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The Criminalisation of Dissent: The Use of Law to Curb the Right to Protest in India

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This paper explores the ongoing tension between the right to protest and the maintenance of public order in India, with a focus on how legal frameworks are being increasingly used to criminalise dissent. By analysing constitutional provisions, landmark judgments, and recent legislative developments, the study highlights the friction between individual freedoms and state control. It argues that while reasonable restrictions under Article 19 are constitutionally valid, the application of laws such as Section 144 of the Criminal Procedure Code and the Unlawful Activities (Prevention) Act (UAPA) often exceeds proportional limits, undermining democratic expression. The paper also considers recent criminal law reforms and their implications for civil liberties. Particular attention is given to the disproportionate impact on marginalised groups, whose voices are most often suppressed under these legal regimes. Ultimately, the paper calls for clearer legal standards, greater police accountability, and a more balanced approach that upholds both public order and the fundamental right to protest in a constitutional democracy.

Keywords: *democracy, protest, public order.*

INTRODUCTION

“It is a fundamental principle, long established, that the freedom of speech and of the press which is secured by the Constitution secures does not confer an absolute right to speak or publish, without responsibility, whatever one may choose, or an unrestricted and unbridled license that gives

immunity for every possible use of language, and prevents the punishment of those who abuse this freedom."

- U.S. Supreme Court¹

This observation, often cited in Indian jurisprudence, finds expression in the doctrine of police power instituted by the drafting committee of the Indian Constitution.² In a democracy, protests serve as a vital means of amplifying the voices of minority communities who may not have equal representation in the halls of power. In virtue of the freedom of free speech and expression, protecting the right to protest also becomes extremely important, as it is one of the primary means of empowerment for minority groups.³ For a government to be both free and peaceful, constitutional morality must be widely spread throughout the community.⁴ This can only be achieved with respect for the Constitution and the laws it sets out, as well as the freedom to speak openly and criticise the government as long as it's done within the limits of the law.⁵

The fundamental rights guaranteed under Article 19 are not absolute, but qualified. Such a qualification is also imposed on the freedom of free speech and expression guaranteed under article 19(1)(a) and 19(1)(b).⁶ These limitations take the form of legislative measures such as the Unlawful Activities (Prevention) Act (UAPA) and expansive police powers under the Criminal Procedure Code (CrPC). The intelligible differentia employed often goes beyond its scope to the extent of becoming arbitrary and oppressive.

The criminalisation of dissent in India has significant implications for democratic values, freedom of expression, and human rights, as it not only stifles dissent and undermines the democratic process but also creates a chilling effect on the exercise of fundamental rights such as the right to freedom and life and liberty. This paper explores the tension between these competing interests of public order against fundamental rights and analyses the various frameworks that impose reasonable restrictions that govern the right to protest.

¹ *Giltow v New York* [1925] 69 L Ed 1138

² *People's Union for Civil Liberties & Anr v Union of India & Anr* AIR 2003 SC 2363

³ Riddhi Goyal, 'Right to Protest: An Absolute Emblem' (2022) 2(4) *Jus Corpus Law Journal* 197

<<https://www.juscorpus.com/wp-content/uploads/2022/06/44.-Riddhi-Goyal.pdf>> accessed 12 July 2025

⁴ Constituent Assembly of India, *Constituent Assembly Debates* (1948)

⁵ *Ibid*

⁶ Constitution of India 1950, arts 19(1)(a) and 19(1)(b)

HISTORICAL CONTEXT

The criminalisation of dissent dates back to colonial times. The British Army employed and promised a minimum force policy against conflict. However, the Jallianwala Bagh Massacre is proof of the catastrophic failure of the minimum force policy in the history of protests.⁷ The culture of protest in independent India has its roots in the Naxalite movement, which emerged in the late 1960s as an uprising against socio-economic and political grievances. The Indian government responded to the Naxalite movement with a combination of military force and development programs.⁸ The government's use of force against peaceful protests and its failure to actually address the social and economic inequalities that the Naxalite-Maoist movement aimed to achieve were what instigated the Maoist violence.⁹

