

RIGHT TO PEACEFUL PROTEST IN INDIA: A HUMAN RIGHTS ANALYSIS OF THE 2026 JANTAR MANTAR PROTESTS

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ABSTRACT

Peaceful protest is an essential element of a democratic society since it allows individuals and groups to express their disagreement collectively, communicate their complaints and call for government accountability. It is a fundamental aspect of democracy because it provides citizens with a means of collectively raising their grievances against the government. Even though the Indian Constitution does not expressly mention a right to protest, the Supreme Court has recognized it as a fundamental right that comes from other articles.¹ Article 19(1)(a) guarantees the right to free speech and expression, and Article 19(1)(b) guarantees the right to assemble peacefully.² While these articles are protected from unreasonable state interference, they do allow the state to exercise reasonable restrictions that are mentioned in Articles 19(2) and 19(3). The Indian judiciary has been faced with the task of trying to find a balance between these rights and the State's obligation to uphold the order of the society.³ The protests of 2026 at Jantar Mantar in New Delhi present a contemporary example of the issues faced with the balancing obligations. The protests, started primarily by youth and aligned with the Cockroach Janta Party (CJP), began in June and focused on issues of irregularities in national examinations, accountability in the education system and issues of examination governance. The protests gained national focus after a hunger strike was conducted and the participants engaged in confrontation with the police. The protests gained

¹ *Mazdoor Kisan Shakti Sangathan v. Union of India*, (2018) 17 SCC 324.

² INDIA CONST. art. 19(1)(a)-(b).

³ INDIA CONST. art. 19, cls. 2–3.

the national focus and sparked the concern of the protesters with regard to the appropriate of surveillance technologies including facial recognition and issues with police actions.⁴ The balancing of the right to free and peaceful assembly of the protest participants and balancing the right of other citizens and the obligation of the State to uphold order has been addressed by the Supreme Court of India in previous cases where it recognized the right to protest as a fundamental right.⁵

This paper analyses the 2026 Jantar Mantar protests from a human-rights perspective by examining constitutional protections, judicial precedent, international human-rights standards and the principles of legality, necessity and proportionality. It posits that the State has a right to regulate peaceful demonstrations, but such regulations should enable - as opposed to completely obstruct - the right to protest. Thus, any use of force, detention, surveillance, or restriction on the right to protest must meet constitutional and human rights standards and must be justified and proportional.

Keywords: Human Rights, Right to Protest, Peaceful Assembly, Article 19, Article 21, Jantar Mantar, Freedom of Expression, Police Powers, Surveillance, Proportionality.

1. Introduction

Democracy does not end with the act of voting; it also demands that citizens be able to question the decisions of the government, criticise public institutions and collectively show their disagreement. One of the most obvious and direct ways in which people can take part in public life is through peaceful protest, since it enables individuals who do not have institutional power to make their concerns known and to put pressure on the authorities to respond.

Peaceful protest is therefore closely linked to human dignity, freedom of expression, political participation and the rule of law. The United Nations Human Rights Committee regards peaceful assembly as a basic human right which allows people to express themselves collectively and to take part in shaping their societies; it also acknowledges that peaceful

⁴ Ananthakrishnan G., How Facial Recognition Was Used for CJP Protest: Delhi Police to Supreme Court, INDIAN EXPRESS (last visited Aug. 18, 2026), <<https://indianexpress.com/article/legal-news/delhi-police-facial-recognition-jantar-mantar-protest-supreme-court-10838147/>>

⁵ Mazdoor Kisan Shakti Sangathan v. Union of India, (2018) 17 SCC 324.

assemblies can take a number of forms, such as demonstrations, rallies, sit-ins, vigils and other forms of collective action.⁶

In India the constitutional protection of the right to protest is mainly found in Article 19 of the Constitution, since Article 19(1)(a) secures to citizens the freedom of speech and expression and Article 19(1)(b) grants them the right to assemble peacefully and without arms. However, these freedoms are not absolute and the Constitution allows for reasonable restrictions for the sake of the sovereignty and integrity of India, the security of the state, public order and other specified reasons.

