

DOCTRINE WITHOUT MACHINERY

The right to peaceful protest in India after the 2026 examination-integrity agitations

by

Nandan Rathi

ABSTRACT

Between June and August 2026, two examination-integrity protests, one in New Delhi over the NEET-UG paper leak and one in Ranchi over irregularities in Jharkhand's public-service recruitment examinations, tested the operative Indian doctrine on peaceful assembly against a police response that included tear gas, water cannon, and district-wide internet suspension. This paper restates that doctrine with precision, drawn from *In Re: Ramlila Maidan Incident*, *Amit Sahni v Commissioner of Police*, *Mazdoor Kisan Shakti Sangathan v Union of India*, and *Anuradha Bhasin v Union of India*, and tests it against the documented record of both episodes, including a Delhi High Court public-interest petition against the internet shutdown orders that was withdrawn, unadjudicated, once the protest ended. It argues that the deficiency is not doctrinal, since existing precedent already supplies a workable proportionality and transparency standard, but operational. There is no mechanism to make that standard bind a police officer or a district magistrate in real time, only a slow judicial review that in this instance never reached a hearing on the merits.

Key Words- Peaceful Protests, Freedom of Speech, Education, Exam Reforms

I. Introduction: Two Agitations, One Unresolved Question

The right to protest peacefully is a recognised right and has been carried out in India even before independence. Over the years, the mechanism of such protests has evolved. Recently, India witnessed two major protests. Student protests over the **National Eligibility-cum-Entrance Test** (NEET-UG) paper leak began at Jantar Mantar in New Delhi on 6 June 2026, organised by a youth collective calling itself the *Cockroach Janta Party* (CJP) and demanding

the resignation of Union Education Minister Dharmendra Pradhan.¹ The scale of the underlying examination explains the intensity of the grievance: roughly two million candidates compete annually for approximately 130,000 medical seats through NEET-UG, so a compromised paper affects a uniquely large and anxious constituency of aspirants and their families.² On 20 July, the opening day of Parliament's Monsoon Session, the agitation escalated into a march on Parliament itself. Delhi Police had refused permission for the march and imposed prohibitory orders across the New Delhi district under *Section 163* of the Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023.³ When protesters pushed toward the barricades, police responded with lathi charges and tear gas; over the following days, the Union Ministry of Home Affairs additionally suspended mobile internet services within a 1.5-kilometre radius of Jantar Mantar under four separate orders dated 17, 20, 22, and 23 July.⁴

Climate activist Sonam Wangchuk, who had joined the agitation and begun an indefinite hunger strike on 28 June, was forcibly hospitalised the weekend before the march; his fast continued for twenty-six days before he broke it on the appeal of Members of Parliament.⁵ On 25 July 2026, Dharmendra Pradhan resigned as Union Education Minister. As part of the settlement, ministers announced two further measures at a joint press conference: existing criminal proceedings against protesters arising from the agitation would be withdrawn, and the state would provide financial compensation to the families of those students who had taken their own lives amid the paper-leak controversy. Internet access around Jantar Mantar resumed that same day, and the CJP announced it was standing down its campaign "in good faith".⁶ The compensation ultimately promised to bereaved families was set at one crore rupees each, and Pralhad Joshi was named Pradhan's successor as Union Education Minister the same day,

¹CJP protest HIGHLIGHTS: Pralhad Joshi new education minister after Dharmendra Pradhan quits' (ThePrint, 25 July 2026) <<https://theprint.in/india/cjp-protest-wangchuk-dipke-modi-paper-leaks-live-updates/2995115/>>

² 'What is the CJP protest at Jantar Mantar about?' (Britannica, 2026) <<https://www.britannica.com/question/What-is-the-CJP-protest-at-Jantar-Mantar-about>> accessed 26 August 2026.

