Supreme Court Rules on Right to Protest and Public Order Balance

Protests in New Delhi demanding the resignation of Chief Election Commissioner Gyanesh Kumar renewed debates over preventive policing and the right to peaceful assembly.

An analysis of the constitutional balance between the fundamental Right to Peaceful Assembly and the maintenance of public order through preventive policing powers.

KEY EXAM POINTS

- Protests erupted in New Delhi demanding the resignation of **Chief Election Commissioner Gyanesh Kumar** in **October 2026**.
- The **Supreme Court** directed authorities to prevent illegal detentions and maintain normal public transport and internet services.
- The **Court** emphasized ensuring journalists and professionals can perform their duties without disruption.
- The episode renewed scrutiny of **Section 163** of the **Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023**.
- Debates also focused on preventive police powers under **Sections 170 and 172** of BNSS.

DID YOU KNOW..!?

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

Reasonable restrictions on the right to assembly can be imposed under **Article 19(3)** in the interest of public order or sovereignty and integrity of India.

In **Dr Ram Manohar Lohia v. State of Bihar (1966)**, the **Supreme Court** distinguished law and order, public order, and security of the State using the concentric circles theory.

Public order appears in **List II (State List)** of the **Seventh Schedule** of the Constitution.

Bharatiya Nagarik Suraksha Sanhita (BNSS) replaced the colonial-era **Code of Criminal Procedure (CrPC), 1973**.

Chief Election Commissioner and other Election Commissioners are appointed under **Article 324** of the Constitution.

REVISION FLASHCARD

Article 19(1)(b) guarantees freedom of assembly, subject to reasonable restrictions under Article 19(3) for public order.

Syllabus Relevance: Highly relevant for Group 1 and Group 2 Polity questions covering Fundamental Rights, constitutional limits, and criminal law reforms.

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