The real human rights issue therefore isn't whether the state can impose restrictions on protest since it undoubtedly can; the more significant question is how far such restrictions can go before they bring the right itself into question.⁷

The question became especially important at the time of the demonstrations which took place at Jantar Mantar in New Delhi in 2026. The protests started on 6 June 2026 and went on for several weeks, during which the demonstrators expressed concerns about alleged irregularities in the national examinations and called for accountability and reform in the education system.⁸ The protests were linked to the youth-led Cockroach Janta Party and various student organisations and drew a great deal of public attention.

When activist Sonam Wangchuk started a hunger strike at the site on 28 June, the protest movement became more prominent.⁹ The continuous sit-in at the site, which began on 20 June, went on for about 36 days and was called off on 25 July as a result of major political developments, such as the resignation of Dharmendra Pradhan, the Union Education Minister.

Meanwhile, there were confrontations between the protesters and the security forces. The accounts of the clashes on 20 July mentioned the police using tear gas and carrying out a cane

⁶ U.N. Hum. Rts. Comm., *General Comment No. 37 (2020) on the Right of Peaceful Assembly (Article 21)*, ¶¶ 1–6, U.N. Doc. CCPR/C/GC/37 (2020).

⁷ *State of Madras v. V.G. Row*, AIR 1952 SC 196, 200.

⁸ Explained Desk, *Cockroach Janta Party at Jantar Mantar: Why Major Protests Happen at This Delhi Venue*, INDIAN EXPRESS (last visited Jun. 6, 2026), <https://indianexpress.com/article/explained/jantar-mantar-protest-site-history-delhi-explained-10727221/>

⁹ Hannah Ellis-Petersen, *Indian 'Cockroach' Activist Ends Hunger Strike After 26 Days as Protests Spread*, THE GUARDIAN (last visited Jul. 24, 2026).

charge, and the police also reported that several of their own personnel had been injured.¹⁰ Amnesty International then voiced concern about the way in which the protesters were treated and stated that the crackdown gave rise to serious human-rights concerns.¹¹

Amnesty International's later digital investigation, which verified videos and witness accounts, concluded that police and paramilitary personnel used pellet-firing shotguns, tear gas grenades, batons and electric shock devices against protesters between 20 and 24 July in Delhi and in Siwan town in Bihar, in a manner that breached international law and standards as well as domestic policing guidelines.¹² Delhi Police had publicly dismissed reports of pellet injuries as false and misleading, yet Amnesty stated a month after the march that not a single officer in Delhi had been held accountable.¹³

The protests also brought a relatively new aspect into the long-standing discussion concerning the right of assembly: digital surveillance. It has been reported that the Delhi Police made use of CCTV, drone footage and facial-recognition technology in their investigations related to the protests.¹⁴ This situation therefore raises important questions as to the connection between the right to protest and the right to privacy as provided for in Article 21.

The extent of the surveillance has since become clearer in court. In an affidavit filed before the Supreme Court in August, Delhi Police stated that its facial recognition system identified 2,873 persons with existing criminal records at the protest site between 20 and 26 July, and denied that the system was used for indiscriminate surveillance of peaceful protesters.¹⁵ The Court has indicated that the wider legal and constitutional questions on facial recognition will

¹⁰ Mausami Singh, Shivani Sharma & Ashutosh Mishra, CJP Protesters Near Parliament, Face Barricades, Lathicharge, Tear Gas, INDIA TODAY (last visited Jul. 20, 2026), <https://www.indiatoday.in/india/story/cjp-protest-delhi-tear-gas-near-shastri-bhawan-metro-curbs-rail-bhawan-security-2951835-2026-07-20>

¹¹ Amnesty Int'l, India: Crackdown on Peaceful Protesters in New Delhi Raises Serious Human Rights Concerns (last visited Sept. 28, 2026), <<https://www.amnesty.org/en/latest/news/2026/07/india-crackdown-on-peaceful-protesters-in-new-delhi-raises-serious-human-rights-concerns/>>

¹² Yashraj Sharma, India Used Pellets, Grenades on Gen Z Protests: What Amnesty Report Reveals, AL JAZEERA (last visited Sept. 28, 2026), <<https://www.aljazeera.com/features/2026/8/24/india-used-pellets-grenades-on-gen-z-protests-what-amnesty-report-reveals>>