³2026 Delhi Jantar Mantar protests' (Wikipedia) <https://en.wikipedia.org/wiki/2026_Delhi_Jantar_Mantar_protests>

⁴PIL In Delhi High Court Challenges Internet Shutdown Around Jantar Mantar, Seeks Publication Of Suspension Orders' (Free Press Journal, 25 July 2026) <<https://www.freepressjournal.in/india/pil-in-delhi-high-court-challenges-internet-shutdown-around-jantar-mantar-seeks-publication-of-suspension-orders>>

⁵India education minister resigns after escalating Cockroach protests challenge PM Narendra Modi' (NBC News, 25 July 2026) <<https://www.nbcnews.com/world/india/india-education-minister-resigns-escalating-cockroach-protests-challen-rcna589188>>

⁶India's 'Cockroach' youth call off protests after education minister quits' (Al Jazeera, 25 July 2026) <<https://www.aljazeera.com/news/2026/7/25/indias-education-minister-resigns-after-weeks-of-cockroach-protests>>

giving the settlement both a concrete financial commitment and administrative continuity.⁷ The episode therefore reached a swift political resolution. What it did not reach, and what this paper treats as its central evidentiary finding, is any judicial ruling on whether the prohibitory orders or the internet shutdown were themselves lawful: a public-interest petition against the shutdown orders, discussed in Part IV, was withdrawn once the underlying protest ended, before the Delhi High Court heard it on the merits.

A structurally comparable but unresolved agitation has unfolded in Jharkhand since late July 2026. Candidates aggrieved by alleged irregularities, including leaked questions, in **Jharkhand Public Service Commission (JPSC) and Jharkhand Staff Selection Commission (JSSC)** recruitment examinations began a sit-in at Ranchi's Jaipal Singh Munda Stadium; when a march on the Jharkhand Assembly on 10 August breached police barricades, riot police responded with water cannon and baton charges.⁸ The state has agreed to cancel the 14th JPSC examination and associated backlog examinations and claims to have accepted most of the protesters' demands, but the central demand for a Central Bureau of Investigation probe remains unmet, and protesters have threatened to gherao the Chief Minister's residence if it is not implemented.⁹ The Jharkhand CID's arrest of a former JPSC chairman in connection with the alleged irregularities has, in the meantime, lent independent evidentiary weight to the protesters' underlying grievance, a point taken up in Part III below.¹⁰

The state's response has since acquired further institutional weight: the Enforcement Directorate opened a parallel money-laundering investigation into the JSSC-CGL examination alongside the CID's own inquiry, and the state government offered to constitute a judicial inquiry headed by a retired judge. Protesters have treated neither measure as a substitute for

⁷ 'CJP protest HIGHLIGHTS: Pralhad Joshi new education minister after Dharmendra Pradhan quits' (ThePrint, 25 July 2026) <<https://theprint.in/india/cjp-protest-wangchuk-dipke-modi-paper-leaks-live-updates/2995115/>> accessed 26 August 2026; '2026 Delhi Jantar Mantar protests' (Wikipedia) <https://en.wikipedia.org/wiki/2026_Delhi_Jantar_Mantar_protests> accessed 26 August 2026.

⁸ 'Jharkhand JPSC-JSSC Row: Govt Calls Students For Talks Today As August 20 CM Gherao Looms' (The Logical Indian, 17 August 2026) <<https://thelogicalindian.com/jharkhand-students-protest-3-122615/>>

⁹ 'JPSC-JSSC Protest: Jharkhand Govt Agrees to Cancel 14th JPSC Exam, But CBI Probe Demand Keeps Standoff Alive' (The Indian Tribal, 9 August 2026) <<https://theindiantribal.com/2026/08/09/jpsc-jssc-protest-jharkhand-govt-agrees-to-cancel-14th-jpsc-exam-but-cbi-probe-demand-keeps-standoff-alive/>>

¹⁰ 'Jharkhand JPSC-JSSC Row: Govt Calls Students For Talks Today As August 20 CM Gherao Looms' (The Logical Indian, 17 August 2026) <<https://thelogicalindian.com/jharkhand-students-protest-3-122615/>>

the central bureau investigation they continue to demand, and that specific refusal has kept the agitation alive even as the state concedes ground on every other point.¹¹

The two episodes together provide an unusually well-documented test of Indian protest doctrine: one concluded, with the state's own concessions on record; the other still open, with the courts not yet engaged at all. This paper restates the governing constitutional standard with precision, tests it against both records, and identifies why the standard's existence has so far made little practical difference to how either protest was policed.

