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

SHANKAR IAS PARLIAMENT
Information is Empowering