The debate on the effectiveness and the constitutionality of these measures brought into the light the conflict between public order and fundamental rights. In a country like India, the police frequently encounter extensive demonstrations, uprisings and instances of widespread civil disobedience due to the country's numerous divisions based on religion, ethnicity, language and caste and class.¹⁰ Such events are extremely sensitive and must be dealt with in a manner that does not further instigate unrest. Through the years, multiple protests have turned into riots due to the lack of appropriate recourse. While the lack of state action has caused protests such as the Farmer's Protests of 2020 to grow violent,¹¹ The imposition of unguided police power in protests such as the Naxalite-Maoist insurgency has led to state-perpetrated human rights violations.¹² Legislation is thus an important tool employed by the State to strike an appropriate balance.

⁷ Dr S Krishnan Mani, 'JALLIANWALA BAGH MASSACRE – BITTER REMINDER OF INDIAN HISTORY' (2018) 3 South Asian Law & Economics Review 132 <<https://thelawbrigade.com/wp-content/uploads/2019/06/Dr.-S.-Krishnan-Mani.pdf>> accessed 12 July 2025

⁸ Ashok Kumbamu, 'The Naxalite Movement, the Oppressive State, and the Revolutionary Struggle in India' in Berch Berberoglu (ed), *The Palgrave Handbook of Social Movements, Revolution, and Social Transformation* (Palgrave Macmillan 2019)

⁹ Azad, 'Maoists in India' (2006) 41(41) Economic & Political Weekly <<https://www.epw.in/journal/2006/41/discussion/maoists-india.html>> accessed 12 July 2025

¹⁰ Kriti M Shah, 'Dealing with violent civil protests in India' (*Observer Research Foundation*, 22 April 2017) <<https://www.orfonline.org/research/dealing-with-violent-civil-protests-in-india/>> accessed 12 July 2025

¹¹ Devjyot Ghoshal, 'Within hours, Indian farm protests turned from carnival to violent clashes' *Reuters* (27 January 2021) <<https://www.reuters.com/article/us-india-farmers-protests-red-fort-idUSKBN29W29I>> accessed 12 July 2025

¹² *Nandini Sundar & Ors v State of Chhattisgarh* (2011) 7 SCC 547

INTERNATIONAL JURISPRUDENCE

Even though the Right to protest is not a single codified law under different human rights treaties, it is protected since an individual exercises a variety of human rights when participating in such a protest.¹³ This includes the right to freedom of expression and peaceful assembly, the right to life, freedom of association, the right to privacy, the right to be free from arbitrary detention, and the right against torture.¹⁴ The Human Rights Committee (HRC) in interpreting Article 21 of the International Covenant on Civil and Political Rights (which India is a signatory to) envisaged that the fundamental human right of peaceful assembly includes inter alia the right to protest, which can happen outdoors, indoors, or even online.¹⁵ The HRC protects the rights of individuals under Article 21 for collective civil disobedience and spontaneous protest.¹⁶

It is also stated that isolated acts of violence should not be attributed to the whole assembly, thereby only punishing some in the assembly. This is in direct contrast with Indian law on unlawful assembly, wherein membership in the same can make you liable for even the violent acts carried out by one member.

HRC envisions restrictions, but those inter alia should:

- a) not create a chilling effect;
- b) prohibit any assembly only as a last resort;
- c) be based on an administrative or statutory law;
- d) be the least intrusive measure, and
- e) proportionate.¹⁷

¹³ 'Protect the Protest' (*Amnesty International*, 17 June 2024) <<https://www.amnesty.org/en/what-we-do/freedom-of-expression/protest/>> accessed 12 July 2025

¹⁴ *Ibid*

¹⁵ International Covenant on Civil and Political Rights 1966, art 21

¹⁶ *Ibid*

¹⁷ Human Rights Committee, *General Comment No. 37 on Article 21 (Right of Peaceful assembly)* (UN Doc CCPR/C/GC/37, 2020)

These restrictions have also been incorporated by the Indian Judiciary, thus diluting the right to protest in a democratic country.