II. The constitutional architecture: 'Articles 19(1)(a), 19(1)(b)', and their limits

Peaceful protest in India rests on two textual guarantees usually invoked together but analytically separate. 'Article 19(1)(a)' protects freedom of speech and expression, including the right to dissent and to communicate grievances publicly. 'Article 19(1)(b)' separately protects the right to assemble peaceably and without arms, the specific guarantee covering marches and sit-ins. A protest march is accordingly protected twice over, as speech and as assembly.

Neither right is absolute. 'Article 19(2) permits reasonable restrictions on speech in the interests of, among other things, public order; Article 19(3) separately permits reasonable restrictions on assembly on the same ground'. The operative word in both clauses is reasonable: a restriction must be proportionate to a real, not speculative, threat, and no broader than necessary to address it.

In Re: Ramlila Maidan Incident, decided after Delhi Police used tear gas and water cannon to evict a sleeping crowd of anti-corruption protesters at midnight, remains the clearest statement of that proportionality standard. The Court held that invoking Section 144 of the Code of Criminal Procedure required the coexistence of material facts, an imminent threat, and an actual necessity for immediate preventive action, not a generalised anxiety about crowd size, and that the police must have a coherent, proportionate dispersal plan before resorting to force.¹² *Amit Sahni v Commissioner of Police, the Shaheen Bagh case*, supplies a narrower

¹¹ 'Jharkhand CID arrests former JPSC chairperson over alleged exam irregularities; ED begins probe' (The Statesman, 12 August 2026) <<https://www.thestatesman.com/india/jharkhand-cid-arrests-former-jpsc-chairperson-over-alleged-exam-irregularities-ed-begins-probe-1503626184.html>> accessed 26 August 2026.

¹²In Re: Ramlila Maidan Incident (2012) 5 SCC 1, paras 41–52 (Supreme Court of India).

qualification: the right to protest is legitimate but does not extend to the indefinite occupation of a public thoroughfare to the exclusion of other citizens' right to move freely, and authorities retain the power to require relocation to a designated site.¹³ *Mazdoor Kisan Shakti Sangathan v Union of India* struck down a blanket ban on all demonstrations at Delhi's Jantar Mantar and Boat Club, holding that a total prohibition on a traditional protest site is itself disproportionate and that regulation, not prohibition, is the constitutionally correct default.¹⁴

Read together, these cases supply a specific, three-part test:

1. A restriction must respond to a real and specific threat (Ramlila Maidan);
2. Protest may be spatially channelled but not eliminated (Mazdoor Kisan Shakti Sangathan);
3. Even legitimate channelling cannot become an indefinite, blanket denial (Amit Sahni).

A district-wide Section 163 BNSS order, issued the day before a march and accompanied by an unannounced internet shutdown, sits at the outer edge of what this doctrine permits, and is defensible only if the material-facts-and-imminent-threat threshold is genuinely met on the facts, not merely asserted afterwards.

III. Do students get any special constitutional protection?

Indian constitutional law does not carve out a distinct category of heightened "student speech" protection comparable to United States First Amendment doctrine under *Tinker v Des Moines*¹⁵. Students protesting examination integrity hold exactly the rights any citizen holds under Articles 19(1)(a) and (b), no more and no less. What is doctrinally significant is not a special student category but the specific evidentiary posture of both 2026 protests: the underlying grievances were conceded, not merely alleged.

¹³Amit Sahni v Commissioner of Police (2020) 10 SCC 439 (Supreme Court of India).

¹⁴Mazdoor Kisan Shakti Sangathan v Union of India (2018) 17 SCC 324 (Supreme Court of India).

