarantees freedom of speech and expression, and Article 19(1)(b), which guarantees the right to assemble peaceably and without arms.² These rights enable citizens to participate actively in public affairs and to question governmental decisions. They are nonetheless subject to reasonable restriction in the interests of the sovereignty and integrity of India, of public order and of other constitutionally recognised grounds.³ The constitutional framework accordingly seeks a balance between individual freedom, collective interest and the effective functioning of government.

Protests may have both constructive and disruptive effects upon governance. Constructive protest may draw governmental attention to neglected social questions, influence legislative and administrative decisions, strengthen accountability and encourage changes of policy, and several movements in India have contributed to significant legal and policy developments. Protest that becomes violent, that causes prolonged disruption, that obstructs public services or that threatens public order may equally create difficulties for administration. The effect of protest therefore depends not merely upon the existence of dissent but upon the manner in which it is organised, conducted, regulated and answered by the State.

The relationship between protest and governance is accordingly complex. While government has a legitimate responsibility to maintain public order and to protect the rights of other citizens, excessive restriction upon peaceful protest may weaken democratic participation and suppress legitimate dissent. Unrestricted or violent protest may equally affect public safety, economic activity and the functioning of public institutions. Effective democratic governance requires a constitutional balance in which the right to dissent is protected and restriction is imposed only where it is necessary and proportionate.⁴

This article examines the effect of protest upon governance from a constitutional and administrative perspective. It analyses how protest influences governmental decision-making,

¹ INDIA CONST. art. 19, cl. (1)(b); *In re Ramlila Maidan Incident*, (2012) 5 S.C.C. 1 (India).

² INDIA CONST. art. 19, cls. (1)(a), (1)(b).

³ INDIA CONST. art. 19, cl. (3).

⁴ *Himat Lal K. Shah v. Commissioner of Police, Ahmedabad*, (1973) 1 S.C.C. 227 (India).

public policy, accountability, democratic participation and the relationship between citizen and State, and it considers the constitutional limits upon the right to protest and the approach of the courts to balancing individual freedom against public order and governmental interest.⁵

II. THE LEGAL PROCESS FOR CONDUCTING A PEACEFUL GATHERING IN INDIA

The Constitution guarantees every citizen the right to assemble peaceably and without arms under Article 19(1)(b), subject to reasonable restriction under Article 19(3) in the interests of the sovereignty and integrity of India or of public order. Conducting a public gathering therefore requires compliance with the applicable law and with administrative requirements.

The organisers should first identify the purpose, the location, the expected number of participants, the duration and the nature of the gathering. The gathering must remain peaceful and must not involve weapons, violence or activity intended to disturb public order. Depending upon the location and the nature of the gathering, organisers may be required to approach the local police or the competent administrative authority for permission or to give intimation, the applicable procedure varying with the State, with local regulation and with whether the gathering involves roads, public spaces, processions, loudspeakers or large crowds.

The organisers may be required to supply particulars including the following.⁶

- The names and contact details of the organisers.
- The purpose of the gathering.
- The date and the proposed duration.
- The location and the proposed route, where applicable.
- The expected number of participants.
- The arrangements for traffic and public safety.
- The use of loudspeakers or other equipment.
- An undertaking to maintain peace and public order.

Authorities may impose reasonable conditions as to time, place, route, the number of participants, the use of sound systems, traffic management and the maintenance of public order. Such restrictions must rest upon a lawful basis and cannot interfere unnecessarily or disproportionately with the fundamental right to peaceful assembly. During the gathering,

⁵ See M.P. JAIN, *INDIAN CONSTITUTIONAL LAW* (LexisNexis); V.N. SHUKLA, *CONSTITUTION OF INDIA* (Eastern Book Co.).

⁶ INDIA CONST. art. 19, cls. (1)(b), (3).

participants must assemble peacefully and without arms, and organisers bear an important responsibility to maintain discipline, to prevent violence and to cooperate with the authorities.