LEGAL AND POLICY FRAMEWORK IN INDIA

Right to Protest under the Indian Constitution: In the Anita Thakur case, the court declared that the right to peaceful protest is a fundamental right under articles 19(1)(a) and (b) of the Constitution; that it has always been a right guaranteed to the citizens, and has also played a major role in the independence struggle.¹⁸ In the Mazdoor Kisan Shakti case, these two articles were certified as fundamental and crucial for democracy by the court.¹⁹ Further, in *Amit Sahni v State*, it was reasoned by the court that the constitution, through these articles, allows the citizens of the country to peacefully assemble, where they can protest the action of the State or state-like bodies.²⁰ In the Ramleela Maidan Case, it was further mentioned by the Hon'ble Apex Court that as these rights are essential for a democratic state, the government and its machineries have a prerogative under which they must ensure that citizens can participate in the public meetings and practice their freedom of speech.²¹ Hence, even though the right to protest isn't explicitly mentioned in the Constitution, it is very much a fundamental right inferred from the collective interpretation of article 19(1)(a) and 19(1)(b).

Restrictions: Despite being a fundamental right, Article 19(1)(a) and (b) doesn't guarantee an absolute right to freedom of expression and assembly. Articles 19(2) and 19(3) mention restrictions on these fundamental rights in light of public order, sovereignty and integrity of the nation, and the security of the state.²² The term public order has been a contention in several cases of protest and requires further qualification. The Ram Manohar Lohia case distinguished between public order, law and order, and security of the nation. The court said that law and order situations are less serious than public order and security of the state situations. The court used the analogy of three concentric circles, where law and order are the biggest and security of the state is the smallest circle.²³ This means that not all law-and-

¹⁸ *Anita Thakur & Ors v State of J&K & Ors* (2016) 15 SCC 525

¹⁹ *Mazdoor Kisan Shakti Sangathan v Union of India* AIR 2018 SC 3476

²⁰ *In Re: Amit Sahni v Commissioner of Police* AIR 2020 SC 4704

²¹ *In Re: Ramlila Maidan Incident v Home Secretary, Union of India & Ors* (2012) 5 SCC 1

²² Constitution of India 1950, art 19(2) and 19(3); Akaant Kumar Mittal, 'Right to Protest: Landmark Decision on Limits to State Action' (2017) 52(50) Economic and Political Weekly <<http://www.jstor.org/stable/45132593>> accessed 12 July 2025; *Mazdoor Kisan Shakti Sangathan v Union of India* AIR 2018 SC 3476

²³ *Dr. Ram Manohar Lohia v State of Bihar & Ors* AIR 1966 SC 740

order situations can restrict the right to protest, as these situations do not fall under Article 19. Further, in *Shreya Singhal*, the court ruled that under Article 19(2) of the Constitution, the public order restriction applies only to incitement that has a proximate relation to public disorder, and not to advocacy.²⁴ In a series of judgments, courts have also emphasised that fundamental rights cannot be obliterated, and that only reasonable restrictions can be imposed to balance different rights and public order.²⁵ They made a distinction between prohibition and reasonable restriction, which will be explored further.

