
THE RIGHT TO PROTEST AND THE LIMITS OF DISSENT: CONSTITUTIONAL MORALITY, REASONABLE RESTRICTIONS, AND THE 2026 JANTAR MANTAR AGITATION

Deepika Sirohi, Indian Law Institute, New Delhi

ABSTRACT

The right to protest is one of the most vital, and most contested, facets of India's constitutional democracy. Anchored in Articles 19(1)(a) and 19(1)(b) of the Constitution, it allows citizens to voice dissent, hold the State accountable, and participate directly in public affairs. This paper traces the philosophical origins of the right to protest, its textual anchoring within the Indian Constitution, and its judicial elaboration through landmark decisions including *Himat Lal K. Shah v. Commissioner of Police*, the *Ramlila Maidan Incident* case, *Mazdoor Kisan Shakti Sangathan v. Union of India*, *Anuradha Bhasin v. Union of India*, and *Amit Sahni v. Commissioner of Police*. Using the 2026 Jantar Mantar agitation as a contemporary case study: a movement that began as a student-led protest against the NEET-UG paper leak and CBSE on-screen marking irregularities and culminated in an attempted march on Parliament on the opening day of the Monsoon Session. The paper argues that while the right to protest is inviolable, its constitutional protection is conditioned on peacefulness. It contends that the State's power to impose reasonable restrictions under Articles 19(2) and 19(3), operationalised through provisions such as Section 163 of the *Bharatiya Nagarik Suraksha Sanhita, 2023*, is constitutionally legitimate where it is proportionate and confined to demonstrable necessity, particularly around installations such as Parliament whose physical security is inseparable from the continuity of constitutional governance. Drawing a contrast with the 2025 Gen Z uprising in Nepal, which culminated in the resignation of the Prime Minister and the burning of Parliament, the paper argues that India's constitutional design offers lawful and durable channels for the redress of even deeply felt grievances, making street pressure for regime change both unnecessary and constitutionally impermissible. The paper closes with recommendations for a more transparent, accountable, and rights-respecting framework for regulating protest in India.

Keywords: Right to protest, Article 19, reasonable restrictions, Jantar Mantar, constitutional morality, public order, NEET.

INTRODUCTION

Democracy is not exhausted at the ballot box. Between one election and the next, it is protest the physical, collective act of citizens gathering to make a grievance impossible to ignore that keeps the government answerable to the governed. In India, this impulse finds constitutional shelter in Article 19(1)(a), which guarantees freedom of speech and expression¹, and Article 19(1)(b), which guarantees the right to assemble peaceably and without arms.² Neither guarantee is absolute. Articles 19(2) and 19(3) permit the State to impose reasonable restrictions on these freedoms in the interest of the sovereignty and integrity of India, public order, and other specified grounds.³ The right to protest in India has therefore always been a right in tension protected as a pillar of democratic life, yet bounded by the State's competing duty to preserve order and protect the rights of others.

This tension became visible again in the summer of 2026 at Delhi's Jantar Mantar, a stretch of road that has served as the Republic's designated site of dissent for over three decades.⁴⁵ What began in early June as a protest by students and youth organisations over the leak of the NEETUG medical entrance examination paper and irregularities in the Central Board of Secondary Education's on-screen evaluation process grew, over seven weeks, into one of the largest youth mobilisations independent India has witnessed.⁵ The protest drew in a prolonged hunger strike by the Ladakhi engineer and education reformer Sonam Wangchuk, sustained national media coverage, and eventually open expressions of solidarity from opposition political parties.⁶ On 20 July 2026 the opening day of Parliament's Monsoon Session thousands of protesters attempted to march from Jantar Mantar toward the Parliament building under the banner "Chalo Sansad," breaching security barricades in Delhi's high-security zone in the process. The Delhi Police responded with tear gas and baton charges; by the Police's own account, close to 180 people, including both protesters and personnel, were injured, and both

¹ The Constitution of India, art. 19(1)(a).

² The Constitution of India, art. 19(1)(b).

³ The Constitution of India, arts. 19(2)-(3).

⁴ *Mazdoor Kisan Shakti Sangathan v. Union of India*, (2018) 17 SCC 324.

⁵ Delhi Jantar Mantar Protests, Wikipedia, available at:

https://en.wikipedia.org/wiki/2026_Delhi_Jantar_Mantar_protests (last visited on July 22, 2026).

