

Constitutional Right to Peaceful Protest and State Regulation in India

Supreme Court rulings and constitutional debates highlight the balance between peaceful assembly, public order, and state police powers.

It refers to the fundamental constitutional right of citizens to assemble peacefully without arms under Article 19(1)(b), subject to reasonable restrictions.

KEY EXAM POINTS

- **Article 19(1)(b)** guarantees all citizens the fundamental right to **assemble peaceably** and without arms.
- **Article 19(3)** empowers the State to impose reasonable restrictions on peaceful assembly on grounds of sovereignty, integrity, and **public order**.
- **Article 19(1)(a)** protects freedom of speech and expression, which inherently includes the right to express peaceful dissent.
- **Fundamental Duty** under **Article 51A** mandates citizens to safeguard public property and to abjure violence during demonstrations.
- Public Order and Police are subject matters listed under Entry 1 and Entry 2 of the **State List** (List II) in the **Seventh Schedule**.

STATICS & SYLLABUS FOCUS

Article 19(1)(b) guarantees the right to assemble peaceably and without arms to Indian citizens.

Article 19(3) specifies two grounds for restricting assembly: Sovereignty & Integrity of India, and Public Order.

Himat Lal K. Shah v. Commissioner of Police (**1973**) — Supreme Court established that citizens have a fundamental right to hold meetings on public streets.

Ramlila Maidan Incident case (**2012**) — Supreme Court ruled that peaceful protest is a fundamental right under **Article 19(1)(a)**.

Amit Sahni v. Commissioner of Police (**2020** / Shaheen Bagh Case) — Supreme Court held that public ways cannot be occupied indefinitely for dissent.

Section 144 of CrPC (now Section 187 of **BNSS**) — Empowers Executive Magistrates to prohibit assembly of five or more persons to prevent obstruction or injury.

Article 51A(i) — Mandates the Fundamental Duty to safeguard public property and to abjure violence.

REVISION FLASHCARD

Article 19(1)(b) guarantees peaceful assembly without arms, subject to reasonable restrictions under Article 19(3) for public order.

Syllabus Relevance: High relevance for Group 1, 2, 2A & 4 under Unit 5 (Indian Polity - Fundamental Rights & Judicial Precedents).

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