Section 144 CrPC: S144 CrPC has historically always been a hindrance to the right to protest.²⁶ It is a colonial law that is being applied in the same manner as the British administration to quell political agitation in the 20th century.²⁷ Its constitutionality has been questioned before and after 1947, and there were even debates about the same in the constituent assembly.²⁸ In the *Babulal Parate* case, with a quorum of 5 judges, the court held that orders under s.144 were temporary, given by the magistrate to ensure legitimacy and honesty, in furtherance of public order and could be used only in emergencies²⁹. They used the apprehension to danger test, which meant that in India, when the essentials of s.144 (explained later) are fulfilled, the police can take action not only when there is actual danger, but when the situation is such that it will lead to a breach of the peace. The *Ram Manohar Lohia* case was referred in the *Ramleela* case to show that the order under s.144 was unconstitutional. It was stated that the restriction under s.144 needs to have a proximate nexus with the objective that needs to be achieved through it.³⁰ The *Ramleela* case reasons that s.144 is constitutionally sound; however, the order by the police was *ultra vires* since it was not an emergent situation, and the procedure wasn't followed under CrPC. Moreover, it elucidates the apprehension of danger test- that there needs to be an imminent threat and a need for immediate preventive steps rather than the mere possibility of danger. Section 144 allows authorities to address both actual and potential unlawful assemblies by issuing orders. Under Section 149 of the Indian Penal Code, if any member of the unlawful assembly

²⁴ *Shreya Singhal v Union of India* (2015) 5 SCC 1

²⁵ *Himat Lal K Shah v Commissioner of Police, Ahmedabad & Anr* (1973) 1 SCC 227

²⁶ Criminal Procedure Code 1973, s 144

²⁷ Vrinda Bhandari et al., 'The Use and Misuse of Section 144 CrPC' (2023) SSRN <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4389147> accessed 12 July 2025

²⁸ Menaka Guruswamy, 'Assembly and Associations' in Sujit Chowdhary et al. (eds), *The Oxford Handbook of the Indian Constitution* (OUP, 2016)

²⁹ *Babulal Parate v State of Maharashtra & Ors* (1961) 3 SCR 423

³⁰ *Dr. Ram Manohar Lohia v State of Bihar & Ors* AIR 1966 SC 740

commits a crime, every member can be held liable and punished, regardless of their individual involvement.³¹

Every person has responsibilities under Article 51A of the Constitution, even though these responsibilities cannot be enforced by law.³² However, the restrictions imposed by these responsibilities can be judged as valid or not by analysing whether they require individuals to follow the law, protect public property, and avoid violence. Similarly, in the *Mazdoor Kisan Sakti* case, it was held that s.144 is constitutionally valid, but the repetitive order by the police that led to a prohibition of the right is unconstitutional.³³ Lastly, in the *Anuradha Bhasin* case, it was further clarified that the least restrictive method should be used, and that it can't be used to suppress legitimate grievances and opinions.³⁴

However, the court restricted the right to protest by deciding that the restriction can be an absolute prohibition, but the police need to reason why a less strict alternative wouldn't be adequate.³⁵ This judgement was at the outset of the abrogation of art. 370, making it a security of state issue. However, this ruling could be used in the future to decide if protests should be allowed in other situations where there might be a risk to public order, and it is also per incuriam to all the other judgements before it, which mention that the right to protest needs to be balanced with other rights not extinguished to a full extent. The court criminalises dissent by considering political activists as criminals, who are not a part of the democratic society. This leads to the police using their discretion to label activists as criminals, which can ultimately threaten their safety. As a result, activists often self-police to avoid being labelled as criminals.³⁶ The police's use of powers under s.144, shown by a report by Delhi-based advocates, has been used 6100 times in Delhi.³⁷

³¹ Indian Penal Code 1860, s 149

³² Constitution of India 1950, art 51A

³³ *Mazdoor Kisan Shakti Sangathan v Union of India* AIR 2018 SC 3476

³⁴ *Anuradha Bhasin v Union of India* AIR 2020 SC 1308

³⁵ *Ibid*

³⁶ Steven Arrigg Koh, 'Policing and Self-Policing in the Shadow of the Law: Negotiating Space for Public Dissent' (2023) 64 Boston College Law Review

<https://scholarship.law.bu.edu/cgi/viewcontent.cgi?article=4405&context=faculty_scholarship> accessed 12 July 2025

³⁷ Bhandari (n 27)

Considering this, former Chief Justice U.U. Lalit believes that participating in protests is a constitutional right, and the validity of s144 should be revised.³⁸ In the Kedarnath case, it was stated that the interpretation that renders a statute constitutional should be preferred.³⁹ Even though s.144 may lead to unreasonable restrictions on the right to protest, it remains valid under the law if interpreted through various judgments. So, it is highly unlikely that its status will be revised.