⁶ Aakash Hassan, "India's Youth-Led Cockroach Movement Vows to Continue Protest After Police Crackdown", *NPR*, July 21, 2026, available at: <https://www.npr.org/2026/07/21/g-s1-134722/indias-youth-ledcockroach-movement-vows-to-continue-protest-after-police-crackdown> (last visited on July 22, 2026).

Houses of Parliament were repeatedly adjourned amid opposition uproar over the use of force.⁷

This paper uses that episode as a lens through which to examine a question at the heart of Indian constitutional law: where does the right to protest end, and the State's legitimate power to restrain it begin? It argues that the answer lies not in choosing between dissent and order, but in insisting on both. Protest, however deeply felt its cause, remains constitutionally protected only for so long as it remains peaceful; the moment it seeks to breach the physical security of an institution such as Parliament, or to convert street mobilisation into a mechanism for extraconstitutional regime change of the kind recently witnessed in Nepal, the State's power to impose reasonable, proportionate restrictions is not merely available to it, it is constitutionally required. The paper is organised as follows. It first traces the philosophical and historical origins of the right to protest, then situates the right within the Indian constitutional and statutory framework, and examines its judicial evolution. It then presents the 2026 Jantar Mantar agitation as a case study, offers an analytical assessment of where the balance ought to lie, and closes by identifying contemporary challenges and proposing a way forward.

PHILOSOPHICAL AND HISTORICAL ORIGINS OF THE RIGHT TO PROTEST

The right to protest has deep historical roots as it emerged through centuries of social and political movements before it was formally enshrined in the constitutional framework. Its philosophical roots lie in the idea, traceable to early liberal political thought, that a government's authority is conditional on the consent of the governed, and that citizens must therefore retain some means of registering withdrawal of that consent short of revolution.⁸ Henry David Thoreau's theory of civil disobedience⁹, and later Mahatma Gandhi's doctrine of satyagraha, gave this idea its most influential modern form: the deliberate, public, and nonviolent breach of an unjust law or practice, undertaken openly and with acceptance of its legal consequences, as a means of appealing to the conscience of the community.¹⁰ India's own freedom struggle, the non-cooperation movement, the salt march, the Quit India movement

⁷ "Monsoon Session: Amid CJP Parliament March, What Key Issues and Major Bills Will Dominate Sansad? Lok Sabha Adjourned", *India.com*, July 20, 2026, available at: <https://www.india.com/news/india/monsoon-sessionamid-cjp-parliament-march-what-key-issues-major-bills-will-dominate-sansad-lok-sabha-neet-paper-leakcontroversy-sonam-wanchuke-hunger-strike-tear-gas-lathicharge-ram-mandir-donation-8478903/> (last visited on July 22, 2026).

⁸ John Locke, *Two Treatises of Government* (Peter Laslett ed., Cambridge University Press, Cambridge, 1988).

⁹ Henry David Thoreau, *Civil Disobedience* (1849).

¹⁰ M.K. Gandhi, *Satyagraha in South Africa* (Valji Govindji Desai trans., Navajivan Publishing House, Ahmedabad, 1928).

was built on this grammar of protest, and it left a lasting mark on the constitutional culture that the framers inherited in 1950.

At the international level, the right to peaceful assembly is recognised as a facet of a broader right to political participation. Article 20 of the Universal Declaration of Human Rights guarantees the right to freedom of peaceful assembly, and Article 21 of the International Covenant on Civil and Political Rights recognises the same right subject only to restrictions imposed in conformity with law and necessary in a democratic society.¹¹

Within the Constituent Assembly, the framers chose to enumerate the right to assemble as a distinct fundamental right rather than leaving it to be inferred, as it is under some other constitutional systems, from a more general guarantee of expression.¹² Yet, as the debates around Article 19 reveal, this enumeration was always coupled with the framer's anxiety about disorder in a newly independent, deeply plural society. B.R. Ambedkar's warning to the Constituent Assembly that constitutional democracy in India could not survive on the goodwill of the majority alone, but required minorities and majorities alike to internalise a shared discipline of "freedom and self-restraint" was made in the specific context of constitutional morality, but it applies with equal force to protest.¹³ A right to assemble that is not accompanied by a corresponding restraint against violence and disorder, the framers understood, would corrode the very public order that makes democratic dissent possible in the first place.