¹⁵ Tinker v Des Moines 393 U.S. 503 (1969) (United States of America)

In the Delhi case, the state's own subsequent conduct- the Education Minister's resignation, the withdrawal of police cases, and the payment of compensation to bereaved families- functions as an admission against interest that the protest's grievance was substantively well-founded.¹⁶

In the Jharkhand case, the state's agreement to cancel the 14th JPSC examination and the CID's arrest of a former JPSC chairman perform the same evidentiary function before the agitation has even concluded.¹⁷ This matters under the Ramlila Maidan test specifically because that test asks whether the threat used to justify restriction was genuine rather than illusory; where the grievance motivating a crowd is independently substantiated, and the protest itself has not turned violent as an organised strategy, the burden of showing a genuine, imminent public-order threat, as opposed to inconvenience or embarrassment, sits more heavily on the state. This is offered as an application of the Ramlila Maidan standard to the facts of both protests, not as an independent holding; no court has yet ruled on the point in either case.

IV. Freedom of the press and the problem of framing

Article 19(1)(a) protects the press only as an extension of the individual citizen's speech right; India has no separate constitutional press clause. The 2026 protests illustrate two distinct problems under this head, which should not be conflated.

A. Access and obstruction: the internet shutdown and its unresolved legal challenge

Internet shutdowns imposed to contain a protest do not distinguish between protester and journalist; both lose the ability to verify or file in real time. The governing precedent is **Anuradha Bhasin v Union of India**, decided after the prolonged Kashmir shutdown, which held that freedom of speech and expression and the freedom to carry on trade and business extend to the medium of the internet, that indefinite suspension is impermissible, and that every suspension order must be temporary, published, and subject to periodic review.¹⁸ That case was decided under the *Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules 2017*, made under the Indian Telegraph Act 1885. The Jantar Mantar shutdown orders of July 2026 were, however, issued under a different and more recent statutory

¹⁶India's 'Cockroach' youth call off protests after education minister quits' (Al Jazeera, 25 July 2026) <<https://www.aljazeera.com/news/2026/7/25/indias-education-minister-resigns-after-weeks-of-cockroach-protests>>

¹⁷JPSC-JSSC Protest: Jharkhand Govt Agrees to Cancel 14th JPSC Exam, But CBI Probe Demand Keeps Standoff Alive' (The Indian Tribal, 9 August 2026) <<https://theindiantribal.com/2026/08/09/jpsc-jssc-protest-jharkhand-govt-agrees-to-cancel-14th-jpsc-exam-but-cbi-probe-demand-keeps-standoff-alive/>>

¹⁸Anuradha Bhasin v Union of India (2020) 3 SCC 637, paras 149-153 (Supreme Court of India).

framework: *Section 20(2)(b)* of the Telecommunications Act 2023, read with the Telecommunications (Temporary Suspension of Services) Rules 2024.¹⁹ Anuradha Bhasin's 'substantive proportionality and transparency requirements' should, as a matter of statutory continuity and constitutional principle, apply equally under the 2023 Act and 2024 Rules, but no court has yet confirmed that the newer framework carries the same safeguards, and the distinction matters for any advocate citing this case going forward.

This is not an isolated recourse to an unusual power. Independent monitoring places India at the top of the world's democracies for internet shutdowns, with 65 recorded in 2025 alone, and separate research has found that a substantial share of India's shutdowns nationally, close to three in ten in some years, are ordered specifically to prevent examination malpractice rather than to address violence or an immediate public-order emergency. The Jantar Mantar shutdown therefore sits inside a well-documented national pattern of treating suspension as a routine administrative tool rather than the exceptional, closely reasoned measure Anuradha Bhasin contemplates.²⁰

The Software Freedom Law Centre, India, filed a public-interest petition before the Delhi High Court, challenging four suspension orders dated 17, 20, 22, and 23 July. Its central objection was one of evidentiary bareness: the orders, on the petitioner's reading, did no more than recite the governing statutory language and stopped short of placing any underlying factual basis on record, an omission the petition said left necessity, proportionality, and the availability of less intrusive alternatives, each a distinct element Anuradha Bhasin requires, entirely unaddressed.²¹ The petition also sought a standing direction requiring future suspension orders to be published before or simultaneously with their entry into effect, precisely the transparency defect this paper's earlier analysis had identified from press reporting alone. The matter was first delayed by a registry objection over formatting before it could be listed for an urgent hearing; once the CJP called off its protest following Pradhan's resignation, counsel for the

¹⁹'PIL In Delhi High Court Challenges Internet Shutdown Around Jantar Mantar, Seeks Publication Of Suspension Orders' (Free Press Journal, 25 July 2026) <<https://www.freepressjournal.in/india/pil-in-delhi-high-court-challenges-internet-shutdown-around-jantar-mantar-seeks-publication-of-suspension-orders>> .