Shaheen Bagh Judgement: Balance of Rights: Articles 19(1)(a) and 19(1)(b) correspond to the First Amendment right mentioned in the US Constitution.⁴⁰ However, while the Bill of Rights makes it absolute, the right has been through cases and has been interpreted through various judgments to include the rule of clear and present danger, and then to the balancing of different interests through Roscoe Pound's theory of social engineering. In India, there has been the use of balancing of rights, wherein, in the Mazdoor Kisan case, it was observed that the court didn't use the utilitarian theory of primacy (where the larger public interest lies), but balanced, wherein the right is extinguished to an extent but not absolutely when confronted with other rights. In the Shaheen Bagh Judgement, the court argued that the blockade of the road done by the women protestors had to be balanced by the right of the commuters, and hence wasn't acceptable. As argued by Mittal and Aggarwal, the court nowhere mentioned the laws with which the right of protest will be balanced, only a right.⁴¹ Maneka Gandhi case and the Anuradha Bhasin case state that the essential ingredients through which there can be reasonable restrictions upon the fundamental rights mentioned under Article 19 are that the restriction is made by a statutory authority.⁴²

Moreover, the Babulal Parate case also states that the legislature is the appropriate authority to pass laws which levy restrictions for the maintenance of public order. The courts have been given the right to judicial review under Article 32, not to restrict the fundamental rights mentioned in the Constitution. Moreover, the court in a similar judgement for farmers'

³⁸ Awstika Das, 'Peaceful Protest One's Constitutional Right': former CJI UU Lalit Raises Concerns about Rampant Use of Section 144 CrPC In Delhi' *Live Law* (27 March 2023) <<https://www.livelaw.in/top-stories/peaceful-protest-ones-constitutional-right-former-cji-uu-lalit-raises-concerns-about-rampant-use-of-section-144-crpc-by-delhi-police-224824>> accessed 12 July 2025

³⁹ *Kedar Nath Singh v State of Bihar* AIR 1962 SC 955

⁴⁰ Mahabir Prashad Jain, *Indian Constitutional Law* (Lexis Nexis 2018)

⁴¹ Amisha Mittal & Shubhi Agrawal, 'Reasonable Restriction on the Right to Protest vis a vis the Citizenship Amendment Act, 2019' (2021) 1(4) *Jus Corpus Law Journal* 497 <<https://www.juscorpus.com/wp-content/uploads/2021/08/95.-Shubhi-Agrawal-Amisha-Mittal.pdf>> accessed 12 July 2025

⁴² *Maneka Gandhi v Union of India* (1978) 1 SCC 248

protest didn't address the issue of clearing the blockade by the farmers in balancing the right of commuters.⁴³ Hence, in the Shaheen Bagh judgement, the court's discretion without the application of sound reasoning or an explanation thereof leads to a restriction of the right to protest. The courts have been given the right to judicial review under Article 32, not to impose restrictions on the fundamental rights.