THE RIGHT TO PROTEST WITHIN THE INDIAN CONSTITUTIONAL AND STATUTORY FRAMEWORK

Article 19(1)(a) and 19(1)(b) together form the constitutional foundation of the right to protest in India: the freedom to voice a grievance, and the freedom to do so collectively, in public, with others who share it. Both freedoms are qualified. Article 19(2) permits reasonable restrictions on speech in the interest of, among other things, the sovereignty and integrity of India, the security of the State, and public order; Article 19(3) permits reasonable restrictions on assembly on the grounds of the sovereignty and integrity of India and public order.¹⁴ The Supreme Court has repeatedly emphasised that "reasonableness" under these provisions is not

¹¹ The Universal Declaration of Human Rights, 1948, art. 20; The International Covenant on Civil and Political Rights, 1966, art. 21.

¹² The Constitution of the United States of America, amend. I.

¹³ VII Constituent Assembly Debates, Nov. 4, 1948, 38 (Lok Sabha Secretariat, 1990).

¹⁴ The Constitution of India, arts. 19(2) and 19(3).

a matter of executive discretion alone, but a standard subject to judicial review, applying a proportionality test that asks whether the restriction pursues a legitimate aim, is suitable and necessary to achieve it, and strikes a fair balance between the right restricted and the interest protected.¹⁵

At the statutory level, the principal instrument through which restrictions on assembly are operationalised is Section 163 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“BNSS”), which took effect on 1 July 2024 and re-enacted, in substantially identical terms, the erstwhile Section 144 of the Code of Criminal Procedure, 1973.¹⁶ Section 163 empowers a District Magistrate, Sub-Divisional Magistrate, or specially authorised Executive Magistrate to issue written orders including, where urgency demands, ex parte orders directing persons to abstain from an act or to regulate the use of property, where there is sufficient ground to believe that immediate prevention or speedy remedy is necessary to prevent obstruction, danger to human life, or disturbance of public tranquillity, including the likelihood of a riot.¹⁷ Such orders ordinarily lapse after two months, extendable to a maximum of six.¹⁸ Because Section 163 is textually near-identical to its predecessor, the substantial body of Supreme Court and High Court jurisprudence developed under Section 144 CrPC continues to govern its interpretation.¹⁹

For protest specifically, Delhi’s Jantar Mantar occupies a unique regulatory position. Since the early 1990s, when demonstrations were curtailed at the Boat Club lawns near India Gate following the Mahendra Singh Tikait farmers agitation, Jantar Mantar has functioned as the only site in the national capital where sustained public protest is routinely permitted, subject to conditions on numbers, duration, and hours set by the Delhi Police and the New Delhi Municipal Council.²⁰ The Supreme Court has itself acknowledged and shaped this arrangement, as discussed below.

¹⁵ *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637.

¹⁶ The Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023), s. 163; “Explained: Section 163 of BNSS Means and the Right to Protest in India”, *Outlook*, July 21, 2026, available at: <https://www.outlookindia.com/national/explained-section-163-of-bnss-means-and-the-right-to-protest-in-india> (last visited on July 22, 2026).

¹⁷ The Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023), s. 163(1).

¹⁸ The Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023), s. 163(4).

¹⁹ *Sri Adrushya Kadeshwara Swamiji v. Deputy Commissioner*, NC: 2025:KHC-D:14576 (Karnataka High Court, Nov. 25, 2025).

²⁰ *Supra* note 4.

JUDICIAL EVOLUTION: KEY PRECEDENTS

Himat Lal K. Shah v. Commissioner of Police, Ahmedabad (1973): In one of the earliest and most significant pronouncements on the subject, a Constitution Bench of the Supreme Court held that the right to hold a public meeting on a street or in an open public place is not absolute, but that the State also cannot, by law, abridge or extinguish the right of assembly altogether by prohibiting meetings on every public street.²¹ The Court struck down a municipal rule that gave the police unguided discretion to refuse permission for public meetings, holding that any regulation of the right must be genuinely in “aid” of the right of assembly directed at legitimate concerns such as traffic and nuisance rather than a device to prevent its exercise altogether. *Himat Lal Shah* remains the foundational authority for the proposition that public streets and open spaces are not merely conduits for movement, but legitimate arenas of democratic participation.

Ramlila Maidan Incident, In re v. Home Secretary, Union of India (2012): This case arose out of the midnight police action against the yoga guru and anti-corruption activist Baba Ramdev and his supporters, who had gathered at Delhi’s Ramlila Maidan in June 2011 for a hunger strike.²² The Supreme Court, acting on its own motion, strongly criticised the police for what it described as excessive and precipitate use of force against a peaceful, sleeping crowd, and directed disciplinary and compensatory action against the officials responsible. Significantly, the Court also held that a peaceful hunger strike does not, without more, constitute the kind of imminent threat to public order that would justify invoking prohibitory powers, and that a hunger strike is a form of protest long accepted in India’s constitutional and historical tradition. *Ramlila Maidan* is therefore as much an authority against disproportionate State action as it is a case about the limits of protest: it establishes that the State’s power to restrict assembly cannot be exercised casually, and that where it resorts to force, it must answer for the manner and proportionality of that force after the fact.