The State may regulate or restrict a gathering where there are legitimate concerns as to public order or security, and the power to make preventive orders is now contained in section 163 of the Bharatiya Nagarik Suraksha Sanhita, 2023.⁷ Restrictions upon fundamental rights must nonetheless satisfy the constitutional requirements of reasonableness and proportionality, and it has long been held that a preventive order must be founded upon material and not upon apprehension alone.⁸ Where permission is unlawfully refused or excessive conditions are imposed, those affected may seek relief before the courts, which may examine whether the restriction is supported by law and whether it reasonably balances the right of peaceful assembly against considerations of public order.

III. PROTEST BEFORE INDEPENDENCE AND THE MAKING OF THE CONSTITUTIONAL GUARANTEE

The history of the freedom movement shows that protest was fundamental in challenging colonial rule and in laying the foundations of constitutional democracy in India. Movements such as the Non-Cooperation Movement, the Civil Disobedience Movement, the Quit India Movement and the protests against the Rowlatt Act mobilised large sections of society and demonstrated the political importance of collective action. The colonial authorities frequently sought to suppress such movements through restrictive laws, arrests, prohibitory orders and limitations upon public meetings and political expression.

That experience significantly influenced the framers of the Constitution, particularly in their recognition of freedom of speech and expression and of the right to peaceful assembly as fundamental rights. The influence is visible in the decisions of the Supreme Court after independence. In *Romesh Thappar v. State of Madras* the Court emphasised the importance of free political discussion in a democratic system,⁹ and in *Himat Lal K. Shah v. Commissioner of Police* it examined the relationship between the right to hold public meetings and the power of the State to regulate public spaces.¹⁰ The historical experience of colonial restriction thus provides the background against which Article 19(1)(b) is to be read. Protest before independence contributed not only to the achievement of political freedom but to the

⁷ The Bharatiya Nagarik Suraksha Sanhita, 2023, § 163, No. 46, Acts of Parliament, 2023 (India).

⁸ *Babulal Parate v. State of Maharashtra*, (1961) 3 S.C.R. 423 (India).

⁹ *Romesh Thappar v. State of Madras*, (1950) S.C.R. 594 (India).

¹⁰ *Himat Lal K. Shah*, *supra* note 4.

development of the constitutional principles that recognise peaceful protest and public participation as essential to democratic governance.

IV. METHODS OF PROTEST AND THEIR IMPACT ON SOCIETY

Protest in India has historically employed diverse methods, among them peaceful demonstration, public meeting, procession, strike, boycott, sit-in, civil disobedience, hunger strike and symbolic forms of dissent. These enable citizens collectively to communicate grievances, to influence public opinion, to demand accountability and to seek changes in law and policy. The effectiveness of a protest generally depends upon its peaceful character, the extent of public participation, social support, media attention and the response of governmental institutions.

The constitutional significance of such methods was recognised in *Himat Lal K. Shah*, where the Court held that citizens have a right to hold meetings on public streets subject to reasonable regulation by the State. In *In re Ramlila Maidan Incident* the Court emphasised the importance of peaceful assembly and recognised that democratic dissent cannot be suppressed merely because it is inconvenient to the authorities,¹¹ and in *Mazdoor Kisan Shakti Sangathan v. Union of India* it considered the balance between the right to protest and the rights of residents and of other members of the public.¹² Not every form of collective action attracts the same protection: in *T.K. Rangarajan v. Government of Tamil Nadu* the Court held that government employees have no fundamental right to strike,¹³ and in *Ex-Capt. Harish Uppal v. Union of India* it held that lawyers have no right to strike or to boycott the courts.¹⁴

These decisions show that protest operates as a mechanism through which citizens participate in democratic governance and bring social and political concerns into public discourse. Peaceful methods such as marches, sit-ins, petitions and public demonstrations may strengthen democracy by creating pressure for governmental responsiveness, whereas violent or excessively disruptive methods may harm public order and the rights of others. The social effectiveness of protest lies in its capacity to transform collective public expression into democratic dialogue, institutional accountability and, where appropriate, changes in policy and law.

¹¹ *In re Ramlila Maidan Incident*, *supra* note 1.