²⁰ Access Now and #KeepItOn, 'Internet Shutdowns in 2025' (Access Now, 2026), summarised in 'Internet Shutdowns in 2025 report by Access Now NGO released for KeepitOn Coalition' (Vision IAS, 2 April 2026) <<https://visionias.in/current-affairs/news-today/2026-04-02/polity-and-governance/internet-shutdowns-in-2025-report-by-access-now-ngo-released-for-keepit-on-coalition>> accessed 26 August 2026; Takshashila Institution, 'Plugging the Leak: Alternative Solutions to Internet Shutdowns for Exam Leaks' (Takshashila Institution, 29 May 2025) <<https://takshashila.org.in/blogs/alternativesolutionstointernetshutdowns>> accessed 26 August 2026.

²¹'Student protests: PIL in Delhi High Court challenges internet shutdown orders around Jantar Mantar' (India Legal, 24 July 2026) <<https://indialegallive.com/constitutional-law-news/courts-news/student-protests-pil-in-delhi-high-court-challenges-internet-shutdown-orders-around-jantar-mantar/>> .

petitioner sought and was granted leave to withdraw the petition.²² No court, therefore, ever ruled on whether the July 2026 shutdown orders satisfied Anuradha Bhasin. This is not incidental to the present analysis; it is the clearest available evidence for it. The one legal mechanism theoretically capable of testing the shutdown's lawfulness in real time was rendered moot by the political resolution of the underlying dispute before it produced a substantive ruling, which is precisely the operational gap identified in Part VII.

B. Framing and the contest over how to characterise the protest itself

A second, distinct problem concerns how official and media narratives characterise the protest itself, in each direction. Delhi Police's public position that the July 20 crowd included individuals with prior criminal records functioned as one such framing, recasting a political grievance as a law-and-order threat.²³ A competing framing ran in the opposite direction: a separate public-interest petition, filed before the same Division Bench by a private citizen and former office-bearer of the 'Akhil Bharat Hindu Mahasabha', sought a National Investigation Agency probe into the 20 July march on the basis that it was, in the petitioner's characterisation, a foreign-funded conspiracy hijacked by political actors rather than a genuine student movement.²⁴ Both petitions were, in fact, pending before the Delhi High Court simultaneously. This qualifies a claim in earlier treatments of this subject that there was "no formal proceeding" through which the framing of the protest could be tested: with respect to the internet-shutdown litigation specifically, sub judice considerations did technically apply for the roughly three days the petition was pending, even though the petition addressed the shutdown's legality rather than the media's characterisation of the crowd. The broader point survives in narrower form: there was no proceeding, and there remains none, through which the accuracy of either side's characterisation of the protest's composition or motive could be judicially tested, only competing, unadjudicated PILs asserting incompatible narratives, each abandoned or left pending as the underlying dispute resolved itself politically.

²²'Delhi High Court Allows Withdrawal Of PIL Challenging Internet Shutdown Around Jantar Mantar' (LiveLaw, 27 July 2026) <<https://www.livelaw.in/amp/high-court/delhi-high-court/delhi-high-court-allows-withdrawal-of-pil-challenging-internet-shutdown-around-jantar-mantar-542977>> .

²³2026 Delhi Jantar Mantar protests' (Wikipedia) <https://en.wikipedia.org/wiki/2026_Delhi_Jantar_Mantar_protests> (summarising Delhi Police's public statements regarding the composition of the crowd).

²⁴'PIL In Delhi High Court Seeks NIA Probe Into CJP Protest, Alleges Foreign Funding Behind NEET Agitation' (LiveLaw, 23 July 2026) <<https://www.livelaw.in/high-court/delhi-high-court/pil-in-delhi-high-court-seeks-nia-probe-into-cjp-protest-alleges-foreign-funding-behind-neet-agitation-542451>> .