¹³ Amnesty Int'l, India: New Investigation Documents Unlawful and Deadly Force Against CJP-Led Protests Amid Ongoing Police Impunity (last visited Sept. 28, 2026), <<https://www.amnesty.org/en/latest/news/2026/08/india-new-investigation-documents-unlawful-and-deadly-force-against-cjp-led-protests-amid-ongoing-police-impunity/>>; see also Yashraj Sharma, India Used Pellets, Grenades on Gen Z Protests: What Amnesty Report Reveals, AL JAZEERA (last visited Sept. 28, 2026), <<https://www.aljazeera.com/features/2026/8/24/india-used-pellets-grenades-on-gen-z-protests-what-amnesty-report-reveals>>

¹⁴ Soumyarendra Barik, AI Surveillance at Jantar Mantar: How Delhi Police Facial Recognition Works, INDIAN EXPRESS (last visited Jul. 24, 2026).

¹⁵ Debayan Roy, Facial Recognition Tech Used at CJP Protests Only to Find Those with Criminal Record: Delhi Police to Supreme Court, BAR & BENCH (last visited Sept. 28, 2026), <<https://www.barandbench.com/news/litigation/facial-recognition-tech-used-at-cjp-protests-only-to-find-those-with-criminal-record-delhi-police-to-supreme-court>>

be considered after the committee it has constituted has examined whether the use of force was excessive.¹⁶

The Indian view of peaceful protest can therefore be assessed from a human-rights point of view by means of the 2026 Jantar Mantar protests, which serve as a useful contemporary example.

2. Objectives of the Study

The principal objectives of this study are:

- To examine the constitutional basis of the right to peaceful protest in India.
- To analyse the relationship between freedom of expression and freedom of peaceful assembly.
- To examine the 2026 Jantar Mantar protests as a contemporary case study.
- To analyse the legality and proportionality of State restrictions on demonstrations.
- To examine the relevance of police action and surveillance to protesters' human rights.
- To compare India's constitutional framework with international human-rights standards.
- To suggest safeguards for protecting peaceful protest while maintaining public order.

3. Constitutional Framework of the Right to Protest in India

3.1 Article 19(1)(a): The right to freedom of speech and expression

The constitutional basis of democratic dissent is freedom of speech and expression and protest is essentially an act of expression since people take part in demonstrations in order to state their opinion, make criticisms, raise a complaint or make a demand.

The Supreme Court has on many occasions regarded political expression as a key element of Article 19(1)(a).¹⁷ A protester's message does not cease to have constitutional protection just because it is inconvenient or critical of the government; in a democracy criticism of public authorities is an essential part of political participation.

The fact that the 2026 Jantar Mantar protests illustrate this principle can be seen in the way that the protesters were not simply physically in a public area but rather used their collective

¹⁶ SC to Form Panel on CJP Protests, Police Excesses; Weighs Quashing FIRs, BUSINESS STANDARD (last visited Sept. 28, 2026), <https://www.business-standard.com/india-news/sc-to-form-panel-on-cjp-protests-police-excesses-weighs-quashing-firs-126081801311_1.html>

¹⁷ Shreya Singhal v. Union of India, (2015) 5 SCC 1, 52–53.

presence, speeches, placards, slogans, and demonstrations to express their concerns about the integrity of the examination system; this kind of expression is at the core of democratic political discourse.

3.2 Article 19(1)(b): the right to peaceful assembly

The right of citizens to gather peacefully and without weapons is expressly guaranteed under Article 19(1)(b). This means that the constitutional right to collective action has an independent basis.

In the case of *Mazdoor Kisan Shakti Sangathan v. Union of India* the Supreme Court acknowledged that peaceful protests and demonstrations are safeguarded by Articles 19(1)(a) and 19(1)(b).¹⁸ At the time the Court was considering the demonstrations which took place at Jantar Mantar and noted the need to strike a balance between the rights of the protesters and those of the residents and the general public.

It is especially important for the current study since Jantar Mantar is not just an arbitrary site; it has in the past served as a significant area for demonstrations in Delhi. The Supreme Court recognized that Jantar Mantar had been selected and designated by the authorities as a place for demonstrations.

In practice, however, the use of the designated site is closely limited by time. On 20 June 2026, Delhi Police told the Cockroach Janta Party that its permission ran only from 10 am to 5 pm and described the continuation of the sit-in beyond that hour as illegal, citing the directions governing protests at Jantar Mantar.¹⁹ The same 5 pm cut-off had been invoked in 2019 to ask a hunger striker to leave the site, which suggests that it is a standing feature of the permission regime and not a response to this particular protest.²⁰

The State should not assume that demonstrations are by nature disruptive or illegal; rather, peaceful assembly must be regarded as being protected by the constitution.