¹² *Mazdoor Kisan Shakti Sangathan v. Union of India*, (2018) 17 S.C.C. 324 (India).

¹³ *T.K. Rangarajan v. Government of Tamil Nadu*, (2003) 6 S.C.C. 581 (India).

¹⁴ *Ex-Capt. Harish Uppal v. Union of India*, (2003) 2 S.C.C. 45 (India).

V. THE PSYCHOLOGY OF COLLECTIVE ASSEMBLY

The psychological foundation of collective protest lies in the human tendency to seek strength, security, recognition and justice through collective action. Where individuals experience a common grievance, or believe that their rights and legitimate interests are being denied, assembling with others can create solidarity and a collective identity. A person who feels powerless acting alone may gain confidence and a stronger sense of agency when supported by a larger group, and collective participation communicates that a demand is not merely an individual concern but a matter of wider social significance.

People assemble in order to assert what they believe they are legitimately entitled to receive or to protect, using the collective force of numbers, public expression and democratic participation rather than individual force. Protest can thereby transform dissatisfaction and a sense of powerlessness into organised civic participation. The visibility of a collective movement may attract public attention, influence political discourse and encourage authorities to respond. From a democratic perspective that process is significant, because it enables citizens to move from being passive recipients of governmental decisions to active participants in governance. Collective strength must nonetheless remain within constitutional and peaceful limits, since the legitimacy of democratic protest depends upon respecting the rights and freedoms of others while asserting one's own.¹⁵

VI. LANDMARK PROTESTS IN TAMIL NADU AND THEIR IMPACT

A. The Jallikattu protest and its influence on law and governance

The Jallikattu protest of 2017 is among the most significant instances of collective mobilisation in contemporary Tamil Nadu and demonstrates the relationship between public protest, cultural identity, legislative action and constitutional governance. Jallikattu, a traditional bull-taming practice associated with the Pongal festival, became the subject of judicial intervention in *Animal Welfare Board of India v. A. Nagaraja*, in which the Supreme Court prohibited the practice on grounds relating to animal welfare.¹⁶ The decision generated widespread opposition in Tamil Nadu, culminating in large and predominantly peaceful demonstrations, particularly at Marina Beach in Chennai, where protesters demanded the restoration of the practice.

The movement placed considerable public and political pressure upon the State and Union authorities and contributed to legislative intervention. In 2017 amendments were introduced to

¹⁵ See GRANVILLE AUSTIN, *THE INDIAN CONSTITUTION: CORNERSTONE OF A NATION* (Oxford Univ. Press); INDIA CONST. art. 19, cl. (1)(b).

¹⁶ *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 S.C.C. 547 (India).

the framework of the Prevention of Cruelty to Animals Act to permit Jallikattu subject to prescribed safeguards, and the constitutional validity of those amendments was subsequently examined by a Constitution Bench in *Animal Welfare Board of India v. Union of India*, which upheld them subject to the statutory framework governing the activity.¹⁷ The significance of the movement lies in its demonstration that collective democratic participation can bring a cultural and social demand into the legislative and judicial process, and that protest may operate as a mechanism through which citizens communicate their concerns to governmental institutions and influence the development of law and policy.

B. The Thoothukudi Sterlite protest and judicial accountability

The Sterlite protest provides a contrasting example of the relationship between public protest, environmental concern, State authority and judicial accountability. Residents of Thoothukudi had protested against the operation and proposed expansion of the Sterlite copper plant, raising concerns about pollution and its consequences for the local community. On 22 May 2018 a major protest resulted in police firing, causing deaths and injuries and leading to extensive public and legal scrutiny. Proceedings before the High Court of Madras subsequently examined aspects of the response of the State and the investigation arising from the incident. In *A. John Vincent v. Government of Tamil Nadu* the High Court considered the treatment of the several first information reports connected with the events of 22 May 2018 and directed, in the circumstances of that case, that the relevant reports be treated as statements under section 161(3) of the Code of Criminal Procedure in the principal crime under investigation.¹⁸

The significance of the episode lies not only in the environmental concerns that motivated the movement but in the subsequent judicial examination of State action, of police conduct and of the criminal investigation. It demonstrates that the right to protest exists within a constitutional framework in which protesters and State authorities alike are subject to law. While the State has a legitimate responsibility to maintain public order, its response to collective dissent must remain within constitutional and legal limits. The episode therefore illustrates how protest can generate demands for governmental accountability and subsequent judicial scrutiny.