V. What earlier mass protests already taught India

‘The 2012 Nirbhaya protests’

The gang-rape and murder of a young woman on a moving bus in December 2012 triggered days of unauthorised protest at India Gate and Raisina Hill, met with tear gas and water cannon. The durable institutional legacy was the ‘*Criminal Law (Amendment) Act 2013*’²⁵, which overhauled sexual-offence law, proof that sustained, disruptive protest can produce fast legislative response when public sympathy is overwhelming, and equally that the state's default first response to an unauthorised crowd near government buildings remains force, regardless of the protest's substantive legitimacy.

Shaheen Bagh and the anti-CAA/NRC protests, 2019-20

The prolonged occupation of a public road at Shaheen Bagh, alongside similar sit-ins nationwide, produced *Amit Sahni v Commissioner of Police*: Indian courts will protect protest as a right but will not indefinitely protect a specific tactic, permanent road occupation, once it collides with third parties' competing rights²⁶. The episode also normalised the internet shutdown as an anti-protest tool well beyond Kashmir; Delhi itself saw shutdowns during the CAA protests, a precedent directly reused in July 2026.

The farmers' protests, 2020-21

The year-long farmers' agitation against three farm laws, marked by highway blockades and extensive barricading with concrete and barbed wire around Delhi's borders, ended with the government repealing all three laws in November 2021²⁷. The human cost of that year-long agitation remains formally unacknowledged: farmer unions placed the toll at close to seven hundred deaths from cold, accidents, and exhaustion over the course of the protest, while the Union government told Parliament it kept no official record of protester deaths and therefore owed no compensation. That gap between a movement's own casualty count and the state's

²⁵ Indian Media Studies, ‘India’s Awakening: The Nirbhaya Movement’s (2012) Impact’ (Indian Media Studies, 2026) <<https://indianmediastudies.com/nirbhaya-movement/>>

²⁶ TOI City Desk, ‘Delhi’s history of defiance: How Anna Hazare, Nirbhaya, anti-CAA movement and farmers’ stir set stage for CJP protest’ (The Times of India, 20 July 2026)

²⁷ ‘2020: Farmers take the country by storm’ (Frontline, 2022) <<https://frontline.thehindu.com/the-nation/agriculture/india-at-75-epochal-moments-2020-farmers-protests-take-the-country-by-storm/article65722271.ece>>

refusal to compile one recurs across nearly every protest cycle examined in this paper.²⁸ It remains the clearest recent proof that sustained, well-organised protest can force a full legislative reversal in India, and simultaneously the clearest proof that the state's physical response escalates in proportion to a protest's perceived durability and political inconvenience, not to any actual violence on the protesters' part.

Hathras, 2020

Protests following the gang-rape and death of a Dalit woman in Hathras, Uttar Pradesh, and the state's disputed night-time cremation of her body without family consent, saw Delhi Police invoke Section 144 of the former Code of Criminal Procedure and pandemic-era restrictions to act against protesters at Jantar Mantar, including sitting elected officials.²⁹ The episode illustrated how emergency powers, once created for one purpose, persist as general-purpose crowd-control tools long after their original justification has become irrelevant to the specific protest being policed.

The common thread, extended to 2026

Across Nirbhaya, Shaheen Bagh, the farm laws, Hathras, and now the 2026 examination-integrity protests, three patterns recur: prohibitory orders are issued pre-emptively rather than in response to actual disorder; internet shutdowns are used as a default containment tool regardless of which statutory regime currently governs them; and concessions, when they come, arrive only after the protest has already been physically contained, never as a substitute for containment. The withdrawn Jantar Mantar PIL adds a fifth, more specific lesson: even where a legal challenge to a shutdown is filed promptly and by a credible institutional petitioner, the ordinary pace of urgent High Court listing, here delayed first by a registry formatting objection and then overtaken by the protest's political resolution, means the challenge is unlikely to produce a ruling before the underlying dispute is moot.

VI. Are the laws adequate to protect peaceful protest?

²⁸ 'No data on farmers' death during protests, so no compensation: Govt in Parliament' (India TV News, 1 December 2021) <<https://www.indiatvnews.com/news/india/no-data-on-farmers-death-during-protests-farm-laws-no-compensation-parliament-747558>> accessed 26 August 2026.