3.3 Article 19(3): Restrictions which are reasonable

¹⁸ *Mazdoor Kisan Shakti Sangathan v. Union of India*, (2018) 17 SCC 324, 337–39.

¹⁹ Delhi Police Refuses Extension for CJP Protest at Jantar Mantar, Asks Dipke to Vacate Site, METROVAARTHA (last visited Sept. 28, 2026), <<https://english.metrovaartha.com/news/national/delhi-police-refuses-extension-for-cjp-protest-at-jantar-mantar-asks-dipke-to-vacate-site>>

²⁰ Police Asks DCW Chief to Vacate Jantar Mantar Premises, DECCAN HERALD (last visited Sept. 28, 2026), <<https://www.deccanherald.com/india/police-asks-dcw-chief-to-vacate-jantar-mantar-premises-782215.html>>

The right to gather peacefully is by no means absolute; Article 19(3) allows for reasonable limitations for the sake of the sovereignty and integrity of India or for the sake of public order.²¹

Public order is therefore a reasonable concern of the government. It cannot be claimed that a protest gives a reason for violence, for the destruction of property or for serious obstruction of the rights of other people. Nevertheless, the fact that the government has a legitimate objective does not mean that every restriction is valid under the constitution.

A restriction has to be reasonable, which means that one must consider various factors such as the seriousness of the threat, the nature of the restriction, its length, the effect it has on fundamental rights and whether there was a less restrictive alternative available.²²

The restrictions imposed around the march of 20 July show how several measures can be layered before a single gathering has begun. Delhi Police announced prohibitory orders in the New Delhi district that barred protest marches and assemblies of five or more persons except at the designated site at Jantar Mantar with prior permission, and five metro stations near Parliament were closed ahead of the march.²³ Amnesty International added that mobile internet services were also suspended, and it treated the combined effect of these steps as a further restriction on the exercise of peaceful assembly, which bears directly on whether less restrictive alternatives were available.²⁴

The point is especially significant in relation to the 2026 protests since it has been reported that although the demonstrations were mostly peaceful, there were still clashes at various stages. The issue then becomes whether isolated instances of violence are sufficient to provide a basis for imposing restrictions on the whole assembly.

International human rights standards offer useful guidance with regard to this matter, and the UN Human Rights Committee has stressed that an assembly should usually be regarded as peaceful since individual acts of violence do not automatically mean that the whole assembly has become a hostile gathering.²⁵

²¹ INDIA CONST. art. 19, cl. 3.

²² *State of Madras v. V.G. Row*, AIR 1952 SC 196, 200; *Modern Dental College & Research Centre v. State of Madhya Pradesh*, (2016) 7 SCC 353, 406–11.

²³ 5 Metro Stations Shut, Security Tightened Ahead of CJP's Parliament March, BUSINESS STANDARD (last visited Sept. 28, 2026), <https://www.business-standard.com/india-news/delhi-police-tightens-security-ahead-of-cjp-s-chalo-sansad-march-126072000102_1.html>

²⁴ Amnesty Int'l, India: Crackdown on Peaceful Protesters in New Delhi Raises Serious Human Rights Concerns (last visited Sept. 28, 2026), <<https://www.amnesty.org/en/latest/news/2026/07/india-crackdown-on-peaceful-protesters-in-new-delhi-raises-serious-human-rights-concerns/>>

²⁵ U.N. Hum. Rts. Comm., General Comment No. 37 (2020) on the Right of Peaceful Assembly (Article 21), ¶¶ 17–20, U.N. Doc. CCPR/C/GC/37 (2020).

The reported figures for 20 July show why this question cannot be answered in the abstract. Delhi Police said that nearly 180 people were injured, including 118 security personnel and 60 protesters, and that 70 protesters were detained, while Al Jazeera reported at the time that multiple videos showed police attacking protesters and that no footage had emerged of any violence by the marchers.²⁶ Read with the Committee's approach, contested accounts of this kind do not by themselves justify treating the whole march as violent or dispersing it as a hostile gathering.