C. The significance of the two movements

The Jallikattu and Sterlite movements demonstrate two different dimensions of protest within the constitutional framework. The first illustrates how sustained public mobilisation may contribute to legislative intervention and to change in the legal framework; the second shows

¹⁷ *Animal Welfare Board of India v. Union of India*, 2023 INSC 548 (India).

¹⁸ *A. John Vincent v. Government of Tamil Nadu* (Mad. H.C.) (India).

how collective dissent may result in judicial scrutiny of State action and in demands for accountability. Together they establish that protest is not merely an expression of dissatisfaction but may function as an important mechanism of participatory democracy, through which citizens place questions of cultural identity, environmental protection, public welfare and governmental accountability before legislative, executive and judicial institutions. They equally demonstrate the necessity of maintaining a constitutional balance between the right of peaceful assembly, public order and the rights of others.

VII. THE RESPONSE OF GOVERNMENT TO PUBLIC GATHERINGS

Government bears a dual responsibility when citizens gather in public: to protect the constitutional right of peaceful assembly and to maintain public order and the rights of others. Article 19(1)(b) guarantees the right to assemble peaceably and without arms, while Article 19(3) permits reasonable restriction in the interests of the sovereignty and integrity of India and of public order. Government may accordingly regulate public gatherings by prescribing conditions as to place, time, route, duration, the number of participants, traffic management and the use of public spaces, and may require prior permission or intimation where local law so provides.

Regulation cannot, however, be used arbitrarily to suppress legitimate political dissent. In *Himat Lal K. Shah* the Court recognised the importance of the right to hold public meetings while accepting that the State may reasonably regulate the use of public streets and places, and in *Mazdoor Kisan Shakti Sangathan* it emphasised the need to balance the right to protest against the rights of residents and of other members of the public. The concept of public order upon which restriction depends has moreover been construed narrowly, as denoting a disturbance of the even tempo of community life rather than mere disorder.¹⁹ Where a gathering becomes violent or creates a serious threat to public order, authorities may take lawful measures to disperse it, subject to constitutional and statutory safeguards. The response of government should therefore follow the principles of necessity, reasonableness, proportionality and non-discrimination.

VIII. THE RECOGNITION OF PUBLIC GRIEVANCES

In a constitutional democracy the approach of government towards protest should not be confined to the maintenance of law and order but should extend to identifying, examining and resolving the grievances expressed. Protest frequently arises where individuals or groups

¹⁹ *Dr. Ram Manohar Lohia v. State of Bihar*, (1966) 1 S.C.R. 709 (India).

perceive that their constitutional rights, social interests, economic concerns or legitimate demands have not been adequately addressed through existing institutions. An effective response therefore requires a balance between regulating assemblies and recognising the democratic significance of collective dissent.

Government may respond through institutional mechanisms such as consultation with representatives of the protesting groups, negotiation, public hearings, petitions, fact-finding committees, administrative review and, where necessary, legislative or policy intervention. Such mechanisms allow citizens to communicate the basis of their demands while enabling the authorities to assess those demands against constitutional principle, existing legislation, available resources and competing public interests. Constructive engagement can convert public dissatisfaction into democratic dialogue and may assist government in identifying deficiencies in policy or legislation. An effective democratic response therefore requires not merely the control of assemblies but attention to legitimate grievances, the facilitation of dialogue, objective evaluation of the demands and the adoption of appropriate measures where they are justified.²⁰

IX. SUCCESSFUL PROTESTS AND THEIR RECOGNITION BY THE STATE

The history of independent India contains several instances in which sustained public movements produced governmental action, legislative change or judicial recognition of the issues raised. These demonstrate the role of protest as an instrument of democratic participation through which public demands enter the formal processes of governance.

