

Shaheen Bagh Protest

Why in news?

The Supreme Court found the indefinite occupation of a public road by the Shaheen Bagh protestors unacceptable.

What was the judgment?

- The Court said that the administration ought to take action to remove “encroachments and obstructions” placed during such protests.
- The Court’s assertion was made even while appreciating the existence of the right to peaceful protest against a legislation.
- The Court’s view arises from a straightforward **balancing of two contrasting rights**,
 - a. The right to protest and
 - b. The right to free movement.

What is the question?

- A moot question is whether the manner and content of a protest should always conform to forms deemed acceptable by the law.
- Protests are not always rooted in legality, but derive legitimacy from the rightness of the underlying cause and the extent of public support.
- In many cases, they are against laws and regulations perceived as unjust.
- A flash strike, a spontaneous road block or a call for a complete shutdown - each of these is not, in a strict sense, legal.
- But, at the same time, it is an inevitable part of the culture of protest in a democracy.

What did the court do in this case?

- In this case, the Court notes that the administration neither negotiated with the protesters in Shaheen Bagh nor tried to clear the scene.
- Any finding that a peaceful protest had continued too long, or in a place deemed inconvenient to others, should not encourage the administration to seek early curbs on the freedom of assembly.
- After the pandemic led to the end of the protests, there was little left for adjudication.
- The Court’s remarks might come across as an offering to administrators

looking to de-legitimise protests.

- Following the earlier judgment that any 'bandh' is illegal, courts routinely stayed sector-wide strikes.

What is another aspect?

- Another aspect of the present ruling is the assertion that protests should be confined to "**designated places**".
- Such judicial certitude may end up undermining the larger democratic need for public expression of dissent in a manner and place that would be most effective.
- The notified demonstrations are subject to regulations regarding **time and space**.
- But, it may not be possible to extend the same to spontaneous, organic and leaderless protests driven by a cause.

How shouldn't this ruling be perceived?

- The ruling should not form the basis for suppression of such protests by the force of the state.
- The principles that are salutary from an administrative point of view are,
 - a. The need for balance between the right to protest and the right to free movement, and
 - b. The rule that protests should take place at designated spots.
- But these principles cannot become unquestionable axioms to render all protests that cause inconvenience to others as the target of the strong arm of the state.

Source: The Hindu