²⁹ 'Delhi Police registers case against protesters at Jantar Mantar for violating prohibitory orders' (Deccan Herald) <<https://www.deccanherald.com/india/delhi-police-registers-case-against-protesters-at-jantar-mantar-for-violation-prohibitory-orders-896488.html>> .

The honest answer is no, not because India lacks relevant law, but because the law that exists is either too vague, too easily invoked pre-emptively, or effectively unaccountable in practice.

- **Section 163 BNSS** sets no meaningful evidentiary threshold in practice. Ramlila Maidan requires material facts and an imminent threat before it is invoked, but district magistrates and police routinely issue blanket orders covering entire administrative districts for the duration of an anticipated large gathering, with the Ramlila Maidan safeguards enforced, if at all, only after the fact in writ litigation, by which point the protest has already been dispersed.
- Internet-suspension safeguards now sit in the Telecommunications Act 2023 and the Telecommunications (Temporary Suspension of Services) Rules 2024, but the SFLC.in petition's own pleadings allege that the July 2026 orders repeated statutory language without placing objective material on record, precisely the deficiency Anuradha Bhasin held impermissible under the predecessor framework.³⁰ That the allegation was never tested, because the petition was withdrawn, means this remains an untested allegation rather than a judicial finding, and should be read as such.
- There is no dedicated, codified right-to-protest statute in India comparable to structured notification-and-negotiation regimes in some other democracies. The right exists only as judicial interpretation of Articles 19(1)(a) and (b), enforceable only reactively through writ litigation rather than through a predictable administrative process protesters and police can both rely on in advance.
- Broadly worded provisions historically used against protesters and dissenters, sedition, now reformulated as **Section 152** of the Bharatiya Nyaya Sanhita 2023, and the terrorism-financing and unlawful-association provisions of the Unlawful Activities (Prevention) Act 1967, sit at the outer edge of what a public-order policing problem should require; this paper does not assert that either provision was invoked against the 2026 protesters, since neither the Delhi nor the Jharkhand agitation has, as of writing, produced reported charges under either statute, but the structural risk that they could be so used, illustrated in earlier protest cycles, remains a standing concern rather than a documented feature of these two episodes specifically.

³⁰PIL In Delhi High Court Challenges Internet Shutdown Around Jantar Mantar, Seeks Publication Of Suspension Orders' (Free Press Journal, 25 July 2026) <<https://www.freepressjournal.in/india/pil-in-delhi-high-court-challenges-internet-shutdown-around-jantar-mantar-seeks-publication-of-suspension-orders>> .

- There is no independent, statutory police-accountability mechanism specifically for crowd-control excess. Departmental inquiries into lathi-charge or tear-gas use are conducted by the same force accused of the excess, and compensation, where awarded at all, as in Ramlila Maidan itself, comes years after the fact through litigation rather than through any standing grievance mechanism protesters can invoke in real time. This gap is longstanding and well documented. Independent bodies meant to examine serious complaints against the police exist on paper in most states, but commentators tracking their implementation note that only a minority make findings binding on the police administration, leaving departmental self-review as the practical norm even in states, such as Delhi and Jharkhand, where major crowd-control incidents have recently occurred.³¹

None of this means India's protesters are legally unprotected; the constitutional right is real and judicially reaffirmed. It means the machinery for enforcing that right operates almost entirely after the harm, injury, shutdown, or arrest, has already occurred, and the withdrawn Jantar Mantar petition shows that even a well-pleaded, promptly filed challenge can fail to produce a ruling before the harm has already run its course.

VII. What role can the courts actually play?

Courts are the one institution with both the constitutional mandate and, increasingly, the technical means to intervene while a protest is still unfolding, not only afterwards. The 2026 record suggests four specific, realistic reforms.

1. A genuinely fast-track mechanism for prohibitory-order and shutdown challenges

The SFLC.in petition was filed within a day of the fourth suspension order and was still delayed by a registry defect before its first substantive hearing could occur, and the underlying dispute resolved before that hearing took place.³² High Courts already entertain urgent writ petitions against such orders; the demonstrated bottleneck in this instance was procedural speed, including registry practice, not jurisdiction. A standing, vacation-bench-style mechanism specifically for prohibitory-order and shutdown challenges, with same-day or next-day listing

³¹ 'The need for independent police complaints authorities in India' (Bar and Bench, 29 July 2023) <<https://www.barandbench.com/columns/the-need-for-independent-police-complaints-authorities-in-india>> accessed 26 August 2026.