A. The Jallikattu movement

Following the decision in *A. Nagaraja*, which prohibited Jallikattu on animal-welfare grounds, widespread protests were organised across Tamil Nadu in 2017 demanding recognition of the practice as an important part of the culture of the State. Legislative amendments were introduced in response, permitting the practice subject to regulatory safeguards, and their constitutional validity was upheld by the Supreme Court in 2023. The movement demonstrates how sustained public participation can influence legislative action and subsequently receive judicial validation, and its significance lies in the interaction between public opinion, cultural identity, legislative response and judicial review.

²⁰ INDIA CONST. art. 19, cls. (1)(b), (3).

B. The right to information movement

The movement for greater transparency in governmental functioning was advanced by civil-society activism and by public campaigns demanding access to official information. Those efforts contributed to the enactment of the Right to Information Act, 2005, which established a statutory framework enabling citizens to obtain information from public authorities.²¹ The constitutional importance of transparency was strengthened by decisions such as *Union of India v. Association for Democratic Reforms*, in which the Supreme Court recognised the right of the voter to obtain information about electoral candidates as part of the constitutional protection of freedom of speech and expression.²² The development of that framework demonstrates how sustained public advocacy together with judicial recognition can produce institutional reform strengthening democratic accountability.

C. The anti-corruption movement

The anti-corruption movement associated with the protests of 2011 provides a further example of public mobilisation influencing legislative and political processes. Large demonstrations demanded the establishment of a stronger independent anti-corruption institution. Although the movement did not secure the immediate acceptance of every demand, it generated substantial national debate and political pressure concerning institutional accountability, and that process contributed to the enactment of the Lokpal and Lokayuktas Act, 2013, which established a statutory framework for anti-corruption institutions at the Union level and provided for Lokayuktas in the States.²³ The movement illustrates how protest can place an issue upon the national agenda and contribute to legislative change through democratic institutions.

D. The Nirbhaya movement and reform of the criminal law

The protests following the gang rape and murder in Delhi in 2012 demonstrated the capacity of public mobilisation to generate significant governmental and legislative response. Demonstrations across the country demanded stronger protection for women and more effective mechanisms of criminal justice. Following public pressure and the recommendations of the committee chaired by Justice J.S. Verma, Parliament enacted the Criminal Law (Amendment) Act, 2013, which made significant changes to the law relating to sexual offences, including provisions on sexual harassment, stalking, voyeurism and aggravated sexual offences.²⁴ The

²¹ The Right to Information Act, 2005, No. 22, Acts of Parliament, 2005 (India).

²² *Union of India v. Association for Democratic Reforms*, (2002) 5 S.C.C. 294 (India).

²³ The Lokpal and Lokayuktas Act, 2013, No. 1, Acts of Parliament, 2014 (India).

²⁴ The Criminal Law (Amendment) Act, 2013, No. 13, Acts of Parliament, 2013 (India).

movement illustrates how public feeling and collective mobilisation can contribute to legislative reform when combined with institutional review and governmental action.

E. The farmers' movement

The movement against the three agricultural laws enacted in 2020 provides a major contemporary example of sustained protest influencing governmental policy. Farmers and their organisations conducted prolonged demonstrations demanding repeal. After extensive negotiation, political debate and continued mobilisation, the Union Government announced the withdrawal of the three laws in November 2021, and Parliament subsequently enacted the Farm Laws Repeal Act, 2021. The episode demonstrates that sustained democratic mobilisation can influence governmental decision-making and result in legislative reversal, and that the outcome of protest may be achieved through Parliament and the executive rather than solely through the courts.

F. The significance of these examples

These examples demonstrate that the effectiveness of protest in a democracy is not to be measured solely by whether protesters immediately obtain every demand. Its significance may rather be assessed by its capacity to generate public awareness, to influence political discourse, to compel governmental consideration, to encourage legislative reform and to obtain judicial recognition. The Jallikattu movement illustrates the relationship between cultural mobilisation and legislative action; the right to information movement the connection between public advocacy and transparency; the anti-corruption movement the influence of sustained pressure upon institutional reform; the Nirbhaya movement the transformation of public demand into reform of the criminal law; and the farmers' movement the possibility of legislative reversal. Together they establish that peaceful protest can operate as an important mechanism of participatory democracy, of governmental accountability and of responsive law-making, provided that it remains within the constitutional framework and respects public order and the rights of others.

