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Protests in 21st century

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The Certain events of civil unrest in India such as violent crowds, protests and riots which put a serious strain on the secular foundation of the society. Be it the Swadeshi Movement of 1905 or Satyagrah in 1930, movements have shaped the history of the nation. As Tamil Nadu witnesses protests and shutdowns demanding constitution of the Cauvery Management Board, This article highlights checks some of the powerful protests of modern India.

Public Protest in India as the 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".

I. THE 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.

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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.

II. 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.”

Nirbhaya Movement, 2012

The 2012 Delhi gang rape incident saw one of the most angry reactions from people who were very clear on expressing that they have had enough. After the incident, thousands came out on streets to protest in several parts of the country. The movement also created a stir in social media. Taking the movement into consideration, the government at the centre and various states announced several steps to ensure the safety of women.

Pro-Jallikattu Protests, Tamil Nadu, 2017

As the Supreme Court put a ban on the traditional bull-taming sport Jallikattu after years of complaints about animal cruelty by PETA, the ban was not accepted by the people of Tamil Nadu. The protestors said the sport is central to their cultural identity. The protest turned violent when police tried to evict the protestors. Around 2,00,000 people came out on the street near Chennai's Marina beach to show solidarity. On January 23, the Tamil Nadu Government legalised Jallikattu and passed a bill to amend the PCA (Prevention of Cruelty to Animals Act) 1960 Act.

FTII Agitation, 2015

When in June 2015, Gajendra Chauhan was appointed the chairman of the Film and Television Institute of India, it was seen as problematic by the students because not only did Chauhan lack the requisite credentials, but he had also been a right-wing hardliner for 20 years. Students went on an indefinite

strike protesting against the appointment, with protests in places like Delhi erupting into a clash of the students with the police. Directors Anand Patwardhan, Diwakar Banerjee returned their national awards in solidarity with the students of FTII. After more than 150 days of agitation, the students discontinued their protest.

Anti-reservation protests, 2006

The 2006 Indian anti-reservation protests was in opposition to the decision of the Union government of India, led by the Congress to implement reservations for the other backward classes (OBCs) in central and private institutes of higher education.

Jadavpur University Protests, 2014

On September 16, 2014, demonstrations by students in front of the administrative building, demanded an investigation into the molestation of a female student in campus. Students went on a hunger strike, and subsequent police brutality in the early hours of September 17 triggered a wave of protests. It culminated with nearly a 100 students refusing to take their degrees during the Convocation and effigies of the VC being burnt. Demonstrations showing solidarity with the students started across India.

Jan Lokpal Bill: Anti Corruption Movement by Anna Hazare, 2011

When anti-corruption activist Anna Hazare began a hunger strike at Jantar Mantar in New Delhi on April 5, 2011, the movement led to the resignation of Agriculture Minister Sharad Pawar from the group of ministers that had been charged with reviewing the draft Jan Lokpal bill. The initiative brought together a huge number of people, making it a one-of-its-kind event in decades. The movement was named among the “Top 10 News Stories of 2011” by Time Magazine.

Citizenship Amendment Act (CAA):

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.

III. 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