4. Article 21. The Right to Dignity

The right to protest is closely tied to Article 21 which safeguards life and personal liberty. The Supreme Court has broadened Article 21 to cover dignity, privacy and other conditions that're essential for meaningful personal liberty.²⁷

Article 21 becomes especially important when protest regulation leads to detention, use of force bodily harm or intrusive surveillance.

A peaceful protester does not give up rights simply because protester joins a demonstration. Police powers must therefore be exercised in ways that respect guarantees of dignity and personal liberty.

This principle is especially relevant when allegations of force surface. The use of force by law-enforcement authorities must be grounded in necessity and must remain proportionate to the threat faced.²⁸ Mere inconvenience caused by protest cannot automatically justify dispersal.

Amnesty International recorded that Delhi Police took Sonam Wangchuk to hospital on 18 July against his wishes, on the twenty-first day of his hunger strike.²⁹ It also reported that police fired birdshot at protesters on 20 July without any public warning, contrary to guidance from the Bureau of Police Research and Development, and a 19-year-old student injured by pellets stated in his police complaint that doctors had put the chance of his sight

²⁶ India's 'Cockroach' Protest Movement Halts Marches After Police Violence, AL JAZEERA (last visited Sept. 28, 2026), <<https://www.aljazeera.com/news/2026/7/21/indias-cockroach-protest-movement-halts-marches-after-police-violence>>

²⁷ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1, 325–26.

²⁸ U.N. Hum. Rts. Comm., General Comment No. 37 (2020) on the Right of Peaceful Assembly (Article 21), ¶¶ 78–82, U.N. Doc. CCPR/C/GC/37 (2020).

²⁹ Amnesty Int'l, India: Crackdown on Peaceful Protesters in New Delhi Raises Serious Human Rights Concerns (last visited Sept. 28, 2026), <<https://www.amnesty.org/en/latest/news/2026/07/india-crackdown-on-peaceful-protesters-in-new-delhi-raises-serious-human-rights-concerns/>>

returning in one eye at under one per cent.³⁰ Injuries of this kind bring the requirement of proportionality under Article 21 into direct play, since the question is no longer only about the right to gather but about the protection of bodily integrity.

5. Jantar Mantar and the Judicial Recognition of the Right to Protest

The significance of the 2026 protest cannot be understood without considering the Supreme Courts earlier decision in *Mazdoor Kisan Shakti Sangathan v. Union of India*. The case arose from restrictions on demonstrations at Jantar Mantar. The Court acknowledged that peaceful protest is fundamental yet also recognized that demonstrations can affect the rights of residents and other members of society.³¹ Consequently the Court adopted the principle of balancing competing rights instead of treating one right as automatically superior to another. The Courts approach is significant because protest rejects two positions. First the State cannot argue that the right to protest disappears whenever protest causes inconvenience. Second protest cannot claim that the fundamental right gives protest authority to occupy public spaces or interfere indefinitely with the rights of others. The appropriate constitutional approach is therefore balancing.

The Supreme Court has similarly recognized in *Himat Lal K. Shah v. Commissioner of Police* that authorities may regulate assemblies and set requirements for public meetings but regulation cannot become a complete prohibition of the right to assemble.³² This distinction between regulation and prohibition is fundamental. A permission system that operates merely to organize protest may be constitutionally defensible. A system in which permission can be arbitrarily refused, making peaceful protest practically impossible would raise more serious constitutional concerns.

The 2026 protests have themselves reached the Supreme Court, which is now supervising the balance between protest and policing as events unfold. On 18 August the Court constituted a five-member committee headed by a former Supreme Court judge, Justice R. Subhash Reddy, to examine allegations of police excesses and of violence by protesters, with particular attention to allegations of harassment of women protesters and to interim compensation for

³⁰ Yashraj Sharma, *India Used Pellets, Grenades on Gen Z Protests: What Amnesty Report Reveals*, AL JAZEERA (last visited Sept. 28, 2026), <<https://www.aljazeera.com/features/2026/8/24/india-used-pellets-grenades-on-gen-z-protests-what-amnesty-report-reveals>>

³¹ *Mazdoor Kisan Shakti Sangathan v. Union of India*, (2018) 17 SCC 324, 337–39.