X. THE ADVANTAGES AND DISADVANTAGES OF PROTEST IN INDIA

Public protest occupies an important position within the democratic structure of India because it enables citizens to participate directly in matters of public concern and to communicate dissatisfaction with governmental decisions, policies and laws. Its principal advantage is that it strengthens participatory democracy by providing a means of expressing collective will beyond periodic elections. Through peaceful assemblies, demonstrations, marches, petitions, sit-ins,

strikes and other forms of collective expression, citizens can bring neglected social and political questions to the attention of governmental institutions.

Protest can also operate as a mechanism of accountability, particularly where citizens believe that the administration has failed to protect their rights or to respond adequately to grievances. It can create public awareness, stimulate political debate, attract institutional and media attention, and compel authorities to reconsider policies with significant social consequences. Several movements have contributed to legislative or policy change, demonstrating that public mobilisation can influence the direction of governance: the Jallikattu movement contributed to legislative intervention concerning the continuation of a traditional practice, and the farmers' movement resulted in the repeal of three agricultural laws. Protest can in that sense act as a corrective mechanism within democratic governance, allowing government to identify dissatisfaction not adequately reflected through conventional political institutions.

A further advantage is the capacity of protest to promote social consciousness and collective identity. Where individuals experiencing similar difficulty assemble collectively, personal grievances may develop into broader social movements, which can give greater visibility to disadvantaged communities and encourage public discussion of equality, social justice, environmental protection, labour rights, gender justice and civil liberties. Peaceful protest also strengthens the relationship between constitutional rights and democratic participation by enabling citizens to exercise their rights visibly and collectively.

Protest may nonetheless produce significant social and administrative disadvantages, particularly where it becomes violent or excessively disruptive. Large gatherings may obstruct roads, public transport, educational institutions, commerce and access to essential services, and prolonged protest may impose economic costs upon businesses, workers, commuters and local communities not involved in the dispute. Where demonstrations involve violence, destruction of property, intimidation or clashes with law-enforcement authorities, the consequences may extend well beyond the original object of the protest. Prolonged confrontation may also increase social polarisation and reduce the possibility of constructive dialogue, and the effectiveness of a protest may decline where the method becomes more disruptive than the grievance it seeks to address.

A further difficulty concerns the conflict between the rights of protesters and those of others. The right to protest does not exist in isolation from the rights of other citizens to move freely, to conduct business, to reach hospitals and educational institutions and to enjoy public spaces. In *Mazdoor Kisan Shakti Sangathan* the Court considered the need to balance the right to protest

against the rights of residents, and in *Amit Sahni v. Commissioner of Police*, arising from the protests at Shaheen Bagh, it recognised the importance of peaceful protest while observing that public ways cannot be occupied indefinitely in a manner causing substantial inconvenience to the general public.²⁵

From the perspective of governance, protest may therefore produce both constructive and disruptive consequences. Constructive protest can improve responsiveness by drawing attention to deficiencies in law, policy and administration, and may encourage consultation, negotiation, legislative review and correction of policy. Poorly regulated or violent protest can obstruct governmental functioning and create pressure for excessive restriction upon assembly, and excessive restriction may itself weaken democracy by discouraging legitimate dissent and reducing confidence in constitutional institutions. The question is therefore not simply whether protest should be permitted or restricted but how an appropriate constitutional balance is to be struck between freedom of assembly, public order, individual rights and effective governance.

The overall effect of protest consequently depends upon its purpose, its method, its duration, its scale, the level of public participation and the response of government. Peaceful, organised and constitutionally compliant protest is more likely to contribute positively to democratic governance, whereas violence, destruction, intimidation and disproportionate disruption may undermine public support and provide grounds for lawful intervention. Governmental authorities have a corresponding responsibility to distinguish peaceful democratic dissent from genuine threats to public order, and restriction should rest upon law and satisfy the requirements of necessity, reasonableness and proportionality rather than being imposed because a protest is politically inconvenient.