Mazdoor Kisan Shakti Sangathan v. Union of India (2018): Decided by a bench led by Justice A.K. Sikri, this case dealt directly with the regulation of protest at Jantar Mantar itself.²³ The National Green Tribunal had earlier imposed a blanket ban on demonstrations along the Jantar Mantar road stretch, citing noise and air pollution and the hardship caused to local residents,

²¹ *Himat Lal K. Shah v. Commissioner of Police, Ahmedabad*, 1973 AIR 87 (SC).

²² *Ramlila Maidan Incident, In re v. Home Secretary, Union of India*, (2012) 5 SCC 1.

²³ *Supra* note 4.

and directed that all protests be shifted to Ramlila Maidan.²⁴ The Supreme Court declined to uphold a total prohibition, holding that legitimate dissent is a distinguishing feature of any democracy and that a cause which may initially appear insignificant can gain acceptance only if it is voiced and debated in public. At the same time, the Court recognised that the fundamental rights of protesters had to be balanced against the Article 21 rights of nearby residents, and directed the Commissioner of Police to devise a proper mechanism regulating the manner, duration, and intensity of demonstrations at Jantar Mantar so that dissent and daily life could coexist. *Mazdoor Kisan Shakti Sangathan* is the clearest judicial articulation of the “regulate, don't prohibit” principle that runs through this entire body of law, and it is the immediate legal backdrop against which the 2026 protests at the same site must be assessed.

Anuradha Bhasin v. Union of India (2020): Although arising from restrictions on internet access and movement in Jammu and Kashmir rather than a protest site, *Anuradha Bhasin* is significant for articulating, in unusually precise terms, the proportionality standard that governs all restrictions on Article 19 freedoms, including the freedom of assembly.²⁵ The Court held that any restriction must pursue a legitimate aim, be the least restrictive means of achieving it, and be periodically reviewed rather than imposed indefinitely; orders restricting fundamental rights, it held, must record reasons and be proportionate to the specific exigency they address. This framework of necessity, suitability, and proportionality now supplies the analytical grid against which restrictions on protest including those imposed under Section 163 BNSS are tested.

Amit Sahni v. Commissioner of Police (2020): The Shaheen Bagh case arose from a prolonged sit-in against the Citizenship (Amendment) Act, 2019, which blocked a public arterial road in Delhi for over three months.²⁶ A three-judge bench held that the right to peaceful protest under Articles 19(1)(a) and 19(1)(b) is not absolute in respect of either place or numbers, and that public ways and public spaces cannot be occupied “indefinitely”.²⁷ While reaffirming that “democracy and dissent go hand in hand,” the Court held that protesters must accommodate the corresponding rights of the wider public, including the right to move freely on public roads, and directed that dissent be channelled through designated spaces rather than indefinite

²⁴ *Varun Seth v. Police Commissioner*, 2017 SCC OnLine NGT 65.

²⁵ *Supra* note 15.

²⁶ *Amit Sahni v. Commissioner of Police*, 2020 SCC OnLine SC 808.

²⁷ *Ibid.*

occupation of arterial routes.

Read together, these five decisions yield a coherent doctrinal position. The right to protest is a substantive fundamental right that the State cannot extinguish through a blanket prohibition; the State may, however, reasonably regulate its manner, place, timing, and duration; any restriction must satisfy the proportionality standard of necessity, suitability, and minimal impairment; and where the State does use force to disperse or restrain a protest, it remains fully accountable, after the fact, for the manner in which that force was exercised.