UAPA and the Arbitrary Actions of the Police: The UAPA has also routinely been employed as a tool to suppress the right to protest. It was most excessively used to criminalise peaceful anti-CAA protests, wherein people were wrongfully arrested for potential terrorist activities.⁴⁴ UAPA, in addition to sedition laws under s.124A Indian Penal Code (IPC), confer upon the police extensive power that can be exploited without consequences, as evident in the Disha Ravi toolkit case.⁴⁵ The application of UAPA and sedition laws is draconian and practically a re-embodiment of the colonial approach to dissent. The National Crime Records Bureau has compiled data which says that in 2016, there were 184 instances wherein the police opened fire, and out of those, 74 were for controlling riots.⁴⁶ The approach of the police to handling protests clearly needs to be scrutinised in light of the lack of clear guidelines by the court. In the Himat Lal K. Shah case, no guidelines were given for refusal to give permission to hold an assembly, and police were also given limitless power with negligible accountability.⁴⁷

However, in the Beenu Rawat case, the court stated that the protests against the police have a high likelihood of violating citizens' rights since the police have the power to carry arms, which may be misunderstood as an absolute police authority; thus, investigation of such excesses was given to the National Human Rights Commission.⁴⁸ Consequently, in Anita Thakur's case, the SC held that the action to quell the unlawful assembly was violative of the right to peaceful protest.⁴⁹ The court further observed that even though the protestors took

⁴³ *Rakesh Vaishnav v Union of India* (2021) 1 SCC 590

⁴⁴ *Devangana Kalita v State of NCT of Delhi* AIR 2021 Del 837

⁴⁵ 'The Case of Disha A. Ravi' (*Global Freedom of Expression Columbia University*)

<<https://globalfreedomofexpression.columbia.edu/cases/the-case-of-disha-a-ravi/>> accessed 12 July 2025

⁴⁶ Ankita Chakraborty & Dr. Dipa Dube, 'Mass Agitations, Police Powers and Legal Paradigms' (2021) 8(1) GNLU Law Review

⁴⁷ *Himat Lal K. Shah v Commissioner of Police, Ahmedabad & Anr* (1973) 1 SCC 227

⁴⁸ *Beenu Rawat & Ors v Union of India & Ors* AIR 2014 SC 538

⁴⁹ *Anita Thakur & Ors v State of J&K & Ors* (2016) 15 SCC 525

the first step in disturbing the peace, the response by the police was excessive; that force must be reasonable.

Nevertheless, the Indian courts align with international law with respect to the rights conferred to the police. The Code of Conduct for Law Enforcement Officials grants authorities to use force when required to perform their duty, in compliance with legality, necessity, proportionality and accountability.⁵⁰ The missing link between these rights is accountability. As the Supreme Court can't interfere in all cases of the right to protest being abridged, there is a need to make the police more accountable. The courts, by prioritising theoretical concepts and the extensive authority granted by S.144, are one of the primary causes of the continued disturbances in public order and curtailment of democratic protest rights in the country.

RECENT DEVELOPMENTS IN INDIA'S CRIMINAL LAW FRAMEWORK

In 2023, India proposed significant changes to its criminal justice system through three bills intended to replace the Indian Penal Code (IPC), the Code of Criminal Procedure (CrPC), and the Indian Evidence Act. These new laws – Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhiniyam (BSA) carry important implications for the right to protest and potential criminalisation of dissent.

The BNS, replacing the IPC, makes several key changes. It substitutes the colonial-era sedition law (Section 124A IPC) with Section 150, criminalising acts threatening India's sovereignty, unity, and integrity.⁵¹ Despite removing the term sedition, critics argue that the essence remains, enabling the suppression of dissent. Section 172, which addresses public mischief, is expanded, raising concerns about its application to protests.⁵² Additionally, provisions on unlawful assembly and rioting are retained, with stricter penalties in some instances. The BNSS, replacing the CrPC, retains provisions like Section 180 (formerly Section 144 CrPC), allowing authorities to issue orders in urgent cases of nuisance or perceived danger, which can be used to limit protests.⁵³ Increased police powers and new rules on the

⁵⁰ Chakraborty (n 46)

⁵¹ Bharatiya Nyaya Sanhita 2023, s 150

⁵² Bharatiya Nyaya Sanhita 2023, s 172

⁵³ Bharatiya Nagarik Suraksha Sanhita 2023, s 180

collection and admissibility of electronic evidence may also impact how online dissent and calls for protest are handled legally.