³² *Himat Lal K. Shah v. Commissioner of Police*, (1973) 1 SCC 227, 237–38.

those injured on either side.³³ Delhi Police denied using excessive force, and the Court indicated that video footage and CCTV recordings of the 20 July march would be handed to the committee for examination.³⁴

6. The 2026 Jantar Mantar Protests: Background

- The 2026 Jantar Mantar protest emerged amid growing dissatisfaction with the integrity and administration of examinations.
- The demonstrations began in June. Were associated with the youth-led Cockroach Janta Party and student organizations.³⁵
- The protest raised concerns about examination irregularities, including the 2026 NEET controversy and problems associated with other examinations.
- Their demands extended beyond an examination and increasingly focused on accountability and reforms in the public examination system.
- The movement was notable for youth participation and unconventional methods of communication.
- Reports described protest carrying books, flowers and national flags and using gestures to communicate grievances.
- The protest became significantly more prominent after Sonam Wangchuk began a hunger strike at Jantar Mantar on 28 June.
- The prolonged nature of the demonstrations demonstrated that peaceful protest can serve as a mechanism through which grievances that have not received institutional attention can become part of national political discourse.
- The protest was ultimately withdrawn on 25 July, after a continuous sit-in of 36 days, following political developments including the resignation of Education Minister Dharmendra Pradhan.
- This development is relevant from a human-rights perspective because it illustrates the function of protest.

³³ Supreme Court Forms Panel Headed by Former Judge to Probe Police Excesses Against CJP Protestors, BAR & BENCH (last visited Sept. 28, 2026), <<https://www.barandbench.com/news/supreme-court-forms-panel-headed-by-former-judge-to-probe-police-excesses-against-cjp-protestors>>

³⁴ CJP Protests: SC to Set Up High-Powered Committee to Probe Alleged Police Excesses Against Students, THE TRIBUNE (last visited Sept. 28, 2026), <<https://www.tribuneindia.com/news/delhi/cjp-protests-sc-to-set-up-high-powered-committee-to-probe-alleged-police-excesses-against-students/>>

³⁵ Cockroach Janta Party at Jantar Mantar: Why Major Protests Happen at This Delhi Venue, INDIAN EXPRESS (last visited Jun. 6, 2026), <https://indianexpress.com/article/explained/jantar-mantar-protest-site-history-delhi-explained-10727221/>

- Protest does not replace government or judicial institutions; rather it creates a public channel through which citizens can demand that those institutions respond.
- The outcome was not fully settled by the resignation of the Education Minister on 25 July. The CJP called a fresh march for 5 September, accusing the Centre of not honoring its promises, and withdrew it only after the Supreme Court quashed the FIRs registered against protesters in Delhi and four other States on 1 September, while allowing Delhi Police to proceed against 2,873 persons with previous criminal records.³⁶

7. Recommendations

The experience of the 2026 Jantar Mantar protest demonstrates the need for a rights-oriented framework governing demonstrations in India.

7.1 Shift from Permission to Notification

The framework should favor advance notification rather than discretionary permission wherever possible. This would recognize protest as a right than an administrative privilege.

7.2 Transparent Conditions

Where restrictions are necessary authorities should communicate reasons clearly. Protest organizers should know the conditions, timings, routes and safety requirements.

7.3 Minimum Use of Force

Police should employ force only when necessary and proportionate. Peaceful protest should not be treated as though protester is responsible for the conduct of individuals.

7.4 Independent Investigation of Excessive Force

³⁶ CJP Cancels September 5 Protest March After Supreme Court Quashes FIRs Against Protestors in Delhi, Other States, BAR & BENCH (last visited Sept. 28, 2026), <<https://www.barandbench.com/news/cjp-cancels-september-5-protest-march-after-supreme-court-quashes-firs-against-protestors-in-delhi-other-states>>; Delhi Police Moves Supreme Court to Quash 13 FIRs Linked to CJP Protests, Seeks Probe into 2,873 Individuals, INDIA TV NEWS (last visited Sept. 28, 2026), <<https://www.indiatvnews.com/news/india/delhi-police-moves-supreme-court-to-quash-13-firs-linked-to-cjp-protests-seeks-probe-into-2873-individuals-latest-updates-2026-08-31-1052890>>

Complaints concerning force should be investigated by independent mechanisms. Accountability is necessary not only to protect victims but also to maintain public confidence in law enforcement.