THE 2026 JANTAR MANTAR AGITATION: FROM EXAMINATION GRIEVANCE TO CONTESTED TERRAIN

The Grievance: The NEET-UG Paper Leak and the CBSE Marking Controversy. India's centralised examination system has, in recent years, become a recurring flashpoint for youth protest. The NEET-UG medical entrance examination sat by roughly two and a half million aspirants nationally has faced repeated allegations of paper leaks and irregularities, including a major controversy in 2024 that led to protests at Jantar Mantar and the transfer of the National Testing Agency's leadership.²⁸ In 2026, a fresh leak in the NEET-UG paper, compounded by irregularities discovered in the CBSE's on-screen marking and revaluation process that left thousands of students without clarity on their results, revived this grievance on a larger scale.²⁹ For the students affected, the demand was narrow and specific: accountability for the leak, a credible investigation, and the resignation of the Union Minister for Education, Dharmendra Pradhan.³⁰

From Online Satire to Street Protest: The Cockroach Janta Party. The organisational vehicle for this grievance emerged from an unlikely source. In May 2026, after the Chief Justice of India, Justice Surya Kant, was reported to have described unemployed youth and online activists in dismissive terms as “cockroaches” and “parasites,” a digital strategist, Abhijeet Dipke, founded the Cockroach Janta Party (“CJP”) as a satirical social-media

²⁸ "NEET UG Candidates Protest, Demand Probe into Alleged Exam Paper Leak", *Careers360*, June 13, 2024, available at: <https://news.careers360.com/neet-ug-2024-candidates-protest-demand-probe-alleged-exam-paperleak> (last visited on July 22, 2026); Press Trust of India, "NEET-UG Irregularities: JNU Students Detained for Protesting at Jantar Mantar", *Careers360*, June 26, 2024, available at: <https://news.careers360.com/neet-ugirregularities-jnu-students-detained-for-protesting-at-jantar-mantar> (last visited on July 22, 2026).

²⁹ *Supra* note 5.

³⁰ "Students Reclaim Site, Vow to Continue NEET Stir", *Deccan Herald*, July 21, 2026, available at: <https://www.deccanherald.com/india/delhi/students-reclaim-jantar-mantar-with-art-satire-solidarity-vow-tocontinue-neet-stir-4082138> (last visited on July 22, 2026).

movement that reclaimed the label.³¹ The CJP's first street demonstration was held at Jantar Mantar on 6 June 2026, alongside established student organisations such as the Students Federation of India, the All India Students Association, and the All India Students Federation, and was, at that stage, a permitted and comparatively modest gathering.³²

The Widening of the Movement: Sonam Wangchuk's Fast and Political Solidarity. The character of the protest changed decisively on 28 June 2026, when the Ladakhi engineer and education reformer Sonam Wangchuk joined the demonstration and began an indefinite hunger strike, later joined by several students of the All India Students Association.³³ Wangchuk's involvement, and the sustained media coverage it attracted, drew the protest well beyond its original student base. Opposition political parties expressed public solidarity: leaders of the Samajwadi Party marched from Parliament to Jantar Mantar in support of the protesters demands, and the Leader of the Opposition in the Lok Sabha, Rahul Gandhi, publicly condemned the use of force against demonstrators.³⁴ The protest's widening reach was also visible inside Parliament itself, where opposition members sloganeering over the treatment of protesters repeatedly forced adjournments of both Houses even before the events of 20 July.³⁵

There is a great deal of differentiation among public opinion about that increase. Some analysts have described the movement's growth as organic, largely leaderless expression of youth frustration with unemployment, examination failures, and a sense that the political class was not listening.³⁶ Others have offered more sceptical readings, including allegations themselves contested and, at the time of writing, unverified that the initial online movement was covertly encouraged as a means of diverting attention from the principal opposition party's own campaign on the paper-leak issue, before escaping the control of whoever may have set it in motion. This paper does not adjudicate between these competing accounts, which remain disputed in Indian public discourse; what is not in dispute is that, by mid-July 2026, a protest

³¹ Snigdhendru Bhattacharya, "India's Turn for a Gen Z Revolt? Viral 'Cockroach Janta Party' Takes Protest from Social Media to the Streets", *The Diplomat*, June 9, 2026, available at: <https://thediplomat.com/2026/06/cockroach-janta-party-is-the-modi-government-wary-of-a-gen-z-revolt/> (last visited on July 22, 2026).

³² *Supra* note 5.

³³ *Ibid.*

³⁴ "CJP March Highlights: Wangchuk Vows to Continue Fast; At Jantar Mantar, Chants of 'Ladenge, Jeetenge'", *ThePrint*, July 20, 2026, available at: <https://theprint.in/india/cockroach-cjp-parliament-protestmarch-dipke-wangchuk-jantar-mantar-delhi-live-updates/2980234/> (last visited on July 22, 2026).

³⁵ *Supra* note 7.