XI. SOCIAL TRANSFORMATION THROUGH PROTEST

Protest has historically functioned as an important mechanism of social transformation, providing citizens with a collective means of challenging injustice, questioning existing practice and demanding reform consistent with constitutional values. It enables individual grievances to be transformed into matters of collective public concern, creating pressure upon governmental and social institutions to address questions that might otherwise remain neglected.

The effect of protest upon society may be observed in its capacity to generate public awareness, to alter social attitudes, to influence policy and to contribute to legislative and institutional reform. Movements concerning gender justice, corruption, environmental protection, social equality, labour rights and civil liberties have demonstrated the capacity of collective

²⁵ *Amit Sahni v. Commissioner of Police*, (2020) 10 S.C.C. 439 (India).

mobilisation to bring neglected questions into mainstream discourse. The protests following the incident of 2012 generated national discussion of violence against women and contributed to reform through the Criminal Law (Amendment) Act, 2013; the anti-corruption movement of 2011 increased public demand for transparency and contributed to the Lokpal and Lokayuktas Act, 2013; and the Jallikattu movement influenced legislative decision-making concerning cultural interests. Protest can therefore operate as a catalyst for social change by connecting public opinion with the formal institutions of governance, its legitimacy and effectiveness depending upon its peaceful character and its respect for the rights of others.²⁶

XII. THE POWER OF THE PEOPLE IN A DEMOCRACY

The power of the people is the foundation of the Indian democratic system, since the legitimacy of governmental authority derives ultimately from the will and the participation of citizens. The Constitution establishes a representative framework in which citizens exercise political power not only through periodic elections but through fundamental rights, public participation, freedom of expression, peaceful assembly and collective action. Citizens accordingly possess the constitutional capacity to question governmental decisions, to express disagreement with policy, to demand accountability and to seek reform through lawful means.

The significance of that power becomes evident where individuals with common grievances organise into movements and demonstrations, transforming individual concerns into collective demands capable of influencing governmental and legislative processes. Indian history demonstrates that sustained public participation has contributed to significant political, social and legal developments, including movements concerning independence, social justice, transparency, environmental protection, gender equality and cultural rights. The exercise of that power is not absolute and must operate within constitutional limits, including reasonable restrictions imposed in the interests of public order and of the rights of others. An active citizenry nonetheless serves as an important mechanism of accountability, enabling society to scrutinise governmental action and to demand responsiveness. The power of the people should therefore be understood not as the numerical strength of a group but as the constitutional power of citizens to participate in governance, to express dissent and to contribute to social and legal transformation through peaceful and lawful means.²⁷

²⁶ The Criminal Law (Amendment) Act, 2013, *supra* note 24; The Lokpal and Lokayuktas Act, 2013, *supra* note 23; *Animal Welfare Board of India v. Union of India*, *supra* note 17.

²⁷ INDIA CONST. arts. 19, cls. (1)(a), (1)(b).

XIII. THE CONSTITUTIONAL RATIONALE FOR ARTICLE 19(1)(B)

The inclusion of Article 19(1)(b) reflects the recognition by the framers that collective participation is an essential component of a democratic constitutional order. The right to assemble peaceably and without arms was incorporated in order to provide citizens with a constitutional mechanism through which they might collectively express opinions, communicate grievances, participate in public affairs, oppose governmental measures and demand reform. The historical experience of the freedom movement was particularly significant, since the colonial authorities frequently restricted public meetings, political assemblies and other forms of collective expression. The framers accordingly sought a framework in which citizens would possess not merely individual freedoms but the ability to exercise them collectively.²⁸

Article 19(1)(b), read with Article 19(1)(a), strengthens the democratic value of freedom of expression by enabling individual opinion to be transformed into collective public discourse, and it provides the constitutional foundation for peaceful demonstration and public movement. The framers did not intend the right to be absolute: Article 19(3) expressly permits reasonable restriction in the interests of the sovereignty and integrity of India and of public order, which reflects the necessity of balancing democratic dissent against public safety and the rights of others. Judicial interpretation has since developed principles concerning the scope and regulation of peaceful assembly, including the requirement that restriction rest upon a lawful basis and satisfy constitutional standards of reasonableness. The provision therefore represents a deliberate constitutional recognition that democracy requires not only the right of individuals to hold opinions but the collective capacity of citizens to express, organise and communicate them.