³² 'Is the Internet Shutdown at the Jantar Mantar Protest Site Legal?: Delhi High Court to Hear PIL' (LawChakra, 24 July 2026) <<https://lawchakra.in/high-court/jantar-mantar-protest-internet-shutdown/>> .

regardless of registry formatting objections, would let the Ramlila Maidan and Anuradha Bhasin tests operate as a live check rather than, as here, a challenge that arrives too late to matter.

2. Enforcing Anuradha Bhasin's transparency requirement under the 2023-24 framework specifically

Courts should confirm, at the first opportunity, that Anuradha Bhasin's requirement of contemporaneous publication and periodic committee review under the 2017 Rules applies with equal force to suspension orders issued under the Telecommunications Act 2023 and the 2024 Rules, removing any ambiguity a respondent might otherwise exploit by pointing to the change in statutory framework.

3. Mandating proportionate use-of-force protocols as a condition of prohibitory orders

Ramlila Maidan already requires a dispersal plan before force is used; courts can require that any force above verbal warning and cordon-and-contain be documented, filmed, and independently reviewed within a fixed window, turning a doctrinal requirement into an operational one police forces cannot quietly disregard.

4. Distinguishing tactic from right, and grievance from movement, in remedy design

Amit Sahni shows courts are willing to separate the legitimacy of a grievance from the legality of a specific tactic. The same distinction should apply to the framing dispute in Part IV.B: a court asked to rule on the legality of a shutdown order need not, and should not, be drawn into adjudicating the competing, politically loaded characterisations of the protest's composition or motive advanced in the parallel NIA-probe petition; the two questions are analytically separate and should be kept so.

None of this requires new constitutional doctrine. *Ramlila Maidan*, *Mazdoor Kisan Shakti Sangathan*, *Amit Sahni*, and *Anuradha Bhasin* already supply the full legal test. What the 2026 protests demonstrate is that procedural infrastructure, not substantive doctrine, is what is missing: a test that exists on paper but was never actually applied to the facts it was designed for, because the case testing it disappeared before the court could reach it.

VIII. Conclusion

The Delhi and Jharkhand protests of 2026 are not aberrant; they extend a well-established Indian pattern running through the farm-law protests, Shaheen Bagh, Hathras, and Nirbhaya. In each case the underlying grievance proved substantively serious, serious enough, in the Delhi case, to cost a sitting minister his post, produce the withdrawal of criminal cases against protesters, and secure compensation for bereaved families; serious enough, in the Jharkhand case, to produce the arrest of a former public-service-commission chairman before the protest had even concluded. In each case, the state's first instinct was pre-emptive restriction, a blanket prohibitory order, an unannounced internet shutdown, followed by force once the crowd moved regardless. India's constitutional doctrine on this question is, on paper, reasonably protective: *Ramlila Maidan* demands real evidence before restricting assembly; *Anuradha Bhasin* demands transparency before cutting off communication; *Amit Sahni and Mazdoor Kisan Shakti Sangathan* both insist that channelling protest is different from suppressing it. What the withdrawn Jantar Mantar petition demonstrates, more clearly than any prior episode examined in this line of scholarship, is that the gap between that doctrine and its enforcement is not hypothetical: a specific, well-pleaded challenge to a specific, documented shutdown was filed, delayed by routine procedural friction, and rendered moot before a single substantive hearing occurred. Closing that gap, through genuinely fast-track judicial review, confirmed transparency obligations under the current statutory framework, and real accountability for disproportionate force, is a solvable administrative problem, not an unresolved question of constitutional principle. Whether it gets solved will depend on whether courts and legislators treat the withdrawal of the SFLC.in petition as a warning to be acted upon, or as an isolated procedural footnote to a dispute that, this time, happened to resolve itself before the machinery's absence mattered.

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