³⁶ "Cockroach Janta Party Protest: How Liberal Scepticism Induces Paralysis in Oppositional Politics", *Scroll.in*, July 21, 2026, available at: <https://scroll.in/article/1094410/cockroach-janata-party-protest-how-liberalscepticism-stymies-the-possibility-of-dissent> (last visited on July 22, 2026).

that began over examination integrity had become enmeshed with parliamentary politics and inter-party contestation, well beyond its original, narrower grievance.

The Monsoon Session Flashpoint: 20 July 2026. Matters came to a head on 20 July 2026, the opening day of Parliament's Monsoon Session, scheduled to run until 13 August.³⁷ Under the banner "Chalo Sansad," thousands of protesters sought to march from Jantar Mantar toward the Parliament building. According to police accounts, protesters attempted to push through multiple barricades erected in Delhi's high-security zone near Parliament Street; a confrontation followed in which security forces used tear gas and baton charges to disperse the crowd.³⁸ The Delhi Police reported that close to 180 people were injured, including 118 security personnel and 60 protesters. Both Houses of Parliament were adjourned repeatedly through the day amid opposition uproar over the police action, with the Lok Sabha alone adjourned five times.³⁹ Protesters, for their part, regrouped at Jantar Mantar in the following days, with organisers vowing to continue the agitation until their demands were met.⁴⁰

Compounding the crisis, Sonam Wangchuk's health deteriorated sharply as his fast entered its third week. The Delhi High Court, acting on a public interest litigation, had on 16 July 2026 directed daily medical monitoring of Wangchuk and treatment where doctors considered it necessary, without expressly directing his removal from the protest site.⁴¹ On the twentieth day of his fast, the Delhi Police nonetheless shifted Wangchuk to hospital, citing the High Court's order and expert medical advice; the High Court subsequently declined to direct his return to the protest site, holding that the transfer had been undertaken to preserve his life and did not, on the facts, infringe his personal liberty, since only consented medical treatment had been administered.⁴² The episode illustrates the doctrinal point developed in *Ramlila Maidan*: even a hunger strike undertaken as protest engages competing constitutional values the protester's autonomy under Article 21 and the State's duty to preserve life that courts must hold in balance

³⁷ *Supra* note 7.

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ *Supra* note 30.

⁴¹ "Delhi Police Cited HC Order to Remove Wangchuk from Jantar Mantar. What the Division Bench Said", *ThePrint*, July 18, 2026, available at: <https://theprint.in/india/delhi-police-cited-hc-order-to-remove-wangchukfrom-jantar-mantar-what-the-division-bench-said/2989878/> (last visited on July 22, 2026).

⁴² "Hospitalisation Was to Save His Life, Not Confine Him: Delhi HC Declines to Order Transfer of Sonam Wangchuk to Medanta", *SCC OnLine Blog*, July 20, 2026, available at: <https://www.sconline.com/blog/post/2026/07/20/delhi-hc-sonam-wangchuk-hospital-transfer-plea-declinedsafdarjung/> (last visited on July 22, 2026).

rather than resolve by fiat.⁴³

A Note on Characterisation. It should be noted, for the sake of analytical honesty, that public discussion of the 2026 Jantar Mantar agitation has at various points touched on allegations that the protest's original, apolitical grievance was diluted by the introduction of unrelated political themes. Such allegations are a familiar feature of large, prolonged Indian protests, which routinely widen in scope, but they should be advanced with care and grounded in verifiable evidence. The documented record examined for this paper substantiates a widening of the protest into general anti-government mobilisation and inter-party contestation, and a direct confrontation with the security perimeter around Parliament; it is this documented widening rather than any unverified allegation on which the constitutional analysis below is based.

BALANCING RIGHTS AND RESTRAINT: ANALYSIS

The doctrinal framework surveyed above supplies a reasonably clear answer to the question posed in this paper's introduction. The students and young people who gathered at Jantar Mantar over the leak of the NEET-UG paper exercised an entirely legitimate constitutional right. Their grievance was genuine, their initial assembly was permitted, and their use of hunger strike as a mode of protest sits squarely within a tradition the Supreme Court has repeatedly protected, from *Ramlila Maidan* to the more recent case of the farmer leader Jagjit Singh Dallewal⁴⁴. Nothing in Indian constitutional law required them to abandon their demand simply because it proved inconvenient to the government, nor does the fact that opposition parties later voiced support for the same demand strip it of legitimacy: political parties are entitled, like any other citizens, to freedom of speech and assembly, and solidarity with a popular cause is itself a protected form of political expression.