XIV. CONCLUSION

This article establishes that protest is not merely an expression of dissatisfaction but an essential instrument of democratic participation, through which people collectively communicate grievances, assert rights and seek meaningful response from government. The sovereignty of the people is reflected not only through elections but through the constitutional right to participate in public affairs, to express dissent, to assemble peacefully and to demand accountability. The inclusion of Article 19(1)(b) represents a recognition that individual voices acquire greater democratic significance where citizens are able to come together peacefully. The

²⁸ INDIA CONST. art. 19, cl. (1)(b), read with cl. (3); GRANVILLE AUSTIN, *THE INDIAN CONSTITUTION: CORNERSTONE OF A NATION* (Oxford Univ. Press).

historical experience of the freedom movement, together with contemporary movements including Jallikattu, the anti-corruption movement, the movement following the events of 2012, the farmers' movement and the Sterlite protest, demonstrates that collective mobilisation can influence public discourse, governmental decisions, legislative processes, judicial consideration and social attitudes.²⁹

The power of the people lies in their unity and their collective constitutional participation. An individual grievance may receive limited attention, but where citizens with a common concern assemble peacefully and communicate their demands, the matter may acquire wider social and governmental significance. Protest therefore provides a bridge between the people and the institutions of governance, enabling citizens to bring neglected questions before government and to seek recognition of interests they reasonably believe deserve protection.

The right to protest is at the same time not unlimited. Article 19(3) permits reasonable restriction in the interests of the sovereignty and integrity of India and of public order, and public gatherings must be conducted with respect for the rights of non-participants, for public safety, for essential services and for the general functioning of society. The disadvantages of protest, including violence, destruction of property, prolonged obstruction, economic disruption and inconvenience to the public, demonstrate the need for responsible exercise of constitutional freedom. Decisions such as *Himat Lal K. Shah*, *In re Ramlila Maidan Incident*, *Mazdoor Kisan Shakti Sangathan* and *Amit Sahni* illustrate the continuing judicial effort to balance the right of peaceful assembly against the requirements of public order and the rights of others.³⁰ The legitimacy of protest therefore depends not simply upon the existence of a grievance but upon the constitutional and peaceful manner in which it is expressed.

The responsibility of government towards protest should likewise not be limited to controlling crowds or maintaining public order. In a responsive democracy government should attend to legitimate grievances, facilitate dialogue, examine public demands and provide appropriate legal, administrative or policy responses where those demands are justified. Regulation of public gatherings must be lawful, necessary, reasonable and proportionate. The State has a responsibility to protect peaceful protesters while protecting the public from violence, serious disruption and infringement of competing rights, and government should recognise protest as a form of communication between citizens and the State rather than treating every protest as a problem of law and order.

²⁹ *Himat Lal K. Shah*, *supra* note 4; *In re Ramlila Maidan Incident*, *supra* note 1.

³⁰ *Amit Sahni*, *supra* note 25; *Mazdoor Kisan Shakti Sangathan*, *supra* note 12.

The strength of a democracy is measured not only by the authority exercised by government but by the ability of ordinary people collectively to question, to participate and to demand accountability. Where citizens unite peacefully to claim what they lawfully deserve, their collective voice becomes a powerful democratic force, and that power must be exercised responsibly within the constitutional framework, just as governmental power must be exercised with accountability. The relationship between the people and the government is therefore not one of confrontation alone but a continuing constitutional dialogue in which citizens express their needs and the State has a responsibility to consider and address legitimate demands. Peaceful protest represents the organised voice of the people and an important mechanism through which democracy remains responsive to society.