While the BSA, which will replace the Indian Evidence Act, does not directly address protest laws, it introduces changes in evidence collection and presentation that could impact cases involving dissent and protest.⁵⁴ For instance, new provisions for electronic records and digital evidence could affect how social media posts or online calls for protest are treated in court. These new laws represent a significant shift in India's criminal justice framework. While proponents argue that they modernise the legal system, critics express concern that they may further enable the criminalisation of dissent. The continuation of provisions similar to Section 144 and the replacement of sedition laws with new offences suggest that the tension between the right to protest and the maintenance of public order remains a critical issue in Indian jurisprudence. As these laws are implemented, it will be crucial to monitor their application in cases related to protests and dissent, as their interpretation by the courts and their impact on civil liberties will shape the future landscape of democratic expression in India.

SOCIO-POLITICAL IMPLICATIONS

Protests in India are often driven by socio-political factors such as inequality, discrimination, corruption, and human rights violations. Understanding these factors and their impact on protests is vital to most appropriately handling and analysing the situation. Among the various impacts of the imposition of laws curbing protests is the furtherance of inequalities. The effect of curbing protests has a disproportionate impact on marginalised and minority groups who may be likely to protest against the injustices that they experience.

By restricting their right to protest, governments risk perpetuating systemic inequalities and hindering progress towards greater social justice. The instance of the Maharashtra state government's legal action against Kabir Kala Manch, a cultural group, highlights how authorities can employ legislation to suppress nonviolent forms of expression of minorities.⁵⁵ Moreover, a key feature of a strong, democratic government is citizen participation, which

⁵⁴ Bharatiya Sakshya Adhiniyam 2023

⁵⁵ 'Stifling Dissent: The Criminalization of Peaceful Expression in India' (*Human Rights Watch*, 24 May 2016) <<https://www.hrw.org/report/2016/05/25/stifling-dissent/criminalization-peaceful-expression-india>> accessed 12 July 2025

includes voting, social movements and protests, as it enables citizens to hold those in power accountable and demand change.⁵⁶ By criminalising it, the government risks undermining democracy and creating a culture of fear and repression. This has long term repercussions such as long-term consequences, such as reduced trust in government institutions, lack of accountability, and alienation of certain groups. Nevertheless, there are also economic consequences of protests that have been highlighted by the IMF. Social unrest and protests can disrupt economic activity and increase uncertainty, leading to a decline in investment, consumption, and employment, increasing the risk of political instability, and having long-lasting effects on the economy.⁵⁷ This further puts pressure on the government to address the underlying causes of social unrest and work towards promoting economic stability and social cohesion.

CONCLUSION

There is an urgent need for reform in both police practices and legal paradigms to better protect the rights of protesters in India. Due to its impact on inequality, the criminalisation of dissent can lead to greater polarisation within society, as people become more entrenched in their positions and less willing to engage in dialogue and compromise. This can exacerbate tensions and make it more difficult to find solutions to social and political problems. The paper examined the legal and policy frameworks that govern the right to protest and argues for a balance between the right to protest and the maintenance of public order. It is essential that the government ensures citizens' safety during protests and respects their right to exercise their freedom of speech within the limits of the law. Ultimately, this balance can only be achieved by a deep respect for the Constitution and the laws, rights and duties that it sets out.

⁵⁶ K Seshadri, 'Mass Political Participation and Democracy' (1974) 2(11) *Social Scientist* <<https://www.jstor.org/stable/3516953>> accessed 12 July 2025

⁵⁷ PHILIP BARRETT AND SOPHIA CHEN, 'THE ECONOMICS OF SOCIAL UNREST' (*INTERNATIONAL MONEY FUND*, August 2021) <<https://www.imf.org/external/pubs/ft/fandd/2021/08/economics-of-social-unrest-imf-barrett-chen.htm>> accessed 12 July 2025