The analysis changes, however, at the point where protest sought to breach the security perimeter around Parliament. Unlike an ordinary public road the kind of space at issue in *Amit Sahni* case, the barricaded zone around Parliament Street is not merely a matter of traffic convenience; it exists because of the continuity of constitutional governance itself. India's Parliament has twice, in living memory, been the target of direct physical threats to its members

⁴³ Gursimran Kaur Bakshi, "Sonam Wangchuk Protest: Law on Hunger Strikes & Judicial Approach", *LiveLaw*, July 18, 2026, available at: <https://www.livelaw.in/top-stories/sonam-wangchuk-protest-law-on-hunger-strikes-judicial-approach-541889> (last visited on July 22, 2026).

⁴⁴ *Ibid.*

and proceedings: the December 2001 terrorist attack on the Parliament complex⁴⁵, and the December 2023 security breach in which two individuals entered the Lok Sabha chamber and released smoke canisters during proceedings. Against this backdrop, the heightened security architecture around Parliament during a sitting session is not an arbitrary restriction on assembly but a measure narrowly targeted at a specific, demonstrable risk precisely the kind of “legitimate aim” that the proportionality standard in *Anuradha Bhasin* requires, and precisely the kind of location-specific regulation that *Himat Lal Shah* and *Mazdoor Kisan Shakti Sangathan* contemplate as permissible. A march that seeks to press through such a cordon, whatever the sincerity of its underlying cause, moves from the register of Article 19(1)(b) assembly into a register the Constitution does not protect: it is no longer merely “peaceable,” within the meaning of that article, once it involves force to overcome barricades erected for the physical security of the legislature.

This is not, however, a licence for indiscriminate or disproportionate policing. *Ramlila Maidan* remains good law, and its central holding that the State must answer, after the fact, for the manner and scale of force it uses against protesters applies with undiminished force to the events of 20 July 2026. Reports of nearly sixty injured protesters, and the forcible removal of a hunger-striking activist from the protest site, are matters that merit independent scrutiny on their own terms, regardless of how the barricade breach itself is characterised. Civil liberties commentators and opposition leaders were within their rights to question whether the scale of the police response was proportionate to the threat presented, just as protesters representatives were within their rights to press the government to explain its reluctance to engage in dialogue over several weeks before matters escalated.⁴⁶ Indian constitutional law does not ask which side was more sympathetic; it asks whether each action the breach of the barricade, and the force used to repel it was itself lawful, necessary, and proportionate. On the documented facts, both questions remain open to further inquiry, but neither answer changes the other: a disproportionate police response would not retroactively legalise a breach of Parliament’s security cordon, any more than a legitimate cause would justify indiscriminate force against demonstrators.

A comparative reference sharpens this point. In September 2025, a Gen Z-led uprising in neighbouring Country Nepal, triggered by anger over corruption, nepotism, and a since

⁴⁵ *State (NCT of Delhi) v. Navjot Sandhu*, (2005) 11 SCC 600.

⁴⁶ *Supra* note 7.

reversed government ban on social media platforms, forced the resignation of Prime Minister K.P. Sharma Oli within five days; the protests also saw Parliament and the presidential residence set on fire, the national army occupy the international airport, and an unelected interim government installed under former Chief Justice Sushila Karki pending fresh elections.⁴⁷ The Nepal episode has been repeatedly, if loosely, invoked in Indian commentary on the Jantar Mantar protests, including by commentators asking whether India's youth might follow a similar trajectory.⁴⁸ The comparison is instructive, but chiefly for what it reveals about the difference between the two constitutional orders rather than any similarity in outcome. Nepal's 2025 uprising was not simply an exercise of the right to protest; its stated goal, ultimately achieved, was the extra-constitutional removal of an elected government through sustained street pressure and, in its later stages, arson and the seizure of state infrastructure. Whatever the merits of the underlying grievances, this is not a model of political change that the Indian Constitution with its amendment-proof basic structure, its independent judiciary, and its regular cycle of free elections either contemplates or requires⁴⁹. India's constitutional design is built precisely to make such extra-constitutional pressure unnecessary: an aggrieved citizenry has recourse to courts, to a free press, to Opposition benches in Parliament, and to the ballot box itself. To read the Jantar Mantar protests as a rehearsal for a Nepal-style transfer of power would misdescribe both events; but the very fact that the comparison was drawn, in Parliament and in public commentary alike, is itself a reason for the State to ensure that its response to protest remains lawful and proportionate, precisely so that no protester has cause to conclude that constitutional channels have failed.