7.5 Stronger Regulation of Surveillance

The use of facial-recognition technology at protest should be governed by statutory safeguards. These should address:

- ✓ the purpose for which data can be collected;
- ✓ the circumstances in which facial recognition can be used;
- ✓ retention periods;
- ✓ access to databases;
- ✓ deletion of information concerning protest;
- ✓ independent oversight;
- ✓ remedies against misuse.

The need for such safeguards is heightened by the rapid spread of the technology. The Internet Freedom Foundation's Panoptic Tracker recorded 170 facial recognition systems across India by mid-2024, of which only about 20 were then operational, and put the combined central and state spending on them at roughly ₹15.13 billion.³⁷ Since most of these systems were still at the tender or implementation stage, rules on purpose, retention and oversight can still be fixed before their use at public assemblies becomes routine.

7.6 Protection of Journalists and Human Rights Defenders

Journalists, observers and human-rights defenders should be able to monitor protest without unnecessary interference. Their presence can improve transparency and accountability.

7.7 Designated Protest Spaces with Real Access

³⁷ India Has 170 Facial Recognition Systems, but Only a Handful Are Operational, BIOMETRIC UPDATE (last visited Sept. 28, 2026), <<https://www.biometricupdate.com/202406/india-has-170-facial-recognition-systems-but-only-a-handful-are-operational>>

Designated protest locations should not be so remote or restricted that protest becomes practically invisible. Protest should ordinarily have access, to locations where intended audience can see and hear protest message.

7.8 Dialogue Before Dispersal

Authorities should prioritize dialogue with protest organizers. Dispersal should ordinarily be a last resort, particularly where protest remains peaceful.

8. Conclusion

The 2026 Jantar Mantar protests show that the right to protest is still one of the important and debated human rights in modern India. These protests reveal both sides of the problem: people need real freedom to voice problems while the State must protect public safety and the rights of other citizens. The right to protest is an issue in this debate. The Constitution gives the base for solving this conflict. Articles 19(1)(a) and 19(1)(b) guard freedom of expression and peaceful gathering which are core to the right to protest. Articles 19(2) and 19(3) allow limits on the right to protest and Article 21 also shields the dignity and personal freedom of protesters especially when police force, arrest or monitoring occurs.

Indian court decisions show that the right to protest is not absolute or pretend. In *Mazdoor Kisan Shakti Sangathan*, the Supreme Court clearly acknowledged demonstrations as a basic right and stressed the need to balance protester rights with other people's rights. In *Himat Lal K. Shah* the Court separated regulation from a full ban on the right to protest. In *Amit Sahni* the Court added that protests must not keep others away from public areas preserving the right to protest while protecting access for all.³⁸ The human rights framework backs the idea. The UN Human Rights Committee sees gathering as essential to a democratic society and demands that restrictions meet legality, necessity and balance ensuring the right to protest remains protected.

So the 2026 Jantar Mantar protests are not a fight between protesters and police. They raise a constitutional question: how should a democratic State react when people use public space to question the State's own work exercising the right to protest?

³⁸ *Amit Sahni v. Commissioner of Police*, 2020 SCC OnLine SC 808.

The answer cannot be freedom for protest on one side or total power for the government on the other. The right approach is balance protecting the right to protest while maintaining order. The State must guard safety but safety cannot mean no dissent. The State may set rules for protests. Rules must not turn into bans on the right to protest. The State may stop violence. It must separate violent people from peaceful ones. The State may use tech to track crime but monitoring cannot become a tool to watch citizens simply because they use their rights, including the right to protest.

Importantly the State's duty is not only to allow peaceful protest but as far as possible to help it happen. International human rights norms back this way supporting the right to protest. The importance of Jantar Mantar goes beyond 2026 events. It shows that the right to protest is not just standing in one place or shouting a slogan. It is a sign of citizenship: ordinary people together saying a policy or action is wrong and asking those in power to listen exercising the right to protest.

A democracy that lets people vote but stops them from speaking out risks making participation only to elections. A stronger democracy sees protest as part of the talk between people and the State safeguarding the right to protest. The real test of India's human rights promise is not if it allows popular protests. It is if it protects the right of people to speak about inconvenient, critical or unpopular views while keeping safety with lawful, needed and balanced actions preserving the right to protest.

The 2026 Jantar Mantar protests strongly remind us that peaceful dissent is not a danger, to democracy; it is a way democracy stays answerable upholding the right to protest.

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