CHALLENGES TO THE RIGHT TO PROTEST IN CONTEMPORARY INDIA

Several structural difficulties complicate the application of this doctrinal framework in practice. First, India lacks a single, comprehensive statute governing the regulation of public protest; the field is instead governed by a patchwork of the BNSS, State Police Acts, municipal regulations, and ad hoc, court-monitored guidelines such as those directed in *Mazdoor Kisan Shakti Sangathan*, leaving considerable discretion in the hands of local police authorities. Second, large protests are rarely homogeneous: distinguishing a minority of demonstrators who breach a barricade from the majority who remain peaceful is operationally difficult, and blunt

⁴⁷ 2025 Nepalese Gen Z Protests, Wikipedia, available at: https://en.wikipedia.org/wiki/2025_Nepalese_Gen_Z_protests (last visited on July 22, 2026).

⁴⁸ *Supra* note 6.

⁴⁹ *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225.

policing responses risk penalising the peaceful majority for the acts of a few. Third, the entry of established political parties into originally non-partisan, single-issue movements a recurring feature of Indian protest politics can strengthen a cause's visibility even as it complicates the State's, and the public's, ability to identify who speaks for the movement and what, precisely, would resolve it. Fourth, accountability for the use of force against protesters remains largely reactive and case-specific, arising through litigation after the fact, as in *Ramlila Maidan*, rather than through a standing, independent mechanism for reviewing police conduct at protests.

Finally, the precise contours of "high-security zones" such as the area around Parliament are not codified in a single, publicly accessible instrument, leaving genuine ambiguity, in the heat of a large demonstration, about where lawful assembly ends and prohibited intrusion begins.

STRENGTHENING THE FRAMEWORK: THE WAY FORWARD

Addressing these challenges does not require choosing between order and dissent; it requires better institutional design for both. First, the guidelines directed in *Mazdoor Kisan Shakti Sangathan* for the regulation of Jantar Mantar should be consolidated into a single, published protocol covering permissible numbers, duration, hours, and amenities subject to periodic, transparent review rather than case-by-case police discretion. Second, a graded, proportionate response protocol for law enforcement at protests, moving from warning to non-violent crowd control to force only as a last resort, should be paired with mandatory post-incident review, whether judicial or through the National Human Rights Commission, whenever force resulting in injury is used, giving institutional form to the accountability principle recognised in *Ramlila Maidan*. Third, the perimeter of high-security zones such as the area around Parliament should be clearly and visibly marked and publicly communicated in advance of any announced march, so that protesters can distinguish permitted assembly points from zones where entry will attract prosecution, reducing the scope for avoidable confrontation. Fourth, India's political class government and Opposition alike should be encouraged to channel grievances of the kind at issue here through parliamentary mechanisms such as Question Hour, Short Duration Discussions, and Standing Committees, consistent with the constitutional morality that requires self-restraint from citizens and the State in equal measure. Finally, and most directly relevant to the grievance that triggered the 2026 agitation, recurring paper-leak crises call for structural reform of India's examination architecture an independent examination regulator, a forensic audit trail for question papers, and time-bound investigation of leaks so that the vindication of

so basic a right as a fair examination does not require students to take to the streets at all.

CONCLUSION

The right to protest is not a peripheral or optional feature of Indian constitutional democracy; it is one of the mechanisms by which the Constitution's promise of a government answerable to the governed is kept alive between elections. The 2026 Jantar Mantar agitation illustrates both the vitality of that right and its fragility. The students and young people who gathered there over the integrity of the NEET-UG examination exercised a right the Constitution protects without qualification as to their number or their cause; the moment that protest sought to breach the physical security cordon around a sitting Parliament, however, it moved into territory the Constitution does not protect, and the State's power to impose reasonable, proportionate restrictions became not merely available but necessary. That power, this paper has argued, is legitimate only when it is tethered to demonstrable necessity and subject to accountability after the fact, never as a pretext for silencing an inconvenient truth. Equally, the right to be heard does not extend to converting peaceful assembly into a vehicle for extra-constitutional regime change of the kind recently witnessed in Nepal. India's constitutional design offers a different, and sturdier, path: courts that can be approached, elections that must be faced, and a Parliament that, however imperfectly on any given day, remains the forum where grievances are meant to be resolved. Realising that promise requires what B.R. Ambedkar asked of the Constituent Assembly in 1948 and what this paper asks of every party to a protest today, a shared and cultivated discipline of freedom and self-restraint, from citizen and State alike.